



# **RICHLAND COUNTY COUNCIL**

## **DEVELOPMENT AND SERVICES COMMITTEE**

Gwendolyn Kennedy	Damon Jeter	Norman Jackson, Chair	Jim Manning	Bill Malinowski
District 7	District 3	District 11	District 8	District 1

**APRIL 27, 2010  
5:00 PM**

**2020 Hampton Street, Columbia, South Carolina**

### **CALL TO ORDER**

### **APPROVAL OF MINUTES**

1. Regular Session: March 23, 2010 [pages 5-7]

### **ADOPTION OF AGENDA**

### **ITEMS FOR ACTION**

2. Jasmine Place Water Quality Improvement Project [ pages 9-11]
3. Ordinance to Amend the Standards for Outdoor Retail Lighting [pages 13-15]
4. Memorandum of Understanding to reflect the intent of parties regarding access to Lower Richland

Boulevard and Garners Ferry Road in the development of certain residential and commercial facilities [ pages 17-40]

5. To amend the ordinance dealing with Loitering [ pages 42-45]
6. Traffic signal synchronization and Timing to improve air quality by reducing vehicle emissions [ pages 47-48]
7. Water Line Construction to New Light Beulah Baptist Church [pages 50-54]
8. Change to Handbook regarding Weapons [pages 56-57]
9. Curfew for Community Safety [pages 59-61]
10. Decker Blvd Woodfield Park Slum and Blight Designation [pages 63-69]
11. Determining the County's true priority investment areas [ pages 71-72]
12. Eliminate the requirement of obtaining a building permit for roofing, siding, and replacement of windows and exterior doors [ pages 74-82]
13. Haynes Property Conservation Easement [pages 84-96]
14. Laurelwood Plantation Historic Preservation Acquisition [ pages 98-101]
15. Memorandum of Understanding between Richland County and Richland County Transportation Committee to Pool Funds for Dirt Road Paving [ pages 103-104]

#### **ITEMS FOR DISCUSSION / INFORMATION**

16. Ensure that any negotiations with the Fire Department, City and County, make it a priority to keep ISO ratings and is in the best interest of the citizens and Firefighter Safety [ page 106]
17. Review all Engineering and Architectural Drawing requirements to make sure there is no unnecessary charge or expense to citizens [ pages 108-111]
18. Sease Road [ pages 113-116]

**ADJOURNMENT**



# Richland County Council Request of Action

## **Subject**

Regular Session: March 23, 2010 [pages 5-7]

## **Reviews**

**Richland County Council  
Development and Services Committee  
March 23, 2010  
5:00 PM**



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

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**Members Present:**

Chair: Norman Jackson  
Member: Damon Jeter  
Member: Gwendolyn Davis Kennedy  
Member: Bill Malinowski  
Member: Jim Manning

**Others Present:** Paul Livingston, L. Gregory Pearce, Jr., Kelvin Washington, Valerie Hutchinson, Joyce Dickerson, Michielle Cannon-Finch, Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Larry Smith, Anna Almeida, Amelia Linder, Dale Welch, David Hoops, Stephany Snowden, Jennifer Dowden, Tamara King, Carl Gosline, Valeria Jackson, John Cloyd, John Hixson, Monique Walters, Michelle Onley

**CALL TO ORDER**

The meeting was called to order at approximately 5:06 p.m.

**APPROVAL OF MINUTES**

**February 23, 2010 (Regular Session)** – Mr. Manning moved, seconded by Ms. Kennedy, to approve the minutes as distributed. The vote in favor was unanimous.

**ADOPTION OF AGENDA**

The agenda was unanimously adopted as distributed.

**ITEMS FOR ACTION**

**Curfew for Community Safety** – Mr. Manning moved, seconded by Mr. Malinowski, to defer this item. The vote in favor was unanimous.

**Farmers' Market** – Mr. Malinowski moved, seconded by Mr. Jackson, to defer this item until the results of the joint resolutions are received. The vote in favor was unanimous.

**Funding for Alternative Paving** – Mr. Malinowski moved, seconded by Mr. Jeter, to forward this item to Council with a recommendation for an Attorney General's opinion as to what road maintenance fees can specifically be used for. The vote in favor was unanimous.

**Organizationally place County Assessor under County Administrator** – Mr. Manning moved, seconded by Mr. Jeter, to forward to Council a recommendation to direct the County Attorney to pursue the judicial action necessary to deem the special legislation unconstitutional. A discussion took place.

The vote in favor was unanimous.

**Property Owners should not be required to obtain permits for Cosmetic or Maintenance purposes including replacing roofs, etc.** – Mr. Malinowski moved, seconded by Ms. Kennedy, to forward to Council a recommendation for staff to create an ordinance that will allow homeowners to make replacements without a permit that will not affect the structural integrity.

Mr. Jeter made a substitute motion, seconded by Mr. Manning, to defer this item until the April committee meeting. The vote in favor was unanimous.

**Reexamination of Use of Road Maintenance Fee Funds** – Mr. Malinowski moved, seconded by Mr. Jackson, to forward to Council a recommendation to combine this item with the Funding for Alternative Paving item. The vote in favor was unanimous.

**Removal of Parking Meters at County Administration Building** – Mr. Jeter moved, seconded by Mr. Malinowski, to forward to Council a recommendation to continue the County's current practice. A discussion took place.

The vote in favor was unanimous.

#### ITEMS FOR DISCUSSION/INFORMATION

**Fire Department ISO Ratings** – Anyone that has information should provide it to the Administrator prior to the next committee meeting.

**Review all Engineering and Architectural Drawing Requirements to make sure there is no unnecessary charge or expense to citizens** – This item was retained in committee.

**ADJOURNMENT**

The meeting adjourned at approximately 6:03 p.m.

Submitted by,

Norman Jackson, Chair

The minutes were transcribed by Michelle M. Onley

# Richland County Council Request of Action

## **Subject**

Jasmine Place Water Quality Improvement Project [ pages 9-11]

## **Reviews**

## Richland County Council Request of Action

**Subject:** Award of Construction Services for Jasmine Place Water Quality Capital Improvement Project to the most responsive bidder from Richland County Department of Public Works Stormwater Management Division Budget

### A. Purpose

*"County Council is requested to approve the award of construction services for Jasmine Place Water Quality Capital Improvement Project to the most responsive bidder from Richland County Department of Public Works Stormwater Management Division FY10 adjusted budget."*

### B. Background / Discussion

The Jasmine Place Water Quality Improvement Project is being performed in an effort to improve water quality of stormwater runoff discharged from Jasmine Place Sub-division to Crane Creek watershed. The project is part of the implementation of the Lake Elizabeth Concept Study that was completed recently and per County's effort to improve water quality in Crane Creek Watershed.

Jasmine Place water quality improvement project includes retrofitting existing storm drainage system with water quality units at identified locations within Jasmine Place Subdivision and stabilizing the areas to better control stormwater velocities. All work on the project is expected to be completed within 60 consecutive calendar days from the date of Notice to Proceed.

All of the necessary requirements applicable to the project such as permits, easements, utilities co-ordination, design and drawings, contract documents, specifications, public meeting are satisfactorily addressed. Bids are solicited for the project construction services from the qualified contractors on February 15, 2010 with a due date of March 18, 2009 at 2.00p.m. A pre-bid conference is scheduled for March 01, 2010 at 10:00a.m. The received bids will be evaluated, and the most responsive bidder along with bid cost will be recommended to the Council appropriately.

### C. Financial Impact

The Engineer's total estimated construction cost for the project is \$145,231.20. The Public Work's Stormwater Management Division has entire funding available for this project in its FY10 adjusted budget. Council approval is needed in authorizing the award of contract to the most responsive bidder. It is to be noted that the actual bids may come higher/lower than engineer's estimated cost of the project.

Item	Cost in Dollars
Engineer's Estimated Project Construction Cost for Lake Elizabeth Phase I CIP	\$145,231.20

<b>Total Estimated Project Construction Cost</b>	<b>\$145,231.20</b>
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**D. Alternatives**

1. Approve the request in full, and exactly as presented by the Department of Public Works Stormwater Management Division. **Reason:** The request involves no new financial impacts and is funded wholly in FY10 adjusted budget. This project will help in improving water quality in the region and in the Crane Creek watershed. The project is well in-line with planned Stormwater Management’s Capital Improvement Project (CIP) program.
2. Do not approve the recommendations, and send it back to the Department of Public Works Stormwater Management Division. **Consequences:** No contract for construction services which either stalls or delays the implementation of capital improvement project.

**E. Recommendation**

*"It is recommended that Council approve the award of construction services contract for Jasmine Place Water Quality Capital Improvement Project to the most responsive bidder (pending recommendation) from Richland County Department of Public Works Stormwater Management Division FY10 adjusted budget. The name of the recommended responsive bidder/firm for the project and project bid cost will be presented to the Council appropriately at that time."*

Recommended by: David Hoops, P.E., DPW Director  
Srinivas Valavala, DPW Stormwater Manager

Department: Public Works Date: 02/10/2010

**F. Reviews**

(Please ***SIGN*** your name, ✓ the appropriate box, and support your recommendation before routing. Thank you!)

**Finance**

Reviewed by Daniel Driggers: Date: 4/9/10  
 Recommend Council approval  Recommend Council denial  
Comments regarding recommendation: Funds are available as stated

**Procurement**

Reviewed by: Rodolfo Callwood: Date: 4-12-10  
 Recommend Council approval  Recommend Council denial  
Comments regarding recommendation:  
  
Comments regarding recommendation:

**Legal**

Reviewed by: Larry Smith

✓ Recommend Council approval

Comments regarding recommendation:

Date: 4-12-10

Recommend Council denial

**Administration**

Reviewed by: Sparty Hammett

✓ Recommend Council approval

Comments regarding recommendation:

Date: 4-12-10

Recommend Council denial

# Richland County Council Request of Action

**Subject**

Ordinance to Amend the Standards for Outdoor Retail Lighting [pages 13-15]

**Reviews**

## Richland County Council Request for Action

**Subject:** Ordinance to amend the standards for outdoor retail lighting.

### **A. Purpose**

County Council is requested to consider an Ordinance to amend Section 26-177, Lighting Standards; Subsection (b), Standards; Paragraphs (1) d. and (5).

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

On April 20, 2010, a motion was made and County Council forwarded an ordinance to the April D&S Committee agenda that would amend the standards for outdoor retail lighting. The purpose of this amendment is to increase the number of lumens allowed per acre during business hours and to reduce the number of lumens allowed per acre during non-business hours. In addition, this text amendment will establish a maximum height for poles associated with an outdoor retail business and establish an alternative standard regarding the amount of illumination permitted at property line.

This motion was made to allow the infill development of a car lot in Richland County. The way the current ordinance reads, it would not allow proper lighting for “outdoor retail”, such as car lots, and therefore such businesses would not be able to relocate in the County.

The Planning Commission is scheduled to hear this text amendment at their May 3<sup>rd</sup> meeting. A copy of the proposed ordinance is attached for Council’s consideration.

### **C. Financial Impact**

None.

### **D. Alternatives**

1. Approve the ordinance amending Section 26-177, Lighting Standards; Subsection (b), Standards; Paragraphs (1) d. and (5).
2. Do not approve the ordinance amending Section 26-177, Lighting Standards; Subsection (b), Standards; Paragraphs (1) d. and (5).

### **E. Recommendation**

This request is at Council’s discretion.

Recommended by: Honorable Val Hutchinson

Date: April 20, 2010

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-10HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE VII, GENERAL DEVELOPMENT, SITE AND PERFORMANCE STANDARDS; SECTION 26-177, LIGHTING STANDARDS; SUBSECTION (B); PARAGRAPHS (1) AND (5); SO AS TO INCREASE MAXIMUM LUMENS UNDER CERTAIN CIRCUMSTANCES.

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

SECTION I. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General Development, Site and Performance Standards; Section 26-177, Lighting Standards; Subsection (b), Standards; Paragraph (1), Requirements for all zoning categories and applications; Subparagraph d.; is hereby amended to read as follows:

- d. Illumination from any luminaire at property lines shall not exceed .1 horizontal or .1 vertical foot-candles; provided, however, outdoor retail uses shall not exceed an average of 2.5 horizontal and/or vertical foot-candles.

SECTION II. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General Development, Site and Performance Standards; Section 26-177, Lighting Standards; Subsection (b), Standards; Paragraph (5), Outdoor Retail; is hereby amended to read as follows:

- (5) Outdoor Retail.
  - a. The maximum lighting per acre is ~~650,000~~ 1.3 million lumens per acre for business hours and ~~180,000~~ 150,000 lumens per acre for security/non-business hours.
  - b. Luminaries shall not exceed twenty-four (24) feet in height.
  - c. Full-power lighting shall be reduced within thirty (30) minutes after the end of business hours. Auto display areas may be illuminated, but at security levels.

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

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

SECTION V. Effective Date. This ordinance shall be enforced from and after \_\_\_\_\_, 2010.

RICHLAND COUNTY COUNCIL

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

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

OF \_\_\_\_\_, 2010.

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Michielle R. Cannon-Finch  
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: May 4, 2010 (tentative)  
Public Hearing: May 25, 2010 (tentative)  
Second Reading: May 25, 2010 (tentative)  
Third Reading: June 1, 2010 (tentative)

# Richland County Council Request of Action

**Subject**

Memorandum of Understanding to reflect the intent of parties regarding access to Lower Richland Boulevard and Garners Ferry Road in the development of certain residential and commercial facilities [ pages 17-40]

**Reviews**

## Richland County Council Request for Action

Subject: To enter into an MOU with the members of the Bunch Family and the South Carolina Department of Transportation (SCDOT)

### A. Purpose

County Council is requested to consider a memorandum of understanding with George H. Bunch, III, Robert H. Bunch, William A. Bunch, and Ansel C. Bunch (collectively the “Family”), and the South Carolina Department of Transportation (the “SCDOT”). to accept access points and anticipated road improvements to be performed along Lower Richland Boulevard and Garner’s Ferry Road for property known as “Bunch Master Plan Development”; TMS# 21800-01-06 and TMS# 21800-01-23.

### B. Background / Discussion

The Bunch Family, SCDOT, and the County have reviewed the approved Bunch Master Plan Development (PDD) requirements regarding maximum access points and have agreed upon the internal and external access points and future road improvements for both parcels. This will benefit both the developer (Bunch Family or their designee), the County, and SCDOT regarding future obligations for the anticipated development to both parcels.

### C. Financial Impact

None.

### D. Alternatives

1. Approve the memorandum to identify the phasing of road improvements and access points both external and internal for the development of both parcels currently owned by the Bunch Family.
2. Do not approve the memorandum.

### E. Recommendation

This request is at Council’s discretion.

Recommended by: Planning and Development Services Dept.

Date: April 21, 2010

### F. Approvals

#### Finance

Reviewed by: Daniel Driggers

Date: 4/22/10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: No recommendation

**Planning and Development Services**

Reviewed by: Amelia Linder,  
Land Use Attorney

Recommend Council approval

Comments regarding recommendation:

Date: April 22, 2010

Recommend Council denial

**Administration**

Reviewed by: Sparty Hammett

Recommend Council approval

Comments regarding recommendation:

Date: April 22, 2010

Recommend Council denial

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

**MEMORANDUM OF UNDERSTANDING**  
**BETWEEN GEORGE H. BUNCH, III;**  
**ROBERT H. BUNCH; WILLIAM A. BUNCH;**  
**ANSEL C. BUNCH; THE SOUTH CAROLINA**  
**DEPARTMENT OF TRANSPORTATION;**  
**AND RICHLAND COUNTY, SOUTH**  
**CAROLINA**

This Memorandum of Understanding (the “Memorandum” or “MOU”) is made and entered into this \_\_\_\_ day of May, 2010, by and between George H. Bunch, III, Robert H. Bunch, William A. Bunch, and Ansel C. Bunch (collectively the “Family”), and Richland County (the “County”) and the South Carolina Department of Transportation (the “SCDOT”). This MOU is intended to reflect the understanding and intent of the parties as requirements for access to TMS# R21800-01-06 and TMS# R21800-01-23 - located along Lower Richland Boulevard and Garners Ferry Road for the Family’s decision to acquire and build certain residential and commercial facilities (the “Project”) within Richland County. This project is a major economic development project for the redevelopment of the Lower Richland Community.

Location of Project: The Family has owned certain tracts of land for the Project (collectively, the “Site”) at the northwest corner of Lower Richland Boulevard and Garners Ferry Road for over 100 years. The property as delineated on that certain site drawing attached hereto as Sheet C1.0. The Site will consist of 178.9 acres, more or less, fronting in part on Garners Ferry Road (US-378) in lower Richland County and fronting in part on Lower Richland Boulevard (S-40-37) which is part of a PDD zoning application in 2007. Additionally, another 21.67 Ac. of commercially zoned property directly at the northwest corner of Lower Richland and Garners Ferry is included in this MOU. The proposed build out on the Site will consist of mixed use including high and medium density residential, single family and commercial. The PDD indicates the anticipated development. Attached to this MOU as exhibits is the PDD ordinance on the property and the commercial rezoning on the 21.67 ac.

Existing Richland County Codes: The property still must meet the requirements of the PDD ordinance and current Richland County Land Development Code. This MOU is not intended to supersede or revise any of those requirements, but to define them and establish triggers for when the off-site mitigations are required.

Traffic Impact Study: A traffic impact study has been completed by the Family dated February, 2007 prepared by WSA. This document has been submitted to SCDOT and to the County as a part of the PDD application process. This report did not address the 21.67 property and did not address timing of the required mitigations. Subsequent updates by Iteris were completed on September 28, 2009 and November 6, 2009.

Staging and Timing: The Family intends to sell the property for development and not directly develop the property themselves. For purposes of this MOU, it is anticipated that project will be constructed in three Phases, 1-3. Phase 1 will have access only off Lower Richland Boulevard and Garners Ferry Road via access points 14 and 15 on Sheet C1.1 and C1.0.

Phase 2 will include additional retail to be constructed in the 21.67 acres parcel known as TMS# R21800-01-23, and will include retail and a possible fast food restaurant. This will be constructed by the year 2019. Access points 5 and 6 will be constructed at this time.

Phase 3 is the balance of the site, which will include a potential grocery store, adjacent retail and two outparcels of retail. This will also include the balance of the PDD and will include multifamily, single family, and additional commercial development along Garners Ferry. This is anticipated to be constructed by the year 2020 and will include the balance of all access points – 1, 2, 8, 10, 11 and 13, as indicated on Sheet C1.0. The access points in Phase 3 will be submitted to SCDOT for an encroachment permit and will be constructed only as needed.

The Role of the Family: The Family intends to sell off various portion of the property to developers or individuals who will develop the property. The requirements of this MOU, including the requirements of installation of various off-site mitigations, will be the responsibility of the Family as developers. That responsibility would be transferred to others as the property is sold. In the event the responsibility is assigned to another developer, it is the responsibility of the Family to inform the developer and to provide him with a copy of this MOU and its requirements to install off-site mitigations. The Family will inform the County of any assignments.

Transportation/Access:

**Garners Ferry Road (US-378)** – Developer will construct the various access points (1-16) in accordance with current SCDOT design guides at locations indicated on Sheet C1.0. These will be public road access to the Project. Currently, the existing traffic impact study completed by WSA and updated by Iteris calls for the Project to construct off-site mitigations to the intersection at Garners Ferry and Lower Richland and at Garners Ferry. A matrix is included with the MOU to identify the required mitigations, to identify triggers for those mitigations, and to identify whether those mitigations are a result of the Project development traffic or background mitigations required now or with anticipated development growth identified by previously approved projects or from anticipated population growth.

Should the anticipated traffic levels vary significantly from those predicted in the traffic study; the traffic report will be re-examined to determine if revisions in the recommended mitigation are required. If this is found to be the case, a new traffic impact study will be presented to the County and the Department for concurrence.

All encroachment permits will be subject to current state law, SCDOT encroachment permit policy, the SCDOT design guide and this document. The final disposition of each access will be decided as development occurs. The geometric design of each access location will be subject to approval of an encroachment permit submitted to SCDOT prior to each development phase.

The County will not issue a certificate of occupancy for any building that utilizes a particular driveway until the necessary mitigation items identified in the designated Phases and approved traffic impact study have been implemented.

**[END OF MOU, SIGNATURE PAGE ATTACHED]**

NOW, THEREFORE, in consideration of the mutual benefits, covenants and agreements described herein, the parties hereto have executed this MOU as of the day above written.

GEORGE H. BUNCH, III

WITNESSES:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

ROBERT H. BUNCH

WITNESSES:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

WILLIAM A. BUNCH

WITNESSES:

\_\_\_\_\_

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ANSEL C. BUNCH

WITNESSES:

\_\_\_\_\_

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\_\_\_\_\_

RICHLAND COUNTY, SOUTH CAROLINA

WITNESSES:

By: \_\_\_\_\_

\_\_\_\_\_

Name: Paul Livingston

Title: Chair, Richland County Council

\_\_\_\_\_

SOUTH CAROLINA DEPARTMENT  
OF TRANSPORTATION

WITNESSES:

By: \_\_\_\_\_

\_\_\_\_\_

Name: \_\_\_\_\_

Title: District One Administrator

\_\_\_\_\_

EXHIBITS

- |                      |   |
|----------------------|---|
| MOU Matrix           | - Bunch / SCDOT / Richland MOU Access Plan and Schedule |
| Sheet C1.0           | - Development Master Plan                               |
| Sheet C1.1           | - Access Plan Wal-greens and Lower Richland Boulevard   |
| Sheet C1.2           | - Color Map of the Phases                               |
| PDD Ordinance        | - Ordinance changing the zoning on the 178 acres        |
| Commercial Ordinance | - Ordinance changing the zoning on the 21.67 acres      |

BOOK 019 PAGE 53

2005 OCT - 6 PM 12:30  
BARBARA A. SCOTT  
S.C.C. CLERK

RICHLAND COUNTY  
FILED

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. 064-05HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED HEREIN (A PORTION OF TMS # 21800-01-06) FROM RU (RURAL DISTRICT) TO GC (GENERAL COMMERCIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Article VIII of the South Carolina Constitution and Section 4-9-30 of the Code of Laws of South Carolina (the Home Rule Act) gives Richland County broad authority to provide a variety of services and functions within its jurisdiction, including, but not limited to, land use planning and land development regulation, and similar activities and services; and

WHEREAS, Title 6, Chapter 29, of the Code of Laws of South Carolina provides the statutory enabling authority for Richland County to engage in planning and regulation of development within its jurisdiction; and

WHEREAS, Section 6-29-720 of the Code of Laws of South Carolina requires the County to adopt the Land Use Element of its Comprehensive Plan in conformance with the requirements therein as a prerequisite to continuing implementation of its zoning authority; and

WHEREAS, the County Council adopted a Comprehensive Plan on May 3, 1999, in conformance with the requirements Title 6, Chapter 29, of the Code of Laws of South Carolina; and

WHEREAS, Section 6-29-760 of the Code of Laws of South Carolina provides the statutory authority and process to amend the Zoning Ordinance, codified as Chapter 26 of the Richland County Code of Ordinances; and

WHEREAS, this Ordinance complies with the requirements of Section 6-29-760 of the Code of Laws of South Carolina and the ordinance adoption process proscribed in Section 2-28 of the Richland County Code of Ordinances.

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

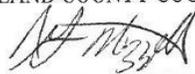
**Section I.** The Zoning Map of unincorporated Richland County is hereby amended to change the property (a portion of TMS # 21800-01-06) described in Exhibit A, which is attached hereto, from RU Rural District zoning to GC General Commercial District zoning.

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

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

**Section IV.** This ordinance shall be enforced after the date of an affirmative Third Reading.

RICHLAND COUNTY COUNCIL

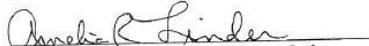
By:   
Anthony G. Mizzell, Chair

Attest this 4TH day of

BOOK 019 PAGE 637

OCTOBER, 2005.  
  
Michelle R. Cannon-Finch  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: July 26, 2005  
First Reading: July 26, 2005  
Second Reading: September 6, 2005  
Third Reading: September 20, 2005

05-79 MA – Northwest corner of Garners Ferry Road and Lower Richland Boulevard



2007 JUL 12 PM 4  
BARBARA A. ST  
C.C.C. & O.S.

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. 057-07HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TMS # 21800-01-06 FROM RU (RURAL DISTRICT) TO A PDD (PLANNED DEVELOPMENT DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the property described as TMS # 03300-07-06 from OI (Office and Institutional District) zoning to a PDD (Planned Development District) zoning, as described herein.

Section II. PDD Site Development Requirements. The following site development requirements shall apply to the subject parcels:

- a) The applicant shall comply with the Master Plan (dated March 1, 2007) prepared for George, Robert, Ansel, and William Bunch by K.B. Simmons Associates, LLC, which was submitted to, and is on file in, the Richland County Planning & Development Services Department (hereinafter referred to as "PDSD"), and is incorporated herein by reference, except as otherwise amended herein; and
- b) As reflected in Exhibit A, which is attached hereto, the site development shall be limited to:
  - 1. 1 - Forty-four (44) acre site for single-family detached dwellings with a net density of four (4) units per acre; and
  - 2. 1 - Twelve (12) acre site for single-family attached dwellings with a net density of eight (8) units per acre; and
  - 3. 1 - Eighteen (18) acre site for multi-family residential with a new density of eight (8) units per acre; and
  - 4. 1 - Thirty (30) acre site with a net density of 16 units per acre; and
  - 5. 3 - Commercial sites, one of which shall be limited to sixteen (16) acres, one of which shall be limited to thirty-one (31) acres, and one of which shall be limited to fourteen (14) acres, all of which shall be limited to the permitted use table, which is attached hereto as Exhibit B; and
  - 6. 1 - Seven (7) acre open space area; and
- c) The applicant shall provide a minimum five percent (5%) open space per development, with a minimum ten (10) foot wide buffer, with connectivity to all open space provided throughout the site; and
- d) A reservation of a fifty (50) foot wide strip for the development on the west side of the parcel for an extension of future development, or it shall remain as a natural vegetated buffer; and
- e) The applicant shall be limited in the number of curb cuts to the site, as follows:
  - 1. No more than three (3) curb cuts on Garners Ferry Road; and
  - 2. No more than two (2) curb cuts on Lower Richland Boulevard; and
  - 3. No more than three (3) curb cuts on Rabbit Run Road; and
- f) The main entrances on all roadways shall align with the entrances of other existing or proposed developments; and
- g) The applicant shall provide sidewalks along all external roadways; and
- h) Unless otherwise provided herein, all development shall conform to all relevant land development regulations in effect at the time a permit application is received by the PDSD; and
- i) Proposed changes to the Master Plan shall be subject to the requirements of Section 26-59(j)(1) of the Richland County Land Development Code; and
- j) If applicable, prior to approval of the preliminary subdivision plans, the applicant shall submit to the PDSD written evidence of:

07-28 MA - Garners Ferry Road & Lower Richland Boulevard

- a. The U.S. Army Corps of Engineers' approval of the wetlands delineation and/or encroachment permit, and
- b. FEMA's approval of the 100 year flood elevation statement; and
- k) Richland County shall not be responsible for the enforcement of any deed restrictions imposed by the applicant, the developer, or their successors in interest; and
- l) All site development requirements described above shall apply to the applicant, the developer, and/or their successors in interest; and

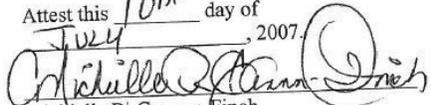
Section III. If any section, subsection, or clause of this Ordinance shall be deemed to be unconstitutional, or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected thereby.

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

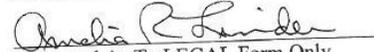
Section V. This ordinance shall be effective from and after June 19, 2007.

RICHLAND COUNTY COUNCIL

By:   
Joseph McEachern, Chair

Attest this 10th day of JULY, 2007.  
  
Michelle R. Cannon-Finch  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: May 22, 2007  
First Reading: May 22, 2007  
Second Reading: June 5, 2007  
Third Reading: June 19, 2007

07-28 MA - Garners Ferry Road & Lower Richland Boulevard

**Exhibit B**  
**Permitted Uses** BOOK 010 PAGE 563

**TABLE OF PERMITTED USES, PERMITTED USES AS SHOWN ON TABLE 26-V-2 UNDER SECTION 26-141**

<i>USE TYPES</i>
<b>Residential Uses</b>
Common Area Recreation and Service Facilities
Continued Care Retirement Communities
Dwellings, Conventional or Modular
Multi-Family, Not Otherwise Listed
Residential above Commercial
<b>Accessory Uses and Structures</b>
Accessory Uses and Structures (Customary) - See Also Sec. 26-185
Swimming Pools
<b>Recreational Uses</b>
Amusement or Water Parks
Batting Cages
Dance Studios and Schools
Golf Courses, Miniature
Martial Arts Instructional Schools
Physical Fitness Centers
Public or Private Parks
Public Recreation Facilities
Skating Rinks
Swim and Tennis Clubs
<b>Institutional, Educational and Civic Uses</b>
Ambulance Services, Emergency
Colleges and Universities
Community Food Services

07-28 MA – Garners Ferry Road & Lower Richland Boulevard

Day Care, Adult Centers
Day Care, Child, Licensed Center
Fire Stations
Government Offices
Individual and Family Services, Not Otherwise Listed
Libraries
Museums and Galleries
Nursing and Convalescent Homes
Places of Worship
Police Stations, Neighborhood
Post Offices
Schools, Administrative Facilities
Schools, Business, Computer and Management Training
Schools, Fine Arts Instruction
Schools, Including Public and Private, Having a Curriculum Similar to Those Given in Public Schools
Schools, Technical and Trade (Except Truck Driving)
<b>Business, Professional and Personal Services</b>
Accounting, Tax Preparation, Bookkeeping, and Payroll Services
Advertising, Public Relations, and Related Agencies
Automatic Teller Machines
Automobile Rental or Leasing
Banks, Finance, and Insurance Offices
Barber Shops, Beauty Salons, and Related Services
Bed and Breakfast Homes/Inns
Building Maintenance Services, Not Otherwise Listed
Carpet and Upholstery Cleaning Services
Clothing Alterations/Repairs; Footwear Repairs
Computer Systems Design and Related Services
Employment Services

07-28 MA – Garners Ferry Road & Lower Richland Boulevard

BOOK 010 PAGE 10

Engineering, Architectural, and Related Services
Funeral Homes and Services
Furniture Repair Shops and Upholstery
Hotels and Motels
Janitorial Services
Landscape and Horticultural Services
Laundromats, Coin Operated
Laundry and Dry Cleaning Services, Non-Coin Operated
Legal Services (Law Offices, Etc.)
Linen and Uniform Supply
Locksmith Shops
Management, Scientific, and Technical Consulting Services
Massage Therapists
Medical/Health Care Offices
Medical, Dental, or Related Laboratories
Motion Picture Production/Sound Recording
Office Administrative and Support Services, Not Otherwise Listed
Packaging and Labeling Services
Pet Care Services (Excluding Veterinary Offices and Kennels)
Photocopying and Duplicating Services
Photofinishing Laboratories
Photography Studios
Picture Framing Shops
Professional, Scientific, and Technical Services, Not Otherwise Listed
Publishing Industries
Real Estate and Leasing Offices
Rental Centers, without Outside Storage
Repair and Maintenance Services, Automobile, Minor
Repair and Maintenance Services, Personal and Household Goods
Repair and Maintenance Services, Television, Radio, or Other Consumer Electronics
Research and Development Services

07-28 MA – Garners Ferry Road & Lower Richland Boulevard

Security and Related Services
Tanning Salons
Taxidermists
Theaters, Live Performances
Theaters, Motion Picture, Other Than Drive-Ins
Travel Agencies (without Tour Buses or Other Vehicles)
Traveler Accommodations, Not Otherwise Listed
Vending Machine Operators
Veterinary Services (Non-Livestock, May Include totally enclosed Kennels Operated in Connection with Veterinary Services)
Watch and Jewelry Repair Shops
Weight Reducing Centers
<b>Retail Trade and Food Services</b>
Antique Stores (See Also Used Merchandise Shops and Pawn Shops)
Appliance Stores
Art Dealers
Arts and Crafts Supply Stores
Auction Houses
Automotive Parts and Accessories Stores
Bakeries, Retail
Bicycle Sales and Repair
Book, Periodical, and Music Stores
Building Supply Sales without Outside Storage
Camera and Photographic Sales and Service
Candle Shops
Candy Stores (Confectionery, Nuts, Etc.)
Caterers, No On Site Consumption
Clothing, Shoe, and Accessories Stores
Coin, Stamp, or Similar Collectibles Shops
Computer and Software Stores

07-28 MA – Garners Ferry Road & Lower Richland Boulevard

Convenience Stores (with Gasoline Pumps)
Convenience Stores (without Gasoline Pumps)
Cosmetics, Beauty Supplies, and Perfume Stores
Department, Variety or General Merchandise Stores
Direct Selling Establishments, Not Otherwise Listed
Drugstores, Pharmacies, with Drive-Thru
Drugstores, Pharmacies, without Drive-Thru
Electronic Shopping and Mail Order Houses
Fabric and Piece Goods Stores
Floor Covering Stores
Florists
Food Service Contractors
Food Stores, Specialty, Not Otherwise Listed
Formal Wear and Costume Rental
Fruit and Vegetable Markets
Furniture and Home Furnishings
Garden Centers, Farm Supplies, or Retail Nurseries
Gift, Novelty, Souvenir, or Card Shops
Grocery/Food Stores (Not Including Convenience Stores)
Hardware Stores
Health and Personal Care Stores, Not Otherwise Listed
Hobby, Toy, and Game Stores
Home Centers
Home Furnishing Stores, Not Otherwise Listed
Jewelry, Luggage, and Leather Goods (May Include Repair)
Meat Markets
Miscellaneous Retail Sales - Where Not Listed Elsewhere, and Where All Sales and Services are Conducted within an Enclosed Building
Musical Instrument and Supplies Stores (May Include Instrument Repair)
News Dealers and Newsstands

07-28 MA – Garners Ferry Road & Lower Richland Boulevard

Office Supplies and Stationery Stores
Optical Goods Stores
Paint, Wallpaper, and Window Treatment Sales
Pet and Pet Supplies Stores
Record, Video Tape, and Disc Stores
Restaurants, Cafeterias
Restaurants, Full Service (Dine-In Only)
Restaurants, Limited Service (Delivery, Carry Out)
Restaurants, Limited Service (Drive-Thru)
Restaurants, Snack and Nonalcoholic Beverage Stores
Service Stations, Gasoline
Sporting Goods Stores
Television, Radio or Electronic Sales
Tire Sales
Used Merchandise Stores
Video Tape and Disc Rental
Warehouse Clubs and Superstores
<b>Wholesale Trade</b>
Apparel, Piece Goods, and Notions
Books, Periodicals, and Newspapers
Drugs and Druggists' Sundries
Durable Goods, Not Otherwise Listed
Electrical Goods
Flowers, Nursery Stock, and Florist Supplies
Furniture and Home Furnishings
Groceries and Related Products
Hardware
Jewelry, Watches, Precious Stones
Market Showrooms (Furniture, Apparel, Etc.)

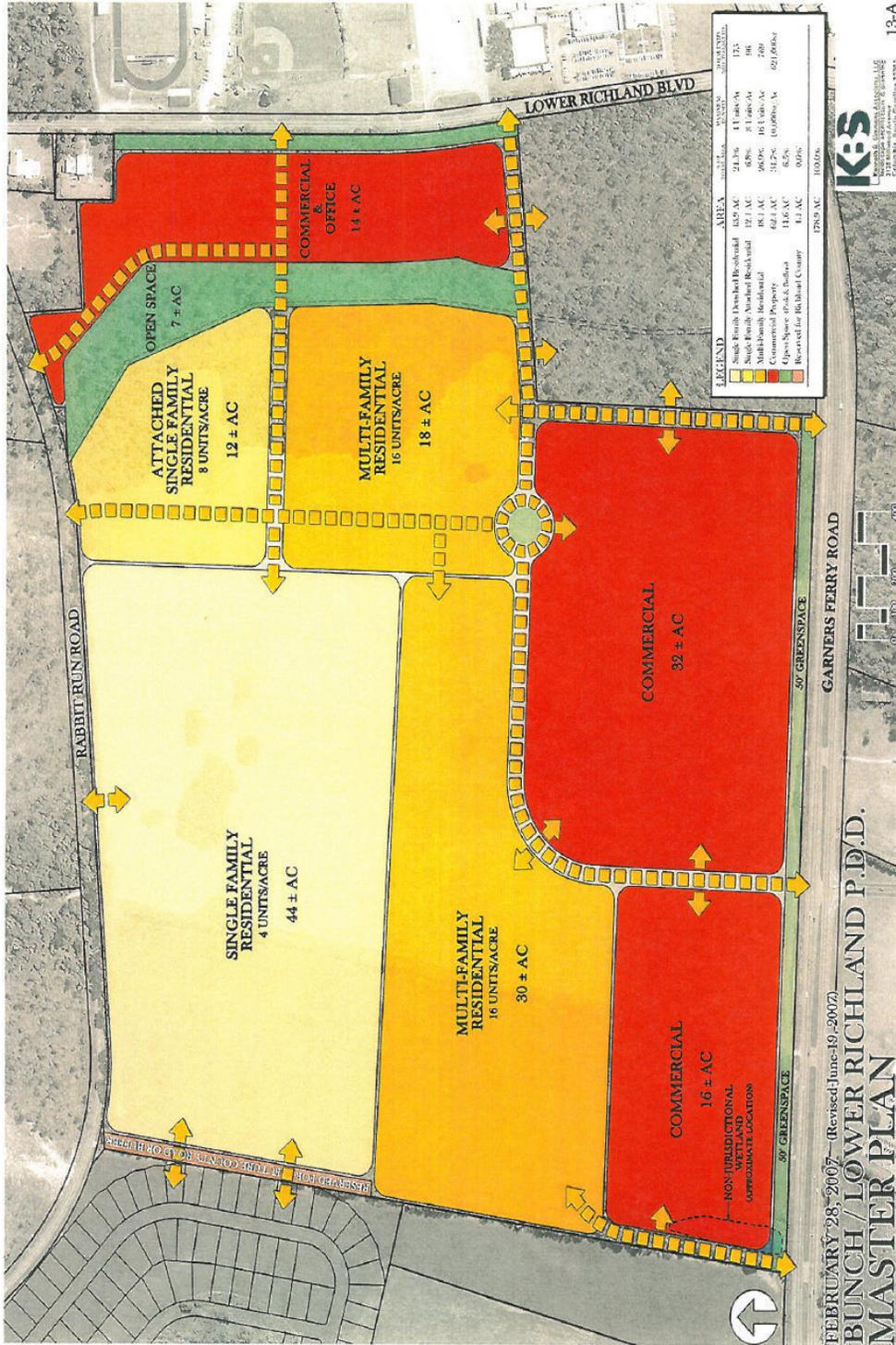
07-28 MA – Garners Ferry Road &amp; Lower Richland Boulevard

Item# 4

Attachment number 1  
Page 17 of 24

Motor Vehicles, New Parts and Supplies
Nondurable Goods, Not Otherwise Listed
Plumbing and Heating Equipment and Supplies
Professional and Commercial Equipment and Supplies
Sporting and Recreational Goods and Supplies (Except Sporting Firearms and Ammunition)
Toys and Hobby Goods and Supplies
<b>Transportation, Information, Warehousing, Waste Management, and Utilities</b>
Utility Company Offices
<b>Other Uses</b>
Buildings, High Rise, 4 or 5 Stories

07-28 MA – Garners Ferry Road & Lower Richland Boulevard



19-A

Item# 4

Attachment number 1  
Page 19 of 24

Bunch / SCDOT / Richland MOU Access Plan and Schedule

Access Point	Phase	Type of Access	Description	Road/Speed Limit	Primary Area Served in PDD/Commercial	Mitigation Required	Responsibility	Trigger	Anticipated Date
1	3	Full Access - No Signal	Western most full access - major access to the PDD	Carners Ferry -45	Commercial Area / Multi-Family / Single Family	Construct Eastbound left turn lane into PDD in Carners Ferry	Developer	1. Construction of Multi-Family or 2) Single Family lot greater than 10, or 3) Commercial greater than 3,000 sf on 17 acre parcel	2020
2	N/A	No Access	N/A	N/A	N/A	N/A	Developer	N/A	N/A
3	3	Full Access - Signal (Noise Light will have to meet warrants and a warrant analysis submitted and approved before light is installed)	Primary Entrance to Multi-Family - and enter PDD	Carners Ferry -45	Primary Access to all PDD	Signalized Intersection. Construct dual westbound left turn lanes on Carners Ferry Road (second left to be marked out until right is installed). Construct westbound right turn lanes on Carners Ferry Road	Developer	1. Construction of Multi-Family or 2) Single Family lot greater than 10, or 3) Commercial greater than 3,000 sf on 20 acre parcel or 17 acre parcel	2014
4	N/A	No Access	N/A	N/A	N/A	N/A	Developer	N/A	N/A
5	2	Full Access - No Signal	Full access with interconnectivity - edge of commercial area outside the PDD	Carners Ferry -45	Commercial Area outside of PDD and connection back to PDD	Construct Eastbound left turn lane into PDD in Carners Ferry and westbound right turn lane on Carners Ferry	Developer	1) Construction of full access drive	2014
6	3	Full Access - No Signal	Primary Entrance to Commercial and secondary to Multi-Family	Lower Richland - 35	Commercial Area outside of PDD and connection back to PDD	Construct Northbound left turn lane on Lower Richland	Developer	Construction of Grocery Store or associated retail greater than 3,000 sf	2019
7	N/A	No Access	N/A	N/A	N/A	N/A	Developer	N/A	N/A
8	3	Full Access - No Signal	Full access with interconnectivity to Commercial, multi-family and single family	Lower Richland - 35	Commercial and Multi-Family	Construct Northbound left turn lane on Lower Richland	Developer	Construction of Multi-family or Commercial greater than 3,000 sf on 22 acre parcel off Lower Richland Boulevard	2020
9	N/A	No Access	N/A	N/A	N/A	N/A	Developer	N/A	N/A
10	3	Full Access - No Signal	Intermediate secondary access to multi-family	Rabbit Run -40	Multi-Family	None		N/A	
11	3	Full Access - No Signal	Full access to single family	Rabbit Run -40	Single Family	None		N/A	
12	N/A	No Access	N/A	N/A	N/A	N/A		N/A	N/A
13	3	Full Access - No Signal	Full access to single family	Rabbit Run -40	Single Family	None		N/A	
14	1	Full Access - No Signal	Wal-Creens Access Point - Full Access	Lower Richland - 35	Wal-Creens Only	None		N/A	2010
14	1	Full Access - No Signal	Wal-Creens Access Point - Full Access	Lower Richland - 35	Wal-Creens and Fast Food Commercial	Construct Northbound left turn lane on Lower Richland. Construct	Developer	1. Construction of the Wal-Creens will NOT require left turn lanes, construction of Fast Food Retail will require.	2014
14	1	Full Access - No Signal	Wal-Creens Access Point - Full Access	Lower Richland - 35	Wal-Creens and Grocery Store Commercial and Grocery Store	None		N/A	2019

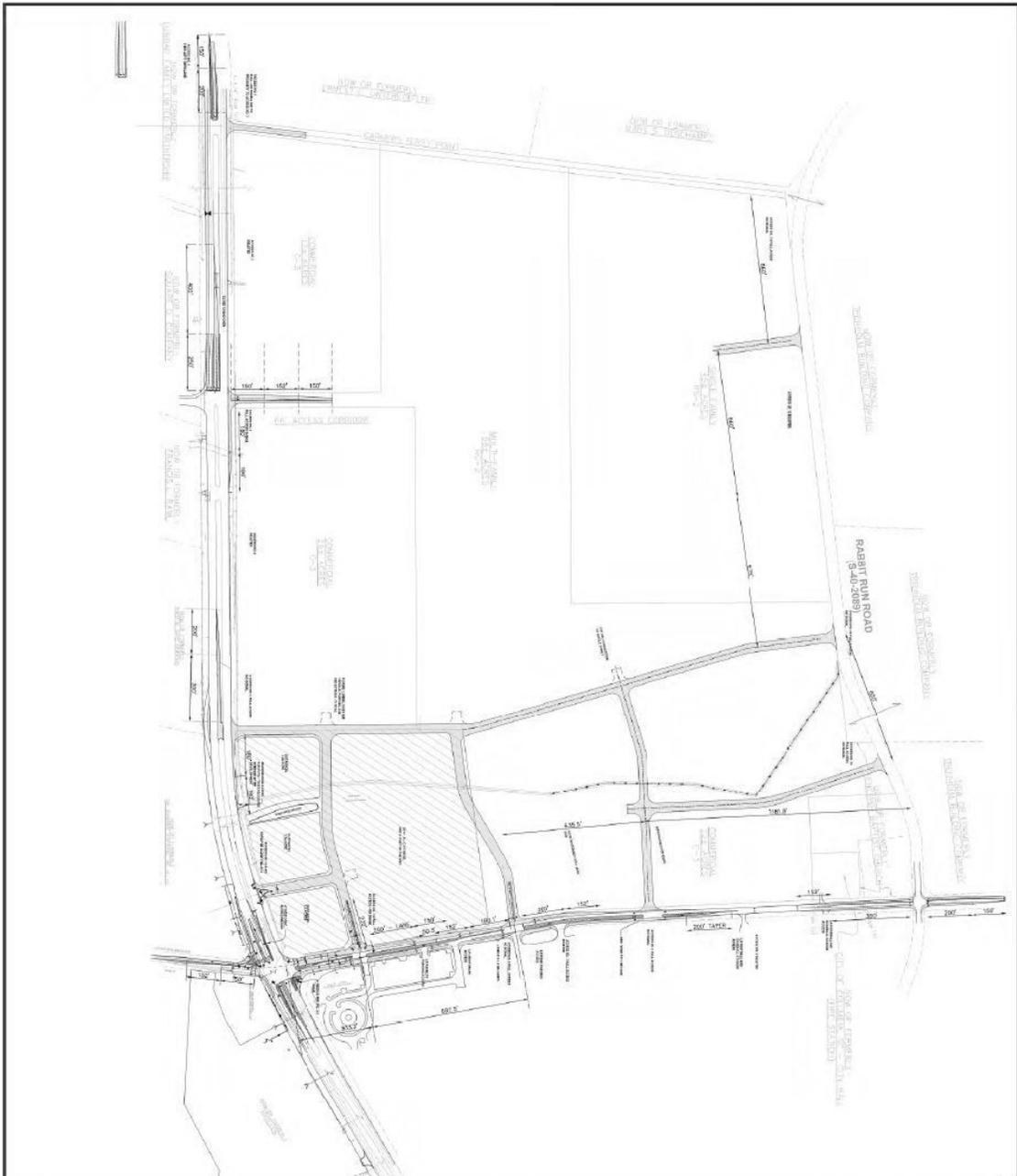
**Bunch / SCDOT / Richland MOU Access Plan and Schedule**

Access Point	Phase	Type of Access	Description	Road/Speed Limit	Primary Area Served in PDD/Commercial	Mitigation Required	Responsibility	Trigger	Anticipated Date
15	1	RU-RO Carners Ferry and Lower Richland Boulevard Intersection	Wal-Oreens and Future Commercial (potential Fast Food) Access Point - RU-RO	Carners Ferry -45	Wal-Oreens and Fast Food Commercial	None	None	N/A	2010
	N/A		Intersection Improvements			None		N/A	2010
	3	Carners Ferry and Lower Richland Boulevard Intersection	Intersection Improvements			1) Construct second eastbound left turn lane in Carners Ferry Road. 2) Construct a second southbound right turn lane and convert the shared through/right lane back to a through lane only, and 3) restripe the northbound lanes to allow a separate left turn lane and shared through/right lane (on Lower Richland Boulevard)	Background	Required due to back-ground traffic growth	2019
	3	Carners Ferry and Lower Richland Boulevard Intersection	Intersection Improvements				Background	Required due to back-ground traffic growth	2019
	3	Lower Richland Boulevard and Rabbit Run Intersection	Intersection Improvements			1) Construct northbound and southbound left turn lane Lower Richland Boulevard.	Developer	Construction of Single Family	2019

**Notes:**

1. Background traffic improvements are required by growth outside the developer's control. They shall either be constructed by the SCDOT, others or not constructed at all. They will not be the responsibility of the developer.
2. All access points shall adhere to the ARMS manual, latest edition.
3. All access points shall adhere to the Richland County LDC, Table 28-VI-5 for minimum driveway spacing, and the PDD document.

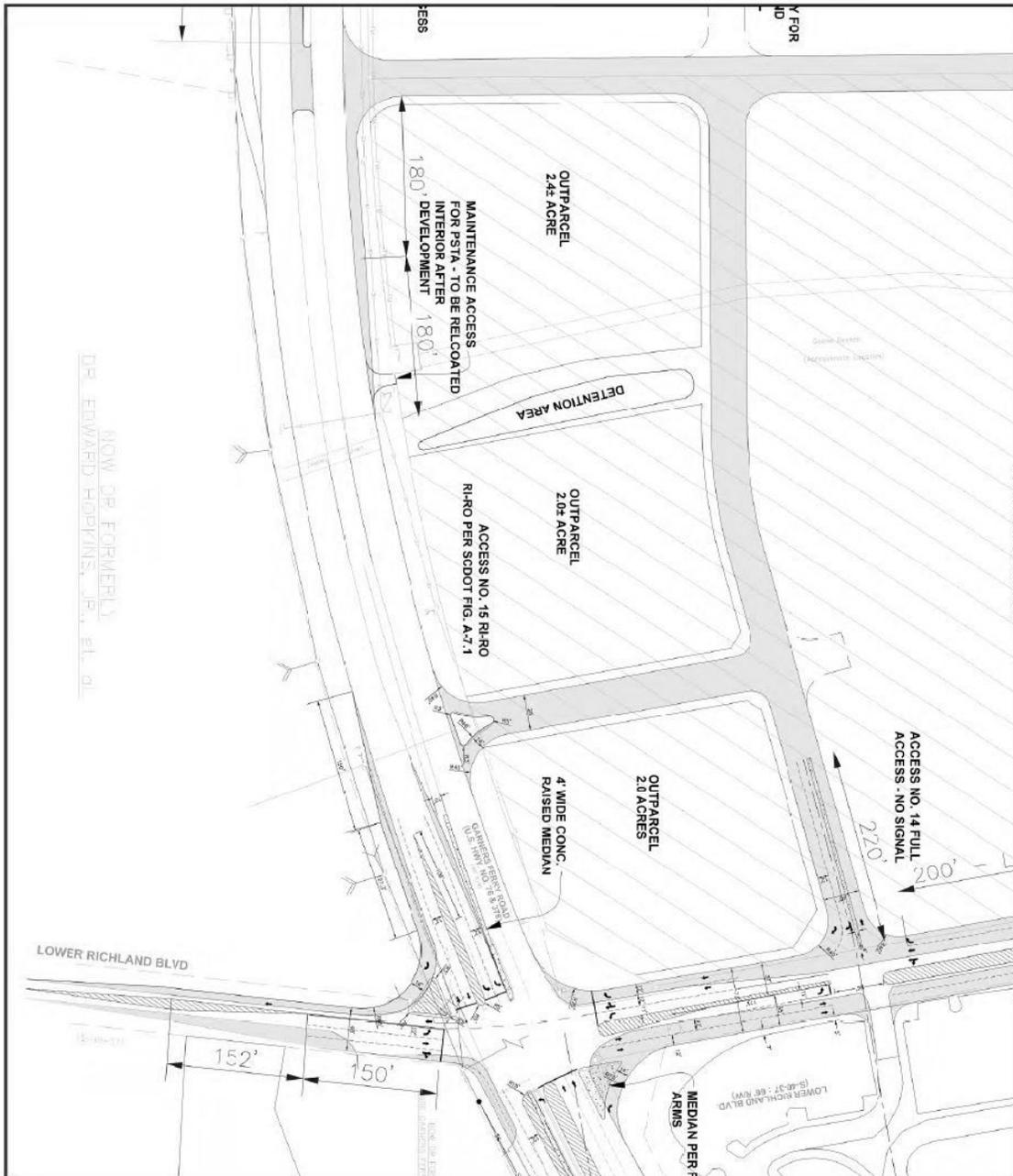
Developer funded
No cost - There is no off-site requirements for this access point or the access point has been eliminated.
Mitigations required by background traffic, and will be required by the County and SCDOT for other identified projects requiring either a TIS or TMP from either the SCDOT or the County under existing rules. Should those not be constructed by others, once Phase 3 is begun, those mitigations will be constructed by the developer of the PDD.



**NOTES:**

1. FIELD SURVEY FOR CONSTRUCTION AND VERIFY SET BACKS.
2. REFER TO ALL PREVIOUS SURVEYS FOR BOUNDARIES AND DIMENSIONS.
3. REFER TO ALL PREVIOUS SURVEYS FOR BOUNDARIES AND DIMENSIONS.
4. REFER TO ALL PREVIOUS SURVEYS FOR BOUNDARIES AND DIMENSIONS.
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7. REFER TO ALL PREVIOUS SURVEYS FOR BOUNDARIES AND DIMENSIONS.
8. REFER TO ALL PREVIOUS SURVEYS FOR BOUNDARIES AND DIMENSIONS.
9. REFER TO ALL PREVIOUS SURVEYS FOR BOUNDARIES AND DIMENSIONS.
10. REFER TO ALL PREVIOUS SURVEYS FOR BOUNDARIES AND DIMENSIONS.

<p><b>C1.0</b></p>	<p><b>DEVELOPMENT MASTER PLAN</b></p>	<p>Sheet No. 111.01</p>	<p>Date: 11/16/2010</p>	<p>Project No. 111.01</p>	<p>Project Name: BUNCH DEVELOPMENT</p>	<p>Project Location: LOWER RICHLAND, SOUTH-CAROLINA</p>	<p>PO BOX 11780A Columbia, SC 29211 1330 Lady Street, Suite 205 Columbia, SC 29201 (803) 744-4500 (Voice) (803) 744-4501 (Fax) www.genesis-consulting.com</p>
		<p>Scale: 1" = 100'</p>	<p>Project Status: PER DEVELOPER COMMENTS, APRIL 16, 2010</p>				



NOW OR FORMERLY  
 DR. EDWARD HOPKINS, JR., et. al

NOTES:

	<p><b>C1.1</b></p>	
	<p>ACCESS PLAN WALGREENS AND LR HIGH SCHOOL</p>	

<p>Project No. C1.1-20</p> <p>Date: 11/16/16</p> <p>Scale: 1" = 20.0'</p> <p>Author: J. H. [unreadable]</p> <p>Check: [unreadable]</p> <p>Drawn: [unreadable]</p> <p>Reviewed: [unreadable]</p> <p>Approved: [unreadable]</p>	<p>Project Name: BUNCH DEVELOPMENT</p> <p>Project Location: LOWER RICHLAND, SOUTH CAROLINA</p>	<p>PO BOX 11504 Columbia, SC 29211</p> <p>1330 Lady Street, Suite 205 Columbia, SC 29201 (803) 744-4500 (Main) (803) 744-4501 (Fax) www.genesis-consulting-group.com</p>
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NOTES:

<b>C1.2</b>	<b>PHASING PLAN</b>	Drawing Information Revision: 03.13.08 Date: 03.13.08 Project: BUNCH DEVELOPMENT Location: LOWER RICHLAND, SOUTH-CAROLINA Client: GENESIS CONSULTING GROUP Designer: [Blank] Checker: [Blank] Approver: [Blank]	Client: GENESIS CONSULTING GROUP Project: BUNCH DEVELOPMENT Location: LOWER RICHLAND, SOUTH-CAROLINA Client Address: 1330 Lady Street, Suite 205 Columbia, SC 29201 (803) 744-4500 (Main) (803) 744-4501 (Fax) www.genesis-consulting-group.com

# Richland County Council Request of Action

**Subject**

To amend the ordinance dealing with Loitering [ pages 42-45]

**Reviews**

## Richland County Council Request for Action

Subject: To amend the ordinance dealing with Loitering

### A. Purpose

This request is, per Mr. Malinowski's motion, to amend Section 18-2 of the Richland County Code of Ordinances, so as to add language dealing with loitering.

### B. Background / Discussion

During the Motion Period of the April 6, 2010, County Council meeting, Mr. Malinowski made a motion to amend Section 18-2 of the Richland County Code of Ordinances, so as to add language dealing with loitering. The motion was to include as part of one of the included definitions of loitering the words "and/or paraphernalia for drug use to include pipes, bongs, holders, wrappers or any other items normally construed as being implemented during drug use."

### C. Financial Impact

No known financial impact.

### D. Alternatives

1. Adopt an ordinance amending section 18-2.
2. Do not adopt the ordinance.

### E. Recommendation

Council Discretion.

Recommended by: Elizabeth A. McLean      Department: Legal      Date: 4/14/10

### F. Reviews

(Please ***SIGN*** your name, ✓ the appropriate box, and support your recommendation before routing. Thank you!)

#### Finance

Reviewed by: Daniel Driggers

Date: 4/14/10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: As stated this is a policy decision for Council with no known financial impact

**Legal**

Reviewed by: Larry Smith

Date:

Recommend Council approval: This is a policy decision within the discretion of Council. However, since enforcement of the ordinance is within the purview of the Sheriff's Dept. Council may want to seek their input.

Recommend Council denial

Comments regarding recommendation:

**Administration**

Reviewed by: J. Milton Pope

Date: 4-14-10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council discretion...however I forwarded the motion to the Sheriff and he did not have any objections to the motion.

**STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY**

**ORDINANCE NO. \_\_\_\_\_-10HR**

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 18, OFFENSES; SECTION 18-2, LOITERING; SO AS TO ADD ADDITIONAL LANGUAGE TO THE DEFINITION.

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

SECTION I. The Richland County Code of Ordinances; Chapter 18, Offenses; Section 18-2 (a); is hereby amended to read as follows:

**Sec. 18-2. Loitering.**

(a) *Definitions.* As used in this section, "loitering" shall mean remaining idle in essentially one (1) location, spending time idly, loafing or walking around aimlessly in a public place in such manner as to:

- (1) Create or cause to be created any disturbance or annoyance to the comfort and repose of any person;
- (2) Create or cause to be created a danger of a breach of the peace;
- (3) Obstruct or hinder the free passage of vehicles or pedestrians;
- (4) Obstruct or interfere with any person lawfully in any public place;
- (5) Engage in begging;
- (6) Engage in gambling;
- (7) Engage in prostitution;
- (8) Solicit or engage in any business, trade or commercial transaction unless specifically authorized or licensed to do so;
- (9) Unlawfully use or possess an unlawful drug and/or paraphernalia for drug use to include pipes, bongs, holders, wrappers or any other items normally construed as being implemented during drug use;
- (10) Unlawfully use or possess alcoholic beverages, beer or wine.

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

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

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

RICHLAND COUNTY COUNCIL

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

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

OF \_\_\_\_\_, 2010

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

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

# Richland County Council Request of Action

**Subject**

Traffic signal synchronization and Timing to improve air quality by reducing vehicle emissions [ pages 47-48]

**Reviews**

## Richland County Council Request of Action

**Subject:** Traffic Signal Synchronization and Timing  
To improve Air Quality by reduced vehicle emissions

### A. Purpose

Direct staff to coordinate with SCDOT and DHEC a study of traffic control devices in unincorporated Richland County to reduce vehicle emissions by reducing traffic flow disruptions.

Direct staff to study requiring ingress/egress turn lanes for all business and residential construction that would cause a slowdown to traffic on the road servicing the facility.

### B. Background / Discussion

Increasing air contamination in the Columbia metropolitan area may result in EPA sanctions that could affect future development and the health of its residents.

It is well documented that vehicle emissions are highest when vehicles are accelerating. High concentrations of emissions also exist where vehicles are stationary, such as at signals.

### C. Financial Impact

The financial impact will be determined as part of the studies.

### D. Alternatives

1. Direct staff to determine the feasibility and cost effectiveness of improving traffic flow by use of signal synchronization and timing. Determine the effects and cost of requiring turning lanes on all business and residential construction that would slow down traffic on the road servicing the facility.
2. Do not direct staff to study traffic flow and the impact of requiring turning lanes.

### E. Recommendation

This request is at Council's discretion.

Recommended by: Honorable Bill Malinowski

Date: April 6, 2010

### F. Reviews

(Please ***SIGN*** your name, ✓ the appropriate box, and support your recommendation before routing. Thank you!)

**Public Works**

Reviewed by: David Hoops

X

Recommend Council denial

Comments regarding recommendation:

Date: 4/15/10

Recommend Council approval

**Finance**

Reviewed by: Daniel Driggers

✓ Recommend Council approval

Comments regarding recommendation:

Date: 4/15/10

Recommend Council denial

**Legal**

Reviewed by: Larry Smith

✓ Recommend Council approval

Comments regarding recommendation:

Date: 4/15/10

Recommend Council denial

**Administration**

Reviewed by: Sparty Hammett

✓ Recommend Council approval

Comments regarding recommendation:

Date: 4/15/10

Recommend Council denial

# Richland County Council Request of Action

**Subject**

Water Line Construction to New Light Beulah Baptist Church [pages 50-54]

**Reviews**

# Richland County Council Request of Action

**Subject:** Water Line Construction to New Light Beulah Baptist Church

## A. Purpose

*The purpose of this request is to determine County Council's intent in participating in the funding of the construction of a water line to serve the New Light Beulah Baptist Church.*

## B. Background / Discussion

Senator Darrell Jackson, County Councilman Norman Jackson and Representative Jimmy Bales met with Columbia City Council regarding the extension of a water line to serve the New Light Beulah Baptist Church. The City Council indicated that if Richland County could assist with the expenses they would also try to come up with some funds to perform the work. Representative Jimmy Bales has subsequently submitted a letter to the Richland County Administrator requesting the County to participate in the project. A copy of the letter, a cost estimate and map of the project is attached for reference.

## C. Financial Impact

The project is estimated to cost approximately \$996,360.00. Currently funding has not been identified but, as indicated in Mr. Bales' letter, the City of Columbia is apparently willing to participate financially if Richland County could also assist with the expenses.

## D. Alternatives

1. Identify a source of funds and participate by funding a portion of the water project.
2. Do not participate in the project.

## E. Recommendation

*Council's discretion.*

Recommended by: Andy H. Metts      Department: Utilities      Date: 4/13/10

## F. Reviews

(Please **SIGN** your name, ✓ the appropriate box, and support your recommendation before routing. Thank you!)

### Finance

Reviewed by: Daniel Driggers

Date: 4/13/10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommendation is council discretion. No funding source is currently identified therefore approval would require the identification of a funding source and may require a budget amendment.

**Procurement**

Reviewed by: Rodolfo Callwood

Date: 4/15/10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council's discretion

**Grants**

Reviewed by: Sara Salley

Date: 4/15/10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Council's discretion

**Legal**

Reviewed by: Larry Smith

Date: 4/15/10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council discretion

**Administration**

Reviewed by: Sparty Hammett

Date: 4/15/10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: No recommendation – Council discretion. As indicated by the Finance Director, a funding source would have to be identified. In addition, the County has not planned for this project and it is not funded in the Capital Improvement Plan.



RECEIVED  
 10 FEB 18 AM 10: 02  
 RICHLAND COUNTY  
 ADMINISTRATORS OFFICE

**House of Representatives**

State of South Carolina

**Jimmy C. Bales, Ed.D.**  
 District No. 80 - Richland County  
 1515 Crossing Creek Road  
 Eastover, SC 29044

432-C Blatt Building  
 Columbia, SC 29211

**February 17, 2010**

Tel. (803) 734-3058  
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 Beeper (803) 304-0464

**Committee:**  
 Labor, Commerce and Industry  
**Mr. J. Milton Pope**  
 Richland County Administrator  
 POB 192  
 Columbia, SC 29202-0192

Dear Milton:

On Wednesday, February 10, 2010, Senator Darrell Jackson, County Councilman Norman Jackson and I met with Columbia City Council regarding the installation and extension of water lines and service from Crossing Creek up Congaree Road to Sumter Highway to provide water for New Light Beulah Baptist Church. This installation is desperately needed for high pressure water lines to operate the sprinkler system at their new multipurpose building.

New Light enjoys a membership of over 800 and serves and ministers to hundreds of local youth who urgently need local activities with the right guidance and mentorship.

The estimated cost of this installation is \$900,000. The City Council indicated that if Richland County could assist with the expense they would also try to come up with some funds to perform the work. Perhaps you know of some infrastructure monies or federal funds that could be allocated for this project.

The community, council and New Light Beulah Baptist would greatly appreciate anything you can do and Pastor Gregory Cunningham will be happy to provide any additional information at 783-2050.

Thank you,

Jimmy C. Bales

JCB/vhr/2010feb17-7

cc: Rev. Gregory B. Cunningham, New Light Beulah Baptist Church  
 1330 Congaree Road, Hopkins, SC 29061  
 Steve Gantt, Columbia City Manager, POB 147, Columbia, SC 29217  
 Richland County Council Members

11/12/09

**CONTRACT COST ESTIMATE**

**WATER MAIN EXTENSION ALONG CONGAREE RD & CROSSING CREEK RD.  
TO SERVE NEW LIGHT BEULAH CHURCH (#1330 CONGAREE RD.)**

Estimated by: HH

Item	Description	Quantity	Unit	Unit Price	Total Price
1	12" DIP Water Main	9,300	LF	\$60.00	\$558,000.00
2	8" DIP Water Main	2,300	LF	\$40.00	\$92,000.00
3	6" DIP Water Main	100	LF	\$30.00	\$3,000.00
4	Fittings (10%±)	1	LS		\$65,300.00
5	12"x 12" MJ Tapping Sleeve & Valve w/Box	1	EA	\$4,000.00	\$4,000.00
6	12" Valve w/Box	8	EA	\$1,500.00	\$12,000.00
7	8" Valve w/Box	2	EA	\$1,000.00	\$2,000.00
8	6" Valve w/Box	10	EA	\$800.00	\$8,000.00
9	Automatic Flushing Device	2	EA	\$3,000.00	\$6,000.00
10	Fire Hydrant	10	EA	\$2,800.00	\$28,000.00
11	Remove & Replace Asphalt Pavement	100	LF	\$50.00	\$5,000.00
12	Remove & Replace Asphalt Drive	300	LF	\$40.00	\$12,000.00
13	Flowable Fill	50.0	CY	\$100.00	\$5,000.00
14	Restoration Including Sod Replacement	2.5	AC	\$10,000.00	\$25,000.00
15	Traffic Control	1	LS	\$5,000.00	\$5,000.00
16	Contingencies (20%)	1	LS		\$166,060.00

**TOTAL: \$996,360.00**

**NOTE: WATER MAIN OUTSIDE PAVEMENT.**



# Richland County Council Request of Action

**Subject**

Change to Handbook regarding Weapons [pages 56-57]

**Reviews**

# Richland County Council Request of Action

Subject: Change to Handbook Regarding Weapons

## A. Purpose

The purpose of this report is to seek the Council's approval to allow County employees to bring weapons on to County property provided the weapons are locked in the trunks of the employees' vehicles or in some other vehicle receptacle if a trunk is not available. This would not authorize possession of weapons in any County building, only in vehicles.

## B. Background / Discussion

At the County Council meeting of March 16, 2010, Council Member Bill Malinowski introduced the following motion:

“Remove the wording that employees are prohibited from possession of a weapon on county property and change it to allow possession of a weapon in a locked trunk only or other receptacle if a trunk is not available. This will not authorize possession in any building, only the vehicles. [After discussion, the motion was amended to also include Council Members.]

The motion went on to include the following:

“An individual's right to keep and bear arms should not be subjected to arbitrary authority as it is in the Richland County Employee Handbook. Prohibiting an individual from possessing a weapon of any kind on County property is no better than enactment of the infamous “black codes” after the civil war designed to keep former slaves in a condition of subjugation. This prohibition of Richland County's on employees is unjust, oppressive and unconstitutional. Employees may find themselves in a situation en route to or from work that would put them in a position of needing to defend themselves, and Richland County has taken that need away with our current employee handbook.”

The County's Employee Handbook currently prohibits the possession of weapons on County property. Implementation of Council Member Malinowski's motion, therefore, would require a revision of the Employee Handbook.

## C. Financial Impact

Adoption of the motion would result in little financial impact beyond the time and materials required to publish the amendment to the Employee Handbook and communicate the new provision to employees.

## D. Alternatives

1. Approve the proposed revision to Employee Handbook.

2. Do not approve the proposed revision to Employee Handbook.

**E. Recommendation**

Human Resources prepared this action at the request of County Administration. No recommendation is offered by the Human Resources Department.

**F. Reviews**

(Please **SIGN** your name, ✓ the appropriate box, and support your recommendation before routing. Thank you!)

**Finance**

Reviewed by: Daniel Driggers

Date: 4/12/10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: No recommendation. Based on the ROA, this is a policy decision for Council with limited financial impact.

**Human Resources**

Reviewed by: Dwight Hanna

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: No recommendation. Based on ROA, it appears that Council is in the process or had made policy decision.

**Legal**

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: No recommendation: This is a policy decision of Council.

**Administration**

Reviewed by: J. Milton Pope

Date: 4-14-10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This is a policy decision of Council however my professional recommendation is to support Council's previous policy decision and maintain the current policy.

# Richland County Council Request of Action

**Subject**

Curfew for Community Safety [pages 59-61]

**Reviews**

Legal has scheduled a meeting with Councilmember Manning on April 29<sup>th</sup> to discuss the specifics of the Curfew for Community Safety motion.

# Richland County Council Request for Action

Subject: Curfew for Community Safety

## A. Purpose

This request is, per Mr. Manning's motion, to consider a curfew as a means of bringing citizens and government together in an effort to make our neighborhoods and communities safer.

## B. Background / Discussion

The adoption of a curfew would involve several hurdles, mostly constitutional, which would need to be overcome before implementation. In general, the County would have the authority to impose a curfew under its general police powers for the purpose of promoting the public welfare, security, health, and safety of its citizens; however, to pass constitutional muster, this general power must be applied in a very strict manner.

Some preliminary questions to be considered are:

- What specific behavior/problem is the curfew intended to correct?
- To whom would the curfew be applicable?
- Would the application of the curfew to this specific group alleviate the stated problem?
- How long would the curfew need to be in effect to alleviate the problem?
- Is there some other method for alleviating the problem which would be less intrusive on individual rights and freedoms?
- Can the curfew be fairly enforced by law enforcement?

Once these preliminary questions have been answered, then an ordinance must be drafted that is specifically tailored to correct the stated problem. In drafting the ordinance, special care should be taken to address potential constitutional issues inherent in a curfew: namely, First Amendment freedom of speech and assembly; Fourth Amendment unreasonable search and seizure; Ninth Amendment general personal rights; and Fourteenth Amendment due process and equal protection.

Depending on how the questions above are answered, it is likely that the County would have to show a compelling interest in enacting the curfew and that this was the least intrusive manner in which to alleviate the stated problem. At the very least, the curfew must be reasonably related to a legitimate government interest.

In summary, even though curfews have been upheld by the courts, stringent steps would need to be taken during the research, justification, drafting and enactment processes to avoid the myriad constitutional pitfalls inherent in any law which seeks to curtail the personal liberties and freedoms of citizens.

**C. Financial Impact**

None known.

**D. Alternatives**

- 1. Adopt a curfew.
- 2. Do not adopt a curfew.

**E. Recommendation**

Council discretion, keeping in mind, however, the legal consideration briefly outlined above.

Recommended by: Elizabeth A. McLean      Department: Legal      Date: 2/08/10

**F. Reviews**

(Please ***SIGN*** your name, ✓ the appropriate box, and support your recommendation before routing. Thank you!)

**Finance**

Reviewed by Daniel Driggers:      Date: 2/09/10  
 Recommend Council approval       Recommend Council denial  
 Comments regarding recommendation: No recommendation based on ROA having no financial impact

**Legal**

Reviewed by: Larry Smith:      Date:  
 Recommend Council approval       Recommend Council denial  
 Comments regarding recommendation: No recommendation

**Administration**

Reviewed by: J. Milton Pope:      Date: 2-10-2010  
 Recommend Council approval       Recommend Council denial  
 Comments regarding recommendation: Council discretion however Sheriff’s Department input should be considered before policy action.

# Richland County Council Request of Action

**Subject**

Decker Blvd Woodfield Park Slum and Blight Designation [pages 63-69]

**Reviews**

# Richland County Council Request of Action

**Subject:** Decker Boulevard/Woodfield Park Slum and Blight Designation

## **A. Purpose**

County Council is requested to approve Decker Boulevard/Woodfield Park as a slum and blight designation area. The purpose is to allow slum and blight designation so that the Richland County Community Development Department can be eligible to use Community Development Block Grant (CDBG) and other departmental federal funds within the area.

## **B. Background / Discussion**

According to the SC Association of Counties, each county government within the authority granted by the Constitution and subject to the general law of this State shall have the following enumerated powers which shall be exercised by the respective governing bodies thereof:

...(15) to undertake and carry out **slum** clearance and redevelopment work in areas which are predominantly **slum** or blighted, the preparation of such areas for reuse, and the sale or other disposition of such areas to private enterprise for private uses or to public bodies for public uses and to that end the General Assembly delegates to any county the right to exercise the power of eminent<sup>1</sup>

The County's designation of slum and blight influences would allow the Community Development Department to infuse CDBG into the area to act as a catalyst to increase commercial, economic and/or homeownership opportunities and growth.

Richland County has an approved Master Plan (adopted 07/10/07) for The Decker Boulevard/Woodfield Park Area, which meets HUD's definition of slum and blight influences due to chronic high occupancy turnover rates and/or chronic high vacancy rates in commercial or industrial buildings. Some examples are:

- ❖ Vacant Red Lobster/Jumbo's Restaurant located at 2701 Decker Blvd<sup>2</sup>.
- ❖ Vacant Olive Garden Restaurant located at 2547 Decker Blvd.<sup>3</sup>
- ❖ Vacant Blockbuster Video located at 2520 Decker Blvd.<sup>4</sup>
- ❖ Vacant bank building located at Decker-Trenholm Intersection<sup>5</sup>
- ❖ Abandoned and Foreclosed properties throughout the service area

An eligible use of CDBG also includes the national objective of removal of slum and blighting influences. Up to 30% of an annual CDBG entitlement allocation can be used for this purpose. This approved designation will provide HUD with required documentation and will help to reduce the number of vacant commercial buildings, rehabilitate dilapidated properties and assist in neighborhood stabilization.

Listed below are ways CDBG funds can be used for, but not limited to, slum and blight elimination:

---

<sup>1</sup> South Carolina Association of Counties, Title 4 Chapter 9

<sup>2</sup> www.loopnet.com

<sup>3</sup> www.loopnet.com

<sup>4</sup> Google Maps

<sup>5</sup> Decker/Woodfield Park Renaissance Plan

- ❖ Demolition and Clearance of dilapidated properties
- ❖ Rehabilitation of single or multi unit residential
- ❖ Neighborhood and/or special use community centers
- ❖ Needed Infrastructure improvements
- ❖ Eligible Commercial Assistance to existing buildings such as facade improvements and parking lot enhancements
- ❖ Economic development assistance in the form of a grant or low-interest loan to businesses for low income job creation
- ❖ The development of parkway/natural/green areas

**C. Financial Impact**

Once the designation is approved, the Richland County Community Development Department will seek FY 10-11 and subsequent year dollars for this area. While this is required for use of CDBG (non-County funds) in the Decker Blvd / Woodfield Park are to eliminate slum and blighting influences, County funds can also be used at the discretion of County Council and Administration.

Richland County Community Development Department will have to determine on a project-by-project basis the use and availability of CDBG each funding year.

**D. Alternatives**

1. Approve the request to designate the Decker Boulevard/Woodfield area as slum and blight influence in order to eradicate the influences and conditions with CDBG funds.
2. Deny this request and not use CDBG funds in the Decker Boulevard/Woodfield area to eradicate the influences and conditions.

Recommendation

It is recommended that Council approves the request to designate Decker Boulevard/Woodfield Park as a slum and blight area.

Recommended by: Valeria D. Jackson    Department: Community Development  
 Date: April 12, 2010

**F. Reviews**

(Please **SIGN** your name, ✓ the appropriate box, and support your recommendation before routing. Thank you!)

**Finance**

Reviewed by: <u>Daniel Driggers</u>	Date: 4/13/10
✓ Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

**Procurement**

Reviewed by: <u>Rodolfo Callwood</u>	Date: 4/13/10
<input checked="" type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial

Comments regarding recommendation:

**Grants**

Reviewed by: Sara Salley

✓ Recommend Council approval

Comments regarding recommendation:

Date: 4/14/10

Recommend Council denial

**Legal**

Reviewed by: Larry Smith

✓ Recommend Council approval

Comments regarding recommendation:

Date: 4/14/10

Recommend Council denial

**Administration**

Reviewed by: Sparty Hammett

✓ Recommend Council approval

Comments regarding recommendation:

Date: 4/14/10

Recommend Council denial

Chapter 3: National Objectives As mentioned under the area benefit category, certain job creation or retention activities carried out by a CDFI or under a Neighborhood Revitalization Strategy can meet the national objective of benefiting LMI persons under either category. In these instances, the grantee will decide which category it will use to qualify the activity and record the decision in program files so that HUD will know which category is being applied.

### 3.3 Elimination of Slums and Blight

This section highlights the national objectives related to the elimination of slums and blight.

**Key Topics in This Section:** Overview of elimination of slum and blight; Area basis (SBA); Spot basis (SBS); Urban renewal (SBR)

**Regulatory/Statutory Citations:** Section 101(c), Section 104(b)(3), Section 105(c), 570.208(b)

**Other Reference Materials on This Topic:** Guide to National Objectives and Eligible Activities for Entitlement Communities, Chapter 3: Meeting a National Objective

Activities under this national objective are carried out to address one or more of the conditions which have contributed to the deterioration of an area designated as a slum or blighted area.

The focus of activities under this national objectives is a change in the physical environment of a deteriorating area. This contrasts with the LMI benefit national objective where the goal is to ensure that funded activities benefit LMI persons.

This difference in focus has an impact on the information that is required to assess the qualifications of an activity. Under the LMI benefit national objective, determining the number of LMI persons that actually or could potentially benefit from an activity is central to qualifying the activity. Under the elimination of slum and blight national objective, determining the extent of and physical conditions that contribute to blight is central to qualifying an activity.

There are three categories that can be used to qualify activities under this national objective:

- Prevent or eliminate slums and blight on an area basis;
- Prevent or eliminate slum and blight on a spot basis; or
- Be in an urban renewal area.

#### 3.3.1 Slum Blight Area Basis (SBA)

This category covers activities that aid in the prevention or elimination of slums or blight in a designated area. Examples of activities that qualify when they are located within the slum or blighted area include

- Rehabilitation of substandard housing located in a designated blighted area and where the housing is expected to be brought to standard condition;
- Infrastructure improvements in a deteriorated area; and
- Economic development assistance in the form of a low-interest loan to a business as an inducement to locate a branch store in a redeveloping blighted area.

To qualify under this category, the area in which the activity occurs must be designated as slum or blighted. The following tests apply:

The designated area in which the activity occurs must meet the definition of a slum, blighted, deteriorated or deteriorating area under state or local law;

Additionally, the area must meet either one of the two conditions specified below:

Public improvements throughout the area are in a general state of deterioration; or

At least 25 percent of the properties throughout the area exhibit one or more of the following:

Physical deterioration of buildings/improvements;

Abandonment of properties;

Chronic high occupancy turnover rates or chronic high vacancy rates in commercial or industrial buildings;

Significant declines in property values or abnormally low property values relative to other areas in the community; or

Known or suspected environmental contamination.

Documentation must be maintained by the grantee on the boundaries of the area and the conditions that qualified the area at the time of its designation. The designation of an area as slum or blighted must be re-determined every 10 years for continued qualifications.

As stated above, qualified activities must address the identified conditions that contributed to the slum and blight.

NOTE: When undertaking residential rehab in a slum/blight area, the building must be considered substandard under local definition and all deficiencies making the building substandard must be eliminated before less critical work is undertaken.

**TITLE 4. COUNTIES**  
**CHAPTER 9. COUNTY GOVERNMENT**

**SECTION 4-9-30.** Designation of powers under each alternative form of government except board of commissioners form. [SC ST SEC 4-9-30]

Under each of the alternate forms of government listed in § 4-9-20, except the board of commissioners form provided for in Article 11, each county government within the authority granted by the Constitution and subject to the general law of this State shall have the following enumerated powers which shall be exercised by the respective governing bodies thereof:

...(15) to undertake and carry out **slum** clearance and redevelopment work in areas which are predominantly **slum** or blighted, the preparation of such areas for reuse, and the sale or other disposition of such areas to private enterprise for private uses or to public bodies for public uses and to that end the General Assembly delegates to any county the right to exercise the power of eminent domain as to any property essential to the plan of **slum** clearance and redevelopment. Any county may acquire air rights or subsurface rights, both as hereinafter defined, by any means permitted by law for acquisition of real estate, including eminent domain, and may dispose of air rights and subsurface rights regardless of how or for what purpose acquired for public use by lease, mortgage, sale, or otherwise. Air rights shall mean estates, rights, and interests in the space above the surface of the ground or the surface of streets, roads, or rights-of-way including access, support, and other appurtenant rights required for the utilization thereof;...

# NEIGHBORHOOD PLANNING AREAS



## LEGEND

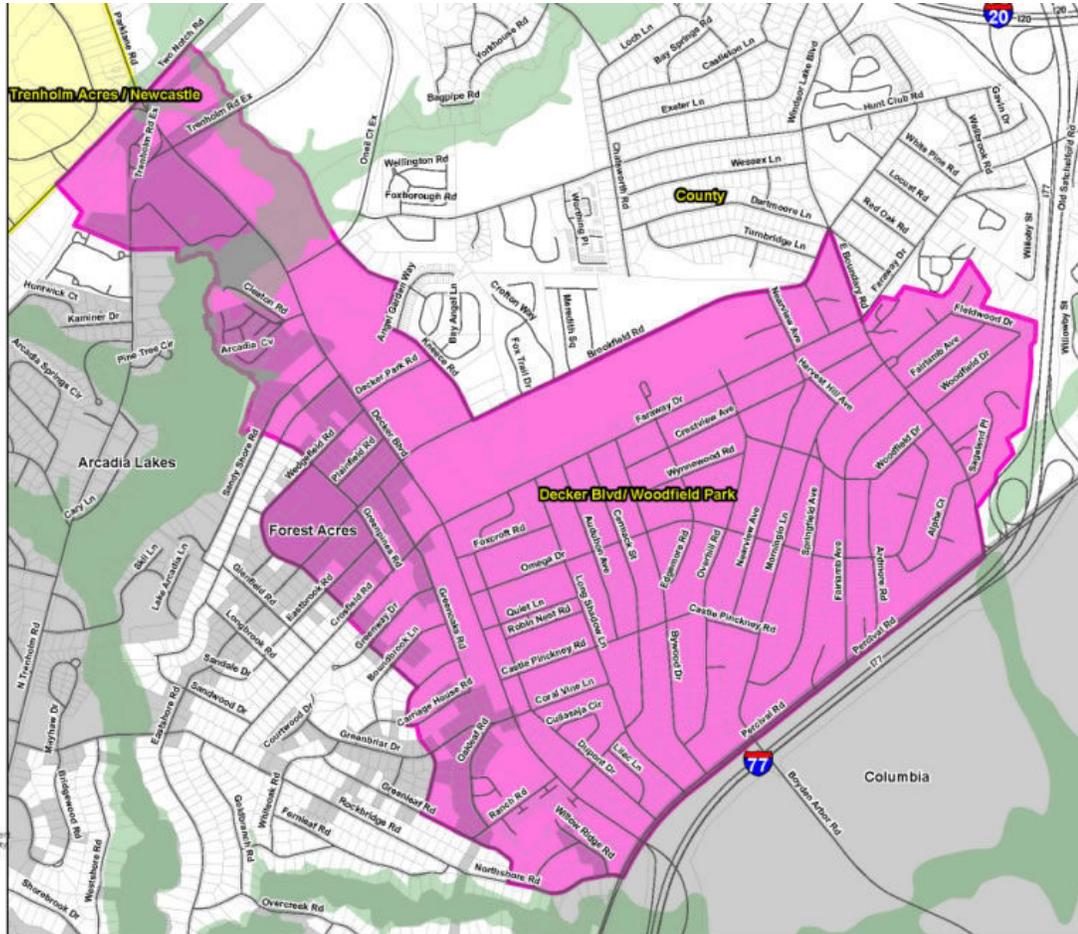
- Lakes
- Parcels
- FLOOD AREA
- Broad River Hgts/Riverview Ter
- Candlewood
- Crane Creek
- Decker Blvd/ Woodfield Park
- Dutch Square / Lower Broad River
- Hopkins / 29061
- Lower Richland / Garners Ferry Rd
- Piney Grove / St. Andrews
- Spring Hill
- Trenholm Acres / Newcastle



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

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 Planning Analysis - Streets Center GIS Manager 9/27/2020



# Richland County Council Request of Action

## **Subject**

Determining the County's true priority investment areas [ pages71-72]

## **Reviews**

## Richland County Council Request for Action

Subject: Determining the County's true priority investment areas

### **A. Purpose**

County Council is requested to consider a motion that directs staff to determine what the County's true priority investment areas should be and to update the current Comprehensive Plan with same.

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

On April 6, 2010, a motion was made by the Honorable Bill Malinowski, as follows:

“To have Council and staff determine what Richland County's true priority investment areas should be and to update the current land use plan by listing them.”

County Council forwarded this motion to the April D&S Committee for consideration and recommendation.

\* Note: This would amend the County's Comprehensive Plan, not the County's Land Development Code.

### **C. Financial Impact**

None.

### **D. Alternatives**

1. Direct staff to work with Council in determining what the County's true priority investment areas should be and then update the Comprehensive Plan by listing them.
2. Do not direct staff to work with Council in determining what the County's true priority investment areas should be.

### **E. Recommendation**

This request is at Council's discretion.

Recommended by: Honorable Bill Malinowski

Date: April 6, 2010

## **F. Approvals**

### **Finance**

Reviewed by: Daniel Driggers

Date: 4/15/10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: No recommendation

### **Legal**

Reviewed by: Larry Smith

Date: 4/15/10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council discretion

### **Administration**

Reviewed by: Sparty Hammett

Date: 4/15/10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: No recommendation – Council discretion.

# Richland County Council Request of Action

**Subject**

Eliminate the requirement of obtaining a building permit for roofing, siding, and replacement of windows and exterior doors [ pages 74-82]

**Reviews**

## Richland County Council Request for Action

Subject: Eliminating the requirement of obtaining a building permit for roofing, siding, and replacement of window & exterior doors.

### **A. Purpose**

County Council is requested to consider an Ordinance that would delete the requirement of obtaining a building permit for cosmetic or maintenance purposes.

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

On December 15, 2009, a motion was made by the Honorable Norman Jackson, as follows:

“I move that property owners should not be required to obtain permits for cosmetic or maintenance purposes, including replacing roofs, siding, windows, doors, painting, etc.”

The motion further stated, “The IRC was not specific and because it is not a structural problem, permits should not be required.”

County Council forwarded this motion to the January D&S Committee for consideration and recommendation.

A copy of the proposed ordinance is attached for Council’s consideration.

### **C. Financial Impact**

Loss of revenue for non-permitted work.

### **D. Alternatives**

1. Approve the ordinance eliminating building permits for cosmetic or maintenance purposes, including replacing roofs, sidings, windows, doors, painting, etc.
2. Do not approve the ordinance and continue with current requirements for no permit as allowed by the code for maintenance except where provided for building protection and life safety.

### **E. Recommendation**

This request is at Council’s discretion.

Recommended by: Honorable Norman Jackson

Date: December 15, 2009

## F. Approvals

### Finance

Reviewed by Daniel Driggers:

Date: 1/14/10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision at council's discretion. Based on section c there would be a loss of revenue but no amount is stated. Therefore I would recommend that a financial impact be developed based on prior year activity prior to finalizing a decision.

### Building and Inspections

Reviewed by: Donny Phipps

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

A list for exempt work that does not require a permit is already provided by the 2006 IRC, International Residential Code for maintenance items. Per this list, roofing, siding, windows or doors are not excluded from code compliance or inspection. These are a part of the code for protection of the structure's thermal envelope as well as protecting the framing and sheathing which are integral parts of the structure. Their proper installation is critical. Windows and doors are important components of the life, safety requirements of the Residential Building Codes. They are also vital in achieving compliance to the International Energy Conservation Code adopted by South Carolina. We are required by the State to inspect for compliance. To remove these items from permitting could cause a problem of customer service and protection, not only from the codes, but the department not being able to help the homeowner when contractors that are not licensed or qualified with Richland County or the State to perform the work we would not be able to hold them responsible. The requirement for permits, allows us to take action when one does not pull permits and/or when work is not performed in compliance with building codes. The requirements for installation to manufacture specifications are then left to that of the homeowner and that the work is in compliance with residential building codes. The IRC code has several chapters dedicated to roofing and siding installation. Windows and doors are covered under egress requirements for life safety and energy code requirements.

Richland County Department of Building Codes and Inspections is required to enforce code items for construction for the protection of property and life. Removing this requirement puts that responsibility back on the homeowner. Please keep the permitting process as it is to help protect the consumer.

Summarized below are the cosmetic, maintenance and etc. work that is exempt from permit requirements in the 2006 IRC or inspection, and to expand on this list is not needed.

- One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet.
- Fences not over 6 feet high.
- Retaining walls that are not over 4 feet in height.
- Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
- Sidewalks and driveways.
- Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
- Prefabricated swimming pools that are less than 24 inches deep.
- Swings and other playground equipment.
- Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.

- Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
- Portable heating, cooking or clothes drying appliances.
- Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
- Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.
- Portable heating appliances.
- Portable ventilation appliances.
- Portable cooling units.
- Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
- Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
- Portable evaporative coolers.
- Self-contained refrigeration systems containing 10 pounds or less of refrigerant or that are actuated by motors of 1 horsepower or less.
- Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.
- The stopping of leaks in drains, water, soil, waste or vent pipe.
- The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets.
- Ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.
- The installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is under the ownership and control of public service agencies by established right.

**Legal**

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council discretion

**Administration**

Reviewed by: Tony McDonald

Date: 1/20/10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: The existing list of exemptions from building permits is quite extensive, as is indicated above. It is recommended that this list not be expanded at this time due to the reasons clearly outlined by the County's Building Official.

AMENDED

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-10HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS; ARTICLE II, ADMINISTRATION; DIVISION 3, PERMITS, INSPECTION AND CERTIFICATE OF APPROVAL; SECTION 6-43, PERMITS REQUIRED/EXCEPTION; SO AS TO NOT REQUIRE PERMITS FOR COSMETIC OR MAINTENANCE PURPOSES AS LISTED BY THE 2006 INTERNATIONAL RESIDENTIAL CODE.

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

SECTION I. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article II, Administration; Division 3, Permits, Inspection and Certificate of Approval; Section 6-43; Permits Required/Exception; Subsection (a); is hereby amended to read as follows:

(a) No person shall construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure, or installation of electrical, gas, or plumbing equipment or other apparatus regulated by this chapter without first obtaining from the building official a separate permit for each such building, structure, or installation. One (1) copy of the required permit shall be forwarded to the county assessor within ten (10) days after issuance. A building, structure, or installation may contain one or more units. Provided, however, no permit shall be required to replace a window or door when such replacement does not affect the structural integrity of the structure and when the replacement work is done directly by the owner of the structure.

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

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

SECTION IV. Effective Date. This ordinance shall be enforced from and after \_\_\_\_\_, 2010.

RICHLAND COUNTY COUNCIL

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

ATTEST THIS THE \_\_\_\_ DAY  
OF \_\_\_\_\_, 2010

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

AMENDED

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

**From:** Donny Phipps  
**Sent:** Wednesday, January 27, 2010 9:30 AM  
**To:** Sparty Hammett  
**Cc:** Randy Cherry  
**Subject:** FW: work exempt from permits per 2006 IRC

[Information requested by D&S Committee:](#)

The following is a list of work that is exempt from permits per the 2006 International Residential Code, (IRC):

**R105.2 Work exempt from permit.**

Permits shall not be required for the following. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

**Building:**

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet (11.15 m<sup>2</sup>).
2. Fences not over 6 feet (1829 mm) high.
3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons (18 927 L) and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks and driveways.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
8. Swings and other playground equipment.
9. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support.

**Electrical:**

**Repairs and maintenance:** A permit shall not be required for minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

**Gas:**

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

**Mechanical:**

1. Portable heating appliances.
2. Portable ventilation appliances.
3. Portable cooling units.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

6. Portable evaporative coolers.
7. Self-contained refrigeration systems containing 10 pounds (4.54 kg) or less of refrigerant or that are actuated by motors of 1 horsepower (746 W) or less.
8. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

#### **R105.2.1 Emergency repairs.**

Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

#### **RI 05.2.2 Repairs.**

Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

2006 International Residential Code® for One- and Two-family Dwellings / Part I

#### **RI 05.2.3 Public service agencies.**

A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution, metering or other related equipment that is under the ownership and control of public service agencies by established right.

<u>Jurisdiction</u>	<u>Results</u>	<u>Building Official</u>	<u>Contact Info.</u>
<b>Anderson County</b>	Roofing	<b>No</b>	<b>Barry Holcombe</b>  <b>864 260 4158</b>
	Roofing (shingles only)	<b>No</b>	
	Roofing (shingles w/repair)	<b>No</b>	
	Door Replacements	<b>No</b>	
	Window Replacements	<b>No</b>	
	Vinyl Siding	<b>No</b>	
<b>Charleston County</b>	Roofing	<b>Yes*</b>	<b>Carl Simmons</b>  <b>843 202 6930</b>
	Roofing (shingles only)	<b>Yes*</b>	
	Roofing (shingles w/repair)	<b>Yes*</b>	
	Door Replacements	<b>Yes*</b>	
	Window Replacements	<b>Yes*</b>	
	Vinyl Siding	<b>Yes*</b>	
<b>*(permit price is based on project cost)</b>			
<b>City of Columbia</b>	Roofing	<b>Yes*</b>	<b>Jerry Thompson</b>  <b>803 545 3420</b>
	Roofing (shingles only)	<b>Yes*</b>	
	Roofing (shingles w/repair)	<b>Yes*</b>	
	Door Replacements	<b>Yes*</b>	
	Window Replacements	<b>Yes*</b>	
	Vinyl Siding	<b>Yes*</b>	
<b>*(permit price is based on project cost)</b>			
<b>Greenville County</b>	Roofing ( <i>flat fee \$45.00</i> )	<b>Yes</b>	<b>John McLeod</b>  <b>864 467 7060</b>
	Door Replacements	<b>No**^</b>	
	Window Replacements	<b>No**^</b>	
	Vinyl Siding	<b>No**^</b>	
	<b>*(unless wood needs replacing)</b>		
<b>^(permit price is based on project cost)</b>			
<b>Horry County</b>	Roofing	<b>Yes*</b>	<b>David Jacobs</b>  <b>843 915 5090</b>
	Roofing (shingles only)	<b>No</b>	
	Roofing (shingles w/repair)	<b>Yes*</b>	
	Door Replacements	<b>Yes*</b>	
	Window Replacements	<b>Yes*</b>	
	Vinyl Siding	<b>Yes*</b>	
<b>*(permit price is based on project cost)</b>			
<b>Lexington County</b>	Roofing	<b>No</b>	<b>Michael Moore</b>  <b>803 785 8130</b>
	Roofing (shingles only)	<b>No</b>	
	Roofing (shingles w/repair)	<b>No</b>	
	Door Replacements	<b>No</b>	
	Window Replacements	<b>No</b>	
	Vinyl Siding	<b>No</b>	
<b>Spartanburg Cty.</b>	Roofing	<b>Yes*</b>	<b>Mike Padgett</b>  <b>864 596 2656</b>
	Roofing (shingles only)	<b>No</b>	
	Roofing (shingles w/repair)	<b>Yes*</b>	
	Door Replacements	<b>No</b>	
	Window Replacements	<b>No</b>	
	Vinyl Siding	<b>No</b>	
<b>*(permit price is based on project cost)</b>			

**From:** Gary Wiggins [mailto:WIGGINSG@lrr.sc.gov]  
**Sent:** Tuesday, February 09, 2010 3:21 PM  
**To:** JOE WEBB  
**Subject:** RE: inspections question

Joe,

In my opinion, your opinion is correct. The types of permits issued and the type and number of inspections made on a project, however, are administrative in nature and governed at the local level. If you anticipate friction in the field, Donnie may want to have the permit and inspection of those systems included in the Building Inspection Department's Administrative Ordinance.

G.

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**From:** JOE WEBB [mailto:WEBB@rcgov.us]  
**Sent:** Tuesday, February 09, 2010 9:42 AM  
**To:** Gary Wiggins  
**Cc:** Sparty Hammett; Donny Phipps  
**Subject:** inspections question

Good morning, Mr. Wiggins. Donny asked me to write you with a question for your opinion regarding required inspections. Locally, there is a question as to inspection requirements for re-roofing, application of siding or replacement of siding, replacement of windows and doors. The inspections department is of the opinion these items would require a permit and inspection, as they are included in the 2006 International Residential Code. Since these items deal with protecting the structure from the elements, and in the case of windows and doors, may also involve the required exits and emergency exits, we believe they would need to be inspected for code compliance. Would you consider giving your opinion as to whether or not re-roofing, siding, windows and door replacement would require inspections? Thank you,

J. E. Webb, CBO  
Richland County  
Building Inspections  
Deputy Director /  
Building Official

# Richland County Council Request of Action

## **Subject**

Haynes Property Conservation Easement [pages 84-96]

## **Reviews**

# Richland County Council Request of Action

**Subject:** Haynes Property Conservation Easement

## **A. Purpose**

County Council is requested by the Conservation Commission to accept a conservation easement donation with fair compensation on 70 acres in Lower Richland County in order to protect valuable natural resources, wetlands, floodplains, water quality, and preserve valuable open space.

## **B. Background / Discussion**

Mr. C. W. Haynes, Columbia, SC 29204, has made a formal application to the Conservation Commission to help protect this valuable property for conservation purposes, natural resources, wildlife, and maintain the rural integrity of the landscape. This land is currently managed for forestry, wildlife, and scenic open space. The property is a critical segment of the Cabin Creek Watershed floodplain and buffer corridor. The property faces development pressures to be converted to high density home units. The property is located in County Council District #10 where extensive ecological areas are critical. Mr. Haynes would like to contribute to a new conservation image for the Hopkins community. We salute his donation and conservation values. The cemetery parcel is owned by a local church and not a part of this conservation agreement. The waste treatment area is owned by the landowner and is not part of the conservation easement area.

## **C. Financial Impact- Compensation \$70,000**

The Conservation Commission voted unanimously to make this easement request to County Council as a private donation for tax benefits and fair compensation. The Conservation Commission recommends \$1000 per acre of current year funds be used for easement acquisition. The landowner is donating a large percentage of the appraised easement value of which some may be captured by tax incentives. The land value based on a recent appraisal is \$350,000. We consider this agreement to be beneficial to both parties and it meets the goals of Richland County in a true volunteer partnership. The indirect benefits and cost to Richland County will be less storm water issues, improved water quality, and preserving floodplains, protecting wetlands, and wildlife habitat and gaining valuable green space.

## **D. Alternatives**

1. **Approve the request** to accept the conservation easement in perpetuity to protect valuable natural resources and preserve green space for all citizens. Accepting this easement benefits our communities and sets an example of volunteer partnership with landowners.
2. Do not approve will allow high density development, reduce green space, remove wildlife habitat, and change our rural landscape character forever.

**E. Recommendation**

***"It is recommended that Council approve the request to accept this conservation easement on 70 acres owned by C. W. Haynes.***

Recommended by:	Department:	Date:
Carol Kososki, Chair Jim Wilson, Program Manager	Conservation Commission Richland County	3-22-10

**F. Reviews**

(Please **SIGN** your name, ✓ the appropriate box, and support your recommendation before routing. Thank you!)

**Finance**

Reviewed by: Daniel Driggers	Date: 4/9/10
✓ Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation: Funds are available as stated	

**Legal**

Reviewed by: Larry Smith	Date: 4/9/10
✓ Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

**Administration**

Reviewed by: Sparty Hammett	Date: 4/9/10
✓ Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

## CONSERVATION EASEMENT

*THIS DEED OF CONSERVATION EASEMENT ("Easement") granted this\*\* day of April 2010, by C.W. Haynes ("Grantor"), having an address at, \_\_\_\_\_, Columbia, South Carolina, 29204, to Richland County, ("Grantee").*

### **WITNESSETH:**

*Grantor is the owner of 65 acres of certain real property in Richland County, South Carolina, more particularly described in Attachment A.*

*Grantee is a political subdivision of the State of South Carolina and meets the requirements meets the requirements of Section 509(a) (2) of the U.S. Internal Revenue Code Grantee is a "qualified organization," as such terms is defined in Section 170(h) (3) of the Code, and is qualified to hold conservation easements under the laws of the State of South Carolina.*

*Grantor wishes to convey to Grantee, for conservation purposes, a perpetual restriction on the uses that may be made of the Property.*

*The grant of this Easement will also serve the following "conservation purposes," as such term is defined in Section 170(h) (4) (A) of the Code:*

- . The preservation of open space for the scenic enjoyment of the general public.*
- . The preservation of vital and significant lands of ecological quality formed by the influence of Cabin Creek which feeds Congaree Swamp National Park, whose presence creates substantial habitat for wildlife, flora and fauna.*
- . Preservation of water quality by providing an undeveloped buffer to Cabin Creek, a major water courses of the South Carolina Midlands whose preservation is recommend and designated a top priority of the Richland County Conservation Commission.*
- . The furtherment of the South Carolina Conservation Easement Act, South Carolina Conservation Easement Act of 1991 – S.C.C.A. § 27-8-10 et seq. which authorizes the acquisition of conservation easements by local governments.*

*The current use of the Property and its current improvements are consistent with the conservation purposes of this Easement. The agricultural, natural habitat, scenic, open space, or water resources of the Property are collectively referred to herein as the "conservation values" of the Property.*

*The conservation values of the Property and its current use and state of improvement are described in a Present Condition Report (the "Report") prepared by Grantee with the cooperation of Grantor. Grantor and Grantee have copies of the Report, and acknowledge that the Report is accurate as of the date of this Easement. The Report may be used by Grantee to establish that a change in the use or character of the Property has occurred, but its existence shall not preclude the use by Grantee of other evidence to establish the condition of the Property as of the date of this Easement.*

*Grantor intends that the conservation values of the Property be preserved and maintained, and Grantor intends to convey to Grantee the right to preserve and protect the conservation values of the Property in perpetuity.*

*THEREFORE, in consideration of One (1) dollar and no cents and other good and valuable consideration, receipt of which is hereby acknowledged, pursuant to Section 170(h) of the Code and section 27-8-10 et seq. of South Carolina Code of Laws of 1976, as amended; Grantor does hereby voluntarily grant and convey unto the Grantee, a preservation and conservation easement in gross in perpetuity over the Protected Property, owned by the Grantor, and more particularly described in Attachment A.:*

### ***1. Grant of Conservation Easement***

*Grantor hereby voluntarily grants and conveys to Grantee, and Grantee hereby voluntarily accepts, a perpetual Conservation Easement, an immediately vested interest in real property defined by the South Carolina Conservation Easement Act of 1991 of the nature and character described herein. Grantor will neither perform, nor knowingly allow others to perform, any act on or affecting the Property that is inconsistent with the covenants contained herein. Grantor authorizes Grantee to enforce these covenants in the manner described below.*

### ***2. Statement of Purpose***

*The primary purpose of this Easement is to enable the Property to remain in traditional use by preserving and protecting its rural nature and other conservation features. No activity, which significantly impairs the conservation purpose of the Property, shall be permitted. To the extent that the preservation and protection of the natural, historic, recreational, habitat or scenic values referenced in this Easement is consistent with the primary purpose stated above, it is also the purpose of this Easement to protect those values, and no activity which shall significantly impair those values shall be permitted.*

### ***3. Rights and Responsibilities Retained by Grantor***

*Notwithstanding any provisions of this Easement to the contrary, Grantor reserves all customary rights and privileges of ownership, including the rights to sell and lease the Property, as well as any other rights consistent with the conservation values of the Property and not specifically prohibited or limited by this Easement. Unless otherwise specified below, nothing in this Easement shall require Grantor to take any action to restore the condition of the Property after any Act of God or other event over which Grantor had no control. Nothing in this Easement relieves Grantor of any obligation in respect to the Property or restriction in the use of the Property imposed by law.*

#### **4. Right to Privacy**

*Grantor has customarily allowed for public access to the property by educational and conservation minded groups. Grantor intends to continue to make the property accessible but retains the right to structure such access and the right to exclude any member of the public from trespassing on the Property.*

#### **5. Permission of Grantee**

*Where Grantor is required to obtain Grantee's permission or approval for a proposed action hereunder, said permission or approval (a) shall not be unreasonably delayed by Grantee, (b) shall be sought and given in writing, and (c) shall in all cases be obtained by Grantor prior to Grantor's taking the proposed action. Grantee shall grant permission or approval to Grantor only where Grantee, acting in Grantee's sole reasonable discretion and in good faith, determines that the proposed action will not substantially diminish or impair the conservation values of the Property. Grantee shall not be liable for any failure to grant permission or approval to Grantor hereunder.*

#### **6. Procedure to Construct Building and Other Improvements**

*Except as otherwise provided herein, Grantor may undertake construction, reconstruction, or other improvement of the Property only as provided below. Grantor shall advise Grantee prior to undertaking any construction, reconstruction, or other improvement of recreational structures on the Property as permitted herein, so as to enable Grantee to keep its record current.*

*A) Fences – Existing fences may be repaired and replaced, and new fences may be built on the Property for purposes of reasonable and customary management of livestock and wildlife, privacy or land protection.*

*B) New Ancillary Structures & Improvements – One (1) ancillary gazebo like structure to be used exclusively for recreational purposes may be built on the Property with the permission of the Grantee.*

*C) New Residential Housing – There may be three new residential dwellings constructed on the Property and the location surveyed at a later time with Commission approval.*

*D) Recreational Improvements – Low impact environmentally sensitive recreational improvements such as trails and water access points may be built with the permission of Grantee. Under no circumstances shall athletic fields, golf courses or ranges, commercial airstrips or commercial helicopter pads be constructed on the Property.*

*G) Utility Services and Septic Systems – Wires, lines, pipes, cables or other facilities providing electrical, gas, water, sewer, communications, or other utility services are permitted, provided that such utilities are providing services to improvements allowed by this easement. The existing waste water treatment facility located on this parcel for Franklin Park is platted separately and not a part of the conservation easement.*

## **7. Maintenance and Improvement of Water Sources**

*Grantor shall not significantly impair or disturb the natural course of the surface water drainage or runoff flowing over the Property. Grantor may alter the natural flow of water over the Property in order to improve drainage or agricultural soils, reduce soil erosion, or improve the agricultural or forest management potential of the Property, provided such alteration is consistent with the conservation purposes of this Easement and is carried out in accordance with law. The construction of one (1) pond shall be permitted with the permission of the Grantee.*

## **8. Water Rights**

*Grantor retains and reserves the right to use any appurtenant water rights sufficient to maintain the agricultural productivity of the Property. Grantor shall not transfer, encumber, lease, sell or otherwise sever such water rights from title to the Property itself.*

## **9. Subdivision**

*The Property is currently comprised of the parcel shown on Attachment A, which is all contained on one tax map. Subdivision of the Property, recording of a subdivision plan, partition of the Property, or any other attempt to divide the Property into two or more legal parcels is prohibited*

## **10. Conservation Practices**

*All agricultural or timbering operations on the Property shall be conducted in a manner consistent with a conservation plan prepared by the U.S. Department of Agriculture, Natural Resources Conservation Service, or its successor, or by a qualified conservation professional approved by Grantee. This plan shall be updated periodically, and in any event any time the basic type of agricultural operation on the Property changes or ownership of the Property changes. All agricultural operations shall be conducted in accordance with applicable law.*

## **11. Application of Waste Materials**

*The land application, storage and placement on the Property of domestic septic effluent and municipal, commercial or industrial sewage sludge or liquid generated from such sources for agricultural purposes is prohibited.*

## **12. Forest Management**

*There shall be no commercial timbering of the property. Trees may be removed, cut and otherwise managed to control insects and disease, to prevent personal injury and property damage only, provided that the cutting, removal or harvesting of trees is in accordance with either the conservation plan referenced in Paragraph 10 above or a forest management plan prepared by a qualified professional forester.*

### **13. Mining**

*Exploration for, or development and extraction of, minerals and hydrocarbons from the Property by any method are prohibited.*

### **14. Paving and Road Construction**

*Construction and maintenance of one unpaved road that may be reasonably necessary and incidental to carrying out the improvements and uses permitted on the Property by this Easement is permitted. No portion of the Property shall be paved or otherwise covered with concrete, asphalt, or any other impervious paving material.*

### **15. Hazardous Waste**

*No waste, or radioactive or hazardous waste, shall be placed, stored, dumped, buried, or permitted to remain on the Property.*

### **16. Ongoing Responsibilities of Grantor and Grantee**

*Other than as specified herein, this Easement is not intended to impose any legal or other responsibility on Grantee, or in any other way affect any obligations of Grantor as owner of the Property, including but not limited to, the following:*

*(a) Taxes – Grantor shall be solely responsibility for payment of all taxes and assessments levied against the Property. If Grantee is ever required to pay any taxes or assessments on its interest in the Property, Grantor will reimburse Grantee for the same.*

*(b) Upkeep and Maintenance – Grantor shall be solely responsible for the upkeep and maintenance of the Property, to the extent required by law. Grantee shall have no obligation for the upkeep or maintenance of the Property.*

*(c) Liability and Indemnification – Grantor shall indemnify Grantee against, and hold Grantee harmless from, any and all loss, cost, claim, liability, or expense (including reasonable attorneys' fee) arising from or with respect to the Property, unless due to the gross negligence or willful misconduct of Grantee.*

### **17. Extinguishment of Development Rights**

*Except as otherwise reserved to the Grantor in this Easement, all development rights appurtenant to the Property are hereby released, terminated and extinguished, and may not be used on or transferred to any portion of the Property as it now or hereafter may be bounded or described, or to any other property adjacent or otherwise, or used for the purpose of calculating permissible lot yield of the Property or any other property.*

## **18. Enforcement**

*Grantee shall have the right to enter upon the Property upon reasonable advance notice to Grantor for the purpose of inspecting for compliance with the terms of this Easement. If Grantee determines that a violation of this Easement has occurred, Grantee shall so notify Grantor, giving Grantor thirty (30) days to cure the violation*

*Notwithstanding the foregoing, where Grantee in Grantee's sole discretion determines that an ongoing or threatened violation could irreversibly diminish or impair the conservation values of the Property, Grantee may bring an action to enjoin the violation, ex parte if necessary, through temporary or permanent injunction.*

*In addition to injunctive relief, Grantee shall be entitled to seek the following remedies in the event of a violation:*

*(a) money damages, including damages for loss of the conservation values protected by this Easement; and*

*(b) Restoration of the Property to its condition existing prior to such violation*

*Said remedies shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity. In any case where a court finds that a violation has occurred, Grantor shall reimburse Grantee for all its expenses incurred in stopping and correcting the violation, including, but not limiting to, reasonable attorneys' fees. The failure of Grantee to discover a violation or to take immediate legal action shall not bar Grantee from doing so at a later time. In any case where a court finds no violation has occurred, each party shall bear its own costs.*

## **19. Transfer of Easement**

*Grantee shall have the right to transfer this Easement to any public agency or private nonprofit organization that, at the time of transfer, is a "qualified organization" under Section 170(h) of the Code and under the S.C. Conservation Easement of 1991, provided the transferee expressly agrees to assume the responsibility imposed on Grantor by this Easement.*

## **20. Transfer of Property**

*Grantor agrees to incorporate by reference the terms of this Easement in any deed or other legal instrument by which it transfers or divests itself of any interest, including, without limitation, a leasehold interest, in all or a portion of the Property. Grantor shall notify Grantee in writing at least thirty (30) days before conveying the Property, or any part thereof or interest therein, to any third party. Failure of Grantor to do so shall not impair the validity of this Easement or limit its enforceability in any way.*

## **21. Amendment of Easement**

*This Easement may be amended only with the written consent of Grantor and Grantee. Any such amendment shall be consistent with the Statement of Purpose of this Easement and with Grantee's easement amendment policies, and shall comply with Section 170(h) of the Code or any regulations promulgated in accordance with that section. Any such amendment shall also be consistent with all applicable state statutes or any regulations promulgated pursuant to that law. Any such amendment shall be duly recorded.*

## **22. Extinguishment**

*If this Easement is extinguished by judicial proceeding, Grantee shall be entitled to a portion of the proceeds from any subsequent sale or other disposition of the Property, calculated in accordance with Paragraph 23 below. Grantee shall use its portion of said proceeds in a manner consistent with the general conservation purposes of this Easement.*

## **23. Proceeds**

*The grant of this Easement gives rise to a property right, immediately vested in Grantee which, for purposes of calculating proceeds from a sale or other disposition of the Property as contemplated under Paragraph 22 above, shall have a value equal to a percentage (the "Proportionate Share") of the value of the Property unencumbered by this Easement. The Proportionate Share shall be determined by dividing the value of this Easement, calculated as of the date hereof, by the unencumbered value of the Property, also calculated as of the date hereof. The Proportionate Share shall remain constant.*

*Unless state law provides otherwise, if this Easement is terminated and the Property is subsequently sold, exchanged, or taken in condemnation then, as required by Treas. Reg. Sec. 1.170A-14(g)(6), Grantee shall be entitled to a portion of the proceeds from the sale, exchange or condemnation equal to the Proportionate Share.*

*All expenses related to the termination of this Easement shall be paid out of any recovered proceeds prior to distribution of the net proceeds as provided above.*

## **24. Interpretation**

*This Easement shall be interpreted under the laws of the State of South Carolina, resolving any ambiguities and questions of the validity of specific provisions so as to give maximum effect to its conservation purposes.*

## **25. Successors**

*Every provision of this Easement that applies to Grantor and Grantee shall also apply to their respective agents, heirs, executors, administrators, assigns, and other successors in interest.*

## **26. Severability**

*Invalidity of any of the covenants, terms or conditions of this Easement, or any part thereof, by court order or judgment shall in no way affect the validity of any of the other provisions hereof which shall remain in full force and effect.*

## **27. Notices**

*Any notices required by this Easement shall in writing and shall be personally delivered or sent by first class mail, to Grantor and Grantee respectively at the following addresses or such other addresses as the parties may designate by notice:*

*To Grantor:  
C.W. Haynes*

*Columbia, SC 29045*

*To Grantee:  
Richland County Conservation Commission  
P.O. Box 192  
Columbia, SC 29202*

## **28. Grantor's Title Warranty**

*Grantor warrants that it has good and sufficient title to the Property, free from all encumbrances and hereby promises to defend the same against all claims that may be made against it.*

## **29. Subsequent Liens on Property**

*No provisions of this Easement should be construed as impairing the ability of Grantor to use this Property as collateral for subsequent borrowing, provided however, that all subsequent liens shall be subservient to the conditions of this easement.*

## **30. Subsequent Encumbrances**

*The grant of any easements or use restrictions that might diminish or impair the agricultural viability or productivity of the Property or otherwise impair the conservation values of the Property is prohibited, except with the permission of Grantee.*

## **31. Grantor's Environmental Warranty**

*Grantor warrants that it has no actual knowledge of release or threatened release of hazardous substances or wastes on the Property, as such substances and wastes are defined by applicable law, and hereby promises to indemnify Grantee against, and hold Grantee harmless from, any and all loss, cost, claim, liability or expense (including reasonable attorney's fees) arising from or with respect to any release of hazardous waste or violation of environmental laws.*

## **32. Perpetuation of Easement**

*Except as expressly otherwise provided herein, this Easement shall be of perpetual duration, and no merger of title, estate or interest shall be deemed effected by any previous, contemporaneous, or subsequent deed, grant, or assignment of an interest or estate in the Property, or any portion thereof, to Grantee, it being the express intent of the parties that this Easement not be extinguished by, or merged into, any other interest or estate in the Property now or hereafter held by Grantee.*

**33. Acceptance**

*As attested by the Seal of Richland County and the signature of its Chairman affixed hereto, Grantee hereby accepts the rights and responsibilities conveyed by this Easement.*

*TO HAVE AND TO HOLD this Deed of Conservation Easement unto Grantee, its successors and assigns, forever.*

*IN WITNESS WHEREOF, Grantor and Grantee, intending to be legally bound hereby, have hereunto set their hands on the date first above written.*

*Witness:*

*Grantor:*

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

\_\_\_\_\_  
*C.W. Haynes*

*Grantee:*

*Witness:*

*Richland County*

\_\_\_\_\_

*By* \_\_\_\_\_

*Chairman, County Council*

*Acknowledgments*

*County of Richland  
State of South Carolina,*

*Personally appeared before me \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 2009, and acknowledged that all material statements of fact in the foregoing Deed of Conservation Easement are true to the best of his/her knowledge and belief, and that the execution of said Deed of Conservation Easement is his/her free act and deed.*

\_\_\_\_\_  
*Notary Public (SEAL)  
My commission expires:*

*Acknowledgments*

*County of Richland)*

*State of South Carolina,*

*Personally appeared before me \_\_\_\_\_ on this \_\_\_\_\_ day of \_\_\_\_\_, 2007,  
and acknowledged that all material statements of fact in fact in the foregoing Deed of Conservation  
Easement are true to the of his/her knowledge and belief, and that the execution of said Deed is  
his/her free act and deed.*

\_\_\_\_\_  
*Notary Public (SEAL)*

*My commission expires:*

*Notary Public*

*(SEAL)*

*My commission expires:*

*ATTACHMENT A.  
PROPERTY DESCRIPTION*



# Richland County Council Request of Action

## **Subject**

Laurelwood Plantation Historic Preservation Acquisition [ pages 98-101]

## **Reviews**

## **Richland County Council Request of Action**

**Subject:** Laurelwood Plantation Historic Preservation Acquisition

### **A. Purpose**

County Council is requested by the Conservation Commission to accept a historic and conservation easement acquisition of Laurelwood Plantation on 28 acres in Lower Richland County in order to protect valuable cultural and historic resource, and preserve valuable open space for conservation in partnership with the Palmetto Trust for Historic Preservation.

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

The Palmetto Trust for Historic Preservation has made a formal application to the Conservation Commission to help protect this valuable property for historic purposes, preserve natural resources, and maintain the rural integrity of the landscape. The historic plantation home is on the national register and is currently vacant. Built in the Greek Revival mode with a two-story, pedimented portico featuring paneled piers, the house is said to have been constructed ca. 1830 by James H. Seay, a wealthy cotton, corn, and rice planter. This land is currently managed for forestry, wildlife, and scenic open space. The property faces development pressures to be converted to residential home units. The property is located in County Council District #10 and #11 where several historic structures are owned by private citizens, but are not protected for preservation. The Marye family would like to see the homeplace protected as a historic site in Lower Richland. We salute their donation and legacy values.

### **C. Financial Impact- Compensation \$40,000**

The Conservation Commission voted unanimously to make this acquisition request to County Council in partnership with the Palmetto Trust for Historic Preservation who will pay \$60,000 acquisition cost and \$20,000 restoration cost to stabilize the structure. The Conservation Commission will pay \$40,000 acquisition in a partnership agreement from the current year budget. The landowner is donating a large percentage of the appraised value of which some may be captured by tax incentives. The value based on a recent appraisal is \$300,000. We consider this agreement to be beneficial to both parties and it meets the goals of Richland County in a true volunteer partnership. The indirect benefits and cost to Richland County will be preservation of a valuable historic treasure, less storm water issues, improved water quality and wildlife habitat, and gaining valuable green space.

### **D. Alternatives**

1. **Approve the request** to accept the historic acquisition of Laurelwood Plantation property in perpetuity and protect valuable natural resources and preserve green space for all citizens. Accepting this easement benefits our communities and sets an example of volunteer partnership with landowners and organizations.

2. Do not approve will allow the historic plantation home to be destroyed, encourage high density development, reduce green space, remove wildlife habitat, and change our rural landscape character forever.

**E. Recommendation**

***"It is recommended that County Council approve the request of acquisition of Laurelwood Plantation on 28 acres owned by Sarah Marye Family in partnership with Palmetto Trust and Conservation Commission.***

Recommended by:	Department:	Date:
Carol Kososki, Chair Jim Wilson, Program Manager	Conservation Commission Richland County	3-22-10

**F. Reviews**

(Please **SIGN** your name, ✓ the appropriate box, and support your recommendation before routing. Thank you!)

**Finance**

Reviewed by Daniel Driggers:	Date: 4/09/10
✓ Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation: Funds are available as stated	

**Legal**

Reviewed by: Larry Smith	Date: 4/09/10
<input type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation: No recommendation: It is a policy decision of Council. However, I would recommend that prior to Council making a decision that there be a review of the Partnership Agreement that is proposed between the County and the Palmetto Trust and Conservation Commission so that the Council can assess what their obligations are under the agreement.	

**Administration**

Reviewed by: Sparty Hammett	Date: 4/9/10
✓ Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	



*The Palmetto Trust for Historic Preservation*

March 17, 2010

**Board of Directors**

*President*  
James Bradford  
*York*

*Vice President*  
Ned Nicholson  
*Columbia*

*Treasurer*  
Fred Delk  
*Columbia*

*Secretary*  
Sarah Davis  
*Camden*

Agnes Willcox  
*Florence*

Ernest Helms, III  
*Society Hill*

Cynthia Cole Jenkins  
*Charleston*

Donald Love  
*Spartanburg*

Peden McLeod  
*Walterboro*

Susan McMillan  
*Conway*

Mack Whittle  
*Greenville*

Brett Wright  
*Clemson*

Mr. Jim Wilson  
Program Manager  
Richland County Conservation Commission  
2020 Hampton Street Room 3063A  
Columbia, SC 29202

Re: Laurelwood Plantation

Dear Mr Wilson

As you are aware, PTHP and RCCC has been discussing the oportunities in working together to bring about the purchase of the Laurelwood Plantation home located at 200 Campbell Road in Eastover as well as a portion of the surrounding land that would protect the access to the home as well as the aesthetic integrity of this very historic site. The public would have permitted access in the preservation agreement with PTHP.

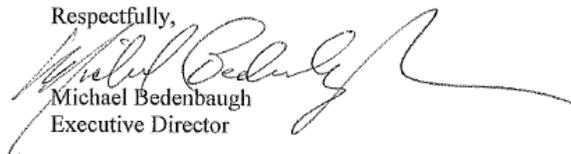
After 18 months of negotiations, the family has agreed to accept \$100,000.00 for the house and 28 Ac. including Laurelwood Lane, and an additional 200' buffer strip along Campbell Road.

The Palmetto Trust for Historic Preservation is prepared to pay \$60,000 for the property.

We respectfully request \$40,000 from RCCC in order to acquire this valuable piece of historic property. PTHP will stabilize the roof and immediately place the property under easement to ensure that the structure will never again be vulnerable to loss by the neglect of future owners again. Funds will not be requested for restoration in the future from RCCC.

It is one of the last antebellum homes in eastern Richland County and its loss would be tragic. As always, we look forward to furthering our organizations mutual goals and working together to ensure Richland County does not lose any more of its irreplaceable architectural heritage.

Respectfully,

  
Michael Bedenbaugh  
Executive Director

cc: Jim Bradford, President PTHP

*Dedicated to protecting and preserving  
South Carolina's irreplaceable architectural heritage*

www.PalmettoTrust.org • oldhouse@palmettotrust.org • 803-896-6234 • 8301 Parklane Road • Columbia, SC 29223

Item# 14

Attachment number 1  
Page 3 of 4



# Richland County Council Request of Action

**Subject**

Memorandum of Understanding between Richland County and Richland County Transportation Committee to Pool Funds for Dirt Road Paving [ pages 103-104]

**Reviews**

## Richland County Council Request of Action

**Subject:** MOU between Richland County and Richland County Transportation Committee to Pool Funds for Dirt Road Paving

**A. Purpose**

Council is requested to consider the motion made at the March 16, 2010 Council Meeting, and direct staff as appropriate.

**B. Background / Discussion**

The following motion was made at the March 16, 2010 Council Meeting by Councilman Jackson:

**Richland County and Richland County Transportation Committee develop an MOU to pool future allocations for program funds and process for dirt road paving projects.**

It is at this time that staff is requesting direction from Council with regards to this motion.

**C. Financial Impact**

There is no financial impact associated with this request at this time, as further information and direction from Council will need to be obtained before a financial impact can be determined.

**D. Alternatives**

1. Approve the motion and direct staff as appropriate.
  
2. Do not approve the motion.

**E. Recommendation**

Council discretion.

**F. Reviews**

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

**Finance**

Reviewed by: Daniel Driggers

Date:

Recommend Approval

Recommend Denial

No Recommendation

Comments:

**Legal**

Reviewed by: Larry Smith

Date:

Recommend Approval

Recommend Denial

No Recommendation

Comments: Council discretion

**Administration**

Reviewed by: Sparty Hammett

Date:

Recommend Approval

Recommend Denial

No Recommendation

Comments: Council discretion.

# Richland County Council Request of Action

**Subject**

Ensure that any negotiations with the Fire Department, City and County, make it a priority to keep ISO ratings and is in the best interest of the citizens and Firefighter Safety [ page 106]

**Reviews**

Motion: Ensure that any negotiations with the Fire Departments, City and County, make a priority to keep ISO ratings and is in the best interest of the citizens and fire fighter safety.

# Richland County Council Request of Action

**Subject**

Review all Engineering and Architectural Drawing requirements to make sure there is no unnecessary charge or expense to citizens [ pages 108-111]

**Reviews**



## RICHLAND COUNTY

Department of Public Works

C. Laney Talbert Center

400 Powell Road

Columbia, South Carolina 29203

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

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



### MEMO

To: Sparty Hammett, Assistant County Administrator

From: David Hoops, Director

Re: Review of Engineering and Architectural Requirements for Submittals to Public Works

Date: February 17, 2010

The following are requirements for site plan/land disturbance permit applications to Public Works. The red type indicates where our requirements are dictated by other entities, such as DHEC, EPA or SCDOT. Most documents are required under the general National Pollutant Discharge Elimination System (NPDES) Permit that has been issued to Richland County. We could reduce the number of plans submitted to Public Works for small projects to one (1) full size copy. Also, for small projects where only structures are being erected, we could limit our submittal to the Notice of Intent (NOI) (as required by SCDHEC) and not require any plans submitted to Public Works. It is very difficult to generalize this reduction in plan submittals or describe the conditions when it may apply. I believe it would have to be applied by the plan reviewer on a project by project basis.

#### **Required Plan and Calculations submittals for Public Works NPDES Approval**

##### **Projects (0 -1 acre)**

- **Required by Richland County**
  1. **2 - Full-Size Complete Sets of Engineering Drawings 24" x 36"**
  2. **1 - Reduced Complete Set of Engineering Drawings 11" x 17"**
- **Required by others**
  3. **Notice of Intent Form (DHEC)** *Does not have to be prepared by a P.E. {2-Page Standard DHEC Form}*
  4. **Copy of the Richland County Plan Review Checklist** *{7-Page Standard Form that's required by SCDHEC to show what is applicable and not applicable to your project}*

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Page 1 of 3

5. **Permanent Storm Water Maintenance Agreement** *[If Applicable]{1-Page Standard DHEC Form}*
6. **Project Narrative** *{1-Page Requirement}*
7. **Copy of SCDOT Encroachment Permit Application** *[If Applicable]{ Standard SCDOT Form, required by SCDOT if tying into their road system}*
8. **Drainage Calculations** *[If Applicable] {Supporting Technical Documentation}*
9. **Storm Water Pollution Prevention Plan (Level 1)** *{Plan or Manual Format, Required by EPA}*

### **Projects (1-10 acres)**

- **Required by Richland County**
  1. **2 - Full-Size Complete Sets of Engineering Drawings** 24" x 36"
  2. **1 - Reduced Complete Set of Engineering Drawings** 11" x 17"
- **Required by others**
  3. **Notice of Intent Form (DHEC)** *(Has to be prepared by a P.E) .{2-Page Standard DHEC Form}*
  4. **Copy of the Richland County Plan Review Checklist** *{7-Page Standard Form that's required by SCDHEC to show what is applicable and not applicable to your project}*
  5. **Permanent Storm Water Maintenance Agreement** *1-Page Standard DHEC Form}*
  6. **Project Narrative** *{1-Page Requirement}*
  7. **Copy of SCDOT Encroachment Permit Application** *[If Applicable]{ Standard SCDOT Form, required by SCDOT if tying into their road system}*
  8. **Drainage Calculations** *{Supporting Technical Documentation}*
  9. **Storm Water Pollution Prevention Plan (Level 2)** *{Manual Format, Required by EPA}*

### **Projects (10+ acres)**

- **Required by Richland County**
  1. **2 - Full-Size Complete Sets of Engineering Drawings** 24" x 36"
  2. **1 - Reduced Complete Set of Engineering Drawings** 11" x 17"
- **Required by others**
  3. **Notice of Intent Form (DHEC)** *(Has to be prepared by a P.E) .{2-Page Standard DHEC Form}*
  4. **Copy of the Richland County Plan Review Checklist** *{7-Page Standard Form that's required by SCDHEC to show what is applicable and not applicable to your project}*

5. **Permanent Storm Water Maintenance Agreement***{1-Page Standard DHEC Form}*
6. **Project Narrative** *{1-Page Requirement}*
7. **Copy of SCDOT Encroachment Permit Application** *[If Applicable] { Standard SCDOT Form, required by SCDOT if tying into their road system}*
8. **Drainage Calculations** *{Supporting Technical Documentation}*
9. **Storm Water Pollution Prevention Plan (Level 2)** *{Manual Format, Required by EPA}*

## **Memo**

**To: Sparty Hammett, Assistant County Administrator**  
**CC: Anna Almeida, Deputy Planning Director**  
**From: Geonard H. Price, Zoning Administrator**  
**Date: 16 February 2010**  
**Re: Architectural and Engineering Requirements**

---

The request to determine unnecessary fees is targeted primarily towards land development permits. Staff has determined the fee structure associated with plan submittals should remain as is.

The major cost to applicants comes from the requirement of having plans prepared by a professional (i.e., engineer, surveyor, or architect). The Land Development Code (LDC) provides that minor land development plans must be drawn to scale, but are not required to be prepared by a professional. The determination that the plans must be professionally prepared would come from another department (such as Public Works).

As for major land developments, the plans are required by the LDC to be professionally prepared. It is staff's contention that due to the complex nature of the projects that would fall under this category, professional preparation of plans is required.

# Richland County Council Request of Action

## **Subject**

Sease Road [ pages 113-116]

## **Reviews**



**RICHLAND COUNTY**

**Department of Public Works**

**C. Laney Talbert Center**

**400 Powell Road**

**Columbia, South Carolina 29203**

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

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



**MEMO**

To: Sparty Hammett, Assistant County Administrator  
Fr: PW Director David Hoops  
Re: Sease Road extension/improvement project update

Date: April 15, 2010

The result of several meetings with the Town of Irmo was the town's proposal to take responsibility for the improvements necessary on Broad River Road (March 3, 2010 letter). This leaves Richland County responsible for the Sease Road improvements including construction of a railroad crossing. To have the most accurate information possible I have requested updated cost estimates from our consultant and from CSX. Attached please find the revised preliminary cost estimate for the roadway construction. The railroad crossing estimate has not been received at this time. It was requested of CSX on March 8, 2010 at which time they stated it would take at least one month to prepare. In a conversation with CSX they stated they would expect the cost estimate (2005) would increase by at least 10%.

Estimated Project Cost:

Right of way (paid)	\$ 28,289
Engineering (paid)	\$ 25,744
Engineering (to complete)	\$ 18,985
Sease Road Construction	\$ 298,638
CSX Crossing ( <b>2005 cost</b> )	\$ 207,704
10% CSX increase	\$ 20,770
Contingencies (10% of const.)	<u>\$ 50,634</u>
<b>Total Estimated Project Cost</b>	<b>\$ 650,764</b>

**Quantity Estimates**  
**RICHLAND COUNTY SEASE ROAD**  
**BASED ON PRELIMINARY CONSTRUCTION - 3/12/2010**

12-Mar-10

**File or Pin Number**

\_\_\_\_\_

**Total Contract Amount**

**\$298,638.00**

**Length of project in Miles or km:**

0.626

**Units of Measurement in (English or Metric):**

English

This is a Preliminary study to estimate the cost for the Sease Road Project ONLY (does not include US 76/176)

<b>Bams Number</b>	<b>Description</b>	<b>FINAL PLAN QUANTITY</b>	<b>Unit</b>	<b>Price</b>	<b>Amount</b>
1031000	MOBILIZATION	1.000	LS	\$8,000.00	\$8,000.00
1050800	CONSTRUCTION STAKES, LINES & GRADES	1.000	EA	\$5,000.00	\$5,000.00
1071000	TRAFFIC CONTROL	1.000	LS	\$3,000.00	\$3,000.00
2012000	CLEARING & GRUBBING WITHIN ROADWAY	1.000	LS	\$15,000.00	\$15,000.00
2024100	REMOVAL & DISPOSAL OF EXISTING CURB	110.000	LF	\$12.00	\$1,320.00
2031000	UNCLASSIFIED EXCAVATION	1563.000	CY	\$6.00	\$9,378.00
2033000	BORROW EXCAVATION	4385.000	CY	\$8.00	\$35,080.00
2081001	FINE GRADING	5100.000	SY	\$1.50	\$7,650.00
2103000	FLOWABLE FILL	10.000	CY	\$120.00	\$1,200.00
3050106	GRADED AGGREGATE BASE COURSE (6" UNIFORM)	5550.000	SY	\$7.50	\$41,625.00
3069900	MAINTENANCE STONE	50.000	TON	\$35.00	\$1,750.00
4011004	LIQUID ASPHALT BINDER PG64-22	20.000	TON	\$475.00	\$9,500.00
4013990	MILLING EXISTING ASPHALT PAVEMENT (VARIABLE)	20.000	SY	\$3.00	\$60.00
4020320	HOT MIX ASPHALT INTERMEDIATE COURSE TYPE B	520.000	TON	\$55.00	\$28,600.00
4030320	HOT MIX ASPHALT SURFACE COURSE TYPE B	400.000	TON	\$54.00	\$21,600.00
6041200	BARRICADE - TYPE 3	36.000	LF	\$35.00	\$1,260.00
6051120	PERMANENT CONSTRUCTION SIGNS (GROUND MOUNTED)	392.000	SF	\$7.50	\$2,940.00
6250005	4" WHITE BROKEN LINES -(GAPS EXCLUDED)-FAST DRY PAINT	120.000	LF	\$0.35	\$42.00
6250025	24" WHITE SOLID LINES (STOP/DIAGONAL LINES)-FAST DRY PAINT	70.000	LF	\$6.00	\$420.00
6250030	WHITE SINGLE ARROW (LEFT, STRAIGHT, RIGHT)-FAST DRY PAINT	6.000	EA	\$60.00	\$360.00
6250045	RAILROAD CROSSING SYMBOLS - FAST DRY PAINT	2.000	EA	\$100.00	\$200.00
6250105	4" YELLOW BROKEN LINES(GAPS EXC) - FAST DRY PAINT	100.000	LF	\$0.35	\$35.00
6250110	4"YELLOW SOLID LINE(PVT.EDGE&NO PASSING ZONE)-FAST DRY PAINT	3140.000	LF	\$0.30	\$942.00
6271005	4" WHITE BROKEN LINES(GAPS EXCL.)THERMOPLASTIC- 90 MIL.	120.000	LF	\$0.35	\$42.00
6271025	24" WHITE SOLID LINES (STOP/DIAG LINES)-THERMO-.125 MIL.	70.000	LF	\$3.90	\$273.00
6271030	WHITE SINGLE ARROWS (LT, STRGHT, RT) THERMO-.125 MIL.	6.000	EA	\$75.00	\$450.00
6271045	RAILROAD CROSSING SYMBOLS - THERMOPLASTIC - 125 MIL.	2.000	EA	\$150.00	\$300.00
6271064	4" YELLOW BROKEN LINES(GAPS EXC)THERMOPLASTIC - 90 MIL.	100.000	LF	\$0.35	\$35.00
6271074	4" YELLOW SOLID LINES(PVT.EDGE LINES) THERMO-90 MIL.	3140.000	LF	\$0.35	\$1,099.00
6300005	PERMANENT CLEAR PAVEMENT MARKERS- MONO-DIR. - 4"X4"	6.000	EA	\$4.50	\$27.00
6301005	PERMANENT YELLOW PAVEMENT MARKERS MONO-DIR. - 4"X 4"	10.000	EA	\$4.50	\$45.00
6301100	PERMANENT YELLOW PAVEMENT MARKERS BI-DIR. - 4"X4"	60.000	EA	\$4.50	\$270.00
6510105	FLAT SHEET, TYPE III, FIXED SZ. & MSG. SIGN	36.500	SF	\$25.00	\$912.50
6531210	U-SECTION POST FOR SIGN SUPPORTS - 3P	74.000	LF	\$10.00	\$740.00
7141113	18" RC PIPE CUL.-CLASS III	484.000	LF	\$30.00	\$14,520.00
7141116	36" RC PIPE CUL.-CLASS III	96.000	LF	\$70.00	\$6,720.00
7203130	CONCRETE CURB AND GUTTER(1'-6" OGEE)	2300.000	LF	\$13.00	\$29,900.00
8041020	RIP-RAP (CLASS B)	23.000	TON	\$65.00	\$1,495.00
8048210	GEOTEXTILE FOR EROSION CONTROL UNDER RIPRAP(CLASS 2)TYPE C	70.000	SY	\$3.50	\$245.00
8051100	STEEL BEAM GUARDRAIL	300.000	LF	\$20.00	\$6,000.00
8052300	END TERMINAL - TYPE T	4.000	EA	\$2,200.00	\$8,800.00
8071000	RESET FENCE	24.000	LF	\$6.00	\$144.00
8072000	RESET CHAIN-LINK FENCE	300.000	LF	\$8.00	\$2,400.00
8100100	PERMANENT COVER	0.650	ACRE	\$1,100.00	\$715.00
8100200	TEMPORARY COVER	0.325	ACRE	\$800.00	\$260.00
8101110	STRAW OR HAY MULCH WITH TACKIFIER	0.350	ACRE	\$950.00	\$332.50
8101120	STABILIZED MULCH MATRIX (SMM)	0.300	ACRE	\$1,100.00	\$330.00
8104005	FERTILIZER (NITROGEN)	33.000	LB	\$2.00	\$66.00
8104010	FERTILIZER (PHOSPHORIC ACID)	33.000	LB	\$1.50	\$49.50
8104015	FERTILIZER (POTASH)	33.000	LB	\$1.50	\$49.50
8105005	AGRICULTURAL GRANULAR LIME	650.000	LB	\$0.45	\$292.50
8109050	WATERING	54300.000	GAL	\$0.07	\$3,801.00
8109901	MOWING	0.650	ACRE	\$250.00	\$162.50
8151111	TEMPORARY EROSION CONTROL BLANKET (CLASS A)	0.100	MSY	\$1,400.00	\$140.00
8152007	SEDIMENT TUBE	50.000	LF	\$10.00	\$500.00
8153000	SILT FENCE	750.000	LF	\$2.50	\$1,875.00
8153090	REPLACE/REPAIR SILT FENCE	200.000	LF	\$2.00	\$400.00

## Quantity Estimates

12-Mar-10

RICHLAND COUNTY SEASE ROAD  
 BASED ON PRELIMINARY CONSTRUCTION - 3/12/2010

File or Pin Number

Total Contract Amount

\$298,638.00

Length of project in Miles or km:

0.626

Units of Measurement in (English or Metric):

English

This is a Preliminary study to estimate the cost for the Sease Road Project ONLY (does not include US 76/176)

<u>Bams Number</u>	<u>Description</u>	<u>FINAL PLAN QUANTITY</u>	<u>Unit</u>	<u>Price</u>	<u>Amount</u>
8154000	SILT BASINS	10.000	CY	\$9.50	\$95.00
8154010	CLEANING SILT BASINS	20.000	CY	\$4.50	\$90.00
8154050	REMOVAL OF SILT RETAINED BY SILT FENCE	200.000	LF	\$2.00	\$400.00
8156405	AGGREGATE NO.5 FOR EROSION CONTROL (6" UNIFORM)	20.000	SY	\$20.00	\$400.00
8156490	STABILIZED CONSTRUCTION ENTRANCE	20.000	SY	\$15.00	\$300.00
9800000	TYPE "A" CATCH BASIN	10.000	EA	\$1,900.00	\$19,000.00
Total =					<b>\$298,638.00</b>

TOTAL ESTIMATED COST DOES NOT INCLUDE CONTINGENCIES, R/W ACQUISITION, AND UTILITY RELOCATION.

**ESTIMATED PROJECT COSTS  
SUMMARY**

**PROJECT INCLUDES: RICHLAND COUNTY  
Sease Rd. Paving Project**

NOTE: THIS PROPOSAL IS FOR F&H TO FINISH THE SEASE ROAD PLANS ONLY (DOES NOT INCLUDE THE WIDENING OF US 76/176)

<b>PHASE I</b>	<b>Surveys &amp; Utility Updates</b>		
		Sease Road Paving Project	\$2,519.05
		<b>TOTAL</b>	<b>\$2,519.05</b>
<b>PHASE II</b>	<b>Erosion Control Design and Plan Development</b>		
		Sease Road Paving Project	\$4,696.50
		<b>TOTAL</b>	<b>\$4,696.50</b>
<b>PHASE III</b>	<b>Plan Revisions (Typicals, quantities, plan revisions, standard drawing updates)</b>		
		Sease Road Paving Project	\$6,779.66
		<b>TOTAL</b>	<b>\$6,779.66</b>
<b>PHASE III</b>	<b>Permit Application and Construction Inspection</b>		
		Sease Road Paving Project	\$4,990.08
		<b>TOTAL</b>	<b>\$4,990.08</b>
		<b>PROJECT TOTAL</b>	<b>\$18,985.29</b>

FLORENCE & HUTCHESON, INC.