

RICHLAND COUNTY

DEVELOPMENT AND SERVICES COMMITTEE

AGENDA



TUESDAY MARCH 26, 2024

5:00 PM

COUNCIL CHAMBERS

Richland County Council 2024-2025



Deirrek Pugh
District 2
Vice Chair



Jason Branham
District 1



Gretchen Barron
District 7



Yvonne McBride
District 3



Paul Livingston
District 4



Allison Terracio
District 5



Don Weaver
District 6



Overture Walker
District 8



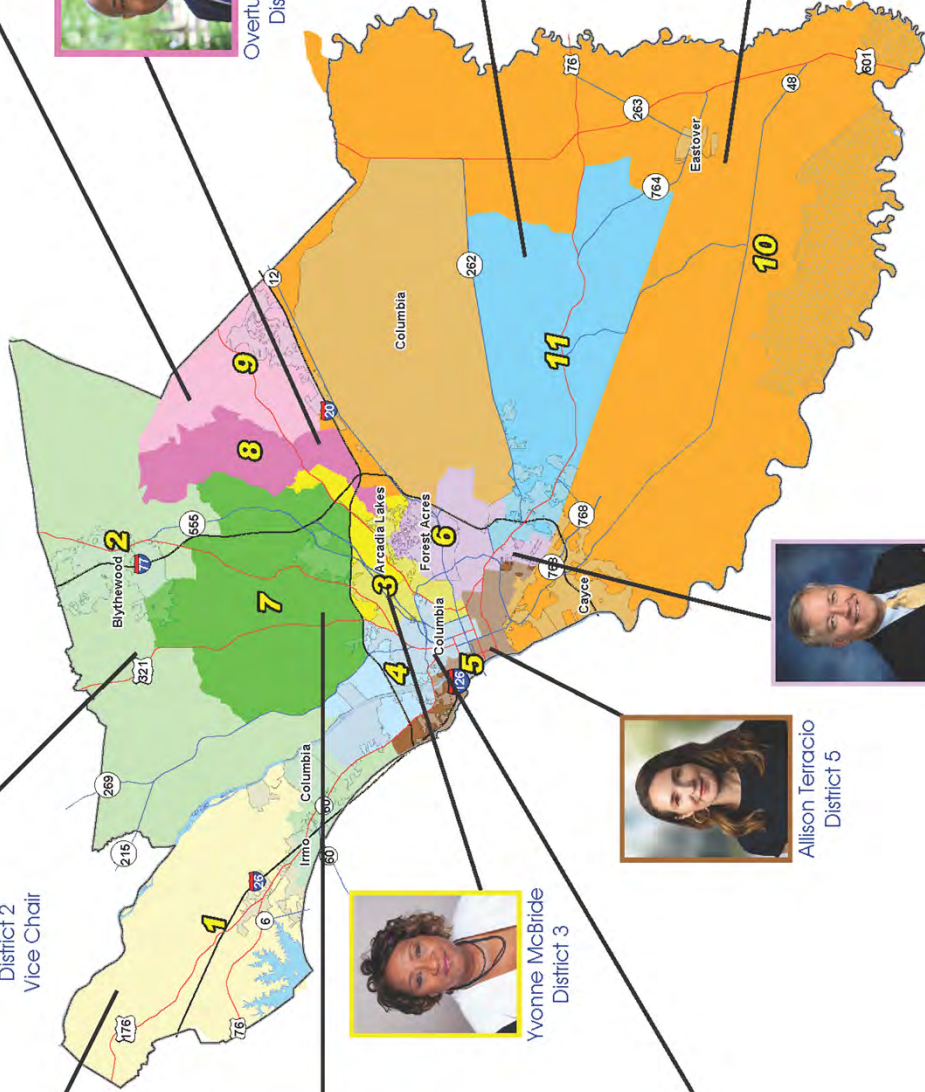
Chakisse Newton
District 11



Cheryl English
District 10



Jessica Mackey
District 9
Chair





**Richland County
Development and Services Committee**

AGENDA

March 26, 2024 - 5:00 PM
2020 Hampton Street, Columbia, SC 29204

The Honorable Jason Branham	The Honorable Allison Terracio	The Honorable Gretchen Barron	The Honorable Cheryl English	The Honorable Chakisse Newton, Chair
County Council District 1	County Council District 5	County Council District 7	County Council District 10	County Council District 11

1. **CALL TO ORDER** The Honorable Chakisse Newton

2. **APPROVAL OF MINUTES]** The Honorable Chakisse Newton
 - a. February 27, 2024 **[PAGES 5-8]**

3. **ADOPTION OF AGENDA** The Honorable Chakisse Newton

4. **ITEMS FOR ACTION** The Honorable Chakisse Newton
 - a. County Attorney's Office - Road Closure Request - Cottontown Way **[PAGES 9-17]**
 - b. Department of Public Works - Engineering Division -1364 Northpoint Blvd Easement Request **[PAGES 18-23]**

5. **ITEMS PENDING ANALYSIS: NO ACTION REQUIRED** The Honorable Chakisse Newton
 - a. Direct the Administrator to research and present to Council current laws and benefits of enacting impact fees in Richland County. The purpose is to help reduce the tax burden on residents by not having to pay the complete cost of development in Richland County.
[Malinowski (Pugh; Newton), 03 January 2023]
[PAGES 24-25]
 - b. I move that the administrator look at the illegal dumping ordinance and state law and investigate the incorporation of a community service element in the penalty for illegal dumping, as well as look into the possibility of levying a higher penalty for businesses that engage in illegal dumping, including the potential revocation or suspension of their business license,

also incorporating an escalation schedule based on the weight of the material illegally dumped and whether the individual or business is a repeat offender within a twelve-month period. [Branham, 26 February 2024]

6. ADJOURNMENT

The Honorable Chakisse Newton



Special Accommodations and Interpreter Services Citizens may be present during any of the County's meetings. If requested, the agenda and backup materials will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), as amended and the federal rules and regulations adopted in implementation thereof. Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the Clerk of Council's office either in person at 2020 Hampton Street, Columbia, SC, by telephone at (803) 576-2061, or TDD at 803-576-2045 no later than 24 hours prior to the scheduled meeting.



Richland County Council
DEVELOPMENT AND SERVICES COMMITTEE
MINUTES
February 27, 2024 – 5:00 PM
Council Chambers
2020 Hampton Street, Columbia, SC 29204

COUNCIL MEMBERS PRESENT: Chakisse Newton, Chair (via Zoom); Jason Branham, Allison Terracio, Gretchen Barron, and Cheryl English

OTHERS PRESENT: Don Weaver, Michelle Onley, Ashiya Myers, Angela Weathersby, Patrick Wright, Stacey Hamm, Anette Kirylo, Lori Thomas, Michael Maloney, Shirani Fuller, Ashley Fullerton, Kyle Holsclaw, Dale Welch, Leonardo Brown, John Thompson, Jackie Hancock, Tamar Black, Aric Jensen, and Zach Cavanaugh

1. **CALL TO ORDER** – Councilwoman Allison Terracio called the meeting to order at approximately 5:00 PM.
2. **APPROVAL OF MINUTES**
 - a. December 14, 2023 – Ms. Barron moved to approve the minutes as distributed, seconded by Ms. English.
In Favor: Branham, Terracio, Barron, English, and Newton
The vote in favor was unanimous.
3. **ADOPTION OF AGENDA** – Ms. Barron moved to adopt the agenda as published, seconded by Ms. English.
In Favor: Branham, Terracio, Barron, English, and Newton
The vote in favor was unanimous.
4. **ELECTION OF CHAIR** – Ms. Barron moved to nominate Ms. Newton for the position of Chair, seconded by Ms. English.
In Favor: Branham, Terracio, Barron, English, and Newton
The vote in favor was unanimous.
5. **ITEMS FOR ACTION**

- a. I move to direct the County Administrator to review and update the illegal dumping ordinance, including raising fines up to \$5,000, jail time, and community service (picking up debris on roadways) [English – June 6, 2023] – Ms. English stated her district is beautiful and rural. Seeing trash, mattresses, and stuff dumped on the side of the road when we have free County services is not a good sight for Richland County. She has been working with the County Attorney to ensure we are not going outside State law.

Mr. Branham stated, for clarification, the proposed penalty is to increase the fine up to \$5,000. In addition, we have a staff recommendation. It is his understanding the county is presently administering community service to those found guilty of illegal dumping.

County Administrator, Mr. Leonardo Brown, stated staff’s recommendations directly reflect the motion. When you read the recommendations, they are designed to provide what is requested and are in excess of state statute. There are questions from the Attorney’s Office about whether or not the increases are something we would be able to do. Other information may be more appropriate for the County Attorney to share in Executive Session.

Ms. Newton indicated that, as much as she despises litter, she is uncomfortable sending people to jail because they litter. She would support having the individual to conduct community service and pay an increased fine. She noted Sec. 12-66(d) states, "For a second distinct offense or more, the community service shall be 50 hours...the minimum jail time is fourteen (14) days, not to exceed thirty (30) days. She suggested making the jail time optional, with a not to exceed thirty (30) days of jail time. In addition, she inquired what the county's authority is to charge the property owner if the county has to abate the nuisance by removing debris.

Mr. Branham moved to go into Executive Session, seconded by Ms. English.

In Favor: Branham, Terracio, Barron, English, and Newton

The vote in favor was unanimous.

***The Committee went into Executive Session at approximately 5:14 PM
and came out at approximately 5:32 PM***

Ms. Barron moved to come out of Executive Session, seconded by Ms. English.

In Favor: Branham, Terracio, Barron, English, and Newton

The vote in favor was unanimous.

Ms. English noted the fine for up to \$5,000 or jail time was to bring awareness to the frustration of seeing mattresses, tires, etc., dumped on the side of the road.

Mr. Branham moved to request the Administrator to re-draft the ordinance by pulling from the existing county ordinance and state statute. We want to incorporate a community service element as one of the penalties. In addition, higher penalties for businesses that engage in illegal dumping should be created, including potential revocation or suspension of business licenses. Lastly, an escalation schedule should be included based on the weight of the material illegally dumped and whether the individual is a repeat offender within a twelve-month period.

Ms. Barron stated that when you see an abundance of tires or any particular item dumped, you can safely assume that an individual did not do that, which is why we are including the businesses. As a business owner, the expectation is that you would care about our communities, just as individuals would. If we can track those illegally dumped items can be tracked back to a business, then they should be held liable for those items and be fined appropriately.

In Favor: Branham, Terracio, Barron, English, and Newton

The vote in favor was unanimous.

b. Business Service Center – Short Term Rental Draft Ordinance:

1. *"Direct the Administrator to create regulations for the operation of Short-Term Rentals (STRs) in unincorporated Richland County. Those regulations would be listed as an amendment to the current ordinance relating to residential rental property regulations similar to the Absentee Landlord Ordinance that is currently being considered. Consideration should be given to licensing, safety measures, number of occupants allowed, effects on infrastructure such as sewer and water, EMS and Law Enforcement potential response and not having them create a nuisance in the neighborhood." [The Honorable Bill Malinowski, formerly of District 1, December 5, 2022]*
2. *"Direct the County Administrator to work with staff to ensure the proposed Short-Term Rental Ordinance requires each homeowner who wishes to provide a short-term rental to obtain a business license and pay accommodations tax." [The Honorable Bill Malinowski, December 6, 2022]*

Mr. Zachary Cavanaugh, Business Service Center Manager, stated this ordinance was previously in front of the body. It was tabled due to ongoing legislation at the State House. We were waiting for them to determine how they would deal with short-term rentals on the municipal and county level. The County's new Land Development Code does allow for short-term rentals in certain zoning designations; therefore, we feel it is time to move forward with the ordinance.

Ms. Barron inquired if we move forward with the ordinance, does that expose the County to liability should the bill pass?

Mr. Cavanaugh responded we do not anticipate any conflict with the pending state legislation. He noted we are not capping or limiting a certain percentage of residential properties deemed short-term rentals.

Ms. Barron inquired if this would be one of those things we would have our lobbyist or appropriate staff person to monitor to ensure we stay within the "safety zone" with the bill.

Mr. Brown responded in the affirmative.

Ms. Newton requested Mr. Cavanaugh to provide a timeline to ensure we are on track.

Mr. Cavanaugh indicated there are a handful of regulations that affect this industry type in the new Land Development Code. The ordinance before the committee goes a step further in making sure the industry does not go unregulated.

Ms. Newton inquired if the remedies for nuisance properties were included in the proposed ordinance or if our existing remedies would be utilized. In addition, she was curious if the two (2) parking spaces were an industry best practice.

Mr. Cavanaugh responded there is a section in the ordinance that enables us to enforce the existing nuisance aspect of the code. The language is included in Sec. 16-82(b). The two (2) required parking spaces are an industry standard for this type of business.

Mr. Branham inquired if Mr. Cavanaugh consulted the recently enacted City of Columbia ordinance and Hilton Head's longstanding ordinance to draft the proposed ordinance.

Mr. Cavanaugh responded in the affirmative.

Mr. Branham noted this is not a ban on short-term rentals. We want to get compliance with the business enterprise by requiring them to have a business license, and we also want to see the collection of the accommodations tax. In addition, we are trying to mitigate nuisances. One of the ways to do that is to have good contact information for the person responsible for the property.

Ms. Terracio stated it does not appear the bill is getting a lot of movement at the State House.

Mr. Cavanaugh responded the bill was not. His contact at the Municipal Association is fighting against the bill. They want our cities and towns to be able to regulate the industry however they see fit.

Ms. Barron moved to forward to Council with a recommendation to approve the proposed short-term rental ordinance to ensure proper regulation practices are conducted for this industry type, seconded by Ms. English.

In Favor: Branham, Terracio, Barron, English, and Newton

The vote in favor was unanimous.

6. **ITEMS PENDING ANALYSIS: NO ACTION REQUIRED**

- a. Direct the Administrator to research and present to Council current laws and benefits of enacting impact fees in Richland County. The purpose is to help reduce the tax burden on residents by not having to pay the complete cost of development in Richland County. [PUGH, BARRON, and NEWTON - January 3, 2023] – Assistant County Administrator Aric Jensen stated staff has prepared and submitted an RFP. He noted two (2) responses were received. The Director of Procurement has reviewed them and recommended a vendor. We are in the process of finalizing those details and entering into a contract. The information will be provided to the committee before July 1, 2024.

7. **ADJOURNMENT** – Ms. English moved to adjourn the meeting, seconded by Ms. Barron.
In Favor: Branham, Terracio, Barron, English, and Newton
The vote in favor was unanimous.
The meeting adjourned at approximately 5:53 PM.

**RICHLAND COUNTY
ADMINISTRATION**

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



Agenda Briefing

Prepared by:	Christopher Ziegler	Title:	Assistant County Attorney
Department:	County Attorney's Office	Division:	
Date Prepared:	February 27, 2024	Meeting Date:	March 26, 2024
Legal Review	Christopher Ziegler (author)	Date:	February 27, 2024
Budget Review	Maddison Wilkerson via email	Date:	February 29, 2024
Finance Review	Stacey Hamm via email	Date:	February 29, 2024
Approved for consideration:	County Administrator	Leonardo Brown, MBA, CPM	
Meeting/Committee	Development & Services		
Subject	Road Closure Petition to close Cottontown Way (2222 Main, LLC v. BKJ Morris Holdings, LLC; Cottontown Group LLC; South Carolina Department of Transportation; Richland County; City of Columbia, South Carolina)		

RECOMMENDED/REQUESTED ACTION:

The County Attorney's Office recommends Council:

1. Approve the petitioner's request to close the subject road and request the County Attorney's Office to answer the lawsuit accordingly; or
2. Deny the petitioner's request to close the subject road, state reasons for such denial, and request the County Attorney's Office to answer the lawsuit accordingly.

Request for Council Reconsideration: Yes

FIDUCIARY:

Are funds allocated in the department's current fiscal year budget?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
If not, is a budget amendment necessary?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

There are no costs associated with this request. The County does not currently maintain this road, so there will be no change in maintenance spending.

OFFICE OF PROCUREMENT & CONTRACTING FEEDBACK:

Not applicable.

REGULATORY COMPLIANCE:

Richland County Code of Ordinances Section 21-14

MOTION OF ORIGIN:

There is no associated Council motion of origin.

STRATEGIC & GENERATIVE DISCUSSION:

County Council is requested to approve, deny, or make a recommendation with respect to a Petition for a Road Closing regarding Cottontown Way in accordance with Richland County Code of Ordinances (Roads, Highways and Bridges) section 21-14. The road is more particularly described in the attached Summons and Petition to Close and Abandon Road filed as 2024-CP-40-00351 in Richland County.

Richland County Code of Ordinances (Roads, Highways and Bridges) section 21-14 requires the County Attorney to consult with the County's Community Planning and Development Department, the Department of Public Works, and the Emergency Services Department, and to then forward the request to abandon or close a public road or right-of-way to County Council for disposition. All aforementioned departments have been informed of the need for input and the Emergency Services Department has expressed concern. After a site review, Director Michael Byrd indicated that the closure may impact a nearby property (1208 Franklin Street) by causing delays in fire response to the side of the building and restricting the use of a side roll-up door on the road seeking to be closed. The Department of Public Works and the County's Community Planning and Development Department did not express concerns.

Cottontown Way is a road extending from Franklin Street to its termination at the property owned by 2222 Main, LLC. In addition to the property owned by 2222 Main, LLC, the road is adjacent to two other parcels owned by BKJ Morris Holdings and Cottontown Group, LLC.

ASSOCIATED STRATEGIC GOAL, OBJECTIVE, AND INTIATIVE:

- Goal 4: Plan for growth through inclusive and equitable infrastructure
 - Objective 4.2: Coordinate departments to prepare for anticipated growth in areas by providing water, sewer, and roads in necessary locations

ATTACHMENTS:

1. Filed Petition
2. County Department Email Correspondence

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND

CASE NO. 2024-CP-40-00351

2222 Main, LLC,

Plaintiff,

v.

AMENDED SUMMONS

BKJ Morris Holdings, LLC; Cottontown Group LLC; South Carolina Department of Transportation; Richland County; City of Columbia, South Carolina; Dominion Energy South Carolina, Inc.

Defendants.

YOU ARE HEREBY SUMMONED and required to answer the Petition for Abandonment and Closure of Road in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to said Petition for Abandonment and Closure of Road upon the subscribers, Graybill Lansche & Vinzani, LLC, 2721 Devine Street, Columbia, South Carolina 29205, within thirty (30) days of the service hereof, exclusive of the day of such service.

YOU ARE HEREBY GIVEN NOTICE FURTHER that, if you fail to appear and defend and fail to answer the Complaint as required by this Summons within thirty (30) days after the service hereof, judgment by default will be rendered against you for the relief demanded in the Complaint/Petition.

s/ Jacob S. Barker

Jacob S. Barker, SC Bar # 77449
GRAYBILL LANSCH & VINZANI, LLC
2721 Devine Street
Columbia, SC 29205
Direct Dial: (843) 408-4063
jbarker@glvlawfirm.com

ATTORNEY FOR PETITIONERS

Columbia, South Carolina
February 6, 2024

Litigation Notice

was served by
Personal Service Personal Mail Certified Mail

STATE OF SOUTH CAROLINA

IN THE COURT OF COMMON PLEAS

COUNTY OF RICHLAND

CASE NO. 2024-CP-40-00351

2222 Main, LLC,

Plaintiff,

v.

**AMENDED PETITION FOR
ABANDONMENT AND CLOSURE
OF ROAD**

BKJ Morris Holdings, LLC; Cottontown Group LLC; South Carolina Department of Transportation; Richland County; City of Columbia, South Carolina; Dominion Energy South Carolina, Inc.

Defendants.

PETITIONER above-named would respectfully show unto the Court:

1. This action is being brought pursuant to §57-9-10 et seq., Code of Laws of South Carolina (1976), as amended.

2. Pursuant to the statute mentioned in the paragraph next above, Petitioner advertised for three (3) consecutive weeks in the The Columbia Star the “Notice of Intention to File Petition to Close Roads”, a copy of which is attached hereto as **Exhibit "A"** and incorporated herein by this reference, and that said notice was advertised on November 24, 2023, December 1, 2023, and December 8, 2023.

3. Pursuant to the statute mentioned in the paragraph above, on or about November 21, 2023 Petitioner posted along the street, road or highway for which closure is being sought, and with permission of and after consultation with the Department of Transportation for Richland County, Maintenance Division, who is responsible for the maintenance of said portion of the street, road or highway for which closure is being sought, signs indicating Petitioner’s intention to close said road. Pictures of the posted signs are attached hereto as **“Exhibit B.”**

4. Petitioner, 2222 Main, LLC is the owner of certain tracts of land located in Richland County, South Carolina, bearing Richland County Tax Map Number R09016-02-06 (the “Property”), which Property abuts the portion of Cottontown Way, also known as Galliard Street, being sought to be closed hereby. Said portion of Cottontown Way,

also known as Galliard Street being sought to be closed begins with its intersection of Franklin Street, running approximately 350 feet generally in a Southerly direction as shown on that certain Survey of Cox and Dinkins prepared for Commonwealth Properties, LLC dated August 5, 2022 and recorded with the Richland County Register of Deeds in Book 2814 at Page 709 (the "Plat"), a reduced copy of which is attached hereto as **Exhibit "C"**.

5. Respondent, BKJ Morris Holdings, LLC is the owner of a tract of land located in Richland County, South Carolina, bearing Richland County Tax Map Number R09016-02-01, which abut the subject road and is a party to this action as an interested party under §57-9-10 et seq., Code of Laws of South Carolina (1976), as amended.

6. Respondent, Cottontown Group, LLC is the owner of a tract of land located in Richland County, South Carolina, bearing Richland County Tax Map Number R09016-02-11, which abut the subject road and is a party to this action as an interested party under §57-9-10 et seq., Code of Laws of South Carolina (1976), as amended

6. Respondent, South Carolina Department of Transportation, is made a Respondent due to the fact that the portion of Cottontown Way, also known as Galliard Street which is being sought to be closed is right of way and said South Carolina Department of Transportation may claim some right, title or interest in and to said road on behalf of the public and for public ingress and egress.

7. Respondent, Richland County, State of South Carolina, is made a Respondent due to the fact that the portion of Cottontown Way, also known as Galliard Street which is being sought to be closed is located within the county limits of Richland County and said Richland County may claim some right, title or interest in and to said road on behalf of the public and for public ingress and egress.

8. Respondent, Dominion Energy South Carolina, Inc., is made a Respondent due to the fact that there is an existing overhead power line that crosses the property of Cottontown Way, also known as Galliard Street, which is being sought to be closed, and said Dominion Energy South Carolina, Inc. may claim some right, title or interest in and to said road for access to and maintenance of the power line.

9. Petitioners desire that any interest of Respondents in said portion of Cottontown Way, also known as Galliard Street being sought to be closed hereby be deemed permanently abandoned and that any and all rights that the Respondents, or the

public, may have in the aforesaid portion of Cottontown Way, also known as Galliard Street being sought to be closed hereby be terminated; provided that in no way will the rights of Respondent Dominion Energy South Carolina, Inc. pursuant to any easements or rights of way previously granted to Respondent, Dominion Energy South Carolina, Inc., or otherwise obtained by Respondent, Dominion Energy South Carolina, Inc., be adversely affected in any way.

10. The Petitioner is informed and believe that there are no abutting property owners who would be adversely affected by such abandonment.

WHEREFORE, Petitioner prays that this Court inquire into the matters of the facts and circumstances hereby alleged and issue its Order requiring that said portion of Cottontown Way, also known as Galliard Street being sought to be closed hereby be permanently abandoned, closed, discontinued and vacated, and that any and all rights that Respondents, and the public, may have in the same and the obligation of South Carolina Department of Transportation to maintain same be permanently terminated.

s/ Jacob S. Barker

Jacob S. Barker, SC Bar # 77449
GRAYBILL LANSCH & VINZANI, LLC
2721 Devine Street
Columbia, SC 29205
Direct Dial: (843) 408-4063
jbarker@glvlawfirm.com

ATTORNEY FOR PETITIONERS

Columbia, South Carolina
February 6, 2024

Christopher Ziegler

From: MICHAEL BYRD
Sent: Tuesday, February 6, 2024 8:16 AM
To: Christopher Ziegler; GEO PRICE; MICHAEL MALONEY; SHIRANI FULLER
Subject: RE: Cottontown Way

I completed a site review of this street to determine how the potential closure may impact the property located at 1208 Franklin Street. The side of the building fronts on Cottontown Way (AKA Galliard Street). Closing and blocking the street may delay fire response to the side of the building. Also, the building has a side roll-up door on Galliard Street that may be impacted by the street closure. The biggest impact from the closure will be the property located at 1208 Franklin Street. - Michael Byrd

From: Christopher Ziegler <ZIEGLER.CHRISTOPHER@richlandcountysc.gov>
Sent: Monday, February 5, 2024 10:12 AM
To: GEO PRICE <PRICE.GEO@richlandcountysc.gov>; MICHAEL BYRD <BYRD.MICHAEL@richlandcountysc.gov>; MICHAEL MALONEY <MALONEY.MICHAEL@richlandcountysc.gov>; SHIRANI FULLER <FULLER.SHIRANI@richlandcountysc.gov>
Subject: Cottontown Way

Good morning all,

Richland County has been named as a party in an action seeking to close a portion Cottontown Way extending from said roads intersection with Franklin Street to its termination surrounded by property owned by 2222 Main, LLC. In addition to the property owned by 2222 Main, the road is adjacent to two other parcels owned by BKJ Morris Holdings and Cottontown Group, LLC. I have attached a map from the County's online GIS to use as reference. I have also included a copy of the summons should anyone be interested in seeing it.

Richland County Code of Ordinances (Roads, Highways and Bridges) subsection 21-14(a) requires the County Attorney to consult with and obtain approval from Planning, Public Works and Emergency Services prior to making a recommendation for disposition of a road closing petition. Here is the full text of that subsection:

Sec. 21-14. Abandonment of public roads and right-of-ways.

(a) Any person or organization wishing to close an existing public street, road, or highway in the county to public traffic shall petition a court of competent jurisdiction in accordance with section 57-9-10, et seq. of the state code of laws. The petition shall name the county as a respondent (unless the county is the petitioner). The county attorney shall advise the court with regard to the county's concurrence or opposition after consultation with the county's planning, public works, and emergency services departments, and after consideration by county council. It shall be the responsibility of the petitioner to physically close the roadway if a petition is successful. The county attorney may submit such petition on behalf of the county if so directed by county council.

Please advise if you have an objection to the closure of this road, extinguishment of any County interest therein, or any other concerns in this regard.

Very respectfully,

Christopher Ziegler
Assistant County Attorney
Richland County Attorney's Office
2020 Hampton Street, Room 4018
PO Box 192
Columbia, South Carolina 29202

Christopher Ziegler

From: GEO PRICE
Sent: Tuesday, February 6, 2024 6:36 PM
To: Christopher Ziegler; MICHAEL BYRD; MICHAEL MALONEY; SHIRANI FULLER
Subject: RE: Cottontown Way

The CP&D Department has no objections to the proposed road closure.

From: Christopher Ziegler <ZIEGLER.CHRISTOPHER@richlandcountysc.gov>
Sent: Monday, February 5, 2024 10:12 AM
To: GEO PRICE <PRICE.GEO@richlandcountysc.gov>; MICHAEL BYRD <BYRD.MICHAEL@richlandcountysc.gov>; MICHAEL MALONEY <MALONEY.MICHAEL@richlandcountysc.gov>; SHIRANI FULLER <FULLER.SHIRANI@richlandcountysc.gov>
Subject: Cottontown Way

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Please advise if you have an objection to the closure of this road, extinguishment of any County interest therein, or any other concerns in this regard.

Very respectfully,

Christopher Ziegler
Assistant County Attorney
Richland County Attorney's Office
2020 Hampton Street, Room 4018
PO Box 192
Columbia, South Carolina 29202
ziegler.christopher@richlandcountysc.gov

Christopher Ziegler

From: SHIRANI FULLER
Sent: Monday, February 5, 2024 1:40 PM
To: Christopher Ziegler
Subject: RE: Cottontown Way

Chris,

That is correct. SCDOT would maintain the road and the city would preform services off the right-of-way, if there are any. RC Public Works would have no authority here.

Shirani

From: Christopher Ziegler <ZIEGLER.CHRISTOPHER@richlandcountysc.gov>
Sent: Monday, February 5, 2024 1:28 PM
To: SHIRANI FULLER <FULLER.SHIRANI@richlandcountysc.gov>
Subject: RE: Cottontown Way

Shirani,

This is a new one for me – do we not maintain the road at all? I just want to make sure I have that understood before I move to the next step.

Thanks!

From: SHIRANI FULLER <FULLER.SHIRANI@richlandcountysc.gov>
Sent: Monday, February 5, 2024 12:14 PM
To: Christopher Ziegler <ZIEGLER.CHRISTOPHER@richlandcountysc.gov>
Cc: MICHAEL MALONEY <MALONEY.MICHAEL@richlandcountysc.gov>
Subject: RE: Cottontown Way

Good Morning Chris,

From GIS, it appears this is an SCDOT road inside the City of Columbia. If that's correct I don't believe chapter 21 would apply as it's not in unincorporated Richland County.

Thank you

Shirani W. Fuller, PE
County Engineer
Richland County Government
Department of Public Works
Engineering Division
fuller.shirani@richlandcountysc.gov

O: 803-576-3576
400 Powell Rd.
Columbia, SC 29203
www.richlandcountysc.gov

**RICHLAND COUNTY
ADMINISTRATION**

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



Agenda Briefing

Prepared by:	Shirani Fuller	Title:	County Engineer
Department:	Public Works	Division:	Engineering
Date Prepared:	February 27, 2024	Meeting Date:	March 26, 2024
Legal Review	Elizabeth McLean via email	Date:	March 14, 2024
Budget Review	Maddison Wilkerson via email	Date:	February 29, 2024
Finance Review	Stacey Hamm via email	Date:	March 7, 2024
Approved for consideration:	Assistant County Administrator	John M. Thompson, Ph.D., MBA, CPM, SCEM	
Meeting/Committee	Development & Services		
Subject	Dominion Energy Easement Request - 1364 Northpoint Boulevard		

RECOMMENDED/REQUESTED ACTION:

Dominion Energy requests an access easement through the property owned by Richland County at 1364 Northpoint Blvd to provide power to a new commercial business. Staff recommends Council approval of the request.

Request for Council Reconsideration: Yes

FIDUCIARY:

Are funds allocated in the department’s current fiscal year budget?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No
If not, is a budget amendment necessary?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No

ADDITIONAL FISCAL/BUDGETARY MATTERS TO CONSIDER:

There is no anticipated fiscal impact to the County.

Applicable department/grant key and object codes: not applicable

OFFICE OF PROCUREMENT & CONTRACTING FEEDBACK:

Not applicable.

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

There are no legal concerns regarding this matter.

REGULATORY COMPLIANCE:

Not applicable.

MOTION OF ORIGIN:

There is no associated Council motion of origin.

STRATEGIC & GENERATIVE DISCUSSION:

Through the Richland County Economic Development Department, a portion of parcel R14900-01-02, addressed as 1364 Northpoint Blvd, is under development and is part of the industrial park. Dominion Energy is requesting an exclusive easement to provide service to the property. The requested area is described in the easement document and shown in the drawing.

ASSOCIATED STRATEGIC GOAL, OBJECTIVE, AND INTIATIVE:

- Goal 2: Invest in economic development
 - Objective 2.1: Create high paying jobs from planning growth and strategic economic development projects
 - Initiative: Encourage private sector engagement with Economic Development

ATTACHMENTS:

1. Easement Document
2. Easement Exhibit
3. Ordinance

INDENTURE, made this _____ day of _____, 2024 by and between RICHLAND COUNTY, of the State of South Carolina, hereinafter called "Grantor" (whether singular or plural), and the DOMINION ENERGY SOUTH CAROLINA, INC., a South Carolina corporation, having its principal office in Cayce, South Carolina, hereinafter called "Grantee".

WITNESSETH:

That, in consideration of the sum of One Dollar (\$1.00) received from Grantee, Grantor, being the owner of land situate in the County of Richland, State of South Carolina, hereby grants and conveys to Grantee, its successors and assigns, the right to construct, extend, replace, relocate, perpetually maintain and operate an overhead or underground electric line or lines consisting of any or all of the following: poles, conductors, lightning protective wires, municipal, public or private communication lines, cables, conduits, pad mounted transformers, guys, push braces and other accessory apparatus and equipment deemed by Grantee to be necessary or desirable, upon, over, across, through and under land described as follows: a tract or lot of land containing 89.20 acres, more or less, and being the same lands conveyed to Grantor by deed of The Citadel Foundation, dated or recorded 12/3/2008, and filed in the Register of Deeds office for Richland County in Deed book 1479 at Page 1098.

The property is located at 1364 Northpoint Blvd., Richland County, SC.

The right of way granted herein is for the installation, operation and maintenance of DESC facilities. These facilities are more fully shown on DESC drawing D-85280 and revisions thereof, which is by reference only made a part hereof. The actual final Right of Way will be determined by the final location of the facilities as installed in accordance with the easement.

TMS: R14900-01-02

Together with the right from time to time to install on said line such additional lines, apparatus and equipment as Grantee may deem necessary or desirable and the right to remove said line or any part thereof.

Together also with the right (but not the obligation) from time to time to trim, cut or remove trees, underbrush and other obstructions that are within, over, under or through a strip of land ("Easement Space") extending Fifteen (15) feet on each side of any pole lines and Five (5) feet on each side of any underground wires and within, over, under or through a section of land extending Twelve (12) feet from the door side(s) of any pad mounted transformers, elbow cabinets, switchgears or other devices as they are installed; provided, however, any damage to the property of Grantor (other than that caused by trimming, cutting or removing) caused by Grantee in maintaining or repairing said lines, shall be borne by Grantee; provided further, however, that Grantors agree for themselves, their successors and assigns, not to build or allow any structure to be placed on the premises in such a manner that any part thereof will exist within the applicable above specified Easement Space, and in case such structure is built, then Grantor, or such successors and assigns as may be in possession and control of the premises at the time, will promptly remove the same upon demand of Grantee herein. Grantor further agrees to maintain minimum ground coverage of thirty six (36) inches and maximum ground coverage of fifty four (54) inches over all underground primary electric lines. Together also with the right of entry upon said lands of Grantor for all of the purposes aforesaid.

The words "Grantor" and "Grantee" shall include their heirs, executors, administrators, successors and assigns, as the case may be.

IN WITNESS WHEREOF, Grantor has caused this indenture to be duly executed the day and year first above written.

WITNESS:

RICHLAND COUNTY

1st Witness

2nd Witness

By: _____(SEAL)

Print: _____

Title: _____

Easement # 905373

ACKNOWLEDGMENT

STATE OF SOUTH CAROLINA

COUNTY OF **RICHLAND**

The foregoing instrument was acknowledged before me, the undersigned Notary, and I do hereby certify that the within named, _____, of **RICHLAND COUNTY**, personally appeared before me this day and that the above named acknowledged the due execution of the foregoing instrument.

Sworn to before me this _____ day of _____, 2024

Signature of Notary Public State of SC

My commission expires: _____

Print Name of Notary Public

**RIGHT OF WAY GRANT TO
DOMINION ENERGY SOUTH CAROLINA, INC.**

Line: **Access 77 Spec Building - Northpoint**

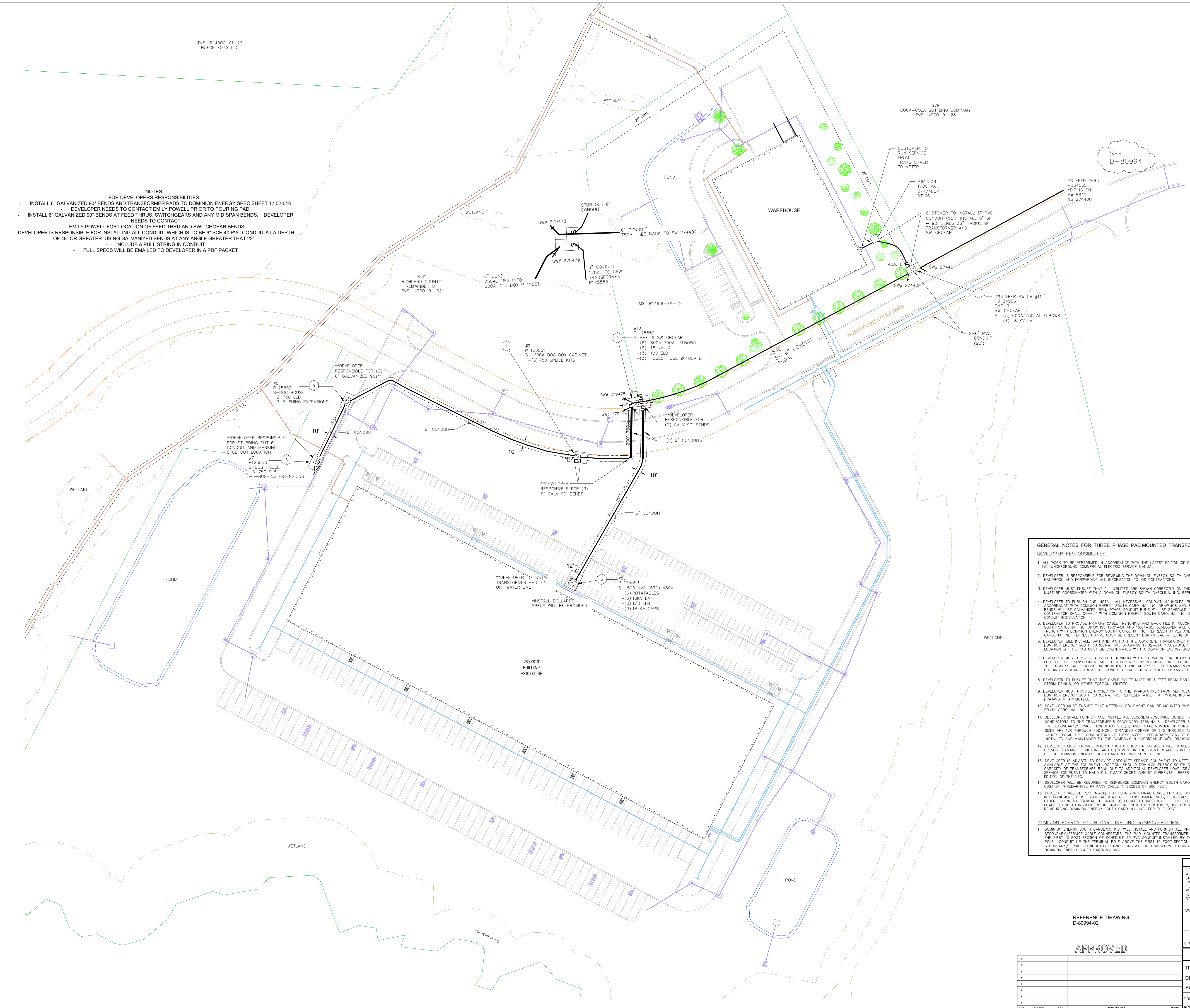
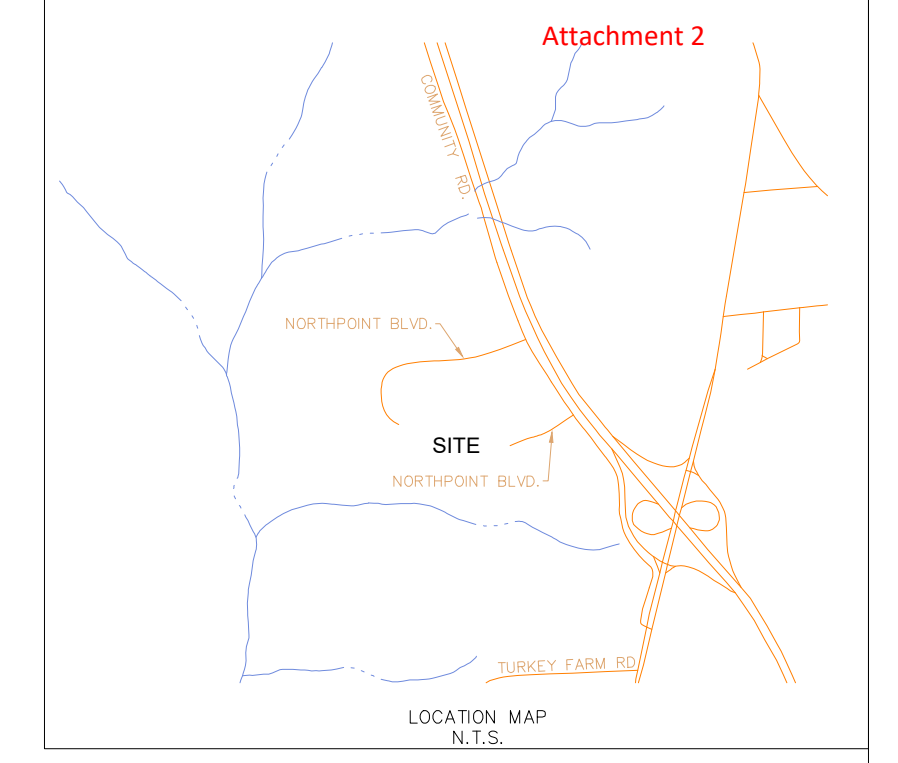
County: **RICHLAND**

R/W File Number: **26978**

Grantor(s): **RICHLAND COUNTY**

Return to: DESC

TMS: R14900-01-26
HUECK FOLLS LLC



NOTES FOR DEVELOPERS RESPONSIBILITIES
INSTALL 6" GALVANIZED 90° BENDS AND TRANSFORMER PADS TO DOMINION ENERGY SPEC SHEET 17.02-01B
DEVELOPER NEEDS TO CONTACT EMILY POWELL PRIOR TO POURING PAD.
INSTALL 6" GALVANIZED 90° BENDS AT FEED THRU'S, SWITCHGEARS AND ANY MID SPAN BENDS. DEVELOPER NEEDS TO CONTACT EMILY POWELL FOR LOCATION OF FEED THRU AND SWITCHGEAR BENDS.
DEVELOPER IS RESPONSIBLE FOR INSTALLING ALL CONDUIT, WHICH IS TO BE 6" SCH 40 PVC CONDUIT AT A DEPTH OF 48" OR GREATER USING GALVANIZED BENDS AT ANY ANGLE GREATER THAN 22° INCLUDE A FULL STRING IN CONDUIT
FULL SPECS WILL BE EMAILED TO DEVELOPER IN A PDF PACKET

SEE D-80994

TRANSFORMER SHORT CIRCUIT NOTE
BASED ON A 150 KVA TRANSFORMER WITH 1.6% IMPEDANCE, THE AVAILABLE SHORT CIRCUIT CURRENT FOR USE IN CALCULATING REQUIRED SHORT CIRCUIT CURRENT RATING OF ELECTRICAL EQUIPMENT ONLY. ACTUAL AVAILABLE SHORT CIRCUIT CURRENT LEVELS REQUIRED FOR ARC FLASH CALCULATIONS MAY VARY.
THE AVAILABLE SHORT CIRCUIT CURRENT AT THE TRANSFORMER SECONDARY TERMINAL IS 13,200 AMPS LINE TO GROUND AT 277 VOLTS AND 11,280 AMPS LINE TO LINE AT 480 VOLTS.
THESE CURRENT LEVELS ARE RMS SYMMETRICAL VALUES AND DO NOT INCLUDE ANY IMPEDANCE OF THE SECONDARY/SERVICE CONDUCTORS OR CONTRIBUTION FROM THE CUSTOMER'S EQUIPMENT. INCREASED TRANSFORMER SIZE AT SOME FUTURE DATE MAY INCREASE THESE CURRENT LEVELS. THE NATIONAL ELECTRICAL CODE (NEC) REQUIRES ALL SERVICE EQUIPMENT TO BE SUITABLE FOR THE SHORT CIRCUIT CURRENT AVAILABLE AT THE SUPPLY TERMINALS OF THE SERVICE EQUIPMENT.

DOMINION ENERGY SOUTH CAROLINA, INC. ELECTRIC DISTRIBUTION SYMBOLS. Table with columns for POLES, OVERHEAD SYMBOLS, UNDERGROUND SYMBOLS, and LIGHTING.

GENERAL NOTES FOR THREE PHASE PAD MOUNTED TRANSFORMERS
DEVELOPER RESPONSIBILITIES:
1. ALL WORK TO BE PERFORMED IN ACCORDANCE WITH THE LATEST EDITION OF DOMINION ENERGY SOUTH CAROLINA, INC. UNDERGROUND COMMERCIAL ELECTRIC SERVICE MANUAL.
2. DEVELOPER IS RESPONSIBLE FOR VERIFYING THE DOMINION ENERGY SOUTH CAROLINA, INC. REPRESENTATIVE.
3. DEVELOPER MUST ENSURE THAT ALL UTILITIES ARE SHOWN CORRECTLY ON THIS DRAWING. ANY CHANGES MUST BE COORDINATED WITH A DOMINION ENERGY SOUTH CAROLINA, INC. REPRESENTATIVE.
4. DEVELOPER TO FURNISH AND INSTALL ALL NECESSARY CONDUIT, MANHOLES, PULL BOXES, AND PULL WIRES, IN ACCORDANCE WITH DOMINION ENERGY SOUTH CAROLINA, INC. DRAWINGS 16.01-04 AND 16.01-05. DEVELOPER WILL COORDINATE THE OPENING OF THE TRENCH WITH DOMINION ENERGY SOUTH CAROLINA, INC. REPRESENTATIVE AND A DOMINION ENERGY SOUTH CAROLINA, INC. REPRESENTATIVE MUST BE PRESENT DURING BACK-FILLING OF THE TRENCH.
5. DEVELOPER TO PROVIDE PRIMARY CABLE TRENCHING AND BACK FILL IN ACCORDANCE WITH DOMINION ENERGY SOUTH CAROLINA, INC. DRAWINGS 16.01-04 AND 16.01-05. DEVELOPER WILL COORDINATE THE OPENING OF THE TRENCH WITH DOMINION ENERGY SOUTH CAROLINA, INC. REPRESENTATIVE AND A DOMINION ENERGY SOUTH CAROLINA, INC. REPRESENTATIVE MUST BE PRESENT DURING BACK-FILLING OF THE TRENCH.
6. DEVELOPER WILL INSTALL, OWN AND MAINTAIN THE CONCRETE TRANSFORMER PAD IN ACCORDANCE WITH DOMINION ENERGY SOUTH CAROLINA, INC. DRAWINGS 17.02-01A, 17.02-01B, 17.02-01C, AND 17.02-01D. LOCATION OF THE PAD MUST BE COORDINATED WITH A DOMINION ENERGY SOUTH CAROLINA, INC. REPRESENTATIVE.
7. DEVELOPER MUST PROVIDE A 12 FOOT MINIMUM WIDTH CORRIDOR FOR HEAVY TRUCK ACCESS TO WITHIN 1 FOOT OF THE TRANSFORMER PAD. DEVELOPER IS RESPONSIBLE FOR KEEPING THE TRANSFORMER AND THE PRIMARY CABLE ROUTE UNOCCLUDED AND ACCESSIBLE FOR MAINTENANCE. THERE SHALL BE NO BUILDING OVERHANG ABOVE THE CONCRETE PAD FOR A VERTICAL DISTANCE OF 40 FEET.
8. DEVELOPER TO ENSURE THAT THE CABLE ROUTE MUST BE 8 FEET FROM PARALLEL RUNS OF WATER, SEWER, STORM DRAIN, OR OTHER FOREIGN UTILITIES.
9. DEVELOPER MUST PROVIDE PROTECTION TO THE TRANSFORMER FROM VEHICULAR TRAFFIC AS SPECIFIED BY A DOMINION ENERGY SOUTH CAROLINA, INC. REPRESENTATIVE. A TYPICAL INSTALLATION IS SHOWN ON THIS DRAWING, IF APPLICABLE.
10. DEVELOPER MUST ENSURE THAT METERING EQUIPMENT CAN BE MOUNTED WHERE REQUIRED BY DOMINION ENERGY SOUTH CAROLINA, INC.
11. DEVELOPER SHALL FURNISH AND INSTALL ALL SECONDARY/SERVICE CONDUIT AND SECONDARY/SERVICE CONDUCTORS TO THE TRANSFORMER'S SECONDARY TERMINALS. DEVELOPER SHALL NOTIFY THE COMPANY OF THE SECONDARY/SERVICE CONDUCTOR SIZES AND TOTAL NUMBER OF RUNS. REQUIRED SERVICE CONDUCTOR SIZES ARE 1/0 THROUGH 750 KCMIL STRANDED COPPER OR 1/0 THROUGH 750 KCMIL STRANDED ALUMINUM CABLES OR MULTIPLE CONDUCTORS OF THESE SIZES. SECONDARY/SERVICE CONNECTORS WILL BE FURNISHED, INSTALLED AND MAINTAINED BY THE COMPANY IN ACCORDANCE WITH DRAWINGS 06.04-08 AND 14.02-03D.
12. DEVELOPER MUST PROVIDE INTERRUPTION PROTECTION ON ALL THREE PHASES OF THE SECONDARY SERVICE TO PRESENT DAMAGE TO MOTORS AND EQUIPMENT IN THE EVENT POWER IS INTERRUPTED TO ONE OR MORE PHASES OF THE DOMINION ENERGY SOUTH CAROLINA, INC. SUPPLY LINE.
13. DEVELOPER IS ADVISED TO PROVIDE ADEQUATE SERVICE EQUIPMENT TO MEET THE SHORT-CIRCUIT CURRENTS AVAILABLE AT THE EQUIPMENT LOCATION SHOULD DOMINION ENERGY SOUTH CAROLINA, INC. EVER INCREASE CAPACITY OF TRANSFORMER BANK DUE TO ADDITIONAL DEVELOPER LOAD. DEVELOPER SHOULD CONSIDER USING SERVICE EQUIPMENT TO HANDLE ULTIMATE SHORT-CIRCUIT CURRENTS. REFER TO THE LATEST APPLICABLE EDITION OF THE NEC.
14. DEVELOPER WILL BE REQUIRED TO REIMBURSE DOMINION ENERGY SOUTH CAROLINA, INC. FOR THE INSTALLED COST OF THREE-PHASE PRIMARY CABLE IN EXCESS OF 300 FEET.
15. DEVELOPER WILL BE RESPONSIBLE FOR FURNISHING FINAL GRADE FOR ALL DOMINION ENERGY SOUTH CAROLINA, INC. EQUIPMENT. IT IS ESSENTIAL THAT ALL TRANSFORMER PADS, REDECKS, HANDHOLES, MANHOLES, AND OTHER EQUIPMENT ORIGIN TO BE LOCATED CORRECTLY. ALL EQUIPMENT HAS TO BE RAISED OR LOWERED DUE TO INSUFFICIENT INFORMATION FROM THE CUSTOMER. THE CUSTOMER WILL BE RESPONSIBLE FOR REIMBURSING DOMINION ENERGY SOUTH CAROLINA, INC. FOR THIS COST.

DOMINION ENERGY SOUTH CAROLINA, INC. RESPONSIBILITIES:
1. DOMINION ENERGY SOUTH CAROLINA, INC. WILL INSTALL AND FURNISH ALL PRIMARY CABLE AND TERMINATIONS, SECONDARY/SERVICE CABLE CONNECTIONS, THE PAD-MOUNTED TRANSFORMER, GALVANIZED U-GUARD OVER THE FIRST 10 FOOT SECTION OF SCHEDULE 40 PVC CONDUIT INSTALLED BY THE DEVELOPER ON THE TERMINAL POLE. CONDUIT OF THE TERMINAL POLE ABOVE THE FIRST 10 FOOT SECTION, AND WILL MAKE THE SECONDARY/SERVICE CONDUCTOR CONNECTIONS AT THE TRANSFORMER USING CONNECTORS FURNISHED BY DOMINION ENERGY SOUTH CAROLINA, INC.

DEVELOPER'S SIGNATURE BLOCK. Includes fields for APPROVED BY, TITLE, COMPANY, DATE, and a signature line.

REFERENCE DRAWING: D-80994-02

APPROVED

Table with columns: NO, DATE, BY, REVISION, FOR. Includes project information: DOMINION ENERGY SOUTH CAROLINA, INC., NORTHPOINT BOULEVARD INDUSTRIAL ACCESS 77 NORTHPOINT BOULEVARD, DETAIL THREE PHASE UNDERGROUND SERVICE, SUB. NORTHPOINT SUB. (821) 23KV, DRN 0828-28-2021, SCALE: 1"= 60', SHEET 1 OF 1 SHEETS, D-85280, DATE PLOTTED 02/23/24.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. _____-24HR

AN ORDINANCE AUTHORIZING AN EASEMENTS TO DOMINION ENERGY SOUTH CAROLINA, INC. TO CONSTRUCT, EXTEND, REPLACE, RELOCATE, PERPETUALLY MAINTAIN AND OPERATE AN OVERHEAD OR UNDERGROUND ELECTRIC LINE OR LINES; LOCATED ON PROPERTY OWNED BY RICHLAND COUNTY AT 1364 NORTHPOINT BLVD; AND AS IS MORE FULLY DESCRIBED HEREIN.

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 County of Richland and its employees and agents are hereby authorized to grant to DOMINION ENERGY SOUTH CAROLINA, INC. an easement to construct, extend, replace, relocate, perpetually maintain and operate an overhead or underground electric line or lines; as specifically described in Easement #905373; 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 _____.

RICHLAND COUNTY COUNCIL

By: _____
Jessica Mackey , Chair

Attest this _____ day of _____, 2024.

Anette Kirylo
Clerk of Council

RICHLAND COUNTY ATTORNEY’S OFFICE

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

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



Project Update

Prepared by:	Aric Jensen, AICP	Title:	Assistant County Administrator
Department:	Administration	Division:	
Date Prepared:	February 16, 2024	Meeting Date:	February 27, 2024
Approved for Consideration:	County Administrator	Leonardo Brown, MBA, CPM	
Committee:	Development & Services		
Agenda Item/Council Motion:	Direct the Administrator to research and present to Council current laws and benefits of enacting impact fees in Richland County. The purpose is to help reduce the tax burden on residents by not having to pay the complete cost of development in Richland County. [Malinowski (Pugh; Newton), 03 January 2023]		

EXECUTIVE SUMMARY (NARRATIVE STATUS):

Staff submitted a Request for Proposals (RFP) for professional services to prepare an analysis of the current conditions and potential options to Procurement in October 2023. Procurement received two responsive submissions which were evaluated by a panel of employees appointed by the County Administrator. The highest ranked vendor was selected.

Procurement has issued the “Notice to Intent to Award,” and following successful negotiations and contract award, the vendor can begin its study. Staff is hopeful it is on schedule to present preliminary findings to the Committee at its April 2024 meeting.

As a reminder, the initial analysis suggests there are limited opportunities for impact fee collections in Richland County because such fees in South Carolina must fund new facilities for school districts, recreation districts, and utilities, and cannot be used for ongoing operations. The purpose of the study is to determine what opportunities exist and to provide the Council enough information to determine if it wants to create an impact fee ordinance and program.

KEY ACCOMPLISHMENTS/MILESTONES:

November 21, 2023	RFP submitted to Procurement
December 5, 2023	RFP issued
January 9-31, 2024	Submissions evaluated and ranked
February 1, 2024	Administration notified of results
February 6, 2024	Notice of Intent to Award issued, protest period starts
February 20, 2024	Agreement negotiated with awardee, pending Legal review
April 2024	Presentation to Committee

PENDING ACTIONS/DELIVERABLES AND ANTICIPATED COMPLETION DATES:

March/April 2024	Presentation to Committee
April/May 2024	Council Work Session
May/June 2024	Council Action/Motion