



RICHLAND COUNTY COUNCIL

DEVELOPMENT AND SERVICES COMMITTEE

Bernice G. Scott
District 10

Damon Jeter
District 3

Norman Jackson, Chair
District 11

Kit Smith
District 5

Bill Malinowski
District 1

November 25, 2008
5:00 PM

Richland County Council Chambers
County Administration Building
2020 Hampton Street

Call to Order

Approval of Minutes

October 28, 2008: Regular Meeting

Pages 3 – 6

Adoption of Agenda

Presentations

Overview of Current Transit Funding Situation
Mitzi Javers, Executive Director, Central Midlands RTA

(Jeter)

Ozone Non-Attainment Boundary Recommendation [Action Requested]
Aaron Bell, Central Midlands Council of Governments

Items for Action

1. Request to approve the collaboration between the Planning and Community Development Departments for the purpose of leveraging resources and funds for neighborhood programs and improvements Pages 7 – 9

2. Request to approve a change order with Thomas & Hutton in the amount of \$120,120 for the watershed modeling project of Gills Creek and Crane Creek Pages 10 – 12

3. An ordinance amending the Richland County Code of Ordinances, Chapter 10, Fire Prevention and Protection Pages 13 – 19
4. Alternative Dirt Road Paving Program / Ordinance to permit adoption of countywide dirt road paving program standards Pages 20 – 41
(Jackson, Scott)

Items for Discussion / Information

5. Overview of South Carolina Residential Improvement District Act (Act 350 of 2008) Pages 42 – 44
(Malinowski)
6. Motion to require that CMRTA bid out the system operations contract
(Legal Advice: Eligible for discussion in executive session) *(Jackson)*
7. Motion regarding the SCE&G Landfill
(Legal Advice: Eligible for discussion in executive session) *(Jackson)*

Adjournment

Staffed by: Joe Cronin

**Richland County Council
Development and Services Committee
October 28, 2008
4:00 PM**



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

Members Present:

Chair: Norman Jackson
Member: Damon Jeter
Member: Bill Malinowski
Member: Bernice G. Scott
Member: Kit Smith

Others Present: Joseph McEachern, Valerie Hutchinson, L. Gregory Pearce, Jr., Paul Livingston, Joyce Dickerson, Milton Pope, Tony McDonald, Roxanne Matthews, Joe Cronin, Larry Smith, Joseph Kocy, Geo Price, Amelia Linder, Teresa Smith, Jim Wilson, Daniel Driggers, Andy Metts, Valeria Jackson, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 4:13 p.m.

APPROVAL OF MINUTES

September 23, 2008 (Regular Session) – Mr. Malinowski moved, seconded by Ms. Smith, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF AGENDA

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

ITEMS FOR ACTION

Request to accept a conservation easement from Ms. Cindy Bollinger for the preservation of 20 Acres (District 1) – Mr. Malinowski moved, seconded by Ms. Smith, to

forward this item to Council with a recommendation for approval. The vote in favor was unanimous.

Request to accept a conservation easement from Ms. Mary Bradley for the preservation of 289 acres (District 10) – Mr. Malinowski moved, seconded by Ms. Smith, to forward this item to Council with a recommendation for approval. The vote in favor was unanimous.

Request to accept a conservation easement from Mr. Kenneth Clark for the preservation of 18 acres (District 2) – Mr. Malinowski moved, seconded by Ms. Smith, to forward this item to Council with a recommendation for approval. The vote in favor was unanimous.

Request to accept a conservation easement from Mr. Steve Corboy for the preservation of 40 acres (District 7) – Mr. Malinowski moved, seconded by Ms. Smith, to forward this item to Council with a recommendation for approval. The vote in favor was unanimous.

Request to accept a conservation easement from Mr. Calvin Koon for the preservation of 40 acres (District 1) – Mr. Malinowski moved, seconded by Ms. Smith, to forward this item to Council with a recommendation for approval. The vote in favor was unanimous.

Request to accept a conservation easement from Mr. G. P. Monroe for the preservation of 17.5 acres (District 9) – Mr. Malinowski moved, seconded by Ms. Smith, to forward this item to Council with a recommendation for approval. The vote in favor was unanimous.

Request to accept a conservation easement from Mr. Phillip Reddick for the preservation of 14 acres (District 1) – Mr. Malinowski moved, seconded by Ms. Smith, to forward this item to Council with a recommendation for approval. The vote in favor was unanimous.

Request to accept a conservation easement from Mr. Royal Roseberry for the preservation of 47 acres (District 9) – Mr. Malinowski moved, seconded by Ms. Smith, to forward this item to Council with a recommendation for approval. The vote in favor was unanimous.

Request to authorize the County Administrator and Community Development Department to move forward with the development of partnerships with County/City/Local CDCs in an effort to address residential and economic impact projects – Ms. Smith moved, seconded by Mr. Malinowski, to forward this item to Council with a recommendation for approval. A discussion took place.

The vote in favor was unanimous.

Request to adopt the incorporation of the Neighborhood Stabilization Program Fund (NSP) program into the Richland County Community Development Block Grant Program (CDBG) – Ms. Smith moved, seconded by Mr. Malinowski, to forward this item to Council with a recommendation for approval. A discussion took place.

The vote in favor was unanimous.

Request to approve a temporary public display of historic aircraft at the Owens

Downtown Airport – Ms. Smith moved, seconded by Mr. Malinowski, to delete this item. The vote in favor was unanimous.

Consideration of options for the enforcement of digital on-premise display signs – Ms. Smith moved, seconded by Mr. Malinowski, to forward to Council a recommendation to send staff's recommended version to the Planning Commission with the number of times the sign may amended from 4 to 6 and to also recommend First Reading approval of a moratorium on permits for LED signs until a policy can be developed. A discussion took place.

The vote in favor was unanimous.

Request to approve the use of accrued interest from the Broad River Sewer bond issue toward the completion of the construction project – Mr. Malinowski moved to forward to Council a recommendation that once the projects are provided that the funds be released. The motion died for lack of a second.

Ms. Smith moved, seconded by Mr. Jackson, to forward this item to Council without a recommendation. The vote was in favor.

Request to approve a Memorandum of Agreement (MOA) between Richland County and Richland County School District One for the development of the Hopkins Community Water Project – A discussion took place.

Ms. Scott moved, seconded by Ms. Smith, to forward this item to Council with a recommendation for approval. The vote in favor was unanimous.

ITEMS FOR DISCUSSION/INFORMATION

Geometrics Dirt Road Pave-in-Place Program – No action taken.

Update from Central Midlands Regional Transit Authority (CMRTA) – No action taken.

Comparison of transit service, funding, and efficiency in Columbia and other peer communities – No action taken.

Motion to require that CMRTA bid out the system operations contract – No action taken.

Motion regarding the SCE&G landfill – No action taken.

ADJOURNMENT

The meeting adjourned at approximately 5:08.

Submitted by,

Norman Jackson, Chair

The minutes were transcribed by Michelle M. Onley

Richland County Council Request for Action

Subject: Collaboration for Neighborhood Improvement

A. Purpose

To inform County Council of pending collaboration between the Community Development Department and the Planning Department to leverage resources and funds for neighborhood programs and improvements.

B. Background / Discussion

The Community Development (CD) and the Planning Department are collaborating, creating a joint venture leveraging resources and funds for neighborhood programs and improvements. The Planning Department created Neighborhood Improvement Plans benefiting high need communities. The CD Department has federal funds (CDBG and HOME) and will provide a set-aside annual amount (based upon Council and CD Department priorities) for investing and improving these communities.

HOME funds will be marketed to eligible 1st time homebuyers in these neighborhoods, expanding homeowner opportunities. HOME funds will be used for home repairs in these communities for those who are 80% or below LMI (Low and Moderate Income). This improves the housing stock in Master Planned areas, responding to a concern frequently expressed in community Master Planning meetings.

Community Development Block Grants (CDBG) will be used in two methods. The first will target eligible commercial properties in Master Planned areas, providing funding for façade improvements, new signs, and other property repairs. The second is the CD Department and Planning Department are matching funds creating an \$110,000 total joint allocation investing in community improvements enhancing a community, such as landscaping major corridors, building play grounds (jungle gyms, restoring ball fields) or sidewalks. This program allocates \$10,000 per Council District creating major projects having a catalyst effect in a community. One grant per Council district encourages collaboration among communities, creating projects having a wide impact. Neighborhood Improvement Program will continue providing smaller grants to neighborhood associations, funds fostering and strengthening associations. Eligible projects are news letters, etc.

The CD Department will provide a funding source and prior eligibility review for the projects on the front end as they become planned, the Planning Department will coordinate improving neighborhoods inside and outside of Master Planning areas. For FY 08-09, the CD Department has earmarked \$175,000.00 of CDBG funds towards these efforts, with access to the HOME funds for the affordable housing needs. Once HUD has approved the department's Annual Action Plan, the funds would be available October 1, 2008 to September 30, 2009. Any funds not expended within this timeline, would be redirected to other worthy projects. Both Planning and CD Departments will coordinate annually reassessing and evaluating this process. The Planning Department will submit quarterly

reports to the CD Department for purposes of supporting documentation, marketing, publications, etc.

This plan provides resources used effectively and expended within 12 months thereby addressing HUD timelines, implementing Community Improvement Plans enhancing a community, and showing the county's commitment for neighborhood improvement.

Schedule for Neighborhood focus:

- 2008 – Decker Master Plan
- 2009 – Decker Master Plan, Trenholm Acres/Newcastle Master Plan
- 2010 – Trenholm Acres/Newcastle Master Plan, Broad River Heights/Riverview Terrace Master Plan
- 2011 – Broad River Corridor

C. Financial Impact

None. All expenditures will be met through existing county and state funds.

D. Alternatives

1. Approve the proposed collaboration.
2. Do not approve the proposed collaboration.

E. Recommendation

Staff recommends approving Alternative No. 1.

Recommended by: Joseph Kocy **Department:** Planning **Date:** 10/15/2008

F. Reviews

Finance

Reviewed by: Daniel Driggers Date: 11/18/08
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: Beginning with the FY2010 budget process, grants awarded through the Neighborhood Improvement funding will be incorporated into the annual budget process in order to ensure consistency in the County process.

Legal

Reviewed by: Larry Smith Date: 11-19-08
 Recommend Council approval Recommend Council denial
Comments regarding recommendation:

Administration

Reviewed by: J. Milton Pope Date: 11-19-08

✓ Recommend Council approval Recommend Council denial
Comments regarding recommendation: Recommend approval...

Richland County Council Request for Action

Subject: Watershed Modeling Change Order

A. Background / Discussion

Council is requested to approve the change order with Thomas & Hutton in the amount of \$120,120 to be funded from the Stormwater Management fund (3007 FY09 budget) for current Watershed modeling project for Richland County to be able to complete the FEMA Studies on Gills Creek and Crane Creek and revise flood insurance rate maps in the region.

B. Background / Discussion

Thomas & Hutton in partnership with Camp Dresser & McKee Inc. (CDM) performed hydrologic and hydraulic studies for both Gills Creek and Crane Creek Watersheds. Water quantity and water quality models were generated as part of the project. As part of the extension to the project, it is being proposed to revise the FEMA flood insurance rate maps in both these watersheds using the completed models.

The scope of current project extension shall consist of reviewing the existing detailed pre-development Flood Studies to prepare a Flood Insurance Rate Map for the approximately seventy-four square mile Gills Creek Watershed and approximately sixty-seven square mile Crane Creek Watershed in Richland County, South Carolina. Specifically the project will include the development of a duplicate effective, corrective effective, and an existing conditions HEC-RAS (Hydrologic Engineering Center River Analysis System) steady state model to submit to FEMA for review. The review includes sixty-nine thousand linear feet of Gills Creek; thirteen thousand seven hundred and fifty linear feet of Eight mile Creek; twenty-three thousand eight hundred linear feet of Jackson Creek; eight thousand three hundred and forty linear feet of Lightwood Knot Branch; twenty-one thousand and fifty linear feet of Little Jackson Creek; seventy-six thousand linear feet of Crane Creek; eighteen thousand linear feet of North Branch Creek; and fifteen thousand linear feet of Beasley Creek. The study areas are designated by FEMA as Zone AE, which indicates the area is in a flood zone and indicates the base flood elevation based on the last models submitted. The current analysis will determine any changes to the actual flood zone designation and elevation since the completion on the existing FEMA Studies based on the revisions to the floodplain incorporation LIDAR (Light Detection and Ranging) Data.

Upon completion of the detailed drainage studies, the different flood plain designations will be itemized and mapped on the LIDAR (Light Detection and Ranging) maps in accordance with FEMA Guidelines. Approvals will be sought for the revised maps.

C. Financial Impact

Conducting the FEMA Studies will be performed by Thomas and Hutton Engineering Company as part of change order for their current watershed modeling project. The scope involved costs are available in FY09 operating budget (3007-5265) and needs Council's

approval in moving forward with the change order. Thomas and Hutton Engineering Company proposed performing the work with below costs.

Item	Cost
Study Phase – Gills Creek	\$60,000
Study Phase – Crane Creek	\$40,500
Submittal Phase	\$13,900
Contingencies (5%)	\$5,720
Total	\$120,120

D. Alternatives

1. Approve the change order with Thomas & Hutton in the amount of \$120,120 to be funded from the Stormwater Management fund (3007 FY09 budget) for current Watershed modeling project for Richland County to be able to complete the FEMA Studies on Gills Creek and Crane Creek and revise flood insurance rate maps in the region.
2. Do not approve the recommendations, and send it back to the Stormwater Management Division of the Department of Public Works Department and anticipate a delay in the completion of studies, thereby delaying the FEMA rezoning and preparation of Flood Insurance Rate Maps.

E. Recommendation

Approve alternative number one.

Recommended by: Teresa C. Smith, P.E., Director
Srinivas Valavala, Stormwater Manager

Department: Public Works **Date:** 11/13/2008

F. Reviews

Finance

Reviewed by: Daniel Driggers
 Recommend Council approval

Date: 11/17/08
 Recommend Council denial

Comments regarding recommendation: Funds are available as stated

Procurement

Reviewed by: Rodolfo Callwood

Date: 11/17/08

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Larry Smith

Date: 11-18-08

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Administration

Reviewed by: J. Milton Pope

Date: 11-19-08

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval

Richland County Council Request for Action

Subject: Amending the Fire Prevention and Protection Code

A. Purpose

County Council is requested to consider amending Chapter 10 of the Richland County Fire Prevention and Protection Code.

B. Background / Discussion

Richland County staff was recently notified by DHEC that the open burning provisions of the county's Fire Prevention and Protection Code appear to be inconsistent with DHEC regulations. In an effort to address that problem, Council is requested to amend the county's Fire Prevention and Protection Code in order to bring it into compliance with DHEC regulations.

In addition to the changes that will bring the county's ordinance into compliance with state regulations, staff also recommends that council adopt regulations that are similar to those in Lexington County. Over the past year, a joint ad hoc committee of Richland and Lexington County councils has held a series of meetings in an effort to discuss opportunities for bringing about uniformity between the two counties' land development and environmental regulations. Richland County staff has met with representatives from Lexington County regarding their recently adopted open burning regulations. The proposed language is based on Lexington County's recently adopted ordinance; however, the draft ordinance for Richland County maintains several provisions from the county's current open burning regulations. Therefore, the new ordinance, if adopted, would be substantially similar (though not identical) to Lexington County's open burning regulations.

Due to the likelihood that Richland and Lexington Counties will be designated in 2009 by the U.S. E.P.A. as "non-attainment" areas for ozone under the National Ambient Air Quality Standards (NAAQS), staff also recommends that council adopt the same provisions found in Lexington County's ordinance which prohibit open burning for land-clearing and right-of-way maintenance during the ozone season (April 1 through October 30).

Compared to the county's current open burning regulations, the new ordinance, if adopted by council, will:

- Maintain the ability to burn yard debris on private residential property within "rural" zoning districts, but require that such burning be at least 75 feet away from any structure, road, or property line. (*Consistent with Lexington County*)
- Maintain Richland County's prohibition of open burning on private residential property within "residential" zoning districts. (*Lexington County does not prohibit*

open burning in residential zoning districts, but requires that any such burning meet the 75-foot setback requirement.)

- Remove the 250 foot setback for land-clearing and right-of-way maintenance from the current ordinance and replace it with a provision that any such burning be conducted “in accordance with the SC Department of Health and Environmental Control (DHEC) Air Quality Regulations 61-62.2 and 61-62.4 and S.C. Code 1976, § 48-35-10 et seq.” *(This will bring the county’s ordinance into compliance with DHEC regulations, and is consistent with Lexington County’s ordinance. DHEC currently requires a 1,000 foot setback.)*
- Prohibit open burning for land-clearing and right-of-way maintenance during the ozone season (April 1 through October 30). *(Consistent with Lexington County)*
- Maintains the permit requirement for public fireworks displays.

The amended ordinance will not apply to vegetative debris burning related to forestry, wildlife and agricultural burns (as authorized by the state forestry commission) as well as burning conducted for the preparation of food, campfires, ceremonial occasions or human warmth.

C. Financial Impact

There is no known financial impact associated with this request. Staff would recommend the inclusion of a public outreach and education campaign to inform residents and developers of the new regulations. This cost would be marginal, and could be absorbed within existing department budgets.

D. Alternatives

1. Adopt the ordinance as proposed. The proposed ordinance includes amendments that will bring the county’s ordinance into compliance with state regulations. In addition, the provisions of this ordinance would make Richland County’s open burning regulations substantially similar to those recently adopted by Lexington County Council.
2. Adopt an ordinance that includes only amendments that will bring the county’s ordinance into compliance with state regulations.
3. Do not adopt an amended ordinance, and risk further action from DHEC.

E. Recommendation

It is recommended that council adopt the ordinance as proposed in order to promote public safety, improve air quality, and bring the county’s ordinance into compliance with state regulations. Staff also recommends that council delay the effective date of the ordinance to March 1, 2009 in order to accommodate a public outreach and education campaign.

Recommended by: Elizabeth McLean **Department:** Legal **Date:** 11/14/2008

Recommended by: Joe Cronin **Department:** Administration **Date:** 11/14/2008

F. Reviews

Emergency Services

Reviewed by: Michael Byrd

Date: 11/19/08

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Fire Marshal

Reviewed by: Miranda Spivey

Date: 11/19/08

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Planning

Reviewed by: Joe Kocy

Date: 11/18/08

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This proposed ordinance is a positive mechanism for compliance with Air Quality standards.

Finance

Reviewed by: Daniel Driggers

Date: 11/19/08

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Larry Smith

Date: 11-20-08

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Administration

Reviewed by: J. Milton Pope

Date: 11-20-08

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval....

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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 10, FIRE PREVENTION AND PROTECTION.

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 10, Fire Prevention and Protection; is hereby amended to read as follows:

Sec. 10-1. Compliance with chapter provisions.

No person shall kindle or maintain any open burning or authorize any such fire to be kindled or maintained within the unincorporated areas of the county, except as stated in this article.

Sec. 10-2. Open burning on the premises of private residences.

Open burning of leaves, tree branches and yard trimmings originating on the premises of private residences and burned on those premises shall be permitted within “rural” zoning districts, as defined under the Richland County Land Development Code, provided that any fire must be located not less than 75 feet from any structure, road, or property line and adequate provision has been made to prevent the fire from spreading to within 75 feet of any such structure, road or property line. Open burning of leaves, tree branches, and yard trimmings shall be prohibited on the premises of private residences within any “residential” zoning district, as defined under the Richland County Land Development Code.

Sec. 10-3. Open burning in undeveloped areas for the purpose of land clearing or right-of-way maintenance.

Open burning in undeveloped areas, including undeveloped areas within “residential” zoning districts, as defined under the Richland County Land Development Code, for the purpose of land-clearing or right-of-way maintenance shall be permitted, provided that such burning is conducted in accordance with the SC Department of Health and Environmental Control (DHEC) Air Quality Regulations 61-62.2 and 61-62.4 and S.C. Code 1976, § 48-35-10 et seq.. Open burning for the purpose of land clearing and right-of-way maintenance shall be prohibited during the ozone season (April 1 through October 30).

Sec. 10-4 Attendant and fire extinguishing equipment required; notice to state forester; adherence to state law.

The burning must be constantly attended by a competent person until such fire is extinguished. Such person shall have a garden hose connected to a water supply, or other fire extinguishing equipment readily available for use. Proper notification shall be given to the state forester or his duly authorized representative or other persons designated by the state forester. The notice shall contain all information required by the state forester or his representative. The burning must be conducted in accordance with related state laws and regulations including, but not limited to, DHEC Air Quality Regulations 61-62.2 and 61-62.4 and S.C. Code 1976, § 48-35-10 et seq.

Sec. 10-5. Fires shall be prohibited as follows.

a. The county Fire Marshal may prohibit open burning when atmospheric conditions, local circumstances or other conditions exist that would make such fires hazardous.

b. The following materials shall not be burned in an open fire: Asphalt and asphaltic materials, paint, plastics, metals, treated wood, paper, petroleum products, demolition debris, dead animals, construction debris, household chemicals, household garbage, tires, trade waste and cardboard.

Sec. 10-6. Criteria for determining hazards.

Reasonable criteria shall be established by the county council to assist in determining when outdoor fires may be hazardous. These criteria may include air quality standards as well as various fire danger indexes.

Sec. 10-7. Prohibited on county roads, drainage rights-of-way and adjacent areas.

Open burning shall be prohibited on all county roads and drainage rights-of-way, or within an area that may cause damage to such areas.

Sec. 10-8. Exemptions.

a. This article does not apply to vegetative debris burning related to forestry, wildlife and agricultural burns, as authorized by the state forestry commission.

b. This article is not meant to restrict open burning in the connection with the preparation of food for immediate consumption, or campfires and fires used solely for recreational purposes, ceremonial occasions or human warmth that are done in a safe manner.

Sec. 10-9. Restrictions; exceptions.

Smoke production must be ended and no combustible material may be added to the fire between official sunset of one day and official sunrise of the following day with the exception of fires in the connection with the preparation of food for immediate consumption, or campfires and fires used solely for recreational purposes, ceremonial occasions, or human warmth and fires where time parameters are already regulated by the Department of Environmental Control Regulation 61-62.2.

Sec. 10-10. Hazardous or toxic materials.

Hazardous or toxic materials shall not be burned.

Sec. 10-11. Permit for organized public fireworks displays--Fee.

A charge of twenty-five dollars (\$25.00) shall be made for the issuance of the public fireworks display permit required by the fire prevention code adopted in Article V of Chapter 6, to cover administrative costs.

Sec. 10-12. Same--Disposition of fee.

All fees required by section 10-2 shall be deposited in the county general fund, in accordance with the receipts and deposits policies established by county council.

Sec. 10-13. Same--Penalties.

Any person holding a fireworks display in the county without obtaining a permit as provided in the fire prevention code adopted in Article V of Chapter 6, shall be deemed in violation of S.C. Code 1976, § 23-35-60, as amended, and, upon conviction thereof, shall be punished according to law.

Sec. 10-14. Burning of structures for fire-fighting training.

A vacant, dilapidated and unsafe structure may be burned by personnel of a legally constituted fire department for fire-fighting training purposes. Before such training is commenced, the appropriate fire department official will present proof to the county building official that approval for burning the structure has been obtained, if so required, from the state department of health and environmental control and the owner of the structure. Upon presentation of the required proof, the building official will issue a permit for the burning of the structure. When the burning/training is completed, the fire department which conducted the training will remove or cause to be removed debris, burned or unburned, lying within ten feet of the perimeter wall of the structure. Necessary and appropriate seeding will be accomplished to establish vegetation to prevent transporting of soil to other people's property by way of erosion. On completion of the removal of debris and necessary seeding, the fire department official will notify the building official, so that an inspection will be made for compliance with this section and the closing out of the permit.

Sec. 10-15. Civil and criminal liability.

The authorization to conduct an open burn does not relieve the individual responsible from civil or criminal liabilities resulting from the burning.

Sec. 10-16. Conflicts of article with state law.

The provision of this chapter shall prevail and be controlling over provisions of state law if such is allowed by state law. Otherwise, if any conflict arises between the provisions of this chapter and any state law, the provisions of state law shall prevail and be controlling.

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 _____.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chairperson

ATTEST THIS THE _____ DAY

OF _____, 2008

Michielle R. Cannon-Finch
Clerk of Council

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

Richland County Council Request for Action

Subject: Alternative Dirt Road Paving Program

A. Purpose

County Council is requested to review the Pave-In-Place Program as outlined in the Final Report, last revised July 28, 2008. The Pave-In-Place Program is intended to identify alternative methods to improve dirt roads to accommodate current travel demands within Richland County.

B. Background / Discussion

The request to study dirt road alternatives, was approved by Council last year and was prepared by a local engineering consultant. The study area was inclusive of all of Richland County. The project/ road locations are mapped on Page A-01 (countywide map) and pages A-02 thru A-12, by individual districts on each sheet. The study was divided into the following five major tasks:

1. Perform expanded County-wide unpaved road sampling and laboratory soil stabilization testing.
2. Produce a County-wide map and indefinite quantity opinion of probable construction cost for paving initiative.
3. Review and development of potential ordinances relating to prescriptive easements, signage, hydrology and other special feature unique to unpaved road paving.
4. Explore and develop innovative funding mechanisms for deployment of comprehensive unpaved road paving initiative.
5. Develop specification and typical design sections for various soil / base conditions. The results indicate to allow alteration to the standard program and adopt the stud recommendations, we can reduce the costs per mile to \$311,000 compared to the figure o \$680,000 per mile: These figures might be old before implementation.

Attached is DRAFT ordinance language regarding the pave in place dirt road program. Please review carefully. Changes have been highlighted in yellow for easy reference.

I am providing a few comments on direction for the Rural Road Pave In Place (PIP) Program.

1. Amend Ordinance .

- a. It is urgent and critical that a PIP Ordinance be implemented.
- b. The Ordinance may come under a “maintenance” designation option. This provides a lot of flexibility for design and implementation.
- c. The PIP should include DPW, but should not be managed by DPW.

2. Define Realistic Funding Sources.

- a. Look again at CTC for partial funding, (\$1m minimum annually) They can only support after PIP Ordinance is in place
- b. Look at designating of dirt road maintenance annual budgets to be allocated to dirt road PIP plan
- c. Look at percentage take of Roadway Maintenance fee (\$4m minimum annually)
- d. Look at storm water drainage funds (\$500,000)

3. Establish Funding Needs Timeline.

- a. Work backwards from time when the first paving contract is to be awarded. (Contract should be awarded July of 2009)
- b. Design should occur at least six months prior to award of paving contract
- c. Pave all two lane dirt roads as phase I.

4. Develop Support for funding.

- a. Work compromises that best position implementation of PIP program.

5. Set Up Oversight Committee.

- a. For successful implementation establish a management team

Norman Jackson

CHAPTER 21: ROADS, HIGHWAYS AND BRIDGES*

***Cross reference(s)**--Department of public works and utilities, § [2-192](#) et seq.; buildings and building regulations, [Ch. 6](#); garbage, trash and refuse, [Ch. 12](#); hazardous materials, [Ch. 13](#); motor vehicles and traffic, [Ch. 17](#); parks and recreation, [Ch. 19](#); planning, [Ch. 20](#); vehicles for hire, [Ch. 25](#); drainage, erosion and sediment control, § 26-202; land development, [Ch. 26](#).

State law reference(s)--County supervision of roads, S.C. Code 1976, § 57-17-10.

ARTICLE I. IN GENERAL

Sec. 21-1. Purpose.

The purpose of this article is to define the mission, responsibilities and limitations of the department of public works with regard to maintenance and construction of road and drainage infrastructure in the county.

(Ord. No. 005-03HR, § I, 1-21-03)

Sec. 21-2. Jurisdiction.

The provisions of this article shall apply to all lands within the jurisdiction of the county and within the jurisdiction of those municipalities that agree, through intergovernmental service contracts, to have these provisions administered within their corporate limits.

(Ord. No. 005-03HR, § I, 1-21-03)

Sec. 21-3. Definitions.

The following definitions apply to words and terms used in this article. All other words shall have their customary meanings:

(a) *"C" Construction Program.* A state program by which state gasoline tax revenues are shared with counties for transportation and road construction activities. The funds involved are commonly referred to as "C" funds and they are used at the discretion of a County Transportation Committee (CTC) appointed by the county's Legislative Delegation pursuant to section 12-28-2740 of the S.C Code of Laws.

(b) *County.* Richland County, South Carolina, its county council or its administrative staff acting on its behalf.

(c) *County road maintenance system.* All those public highways, streets and roads, paved and unpaved, that have been dedicated for public use and accepted by the county as prescribed in this chapter and which have not been accepted for maintenance by any other public entity.

(d) *Driveway*. Any paved or unpaved way located on a single parcel of property and intended for vehicular access from a highway, street or road to one or more residences located on that parcel.

(e) *Easement*. A grant to the general public, a corporation, a specific person or persons or a public entity of the right to use a strip or parcel of land for a specific purpose. Fee simple title to the land remains with the grantor.

(f) *Easement and right-of-way deed*. A legal document by which an easement or right-of-way, as defined herein, is granted by a property owner to the county. This document is executed by the property owner (grantor) and the County and recorded in the office of the Richland County Register of Deeds so that the easement or right-of-way becomes a permanent part of the public record and binds the grantor's successors in title to its provisions.

(g) *Highway, street or road*. The terms "highway", "street", and "road", as used herein, shall be general terms denoting a public way for the purpose of vehicular travel. The terms shall refer to the entire area within the right-of-way to include roadways, pedestrian facilities, bridges, tunnels, viaducts, drainage structures and all other facilities commonly considered component parts of highways, streets or roads. These terms are used interchangeably herein.

(h) *Prescriptive easement*. An easement acquired for a specific purpose by long continued enjoyment or usage of property for that purpose. To a certain extent, it resembles title by adverse possession but differs to the extent that the adverse user acquires only an easement and not title. To create an easement by "prescription", the use must have been open, continuous, exclusive and under claim of right for the statutory period, which in the state is twenty (20) years.

(i) *Private road*. As it is used in this article, a private road refers to a road that is not maintained by any public entity such as the County, the South Carolina Department of Transportation (SCDOT) or a municipality. Depending upon the granting of easements and accepted use, private roads may be used by those other than the property owners.

(j) *Public road*. A public road refers to a road that is maintained by a public entity. This would include all roads in the county road maintenance system. In this case, the public is clearly entitled to use the road.

(k) *Quit-claim deed*. A deed of conveyance that is intended to pass any title, interest or claim which the grantor may have in the premises, but not professing that such title is valid, nor containing any warranty or covenants for title.

(m) *Alternative Maintenance Paving* . A County program by which county road maintenance revenues are used for paving all qualifying light duty / low volume unpaved public roads in the County. The funds involved are commonly referred to as "Roadway Maintenance Fees" and

they are used as proportioned by normal council and finance department budgeting at the discretions of a County Dirt Road Alternative Maintenance Paving Committee appointed. The council Committee shall be organized as County Council pursuant to this ordinance Chapter 21 section 21-3.

(n) *Right-of-way.* A strip or parcel of land occupied or intended for occupancy by a street, road, railroad or other special use. Fee simple title may or may not be granted to the agency or entity acquiring the right-of-way, but the property is dedicated exclusively for the intended use and is platted separately and distinct from the adjoining lots or parcels.

(o) *Light Duty / Low Volume Pavement and Maintenance Standard.* Engineering design standard considered “maintenance” whereby unpaved roads with average daily traffic limited at 400 vehicles per day are hard surfaced under a countywide Alternative Maintenance Paving Program

(Ord. No. 005-03HR, § I, 1-21-03)

Sec. 21-4. Drainage on private property.

(a) Drainage improvements and/or maintenance will be undertaken by county forces on private property only:

(1) When the drainage system involved has been designed, approved and constructed in accordance with the county's Stormwater Management, Erosion and Sediment Control Regulations (§§26-202, 26-203) and accepted by the county, or

(2) When there is a clear and substantial public interest served in doing so and drainage easements are granted to the county on all of the property involved. For the purpose of this section, a public interest is defined as:

a. The correction of a serious health hazard, as designated by county or state health officials, affecting multiple residences and beyond the responsibility of an individual property owner.

b. The correction of a malfunction or inadequacy of the drainage system within the right-of-way of a publicly maintained street or road.

c. The correction of drainage problems associated with projects constructed by the county.

d. The maintenance of the structural integrity of the existing drainage infrastructure of the county.

e. The improvement of drainage for the benefit of the community. To benefit the community, drainage improvements must eliminate flooding that directly affects a minimum of four (4) residences and/or businesses situated on individual lots or inundates a public road. Note: Correction of minor ditch erosion problems on private property will not be considered a substantial public interest.

(b) Easements will be obtained for any existing or proposed drainage facilities on private property before any work is performed thereon by county forces. Easements for maintenance of drainage facilities constructed without the county's approval of plans or inspections will not be accepted unless the property owners hold harmless and release the county from all claims resulting from deficiencies of the facilities.

(c) Except where the county has accepted an easement for maintenance of drainage facilities on private property as provided herein, maintenance is the responsibility of the property owner.

(Code 1976, § 8-1001; Ord. No. 452-77, § 1, 10-26-77; Ord. No. 2372-93, § I, 11-16-93; Ord. No. 005-03HR, § I, 1-21-03)

Sec. 21-5. Maintenance of unpaved roads.

(a) The Department of Public Works shall maintain all unpaved roads of the county which have been dedicated for public use regardless of whether or not the dedication was by law or usage. Those roads determined to have been dedicated shall be considered to be a part of the county road maintenance system. Roadway maintenance shall include provisions to implement hard surfacing on prepared base as Low Volume Dirt Road Pave In Place Program generally described in Policy Overview document RC-PS-414-08. It shall be the Policy of the County to eliminate unpaved road surface condition and adopt the low volume road Alternative Maintenance Paving program that provide hard surface paving that provide equivalent projected service life and utility to that of standard road sections.

(b) For purposes of ascertaining dedication by usage or by maintenance by the county, all unpaved roads which have been used by the public and/or maintained by the county for a period of twenty (20) years or more shall be deemed dedicated and shall be maintained by the department of public works.

(c) The county will claim a prescriptive easement for all unpaved roads deemed to be dedicated as public roads by usage. Such easements will be considered as comprising the land actually maintained by the county as part of the road.

(d) All unpaved roads which have been marked in either red or green on the map presented to the county council on March 5, 1975, shall be brought within a systematic identification process as soon as practicable and maintained by county forces.

(e) Unpaved roads not maintained by the county under the provisions of (a) through (d) above, will be accepted for maintenance only when such maintenance will provide a substantial

public benefit. For the purpose of this section, one or more of the following characteristics will constitute "substantial public benefit:"

- (1) Provides access to a publicly owned facility, or
 - (2) Comprises an integral part of the comprehensive transportation plan adopted by the county's planning agency, or
 - (3) Comprises a part of an existing street/road network as of January 21, 2003 and is used by the surrounding community, or
 - (4) Provides the principle access to a minimum of three (3) occupied residences situated on individually owned parcels that are lots of record for tax purposes and does not exceed one fifth (1/5) mile in length per residence served.
- (f) No work will be performed pursuant to subsection (e), above, except on the basis of a right-of-way deed for rights-of-way fifty (50) feet in width whenever possible, but in no case less than thirty (30) feet, having been executed and accepted in accordance with section 21-7.
- (g) Only established, passable roads with an unobstructed width of twelve (12) feet may be accepted pursuant to subsection (e) above. Such roads will be maintained only up to a minimum serviceable condition and will not be substantially improved by the county.
- (h) Any road in the county, including those created as a part of a private driveway subdivision pursuant to the county's land development regulations, may be accepted by the county and brought up to paved or unpaved road standards as set forth in this article; provided that eighty percent (80%) of all property owners within the subdivision agree to same and that all costs incurred by the county to bring the road up to county paved or unpaved standards are paid by the property owners. Such costs may be included as an assessment on the tax bill of the property owners, to be paid over no more than a 15 year period with an interest charge equal to that paid by the county for bonds issued to fund construction. The total costs plus interest of the improvements shall be allocated between the property owners by each lot being assessed an equal share of the costs and interest. Any unpaved road deeded to the county under these provisions may be eligible for "C" fund improvements.
- (i) The county engineer and his staff shall periodically update the existing county road map and shall add such unpaved roads which are not presently shown thereon and attempt to determine the ownership of such unpaved roads.
- (j) The department of public works shall maintain those unpaved roads determined to be dedicated under the provisions of this section. Such maintenance shall include, but not be limited to:

(1) **Hard surface to paved condition in general accordance with Policy Overview Report document RC-PS-414-08 (July 2008).**

- (2) Grading;
- (3) Applying crusher-run or gravel;
- (4) Installing street name and traffic control signs;
- (5) Installing driveways;
- (6) Cutting back overhanging branches;
- (7) Mowing shoulders; and/or
- (7) Drainage improvements.

(Code 1976, § 8-1025; Ord. No. 2372-93, § I, 11-16-93; Ord. No. 033-97HR, § II, 5-6-97; Ord. No. 005-03HR, § I, 1-21-03)

(k) The Council shall appoint a 13 member Dirt Road Maintenance Paving Commission to oversee Countywide program initiative of hardsurfacing of all public, unpaved roads the commission shall report to council and shall have exclusive authority to implement the countywide **Policy Overview Report document RC-PS-414-08** dirt road paving program. Authority includes setting directions for procurement, planning and public works. The commission shall expire upon completion of hardsurface maintenance of all roads identified in the Public Works inventory and as described in the **Pave-In-Place Policy..**

Sec. 21-6. Standards for streets and drainage.

(a) Except as provided for in sections 21-4 and 21-5 above, only those streets, roads, and drainage systems designed and constructed in accordance with the standards prescribed herein will be accepted for maintenance by the County.

(b) Streets: The minimum acceptable street is a paved street designed and constructed in accordance with the standards adopted by the County Engineer; provided, however, that an exception may be allowed whenever the County Council deems that the variance in design is minimal or of such nature that it will not otherwise pose an undue burden or risk upon the County. Where determined necessary and in the sole discretion of the County Council, the County, with the agreement of those property owners served by such roadway, may consent to accept a roadway with special conditions as to any particular non-conforming aspects with regard to county road standards. Only those streets located in subdivision developments where individually owned lots front directly on the street rights-of-way will be accepted by the County. This will apply to residential, commercial and industrial subdivisions. Streets and drainage systems serving group developments such as shopping centers, apartment complexes, condominiums and mobile home parks will not be accepted for maintenance by Richland County.

(c) Storm drainage: Drainage systems will be designed and constructed in accordance with Chapter 26, Article VIII, of the Richland County Code of Ordinances, and the standards adopted by the County Engineer.

(d) Specifications: Materials and construction of streets and drainage systems will be in accordance with the applicable sections of the current edition of the Standard Specifications for Highway Construction published by South Carolina Department of Transportation, except where specifically noted otherwise in the standards adopted by the County Engineer.

(e) Acceptance: County acceptance of new streets and drainage systems shall be accomplished through the acceptance of easement and right-of-way deeds. The County accepts no responsibility for the streets or drainage system until the easement documents or deeds are executed by both parties and recorded.

(f) Warranty: As a prerequisite to the County's acceptance of new streets and drainage systems, the grantor (developer) shall provide a warranty to the County for a period of one (1) year. The warranty shall pertain to the design and construction of the streets and drainage system in accordance with these standards and their satisfactory performance during the warranty period. The warranty period shall commence with the Countys formal acceptance of the roads and drainage system. The grantor is not responsible for repairing damage done to the roads subsequent to acceptance that was not a result of design or construction failure.

(g) Inspection fee: The grantor (developer) is responsible for the costs associated with providing all quality control/quality assurance testing and inspections required during construction of new roads and the associated drainage systems to ensure compliance with the applicable design and construction standards. The County Engineers office is authorized to retain independent engineering or geotechnical consultants to perform all or part of the inspections and testing on behalf of the County. An inspection fee, sufficient to cover the Countys cost for inspection and testing, will be established and collected as a prerequisite for a developers receiving construction plan approval for any new subdivision streets. All fees collected will be deposited into an account set up specifically for payment of inspection and testing costs incurred by the County.

(h) Incidental Drainage: A designated drainage improvement effort associated with Low Volume unpaved road system and conducted as part of the **Policy Overview Report document RC-PS-414-08**. This standard is considered “maintenance” to existing roads and involves incidental ditching, culverts, and catch basins within the right-of-way.

(Code 1976, § 8-1024; Ord. No. 388-77, 4-20-77; Ord. No. 2372-93, § I, 11-16-93; Ord. No. 015-98R, 5-5-98; Ord. No. 005-03HR, § I, 1-21-03; Ord. No. 095-05HR, § I, 10-3-06)

Sec. 21-7. Easement and/or right-of-way acceptance authority.

The county administrator and/or his designee(s) are hereby authorized to accept any easement or deed for rights-of-way, drainage easements, and sewer easements; emergency maintenance easements, dirt road rights-of-way, additional rights-of-way, sewer extension agreements, water line easements and other instruments authorized by the County Code of Ordinances; and is authorized to establish procedures for the acceptance and recording of such instruments.

(Ord. No. 005-03HR, § I, 1-21-03)

Sec. 21-8. Driveways.

Driveway connections from the roadway to the right-of-way line will be provided on county maintained roads by the department of public works, subject to the following limitations:

(1) Only one (1) driveway connection per residence, and a maximum of two (2) per individual parcel of property, will be provided by the county. The public works department will not install additional driveway connections.

(2) Apron finish will match the finish of the county road to which it is attached.

(3) A maximum of twenty-four (24) feet of pipe, not exceeding twenty-four (24) inches in diameter, will be provided by the county. Larger diameter pipe may be installed by the public works department provided the property owner pays the additional costs incurred for materials.

(4) Pipe diameter required will be determined by the county engineer.

(Code 1976, § 8-1002; Ord. No. 005-03HR, § I, 1-21-03)

Sec. 21-9. Surplus dirt.

Surplus dirt excavated on county projects, which must be hauled away and disposed of off-site, may be placed on private property, with the property owner's consent, provided that:

(1) Disposal there is more economical than hauling the dirt to the nearest county owned disposal site, and

(2) The property owner releases and holds the county harmless for any damages or liability resulting from placement of the dirt on his property, and

(3) All applicable permitting requirements (including the requirements of section 12-44) have been or will be met.

(4) A reasonable effort is made to insure a fair and equitable distribution among property owners who want the dirt.

(Code 1976, § 8-1003; Ord. No. 419-77, § 1, 8-2-77; Ord. No. 005-03HR, § I, 1-21-03)

Sec. 21-10. Street name signs.

(a) The department of public works shall erect and maintain street name signs on all public streets within the jurisdiction and authority of the county. Signs will be metal blanks on metal posts fabricated in a standard design established by the director of public works. They will have white reflective lettering a minimum of four (4) inches high on a reflective background. A green background will denote a public road. A blue background will denote a private road.

(b) The developer of any new subdivision constructed within the jurisdiction and authority of the county is responsible for the initial installation of street name signs in accordance with an approved signage plan. All street signs shall comply with the county's design standard for retro-reflectivity.

(c) The department of public works may erect street name signs at the intersections of private streets with public streets, at no cost to the residents, when there are residences with addresses on that private street.

(d) Overhead signs may be installed at selected intersections at the discretion of the Director of Public Works.

(e) In conjunction with subsection (a) above, the county standard for street name signs shall be included in published road design standards developed by the county engineer. The standard shall address sign material, installation, visibility, and color. The department of public works shall maintain street name signs to the county standard after acceptance of the streets.

(Ord. No. 005-03HR, § I, 1-21-03)

Sec. 21-11. Traffic engineering.

(a) Traffic engineering on county maintained highways, streets and roads shall be in accordance with the South Carolina Manual on Uniform Traffic Control Devices.

(b) Traffic control devices on county maintained highways, streets and roads shall comply with the standards contained in the South Carolina Manual on Uniform Traffic Control Devices.

(c) The developer of any new subdivision constructed within the jurisdiction and authority of the county is responsible for the initial installation of all necessary traffic control devices in accordance with an approved signage plan. The department of public works shall maintain the devices after acceptance of the streets.

(Code 1976, § 8-1005; Ord. No. 005-03HR, § I, 1-21-03; Ord. No. 052-05HR, § I, 7-12-05; Ord. No. 046-07HR, § I, 5-15-05)

Sec. 21-12. Street lighting.

The county shall not provide street lighting on any highway, street or road until such time as sufficient funds are appropriated to provide that service county-wide. Homeowners or homeowner's associations may obtain street lighting through contractual arrangements with the electric utility serving their area.

(Ord. No. 005-03HR, § I, 1-21-03)

Sec. 21-13. Emergency maintenance of roads.

(a) No work may be performed on any roadway not already maintained by the county unless the county administrator determines that access to such roadway is necessary for the performance of one or more public functions, the following conditions exist:

(1) Such a roadway is the only access for one or more property owners or residences, and

(2) Emergency medical services, sheriff department vehicles and other county vehicles cannot, in the lawful performance of their duties, gain full and immediate access to at least one (1) residence unless road scraping is performed, and

(3) At least one (1) of the properties to be accessed is used as a primary residence.

(b) Any work pursuant to this section will be done on a one-time basis only. In such cases, the county department of public works is limited to the minimum improvements that will allow full and immediate access to the affected residences. Crusher-run, gravel, pipe or other materials will not be routinely provided.

(c) This section is not applicable to roads providing access to private driveway subdivisions that were created under the county's land development regulations.

(Code 1976, § 8-1007; Ord. No. 1846-89, § I, 3-21-89; Ord. No. 2372-93, § I, 11-16-93; Ord. No. 005-03HR, § I, 1-21-03)

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.

(b) Any person or organization wishing the county to abandon maintenance on an existing county-maintained street, road or highway shall submit to the public works department a petition to do so signed by the owners of all property adjoining the road and by the owners of all property who use the road as their only means of ingress/egress to their property. The petition shall state that the property owners release and indemnify the county from any duty to maintain the road. At the recommendation of the county engineer, the county administrator shall have the authority to act on a petition that involves a dead-end road; county council shall have the authority to approve petitions under all other circumstances. If the petition is approved, the county engineer may require the property owners to place an appropriate sign alongside or at the end of the road.

(c) Any person or organization wishing to acquire ownership of an unused road right-of-way in the county (including a public right-of-way that is dedicated either by deed, prescription, or recordation of a plat) may submit a petition for consideration by county council. If it is determined by the county's planning department and public works department that the right-of-way will not be utilized by the county for road purposes, county council may approve a quit-claim deed conveying the county's interest to the owners of the adjoining property. Unless the owners of the adjoining property agree to another division, each may acquire that portion of the right-of-way adjacent to his/her property on his/her side of the right-of-way's centerline. The grantee(s) of the quit-claim deed(s) shall be responsible for preparing the deed(s) prior to county council's consideration of the request. Upon approval and execution of the deed(s), the grantee(s) shall be responsible for recording the deed(s) in the office of the register of deeds and for returning a filed copy to the office of the county attorney. The county council may require the grantees) to pay up to the fair market value, as determined by the county assessor's office, in exchange for the conveyance of the right-of-way. Upon recordation of the deed, the county assessor's office shall adjust the appraisal of the adjoining parcels to reflect the value of the additional property.

(Code 1976, § 8-1009; Ord. No. 071-01HR, § I, 11-6-01; Ord. No. 005-03HR, § I, 1-21-03)

Sec. 21-15. Temporary closing of streets and roads.

(a) *Request.* Any party desiring to have any street or road temporarily closed in the county shall submit a written request to the county administrator.

(b) *Deadlines for requests.* All written requests must be submitted to the county administrator at least ten (10) days prior to the requested closing date.

(c) *Appointment of person accountable.* All parties requesting such temporary closure shall designate one (1) person who shall act as spokesman for the party, as well as supervise all activities for the duration of such closing.

(d) *County administrator consideration.* The county administrator shall consider, within five (5) days, all timely submitted requests made by such parties. If approved, the county administrator shall request the sheriff to take appropriate action to blockade the requested streets and/or roads and the clerk of council shall advertise to the public through the news media all

approved temporary closings. The cost of such advertising shall be borne by the parties requesting the temporary closures.

(e) *Duration.* All streets and roads closed pursuant to this section shall be blockaded for a period normally not to exceed twenty-four (24) hours. Such duration, however, may be amended by the county administrator at his/her discretion on an event basis.

(f) *Emergency closings.* Requests for temporary closing received less than ten (10) days prior to the requested closing date may be considered as an emergency closing if, in the opinion of the county administrator, such closing is warranted; provided, that such action would not conflict with the public interest and, further, that there exists sufficient time for appropriate action to blockade requested streets and/or roads. All applicants will be placed on notice that future requests must be submitted to the county administrator ten (10) days prior to the requested closing date.

(Code 1976, § 8-1009.1; Ord. No. 467-77, §§ 1--5, 12-7-77; Ord. No. 506-78, § 1, 11-15-78; Ord. No. 005-03HR, § I, 1-21-03)

Sec. 21-16. Work on private property.

The county department of public works is prohibited from performing any work on private property not specifically authorized under the provisions of this section except in emergency situations involving public health or safety and authorized, in writing, by the county administrator.

(Ord. No. 005-03HR, § I, 1-21-03)

Sec. 21-17. Cutting of roads.

No roads will be cut by the county department of public works unless specifically directed by the county council.

(Code 1976, § 8-1010; Ord. No. 005-03HR, § I, 1-21-03)

Sec. 21-18. Trees on private property.

The county department of public works may remove dead trees on private property when there is a clear danger that they will fall onto a public road.

(Code 1976, § 8-1015; Ord. No. 005-03HR, § I, 1-21-03)

Sec. 21-19. "C" construction program.

(a) All funds available to the county council through the "C" construction program will be used exclusively for maintenance design and construction, of publicly owned streets and roads in the county and the drainage facilities directly related thereto.

(b) The “C” construction program may be used to implement comprehensive countywide dirt road paving under the direction of Council appropriated oversight committee. Dirt road paving in this instance shall follow policy guidelines as generally described under **Policy Overview Report document RC-PS-414-08** and/or **Alternate Paving Standards**.

(c) The director of public works will be responsible for implementing systematic programs for resurfacing of existing streets and new construction funded with "C" funds. New construction may include any of the following:

- (1) Paving existing unpaved roads;
- (2) Widening existing roads;
- (3) Intersection improvements;
- (4) Transportation Improvement Projects;
- (5) Traffic Safety Projects;
- (6) Drainage Improvements; or
- (7) Sidewalks.

(c) The director of public works may provide staff support to the county transportation committee as requested for coordination of the "C" construction program the county.

(d) The county finance department may provide all financial services required for administration of the county's "C" fluid allocation if requested by the county transportation committee.

(Code 1976, § 8-1023; Ord. No. 1037-83, § 1, 4-19-83; Ord. No. 1682-87, § 1, 10-20-87; Ord. No. 2372-93, § I, 11-16-93; Ord. No. 005-03HR, § I, 1-21-03)

Sec. 21-20. Road paving program.

(a) Road construction and paving projects administered by the county and funded from public funds shall be accomplished in accordance with a consistent, systematic program established and administered by the director of public works. Such program shall have the following basic characteristics:

- (1) Only county maintained roads will be paved utilizing public funds,

(2) All county maintained dirt roads are eligible for paving, and may be paved under the Low Volume **Policy Overview Report document RC-PS-414-08** Maintenance paving criteria, or, under standard duty paving as per non-maintenance status.

- (3) Paving will be accomplished in priority order at a rate permitted by availability of funding.
- (4) Countywide dirt road paving program will be accomplished in a projected three (3) year paving cycle based on availability of funding and as generally described in the Final Report RC-PS-414-08 (July 2008).

(b) The county engineer will acquire and maintain the following data on all roads proposed for paving:

- (1) Name;
- (2) County road number;
- (3) Map location code;
- (4) Beginning and ending points;
- (5) Length in miles and hundredths of a mile; and
- (6) Council district.

Sec. 21-21. Transportation improvement program.

All public funds available to the county for transportation system improvements shall be expended in accordance with a comprehensive transportation improvement plan. This would apply to:

- (a) Connector roads;
- (b) Intersection improvements;
- (c) Widening;
- (d) Turn lanes; and
- (e) Alignment improvements.

(Ord. No. 005-03HR, § I, 1-21-03)

Sec. 21-22. Sidewalks.

(a) Public funds will be used by the county for construction of sidewalks only on arterial and collector streets. The director of public works shall be responsible for establishing a systematic program for identifying, prioritizing, and implementing sidewalk construction

projects. The principal focus for such program will be the safety of children walking to school, to school bus stops, or to neighborhood/ public recreation facilities.

(b) Sidewalks on local residential streets may be constructed by the county provided that all costs incurred by the county are paid by the property owners on the streets. Such costs may be included as an assessment on the tax bill of the property owners, to be paid over no more than a fifteen (15) year period with an interest charge equal to that paid by the county for bonds issued to fund construction. The county council may elect to have the total costs, plus interest, of the improvements allocated between the property owners either by a front footage assessment ration, or by each lot being assessed an equal share of the costs and interest. Establishment of this assessment shall require approval of eighty percent (80%) of the property owners.

(Ord. No. 005-03HR, § I, 1-21-03)

Sec. 21-23. Condemnation/ compensation.

(a) In general, the county will not compensate property owners for easements or rights-of-way on public works projects from which they directly benefit. Exceptions may be made, however, when:

(1) Unusual circumstances make payment of a reasonable amount of compensation more economical than resorting to condemnation;

(2) Deadlines for completion of a project preclude the expenditure of time required for condemnation; or

(3) Compensation is awarded through the condemnation process.

(b) Condemnation of easements or rights-of-way on any county public works project shall require the prior approval of the county council. An appraisal of affected property parcels shall accompany a staff recommendation to county council for condemnation of property.

(Ord. No. 005-03HR, § I, 1-21-03)

Sec. 21-24. Encroachments on county maintained roads.

(a) *Generally.*

(1) An encroachment permit, approved by the county engineer's office, shall be required for all construction, undertaken by parties other than the county public works department or it's authorized contractor, within or affecting the right-of-way of any county maintained highway, street or road. This requirement shall apply, but not be limited, to:

a. Driveway connections involving a curb cut or pipe installation;

b. Curb cuts;

- c. Utility taps;
- d. Utility installations;
- e. Excavations within rights-of-way;
- f. Storm drainage installation;
- g. Storm drainage discharge; and
- h. Subdivision entrance signs or gateways.

(2) The permittee shall indemnify the county for any liability incurred or damages sustained as a result of the encroachment.

(3) The permittee shall be responsible for:

- a. Notifying the county engineer's office when construction begins on an encroachment;
- b. Ensuring that a copy of the encroachment permit is on the construction site; and
- c. Ensuring that the construction and the restoration of the roadway have been approved by the county engineer's office.

(b) *Excavations in streets.*

(1) An encroachment permit shall be required for each excavation in a county road before the work is commenced. Work under such permit shall be commenced within the time specified on the permit, otherwise the permit shall become void. All permits shall be kept at the place of excavation while the work is being done and exhibited whenever called for by any person having the authority to examine the same. There shall be no more than one-half ($\frac{1}{2}$) the width of any street or alley opened or obstructed at any one time; tunneling may be allowed, provided that no authorized underground construction shall be damaged or interfered with. All portions of the street excavated shall be put in as good condition as before the excavation, was made. The trench or excavation shall be refilled, thoroughly rammed and puddled within the time specified on the permit after making the connection or repairs. When an excavation is made in any paved county road where it is necessary to remove paving, the person to whom the permit was issued for such excavation shall leave a written notice with the county department of public works and such notice shall state that the excavation has been properly filled, tamped, and is ready for repaving. Whenever any person making any excavations in the street or alley fails to refill, in the proper manner, as required by this section or fails to maintain the same for a period of one year, then the county council shall cause the work to be done and the cost thereof shall be charged against the bond as heretofore provided in section 6-68 of this code.

(2) Where such excavations occur in a state or federal highway, permission shall be obtained from the state or federal highway department before any work is commenced.

(3) Public protection requirement.

a. It is hereby required that for every excavation made on public property, proper safeguards shall be provided against injury to the public; barricades shall be provided at five (5) foot distances, and such barricades shall completely encircle all open excavations or trenches. All barricades, as required by this section, shall have at least one sign placed thereon in a conspicuous manner, indicating the name of the person causing such excavation. When approved, steel plates of sufficient strength may be used to cover excavation to prevent blocking of street.

b. From sunup to sundown there shall be placed, at a distance of not less than one hundred (100) feet, sufficient numbers of red flags to warn the public of dangerous excavation. From sunset to sunrise there shall be placed, at a distance of not less than one hundred (100) feet, sufficient red lights or flambeaux to indicate the length of the excavation in the public thoroughfare and to warn the public of dangerous excavation; in addition, there shall be placed on or by the barricades sufficient red lights or flambeaux to indicate the point of excavation and size.

(c) Anyone who encroaches on the right-of-way of a county maintained highway, street or road without securing an encroachment permit or who fails to adequately restore the road and right-of-way after an encroachment shall be deemed guilty of a misdemeanor, and shall be subject to the general penalty provisions of this code. Each day that the unauthorized encroachment exists, or that the inadequacy exists following notification, shall be considered a separate offense.

(Ord. No. 005-03HR, § I, 1-21-03)

Secs. 21-25--21-33. Reserved.

ARTICLE II. EASEMENTS ON PUBLIC STREETS

Sec. 21-34. Easements on, over, under and across public streets and property.

(a) *Generally.*

(1) Easements over, under and across public streets and property controlled by the county shall be granted only for a public purpose, convenience, necessity, or to facilitate the provision of water, sewer, electricity, transportation or other utility.

(2) The grantee of such easement shall certify the purpose of such easement, the area affected, the necessity and the fact that the area affected does or does not receive similar services from another public or private utility.

(3) Prior to the granting of such easement, the grantee shall provide a written assurance that he, she, or it will comply with all applicable local, state and federal laws and regulations including, but not limited to, public safety, job safety, wage and hour laws, health standards and such other requirements as are necessary to ensure the public's safety at any time, during

construction, repairs, or otherwise, should injury to person or property occur as a result of acts and/or omissions to act by such grantee, his, her, or its heirs, executor, successors or assigns.

(4) Prior to any construction, installation, erection or repair of any such improvements and appurtenances on, over, under or across such streets or property as may be authorized by such easement, the grantee shall notify the county department of public works, the county sheriffs department and the county administrator at least forty-eight (48) hours in advance.

(5) The grantee shall provide the director of public works or his designee with certificate(s) of insurance verifying the grantee currently has the insurance required by the county. All such insurance policies shall be issued by an insurer satisfactory to the county, and the insurer shall have a rating in the A categories of Best Insurance Reports. The certificate(s) shall include a provision that not less than thirty (30) days notice will be given to the county prior to cancellation, termination or reduction in coverage. In addition, the grantee shall also provide such prior notice to the director of public works. The term of all insurance shall be not less than any time the grantee or anyone with a contract to perform work on the grantee's projects shall be performing such work. Insurance shall consist of the following:

a. At its expense the grantee shall for the term required by the county maintain a commercial general liability policy for bodily injury, personal injury, completed operations and property damage in a coverage amount of not less than \$1,000,000 per occurrence and \$2,000,000 annual aggregate, and a business auto policy for bodily injury and property damage in a coverage amount of not less than \$1,000,000 per occurrence. The forms shall be ISO (Insurance Services Office, Inc.) or comparable to them. Richland County Government shall be named an additional insured, except when the grantee is a governmental entity. Grantee shall provide its insurer a copy of any agreement with or requirement by the grantee regarding insurance.

b. At its expense the grantee shall for the term required by the county maintain the workers' compensation coverage required by S. C. law. The grantee shall provide a certificate for insurance for this coverage in the manner required by this subsection.

(6) The grantee shall indemnify and hold harmless the county, its successors and assigns, from and against all loss, costs, expenses, including attorney's fees, claims, suits and judgments whatsoever in connection with injury to or death of any person or persons or loss of or damage to property, and further claims, suits and judgments whatsoever in connection with injury to or death of any person or persons or loss of or damage to property, and further claims, suits and judgments whatsoever by third parties resulting from the interruption of traffic caused by or in any way connected with the construction, installation, erection, repair or maintenance, use or presence of any such improvements or appurtenances, however caused.

(7) The grantee shall bear all costs of furnishing flagging protection, warning devices and inspection services, as well as the costs of restoring the affected area to its original condition.

(b) *Fees, charges or water rents.*

(1) In consideration for the granting of such easements by the county, the grantee shall pay to the county such fees, charges, or portions of fees and water rents as shall be from time to time established by the county council.

(2) Initial fees, charges, water rents or portions thereof shall be those as are in force and effect at the time the easement is granted and shall be remitted to the county finance department on a monthly basis.

(3) Prior to any increase in fees, charges or water rents, at least thirty (30) days' notice prior to the effective date shall be given to those grantees so affected.

(4) Any grantee affected by any such increase may request a hearing by county council or its duly authorized representative, provided such hearing is requested in writing within twenty (20) days of the giving of notice as required in subsection (b)(3) of this division.

(5) Such request for hearing shall stay the implementation of such increase for an additional fifteen (15) days beyond the 30-day notice period, but thereafter such increase shall go into effect and so continue until such time as changed by county council, general law, or a court of competent jurisdiction.

(6) Such increase as is collected subsequent to such request for hearing shall be placed in escrow pending a ruling by county council. In the event of a reduction of the increase, such difference shall be refunded to the grantee.

(7) Only that increase collected from a grantee that has requested a hearing shall be so escrowed. Increases collected from grantees that do not request a hearing will not be escrowed.

(8) In the event county council, after hearing, refuses to reduce the increase, the funds so escrowed shall immediately revert to the general fund or such other fund as has been designated by county council.

(9) In the event the hearing provided for in subsection (b)(4) of this division is held by the duly authorized representative of county council, the representative shall report his/her findings and recommendations to county council within ten (10) working days thereafter.

(10) The failure of county council to affirmatively reduce the increase by the second meeting after a receipt of such report shall constitute a ratification of its previous action establishing such increase.

(Code 1976, § 8-1026; Ord. of 6-16-76, Arts. 1, 2; Ord. No. 005-03HR, § I, 1-21-03)

Sec. 21-35. Adoption not to constitute waiver.

(a) The adoption of this chapter shall not be deemed an acceptance of liability nor a waiver of the doctrine of sovereign immunity.

(b) The adoption of this chapter shall not be deemed a waiver of the release clause contained in the standard easement and right-of-way deed.

(Code 1976, § 8-1022; Ord. No. 005-03HR, § I, 1-21-03)

Richland County Council Item for Discussion / Information

Subject: Residential Improvement District Act

A. Purpose

The purpose of this report is to present to the Committee a summary of the South Carolina Residential Improvement District Act (the “Act”) and to briefly describe the potential benefits the County could obtain from using the Act. After consideration, the Committee may want to recommend a joint workshop of County Council and the Planning Commission to fully explore the potential of the Act.

B. Background / Discussion

In 1993, the South Carolina Legislature enacted the South Carolina Public Works Improvement District Act (the “Improvement District Act”) allowing the County to authorize the issuance of bonds to pay the costs of publicly-owned infrastructure and facilities which would be needed for or beneficial to development projects within a geographical area identified as an improvement district. The bonds would be repaid from voluntary assessments levied on the real property within an improvement district. The assessments would be in addition to all real property tax revenue generated within an improvement district. No real property tax revenue would be diverted; each taxing district receives all of its real property tax revenue.

The County created an improvement district to pay for a portion of the infrastructure needed for the Village at Sandhills.

In 2008, the South Carolina Legislature enacted the Act which is very similar to the Improvement District Act but provides more flexibility. For example, under the Act district is defined as an area within the county designated by the governing body within which an improvement plan is to be accomplished. A district may be comprised of noncontiguous parcels of land and may be made up of varying proposed land uses including but not limited to residential, commercial, industrial, institutional, or a combination of some or all of those.

Under the Act, improvements which may be financed include: (a) a parkway, park, playground; a recreational facility, athletic facility, and pedestrian facility; (b) sidewalk; (c) parking facility; (d) facade redevelopment; (e) storm drain; (f) relocation, construction, widening and paving of a street, road, or bridge; (g) underground utilities dedicated to a public use; (h) all improvements permitted under the Improvement District Act; (i) a building or other facility for public use; and (j) public works eligible for financing under the Revenue Bond Act for Utilities including (i) water/sewer systems and solid waste systems; (ii) fire stations and equipment; (iii) transportation facilities and recreation facilities; (iii) parking lots or buildings; and (v) other public buildings or structures; (k) planning, engineering, promotion, marketing, administration fees; (l) acquisition of necessary easements and land; (m) a facility for lease or use by a private person, firm or corporation; and (n) construction, renovation or expansion of a public school.

Under the Act, improvements may be located outside of the strict geographical limits of the district if the improvements benefit property within the district or the improvements are part of a designated service area such as would be the case with a water, sewer or drainage system.

The cost of the improvements including principal and interest on any bonds are to be paid from an “assessment” which must be imposed upon the real property located within the district and may be based upon assessed value, front footage, area per parcel, the value of improvements to be constructed within the district, or a combination of them, or another basis agreed to between the owner and the County. Having required improvements and infrastructure paid from assessments or bonds is an advantage to a developer who would otherwise be responsible for the costs of the improvements and infrastructure.

The establishment of a district under the Act requires consent of 100% of the owners of the property within the district. As a practical matter this requirement means that the district will only be created if both the County and the owner/developer see sufficient economic benefit from creating a district to fund improvements. It is likely that such an agreement would be reached as a result of: (1) a developer request; (2) a request regarding rezoning; and (3) negotiations regarding a development agreement.

The County could see a benefit from the establishment of a district through the provision of needed infrastructure. The Act also provides that the County shall collect from the owner an improvement fee of 4% of the par value of any bonds to be issued and repaid from assessments. The improvement fee must be used to construct improvements in a service area that is related to and serves the district. The County could use the availability of a residential improvement district as an incentive to encourage residential and mixed-use development.

C. Financial Impact

The establishment of a district and the issuance of bonds will have no financial impact on general County finances. The assessments are in addition to any other taxes or fees imposed by the County. The bonds would be special limited obligations of the County, payable from and secured by a pledge of the annual assessments and/or any other available funds not constituting a tax. No tax revenue would be used. The bonds would not count against the County’s 8% constitutional debt limit.

There would be some administrative expenses associated with overseeing the construction of the improvements and the collection of the assessments. These costs could be recovered from bond proceeds and the annual assessment.

D. Alternatives

1. Accept this report as information only.
2. Accept this report as information and schedule a work session.
3. Do not accept this report.

E. Recommendation

This item is provided for information at council's request. Any action is at council's discretion.