

**RICHLAND COUNTY COUNCIL
DEVELOPMENT & SERVICES COMMITTEE
FEBRUARY 25, 2003
5:00 p.m.**

MEMBERS PRESENT: Susan Brill, Chair; Joseph McEachern; L. Gregory Pearce, Jr.

MEMBERS ABSENT: Ms. Thelma Tillis

OTHERS PRESENT: Bernice G. Scott, Joan Brady, Paul Livingston, Kit Smith, James Tuten, T. Cary McSwain, Tony McDonald, Michelle Cannon-Finch, Milton Pope, Larry Smith, Amelia Linder, Carrie Neal, Marsheika Martin, Pam Davis, Roxanne Matthews, Ashley Bloom, Chris Eversmann

CALL TO ORDER – The meeting was called to order at approximately 5:07 p.m.

APPROVAL OF MINUTES – January 28, 2003

Mr. McEachern moved, seconded by Mr. Pearce, to approve the minutes as submitted. The vote in favor was unanimous.

ADOPTION OF AGENDA – Mr. McEachern moved, seconded by Mr. Pearce, to adopt the agenda as submitted. The vote in favor was unanimous.

I. ITEMS FOR ACTION

a. Ordinance to Authorize Easement to SCE&G at County Administration Building

Mr. McEachern moved, seconded by Mr. Pearce, to approve a utilities easement at the Richland County Administration Building to remove, replace, and set some utility poles. The vote in favor was unanimous.

b. Broad River Heights Sanitary Sewer Project Condemnation

Mr. Pearce moved, seconded by Mr. McEachern, to proceed with condemnation of an easement required for the construction of the Broad River Heights sanitary sewer project at 3808 Brewer Street. The vote in favor was unanimous.

c. Award of Contract for HVAC Renovation/Replacement at the Judicial Center, Administration Building, and Health Department

Mr. McEachern moved, seconded by Mr. Pearce, to award a contract to M.B. Kahn Construction Company, Inc. for the evaluation/design of the Judicial Center HVAC Renovation, Administration Building HVAC Control Replacement, and Health Department HVAC Control Replacement Projects. The Committee requests that this item come back before full Council for final approval. The vote in favor was unanimous.

II. ITEMS PENDING ANALYSIS – There are no items pending analysis at this time.

III. ITEMS FOR INFORMATION / DISCUSSION

a. County Recycling Project

Mr. McSwain stated an informational page is provided in the packet for the Committee’s review at Mr. Mizzell’s request.

This item was received as information.

POINT OF PERSONAL PRIVILEGE

Mr. Pearce commended Mr. Chris Eversmann and his department for solving a year-long problem in his district.

Ms. Scott informed the Committee that Ms. Tillis is recuperating at home after tests were performed yesterday, and this is the reason for her absence.

ADJOURNMENT – The meeting adjourned at approximately 5:25 p.m.

Submitted by,

Susan Brill
Chair

The minutes were transcribed by Marsheika G. Martin

Richland County Council Request of Action

Subject: Quitclaim of Gateway Corporate Blvd. to Sisters of Charity Providence Hospitals

A. Purpose

The purpose of this report is to request County Council's consideration of a quitclaim deed by which Richland County conveys its interest in a portion of Gateway Corporate Boulevard to Sisters of Charity Providence Hospitals.

B. Background / Discussion

Gateway Corporate Boulevard is a commercial subdivision street built by Gateway Associates, LLC in Northeast Richland County near the intersection of SC 555 and I-77. Plans for the road were reviewed and approved by the County Engineer's office in December 1989 in accordance with the County's Subdivision Regulations. The right-of-way was dedicated to the County in 1992 by deed of Gateway Associates recorded in deed book D1085 at page 602. At this time, Gateway Corporate Boulevard included a 100' diameter cul-de-sac at the end.

In 1997, plans for the Providence Northeast Hospital, which is located at the end of Gateway Corporate Boulevard, were submitted to, and approved by, the County Engineer's office. This plan called for the cul-de-sac to be eliminated, and a perimeter road around the hospital to be substituted for it. It was the intent of the developer, at that time, to request a quitclaim from the County for that part of the road that was to be eliminated. The hospital project was subsequently built, and the cul-de-sac incorporated into the hospital's property in accordance with the approved plan, but submittal of the quitclaim was overlooked. Consequently, Providence Hospital Northeast has a section of dedicated public right-of-way within their property as shown on the attached map.

In 2001, Sisters of Charity Providence Hospitals acquired the hospital from Columbia-CSA/HSC Greater Columbia Area Healthcare System, L.P. In working on the closing for this transaction, the attorney for Sisters of Charity discovered the existence of the dedicated right-of-way on the property. To resolve this situation, the attorney requests that Richland County grant a quitclaim for the property contained in this right-of-way. For that purpose, the attorney has prepared and submitted the accompanying quitclaim deed for County Council's consideration. The ordinance granting the quitclaim deed is also attached.

C. Financial Impact

This matter has no financial impact on Richland County unless County Council elects to require compensation for this right-of-way.

D. Alternatives

1. Approve the ordinance authorizing the granting of a quitclaim deed as requested without compensation. Under this alternative, the accompanying quitclaim deed should be executed on behalf of Richland County and returned to the attorney for Sisters of Charity Providence Hospital who will record it.

2. Approve the ordinance authorizing the granting of a quitclaim deed subject to compensation. Section 21-9 of the Richland County Code of Ordinances permits the requirement of payment of fair market value for the property, as determined by the Assessor's office, at the discretion of County Council. Under this alternative, the fair market value would have to be determined and payment made by Sisters of Charity Providence Hospital before the quitclaim is executed on behalf of Richland County.
3. Deny the ordinance authorizing the granting of a quitclaim deed.

E. Recommendation

In view of the fact that Providence Northeast Hospital was built in accordance with an approved plan and the right-of-way in question is not needed by Richland County, alternative 1, granting the quitclaim as requested without compensation, is recommended.

Recommended by: Ralph B. Pearson, P.E. Department: Public Works Date: 1/10/03

F. Approvals

Finance

Approved by (Finance Director): Carrie H. Neal Date: 2/13/03
Comments:

Approved by (Budget Director): Daniel Driggers Date: 02/13/03
Comments:

Legal

Approved as to form by: Amelia R. Linder Date: 02/14/03
Comments: Approval of a quitclaim deed requires an ordinance (three readings and a public hearing).

Administration

Approved by: Tony McDonald Date: 3/12/03
Comments: Recommend approval of an ordinance authorizing the quitclaim deed. As indicated above, the County Code gives the Council the discretion to charge for easements of this nature, with the value to be determined by the Assessor. The value of the easement in question has been determined to be \$210,360. The Council should decide, therefore, if it wishes to charge Providence Hospital for the easement or to give the easement at no cost.

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND) QUITCLAIM DEED

WHEREAS, pursuant to Section 4-9-25, S.C. Code Ann. (1976), as amended, the County of Richland, South Carolina, a body corporate and politic, on _____, 2003, adopted an Ordinance authorizing the execution of this Quitclaim Deed of the within described premises; Now Therefore,

KNOW ALL MEN BY THESE PRESENTS, that the County of Richland, South Carolina (“Grantor”), for and in consideration of the sum of Five and No/100 Dollars (\$5.00) to it in hand paid, receipt of which is hereby acknowledged, to the Grantor by Grantee, does hereby remise, release, and quitclaim unto Sisters of Charity Providence Hospitals, a South Carolina not for profit corporation (“Grantee”), all its right, title, interest in or to the following described property:

All right title and interest of the Grantor in and to:

All that certain piece, parcel, or lot of land with improvements thereon, situate, lying, and being in the State of South Carolina, County of Richland, near the City of Columbia and being shown on a plat entitled Providence Hospital, N.E. by B.P. Barber & Associates, Inc. dated January 22, 2002, said plat having the following metes and bounds to wit:

Beginning at a 5/8” rebar on the northern right-of-way of Gateway Corporate Boulevard, being the common property corner of Gateway Hotel Group, LP and Providence Hospital, N.E. and continuing along the right-of-way of Gateway Corporate Boulevard the following courses and distances: Along a curve to the left in a direction of S79°47’43”W for a chord distance of 9.87’ to a 5/8” rebar (said curve having an arc distance of 9.87’ and a radius of 383.00’); thence along a curve to the right in a direction of N84°09’39”W for a chord distance of 195.85’ to a point (said curve having an arc distance of 273.35’ and a radius of 100.00’); thence along a curve to the right in a direction of N66°21’21”W for a chord distance of 46.54’ to a point (said curve having an arc distance of 46.57’ and a radius of 383.00’); thence along a curve to the right in a direction of N60°45’49”W for a chord distance of 188.92’ to a point (said curve having an arc distance of 247.27’ and a radius of 100.00’); thence along a curve to the right in a direction of N48°49’58”W for a chord distance of 127.61’ to a point (said curve having an arc distance of 127.84’ and a radius of 618.00’); thence in a direction of N48°49’58”W for a distance of 10.0’ to a point; thence in a direction of N42°03’15”E for

a distance of 66.03' to a point; thence in a direction of S48°40'56" for a distance of 10.0' to a point; thence along a curve to the left in a direction of S53°47'43"E for a chord distance of 113.00' to a point (said curve having an arc distance of 113.20' and a radius of 552.00'); thence along a curve to the right in a direction of S60°46'33"E for a chord distance of 188.65' to a point (said curve having an arc distance of 246.46' and a radius of 100.00'); thence along a curve to the left in a direction of S65°46'14"E for a chord distance of 27.48' to a point (said curve having an arc distance of 27.49' and a radius of 317.00'); thence along a curve to the right in a direction of S81°28'49"E for a chord distance of 172.53' to a 5/8" rebar (said curve having an arc distance of 208.09' and a radius of 100.0'); thence in a direction of S73°04'27"E for a distance of 5.01' to a 5/8" rebar; and then in a direction of S06°57'17"E for a distance of 63.81' to a 5/8" rebar, this being the point of beginning. This parcel contains 1.753 acres (76,360 square feet).

PLAT RECORDING INFORMATION: Book _____; Page _____

TAX MAP REFERENCE: Sheet 17200, Block 3, Lot 20

DERIVATION: (Derivation on quitclaim deed not required under Section 30-5-35 of S.C. CODE ANN.(1976) as amended.

THE MAILING ADDRESS OF GRANTEE:

2435 Forest Drive
Columbia, SC 29204

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said premises before mentioned unto Sisters of Charity Providence Hospitals, its Successors, and Assigns forever.

IN WITNESS WHEREOF the County of Richland, South Carolina by the Chair of Council has caused this instrument to be executed this _____ day of _____, in the year Two Thousand and Three A.D. and in the Two Hundred and Twenty Seventh year of the Sovereignty and Independence of the United States of America.

Signed, sealed and delivered
in the presence of:

COUNTY OF RICHLAND,
SOUTH CAROLINA
(CORPORATE SEAL)

Witness:

By: _____
Bernice G. Scott
Chair of Council

Witness

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND) PROBATE

Personally appeared before me the undersigned Witness and made oath that s/he saw the within named County of Richland, South Carolina, by its duly authorized officer Bernice G. Scott, Chair of Council, sign, seal with its corporate seal, and as its act and deed delivered the within written instrument, and that s/he with the other witness who signed above witnessed the execution thereof.

SWORN to before me this _____
day of _____, 2003.

_____(L.S.)
Notary Public for South Carolina
My Commission Expires: _____

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-03HR

AN ORDINANCE AUTHORIZING QUIT CLAIM DEED TO SISTERS OF CHARITY
PROVIDENCE HOSPITALS, A SOUTH CAROLINA NOT FOR PROFIT CORPORATION

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

SECTION I. The County of Richland and its employees and agents are hereby authorized to grant a quitclaim deed to Sisters of Charity Providence Hospitals, a South Carolina not for profit corporation, for a certain piece of land, as specifically described in the "Quitclaim Deed", which is attached hereto and incorporated herein.

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

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

SECTION IV. Effective Date. This ordinance shall be enforced from and after _____, 2003.

RICHLAND COUNTY COUNCIL

By: _____
Bernice G. Scott, Chair

Attest this _____ day of
_____, 2003.

Michielle R. Cannon-Finch
Clerk of Council

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

Richland County Council Request of Action

Subject: Broad River Regional Wastewater Treatment Plant Upgrade Land Purchase

A. Purpose

County Council's approval is requested to proceed with the purchase of 50-acres on Shadywood Lane needed for the expansion of the Broad River Regional Wastewater Treatment Facility. The entire financial package for this purchase (including cash, ownership rights, and sewer taps) is valued at \$396,300. Also, because the County will be transferring ownership rights of a 13.65-acre tract to the seller, approval of an ordinance authorizing this transfer is also requested.

B. Background / Discussion

County Council authorized staff to proceed with the upgrade plans for the Broad River Regional Wastewater Treatment Facility at the May 9, 2000 meeting. Also, at the December 3, 2002 meeting, County Council authorized the County Attorney to proceed with condemnation of the required property if an agreement could not be reached with the current property owner.

The County Attorney, through several months of negotiation, has reached an agreement with the current owners to purchase 50 acres adjacent to the existing wastewater treatment facility. The agreement consists of the following:

The County will:

1. Pay \$220,000.00 cash.
2. Transfer its ownership rights in a 13.65-acre tract at 1123 O'Sheal Road, previously obtained for the expansion of the Hollingshed Creek Wastewater Treatment Plant, to the seller of the 50-acre tract. This transfer is contingent upon the ordinance contained within which shall require three readings and a public hearing.
3. Provide to the seller, ten (10) non-transferable sewer taps to be used within five (5) years of the date of agreement on either or both of the lands remaining at Shadywood Lane and the 13.65 acres of land on O'Sheal Road. If these sewer taps are sold or transferred in any way, they shall become immediately void.

The Seller will:

1. Provide, free and clear of all liens, the 50-acre tract adjacent to the Broad River Regional Wastewater Treatment Facility located on Shadywood Lane to Richland County.

C. Financial Impact

The \$220,000.00 cash is currently available in the FY02-03 Broad River Regional Sewer System budget. The 13.65-acre tract on O'Sheal Road is appraised at \$150,000.00 (\$10,989 per acre) and is free and clear of all liens and currently owned by Richland County. The ten sewer taps are valued at \$22,000.00 and are available on the Broad River Sewer system. The County will pay for a property survey for both tracts at an estimated amount of \$4,300.00. This survey will be funded from the FY 02-03 Broad River Regional Sewer System budget. The entire financial package is valued at \$396,300. No additional funds should be required.

D. Alternatives

1. Approve the purchase, thereby paying \$220,000 cash, transferring ownership rights of a 13.65-acre tract at 1123 O’Sheal Road, and providing ten non-transferable sewer taps to the seller. Also, approve the ordinance allowing the transfer of ownership rights of the 13.65-acre tract at 1123 O’Sheal Road.
2. Disapprove the purchase and ordinance. This will slow, if not halt, the expansion plans for the Broad River Treatment Facility. The wastewater treatment plant is under a DHEC consent order to expand.

E. Recommendation

It is recommended that County Council approve the purchase and ordinance, thus authorizing the County Attorney to finalize the deal on the purchase of the 50-acre tract on Shadywood Lane as described above.

Recommended by: Andy H. Metts Department: Public Works, Date: 3/10/03
Utilities Division

F. Approvals

Finance

Approved by (Finance Director): Carrie H. Neal Date: 3/12/03
Comments:

Approved by (Budget Director): Daniel Driggers Date: 03/12/03
Comments:

Legal

Approved as to form by: Amelia R. Linder Date: 03/14/03
Comments:

Administration

Approved by: Tony McDonald Date: 3/17/03
Comments: Recommend approval of the property transaction as negotiated and as outlined above. Approval of this transaction will allow the County to avoid having to condemn the property needed for the Broad River Wastewater Treatment Plant expansion.

DRAFT

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-03HR

AN ORDINANCE AUTHORIZING DEED TO REEVES FAMILY TRUST,
RICHLAND COUNTY TMS #04400-01-45.

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

SECTION I. The County of Richland and its employees and agents are hereby authorized to grant a deed to REEVES FAMILY TRUST for certain real property, as specifically described in the attached Deed, Richland County TMS #04400-01-45, which is attached hereto and incorporated herein.

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

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

SECTION IV. Effective Date. This ordinance shall be enforced from and after _____, 2003.

RICHLAND COUNTY COUNCIL

By: _____
Bernice G. Scott, Chair

Attest this _____ day of
_____, 2003.

Michielle R. Cannon-Finch
Clerk of Council

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

Richland County Council Request of Action

Subject: Stormwater Drainage System Inventory Contract

A. Purpose:

The purpose of this report is to request County Council's consent to continue a contract with Woolpert, LLP to perform the inventory of the Richland County Stormwater Drainage System.

B. Background / Discussion

Under the terms of Governmental Accounting Standards Board Statement 34 (GASB 34) issued in June 1999, **Richland County is mandated to be accountable for its physical assets associated with infrastructure.** The Department of Public Works is responsible for a portion of these assets through dedication or installation of roads and drainage structures.

The Stormwater Management Section in the Engineering Division of the Department of Public Works has negotiated with Woolpert, LLP to accomplish the task of performing an inventory of all stormwater related features. County Council, at its meeting of October 3, 2000, approved the selection of Woolpert, LLP to provide this service. This undertaking not only aids the Finance Department in completing the necessary information for accounting purposes, it also supports efforts as directed through NPDES Permitting.

To perform this task efficiently, it will be phased on a Watershed Management Unit (WMU) approach. In Richland County, there are four Watershed Management Units labeled by the NPDES process as WMU 502, WMU 301, WMU 202a, and WMU202b. This is in harmony with existing NPDES activities and can be easily managed using GIS technology. Woolpert, LLP, has completed the inventory in WMU 502, and WMU 301 is scheduled next. We propose to continue using Woolpert, LLP for this task.

C. Financial Impact

The previously completed inventory by Woolpert, LLP in WMU 502 totaled \$467,106.50. Woolpert has also received funds in the amount of \$316,182.50 for the pilot study and GIS setup relating to this project. Therefore, funds received thus far by Woolpert, LLP total \$783,289.00.

It is estimated that WMU 301 can be completed at a cost of \$477,236. Future costs will be similar as remaining Watershed Management Units are inventoried. Funds are budgeted for this project under line item 3007.5307 in the current fiscal budget. As previously stated, **Richland County is mandated under GASB 34 and NPDES Permitting to be accountable for its physical assets associated with infrastructure.**

D. Alternatives

1. Approve Woolpert, LLP for the WMU 301 Stormwater Inventory Project, as well as authorize staff to negotiate future contracts for WMU 202a, and WMU 202b. Under this alternative, project continuity can be maintained through utilization of one consultant.

2. Reject the request to continue the project with Woolpert, and do not allow staff to negotiate future contracts for WMU 202a and WMU 202b. Under this alternative, Richland County will need to go through the selection process to select a consultant for each WMU. This delay may prevent the meeting of deadlines imposed by GASB 34 and consequently, compromise Federal-funding status.

E. Recommendation

The recommendation is to accept alternative 1, approve Woolpert, LLP for the WMU 301 Stormwater Inventory Project, as well as authorize staff to negotiate future contracts for WMU 202a, and WMU 202b.

Recommended By: Rocky Archer, Stormwater Mgr **Dept:** Public Works **Date:** 3/11/03

F. Approvals

Finance

Approved by (Finance Director): Carrie H. Neal Date: 3/14/03

Comments:

Approved by (Budget Director): Daniel Driggers Date: 03/14/03

Comments:

Procurement

Approved by: Rodolfo A. Callwood Date: 03/14/03

Comments:

Legal

Approved as to form by: Amelia R. Linder Date: 03/14/03

Comments:

Administration

Approved by: Tony McDonald Date: 3/14/03

Comments: Recommend approval.