



## **RICHLAND COUNTY COUNCIL REGULAR SESSION AGENDA**

**NOVEMBER 13, 2012  
6:00 PM**

**CALL TO ORDER                      HONORABLE KELVIN E. WASHINGTON, SR., CHAIR**

**INVOCATION                              THE HONORABLE VALERIE HUTCHINSON**

**PLEDGE OF ALLEGIANCE              THE HONORABLE VALERIE HUTCHINSON**

### **Approval Of Minutes**

1. Regular Session: October 16, 2012 [PAGES 8-19]
2. Zoning Public Hearing: October 23, 2012 [PAGES 20-23]

### **Adoption Of The Agenda**

### **Report Of The Attorney For Executive Session Items**

3. a. Palmetto Utilities Update
- b. Landfill Contractual Matter [PAGES 25-32]
- c. Personnel Matter
- d. SOB Update
- e. Legal Advice - Elections

### **Citizen's Input**

4. For Items on the Agenda Not Requiring a Public Hearing

### **Report Of The County Administrator**

5. a. Transportation Penny Update

- b. Parking Meter Proposal
- c. TIF Update
- d. 911 Call Center Recognition
- e. "Security of County Records" IT Information Video
- f. Employee Grievance [ACTION]

### **Report Of The Clerk Of Council**

- 6. a. TIF Work Session [Proposed Date: November 27, 4:00-5:00 PM] [ACTION]
- b. 2013 Council Retreat [Proposed Dates: January 24-25, 2013] [ACTION]
- c. Proposed 2013 Council Meeting Calendar [ACTION] [PAGES 36-37]
- d. Council Rules Work Session [Proposed Date: November 29, 5:00-6:00 PM] [ACTION]

### **Report Of The Chairman**

- 7. a. Business Friendly Task Force Recommendations Work Session [Proposed Date: November 29, 4:00-5:00] [ACTION]
- b. Personnel Matter
- c. Penny Referendum Next Steps

### **Open/Close Public Hearings**

- 8. a. An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration: Article V, County Departments; by adding a new division entitled 3A, Tax Assessor; so that a new department will be created, and Amending Chapter 23, Taxation; Article II, Tax Assessor and Article III, Board of Assessment Control; by deleting the language therein
- b. An Ordinance Amending the Fiscal Year 2012-2013 Solid Waste Enterprise Fund Annual Budgets to appropriate \$972,600 of Solid Waste Enterprise Unassigned Fund Balance for transfer to Solid Waste Operating Budget for the sole purpose of purchasing roll carts
- c. An Ordinance Amending the Fiscal Year 2012-2013 General Fund Annual Budget to appropriate \$184,496 of General Fund Unassigned Fund Balance for Grant Match to Departments for grants approved through the FY13 Budget Process
- d. An Ordinance Amending the Richland County Code of Ordinances No.043-01HR Section 24 to increase the rate of copy charges for autopsy reports to \$500
- e. An Ordinance Authorizing a Quit-Claim Deed to Mary Tyler Robinson for an unnamed road shown on a plat in Plat Book "13" at Page 147 and recorded in the Richland County Register of Deeds; and being further described as Richland County TMS#07313-07-01
- f. An Ordinance Authorizing a Utility Easement/Right-of-Way to South Carolina Electric & Gas

Company on property identified as TMS#15209-01-04, also known as 218 McNulty Street

g. An Ordinance Amending the FY12-13 General Fund Annual Budget to add a Full-Time Paralegal position in the Public Defender's Office

### **Approval Of Consent Items**

9. An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article V, County Departments; by adding a new division entitled 3A, Tax Assessor; so that a new department will be created, and Amending Chapter 23, Taxation; Article II, Tax Assessor and Article III, Board of Assessment Control; by deleting the language therein [**THIRD READING**] [**PAGES 40-44**]
10. An Ordinance Amending the Fiscal Year 2012-2013 Solid Waste Enterprise Fund Annual Budgets to appropriate \$972,600 of Solid Waste Enterprise Unassigned Fund Balance for transfer to the Solid Waste Operating Budget for the sole purpose of purchasing roll carts [**THIRD READING**] [**PAGES 45-50**]
11. An Ordinance Amending the Fiscal Year 2012-2013 General Fund Annual Budget to appropriate \$184,496 of General Fund Unassigned Fund Balance for Grant Match to Departments for grants approved through the FY13 Budget Process [**THIRD READING**] [**PAGES 51-56**]
12. An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article V, County Departments; by adding a new division entitled 6A, Conservation; so that a new department will be created [**THIRD READING**] [**PAGES 57-62**]
13. An Ordinance Amending Ordinance 043-10HR, so as to increase the rate of copy charges for autopsy reports to \$500. [**THIRD READING**] [**PAGES 63-67**]
14. An Ordinance Authorizing the Second Amendment of that certain Fee Agreement by and between Richland County, South Carolina and [Project Resolve], relating to, without limitation, the payment to Richland County of a fee in lieu of taxes and the grant of a special source revenue credit to [Project Resolve], and other matters relating thereto [**SECOND READING**] [**PAGES 68-77**]
15. An Ordinance Authorizing the execution and delivery of an Intergovernmental Agreement by and between Richland County, South Carolina, the Town of Blythewood, South Carolina relating to [Project Resolve] and the business license fees on the investment by [Project Resolve], and other matters related thereto [**SECOND READING**] [**PAGES 78-86**]
16. 12-32MA  
Terry Darragh  
Richland County Landfill, Inc.  
RU to HI (79.11 Acres)  
Screaming Eagle Rd.  
31600-02-18(p) [**SECOND READING**] [**PAGES 87-89**]
17. An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General Development, Site, and Performance Standards; so as to repeal the Green Code Standards and to have Section 26-186 read as "Reserved" [**SECOND READING**] [**PAGES 90-109**]

18. An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site, and Performance Standards; Section 26-176, Landscaping Standards; Subsection (J), Protection of Existing Trees During Development; Paragraph (3), Exemption - Protection; so as to remove buffer and BMP requirements for forestry activities **[SECOND READING] [PAGES 110-112]**
19. General Obligation Bonds for the Richland County Recreation Commission **[PAGES 113-126]**
20. Changes to Employee Handbook - Promotion Probation **[PAGES 127-129]**
21. Santee Wateree Transit Authority Motion and COG Transit Analysis **[PAGES 130-139]**
22. IT Server Room HVAC Upgrade **[PAGES 140-144]**
23. Ridgewood Monticello Road Streetscape Project (Bid Award Approval and Commercial Lighting Fee Increase) **[PAGES 145-157]**
24. Broad River Road Corridor Lighting Project **[PAGES 158-169]**
25. An Ordinance Amending the Fiscal Year 2012-2013 General Fund Annual Budget to add a Full-Time Paralegal position in the Public Defender's Office **[FIRST READING] [PAGES 170-175]**
26. An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article X, Subdivision Regulations; Section 26-224, Certain Subdivisions Exempt from Road Standards; so as to delete the requirement of county review fees **[FIRST READING] [PAGES 176-181]**
27. Develop a Master Plan for the Olympia Neighborhood **[TO TABLE] [PAGES 182-186]**
28. Council Members to Review the Comprehensive Plan's Current and Future Land Use Maps **[RECEIVE AS INFORMATION] [PAGES 187-189]**
29. Water Line Installation on Larger Street **[PAGES 190-193]**
30. Broad River Sewer Monthly User Fee **[TO TABLE] [PAGES 194-207]**
31. An Ordinance Authorizing a Quit-Claim Deed to Mary Tyler Robinson for an unnamed road shown on a plat in Plat Book "13" at Page 147 and recorded in the Richland County Register of Deeds; and being further described as Richland County TMS# 07313-07-01**[FIRST READING] [PAGES 208-222]**
32. An Ordinance Authorizing a Utility Easement/Right-of-Way to South Carolina Electric & Gas Company on property identified as TMS# 15209-01-04, also known as 218 McNulty Street **[FIRST READING] [PAGES 223-236]**

### **Third Reading Items**

33. An Ordinance Authorizing the issuance and sale of not to exceed \$9,000,000 Fire Protection

Service General Obligation Bonds, Series 2012B, or such other appropriate series designation, of Richland County, South Carolina; fixing the form and details of the bonds; Authorizing the Interim County Administrator to determine certain matters relating to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; adopting written procedures related to tax-exempt debt; and other matters relating thereto **[PAGES 237-282]**

34. An Ordinance Amending the Fiscal Year 2012-2013 General Fund Annual Budget to appropriate \$11,830 of General Fund Unassigned Fund Balance for the Legal Department for salary adjustments **[PAGES 283-290]**

## **Report Of Economic Development Committee**

35. a. A Resolution Authorizing the exercise of the option pursuant to the Option Agreement between the County and VB Blythewood Properties LLC and other matters related thereto **[PAGES 292-293]**
- b. Authorizing the execution and delivery of an agreement between the County and [Project Resolve] to provide for the conveyance of certain property from the County to [Project Resolve] and other matters related thereto **[FIRST READING BY TITLE ONLY] [PAGE 294]**
- c. A Resolution Authorizing (1) the execution and delivery of a fee in lieu of tax and incentive agreement (the "incentive agreement") between Richland County, South Carolina (the "County") and Constantia Hueck Foils L.L.C., acting for itself, and one or more affiliates or other project sponsors (the "Company"), whereby, under certain conditions, the County shall grant incentives to the Company in connection with the expansion of certain manufacturing facilities in the County (the "Expansion Project"), in which agreement the County will covenant to accept certain negotiated fees in lieu of Ad Valorem taxes with respect to the Expansion Project; (2) Certain special source credits in connection with the Expansion Project; (3) the benefits of a Multi-County Industrial or Business Park to be made available to the Company; and (4) other matters relating thereto **[PAGES 295-299]**
- d. An Ordinance Authorizing (1) the execution and delivery of a fee in lieu of tax and incentive agreement (the "Incentive Agreement") between Richland County, South Carolina (the "County") and Constantia Hueck Foils L.L.C., acting for itself, and one or more affiliates or other project sponsors (the "Company"), whereby, under certain conditions, the County shall grant incentives to the Company in connection with the expansion of certain manufacturing facilities in the County (the "Expansion Project"), in which agreement the County will covenant to accept certain negotiated fees in lieu of Ad Valorem taxes with respect to the Expansion Project; (2) Certain special source credits in connection with the Expansion Project; (3) the benefits of a Multi-County Industrial or Business Park to be made available to the Company; and (4) other matters relating thereto **[FIRST READING BY TITLE ONLY] [PAGE 300]**
- e. Bailey Bill Ordinance **[PAGES 301-306]**

## **Report Of Rules And Appointments Committee**

### **1. Notification Of Vacancies**

36. Airport Commission-1; there will be one upcoming vacancy on this commission:  
Peter Mayers, December 16, 2012\*
37. Board of Zoning Appeals-1; there is one vacancy on this board:

Torrey Rush, November 1, 2014

38. Richland Memorial Hospital Board-3; there will be three vacancies on this board:  
Wendi J. Nance, December 31, 2012  
Candy Y Waites, December 31, 2012  
Harry Cushman Ward, December 31, 2012

## 2. Discussion From Rules And Appointments Committee

39. Appearance Commission: **[MALINOWSKI] [PAGES 310-315]**
- a. Determine what constitutes a quorum for the Appearance Commission and have the Ordinance reflect that.
  - b. Require all Council members appoint a representative to the Appearance Commission by the July 31, 2012 Council meeting.

## Other Items

40. A Resolution to appoint and commission Andrew Sly Thompson as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County **[PAGES 316-317]**
41. REPORT OF THE REGIONAL RECREATION COMPLEX AD HOC COMMITTEE:
- a. Update on RFQ Response: Operations/Management of Complex **[PAGE 319]**

## Citizen's Input

42. Must Pertain to Items Not on the Agenda

## Executive Session

## Motion Period

- 43.
- a. I move that Richland County request the City of Columbia to enter into a Tax Increment Financing (TIF) zone on Broad River Road from Sunset Drive to Piney Grove Road **[MALINOWSKI]**
  - b. That Richland County Fire Service pursue entering into an automatic aid agreement with neighboring counties and municipalities **[MALINOWSKI & KENNEDY]**
  - c. Work with the Voter's Registration/Election Commission to identify inadequate precincts in each district and recommend replacement sites. Preferable a park, gym or school to accommodate a large crowd inside. REASON: Based on the new census each district has increased immensely and some facilities cannot accommodate the crowd. Citizens should not have to be waiting on the road facing traffic and endangering their lives. **[JACKSON]**
  - d. Richland County Council develop a report from the Legislative Delegation's hearing including a course of action to support resolving the unfortunate Election Day problems **[JACKSON]**

e. Properly staff the PR Office and start broadcasting the D&S Committee, A&F Committee and Zoning Public Hearing meetings. REASON: To many times citizens see the live broadcast and do not have a clue on how or what discussions took place to make some decisions. As for Zoning, it allows the citizens to see what is proposed for all areas [JACKSON]

## **Adjournment**



# Richland County Council Request of Action

**Subject**

Regular Session: October 16, 2012 [PAGES 8-19]



# MINUTES OF



## RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, OCTOBER 16, 2012 6:00 p.m.

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

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### MEMBERS PRESENT:

Chair	Kelvin E. Washington, Sr.
Vice Chair	L. Gregory Pearce, Jr.
Member	Joyce Dickerson
Member	Valerie Hutchinson
Member	Norman Jackson
Member	Damon Jeter
Member	Gwendolyn Davis Kennedy
Member	Bill Malinowski
Member	Jim Manning
Member	Paul Livingston
Member	Seth Rose

**OTHERS PRESENT** – Tony McDonald, Sparty Hammett, Roxanne Ancheta, Brad Farrar, Yanisse Adrian-Silva, Sara Salley, John Hixon, Stephany Snowden, Nelson Lindsay, Geo Price, Tracy Hegler, Monique Walters, Michelle Onley

### CALL TO ORDER

The meeting was called to order at approximately 6:06 p.m.

### INVOCATION

The Invocation was given by the Honorable Jim Manning

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Jim Manning

**PRESENTATION OF RESOLUTIONS**

**National Friends of the Library Week [MANNING]** – Mr. Manning presented the proclamation to “Friends of the Richland County Public Library”.

**Adopting October as the “Month of the Parent” in Richland County [WASHINGTON]** – Ms. Dickerson and Ms. Kennedy presented a resolution to Ms. Michelle Harris of Parenting Solo.

**APPROVAL OF MINUTES**

**Regular Session: October 2, 2012** – Mr. Manning moved, seconded by Mr. Pearce, to approve the minutes as distributed. The vote in favor was unanimous.

**ADOPTION OF THE AGENDA**

Mr. Livingston moved, seconded by Mr. Malinowski, to move the presentation by The Therapy Place to immediately following the Adoption of the Agenda. The vote in favor was unanimous.

The amended agenda was unanimously approved.

**PRESENTATION**

**The Therapy Place, Dawn Darby** – Ms. Darby gave an update on the programs available at The Therapy Place and thanked Richland County for their continued support.

**REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS**

The following were potential Executive Session Items:

- a. **Landfill/Contractual Matter**
- b. **Palmetto Utilities**
- c. **Economic Development Items**
- d. **Employee Grievance**
- e. **Personnel Matter**

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**Council went into Executive Session at approximately 6:28 p.m. and came out at approximately 6:31 p.m.**  
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- a. **Economic Development Items** – No action was taken.

## CITIZENS' INPUT

No one signed up to speak.

## REPORT OF THE COUNTY ADMINISTRATOR

**Palmetto Utilities** – This item was taken up in Executive Session.

**Brownfield Update** – Ms. Salley gave a brief update and stated that the County will be re-applying for a \$600,000 grant for Brownfield assessments.

**Employee Grievance** – Mr. Livingston moved, seconded by Mr. Malinowski, to accept the Administrator's recommendation. The vote in favor was unanimous.

## REPORT OF THE CLERK OF COUNCIL

### **Tax Referendum Public Hearing, Thursday, October 18<sup>th</sup> at 6:00 p.m., Council Chambers**

– Ms. Onley reminded Council of the Election Commission Tax Referendum Public Hearing on October 18<sup>th</sup> at 6 p.m. in Council Chambers.

**November Meeting Schedule** – Ms. Onley stated that the dates for the November Council meetings are as follows: November 13<sup>th</sup> and 20<sup>th</sup> Regular Session and November 27<sup>th</sup> Committees and Zoning Public Hearing.

**McEntire Tour Reminder** – Ms. Onley reminded Council of the McEntire Base scheduled for November 1<sup>st</sup> at 10:00 a.m. Ms. Onley will send an e-mail to Council regarding transportation options.

## REPORT OF THE CHAIRMAN

**Personnel Matter** – This item was taken up in Executive Session.

**Meeting with Elected Officials** – Mr. Washington recommended quarterly meetings be held with the elected officials, municipalities and Legislative Delegation.

## OPEN/CLOSE PUBLIC HEARINGS

- **An Ordinance Amending the Fiscal Year 2012-2013 General Fund Annual Budget to appropriate \$730,000 of General Fund Restricted Fund Balance for Economic Development Projects** – No one signed up to speak.
- **An Ordinance Amending the Fiscal Year 2012-2013 Hospitality Tax Budget to appropriate \$1,217,201 of Hospitality Tax Restricted Fund Balance for the Recreation Sports Complex** – No one signed up to speak.
- **An Ordinance Authorizing the issuance and sale of not to exceed \$9,000,000 Fire Protection Service General Obligation Bonds, Series 2012B, or such other**

appropriate series designation, of Richland County, South Carolina; fixing the form and details of the bonds; authorizing the Interim County Administrator to determine certain matters relating to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; adopting written procedures related to tax-exempt debt; and other matters relating thereto – No one signed up to speak.

#### APPROVAL OF CONSENT ITEMS

- An Ordinance Amending the Fiscal Year 2012-2013 General Fund Annual Budget to appropriate \$730,000 of General Fund Restricted Fund Balance for Economic Development Projects [THIRD READING]
- 12-25MA, Angela Lawrence, RU to RC (2 Acres) 7271 Bluff Rd., 27300-05-19 [THIRD READING]
- 12-26MA, John Blackmon, 3P, LLC, Christopher Robnett, DDS & Pine Spring Inc., HI to GC (1.85 Acres), North Springs Rd. & Brickyard Rd., 22804-04-01/02/12 & 22905-01-78 [THIRD READING]
- 12-27 MA, Barbara Bratcher, Clara Beasley, RU to GC (2.5 Acres), 8505 Garners Ferry Rd., 21800-05-07 [THIRD READING]
- An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article IV, Amendments and Procedures; Section 26-58, Appeals of Administrative Decisions; Subsection (B), Appeal Submittal; Paragraph (1), Application; so as to correct the section reference for appeals [THIRD READING]
- An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article V, County Departments; by adding a new division entitled 3A, Tax Assessor; so that a new department will be created, and Amending Chapter 23, Taxation; Article II, Tax Assessor and Article III, Board of Assessment Control; by deleting the language therein [SECOND READING]
- An Ordinance Amending the Fiscal Year 2012-2013 Solid Waste Enterprise Fund Annual Budgets to appropriate \$972,600 of Solid Waste Enterprise Unassigned Fund Balance for transfer to the Solid Waste Operating Budget for the sole purpose of purchasing roll carts [SECOND READING]
- And Ordinance Amending the Fiscal Year 2012-2013 General Fund Annual Budget to appropriate \$184m496 of General Fund Unassigned Fund Balance for Grant Match to Departments for grants approved through the FY13 Budget Process [SECOND READING]

- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article V, County Departments; by adding a new division entitled 6A, Conservation; so that a new department will be created [SECOND READING]**

Mr. Manning moved, seconded by Ms. Kennedy, to approve the consent items. The vote in favor was unanimous.

### THIRD READING ITEM

**An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; so as to foster more environmentally-sensitive site development in Richland County** – Mr. Livingston moved, seconded by Mr. Rose, to approve this item. The vote in favor was unanimous.

**12-22MA, Jonathan Giles, Robert Giles, RM-HD to NC (.33 Acres), 1157 & 1159 Olympia Ave., 11203-01-03 & 04** – Mr. Washington moved, seconded by Mr. Jackson, to approve this item. The vote was in favor.

**An Ordinance Amending the Fiscal Year 2012-2013 Hospitality Tax Budget to appropriate \$1,217,201 of Hospitality Tax Restricted Fund Balance for the Recreation Sports Complex** – Ms. Kennedy moved, seconded by Ms. Dickerson, to approve this item. The vote was in favor.

### SECOND READING ITEMS

**An Ordinance Amending the Fiscal Year 2012-2013 General Fund Annual Budget to appropriate \$75,177.89 of General Fund Unassigned Fund Balance for the Legal Department for salary adjustments** – Mr. Malinowski moved, seconded by Ms. Hutchinson, to amend the ordinance to reflect the amount of \$11,830 to cover the benefits for the approved position. The vote in favor was unanimous.

**An Ordinance Authorizing the issuance and sale of not to exceed \$9,000,000 Fire Protection Service General Obligation Bonds, Series 2012B, or such other appropriate series designation, of Richland County, South Carolina; fixing the form and details of the bonds; Authorizing the Interim County Administrator to determine certain matters relating to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; adopting written procedures related to tax-exempt debt; and other matters relating thereto** – Ms. Dickerson moved, seconded by Mr. Jackson, to approve this item. A discussion took place.

The vote was in favor.

**An Ordinance Amending Ordinance 043-10HR, so as to increase the rate of copy charges for autopsy reports to \$500** – Ms. Hutchinson moved, seconded by Mr. Malinowski, to approve this item. The vote in favor was unanimous.

**POINT OF PERSONAL PRIVILEGE** – Mr. Washington recognized his friend, Mr. Harley Griffin, was in the audience.

## **REPORT OF THE ECONOMIC DEVELOPMENT COMMITTEE**

**Authorizing the execution and delivery of a fee agreement by and between Richland County, South Carolina and [Project Resolve], as sponsor, to provide for fee-in-lieu of ad valorem taxes and other incentives; authorizing the grant of special source revenue credits; and other related matters [FIRST READING BY TITLE ONLY]** – Mr. Livingston stated that the committee recommended approval of this item. The vote in favor was unanimous.

**Ordinance Authorizing the execution and delivery of an Intergovernmental Agreement by and between Richland County, South Carolina, the Town of Blythewood, South Carolina relating to [Project Resolve] and the business license fees on the investment by [Project Resolve], and other matters related thereto [FIRST READING BY TITLE ONLY]** – Mr. Livingston stated that the committee recommended approval of this item. The vote in favor was unanimous.

## **REPORT OF RULES AND APPOINTMENTS COMMITTEE**

### **I. NOTIFICATION OF VACANCIES**

- a. **Board of Zoning Appeals—1** – Mr. Malinowski stated that the committee recommended advertising for this vacancy. The vote in favor was unanimous.
- b. **Central Midlands Council of Governments—1** – Mr. Malinowski stated that the committee recommended advertising for this vacancy. The vote in favor was unanimous.
- c. **Community Relations Council—1** – Mr. Malinowski stated that the committee recommended advertising for this vacancy. The vote in favor was unanimous.
- d. **Township Auditorium Board—1** – Mr. Malinowski stated that the committee recommended advertising for this vacancy. The vote in favor was unanimous.

### **II. NOTIFICATION OF APPOINTMENTS**

- a. **Accommodations Tax Committee—3** – Mr. Malinowski stated that the committee recommended re-advertising for these vacancies. The vote in favor was unanimous.
- b. **Building Codes Board of Appeals—3** – Mr. Malinowski stated that the committee recommended appointing Mr. Jesse S. Burke, Engineer; Mr. Michael T. Lowman, Building; and Mr. Greg Mackie, Gas. The vote in favor was unanimous.

- c. **Community Relations Council—1** – Mr. Malinowski stated that the committee recommended re-advertising for this vacancy. The vote in favor was unanimous.
- d. **Midlands Workforce Development Board—1** – Mr. Malinowski stated that the committee recommended appointing Ms. Annie Caggiano. The vote in favor was unanimous.
- e. **Planning Commission—1** – Mr. Malinowski stated that the committee recommended appointing Mr. William H. Theus. The vote in favor was unanimous.

### III. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

- a. **Agendas—FOIA Compliance** – This item was received as information.
- b. **Appearance Commission: [MALINOWSKI]**
  - 1. **Determine what constitutes a quorum for the Appearance Commission and have the Ordinance reflect that.**
  - 2. **Require all Council members appoint a representative to the Appearance Commission by the July 31, 2012 Council meeting.**

Mr. Malinowski stated that the committee recommended amending Sec. 2-332 as follows:

(2) Membership: *“The Richland County Appearance Commission shall consist of 11 members appointed by individual members of County Council (i.e. each Councilperson shall have one appointment and shall fill any vacancy of that appointment as may arise.) At least one member of the Commission must have certification in or specialized knowledge or proficiency in landscape architecture, horticulture or master gardening. Any interested resident of Richland County at the time of his or her appointment and remaining a resident of Richland County during the tenure of his or her appointment is eligible to be a member.”*

(5) By-laws: *“The commission may adopt by-laws and rules of procedure by which meetings and activities of the commission will be conducted. Any matter not addressed under the by-laws or rules of procedure the commission adopts shall be governed by Robert’s Rules of Order, most recent edition.”*

(6) Quorum: *“A quorum of appointed members (i.e. a majority of the appointed members), and not of the “fixed membership” of the commission, must be present for the commission to conduct business. [For example, if the commission has only five (5) appointed members at the time, notwithstanding*

*the “fixed membership” described in subsection (2), a quorum of the “appointed members” would be three (3)].”*

**POINT OF PERSONAL PRIVILEGE** – Mr. Livingston recognized Mr. Ben Mauldin, Interim Executive Director of CMCOG, was in the audience.

Mr. Washington recognized Mr. Reginald Simmons, CMCOG Director of Transportation was in the audience.

Mr. Livingston moved, seconded by Mr. Rose, to defer this item until the November 13<sup>th</sup> Council meeting. The vote in favor was unanimous.

- c. **Council Individual Discretionary Account** – No action was taken.
- d. **I move Council consider allowing Master Gardeners to fulfill roles of Landscaper and Horticulturalist on the Appearance Commission, in the event that no licensed Landscaper or Horticulturalist can be recruited for the Commission. I also encourage all Council members to appoint their candidates to this Commission, and request staff inform Council vacancies [HUTCHINSON]** – This item was taken up with Item (b) under Discussion from Rules & Appointments Committee.
- e. **Due to recent issues with the Chair making announcements and having meetings on behalf of Richland County and County Council without Council’s approval. I move that we have a workshop on the rules of the Chair. The dos and don’ts of the Chair. This will help with the problems and the chaos we are having on County Council [JACKSON]** – Mr. Malinowski stated that the committee recommended scheduling a work session after the election in November.

Mr. Livingston made a substitute motion, seconded by Mr. Pearce, to take up all the Rules of Council at the work session. The vote in favor was unanimous.

- f. **Add to Section 4.1 of Council Rules: “No standing committees of Council shall be scheduled at the same time.” [LIVINGSTON]** – Mr. Malinowski stated that the committee recommended that “No standing committees of Council shall be scheduled at the same time.” to Sec. 4.1 of Council Rules. The vote in favor was unanimous.
- g. **That all items currently listed at the end of the A&F and D&S Committee agendas as “Items Pending Analysis” be cleared up within 90 days. There is no reason some action should not be taken, even if it means to table it for now [MALINOWSKI]** – Mr. Malinowski stated that the committee recommended the following language be added to Sec. 4.6(b): *“Any item on the A&F or D&S Committee agendas listed as an ‘Item Pending Analysis’ must be resolved, tabled or otherwise disposed of within 100 days of that matter’s referral to the committee.”* The vote in favor was unanimous.



- h. **Reviewing Committee Qualifications** – Mr. Malinowski stated that the committee recommended the following Internal Audit Projects to be referred to the Internal Audit Committee: Finance Department Performance Audit, Procurement Audit, Timekeeping Audit, and Roads and Drainage Maintenance Performance Audit. The vote in favor was unanimous.

**OTHER ITEMS**

**Appointment of Code Enforcement Officers:**

- a. **A Resolution to appoint and commission Alonzo W. Smith, Sr., as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County** – Mr. Malinowski moved, seconded by Mr. Livingston, to approve this item. The vote in favor was unanimous.
- b. **A Resolution to appoint and commission Michael A. King, as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County** – Mr. Malinowski moved, seconded by Mr. Livingston, to approve this item. The vote in favor was unanimous.

**CITIZEN'S INPUT**

No one signed up to speak.

**EXECUTIVE SESSION**

=====  
**Council went into Executive Session at approximately 7:33 p.m. and came out at approximately 8:23 p.m.**  
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- a. **Landfill/Contractual Matter** – Ms. Hutchinson moved, seconded by Mr. Jackson, to direct staff to undertake the due diligence and explore the possibility of entering into an agreement relative to a possible transaction discussed in Executive Session, if such transaction can be undertaken with safeguards in place to protect the County's interests.

If it can then staff is to report back to Council and present for Council's review any agreements that may be needed to undertake this transaction if such agreements are ready for Council's review. If this matter is not feasible, then staff is to report back to Council as well. The vote in favor was unanimous.

- b. **Palmetto Utilities** – Ms. Dickerson moved, seconded by Mr. Rose, to authorize the Administrator to further explore the matter with Palmetto Utilities without any commitment at this time and to report back to the Council to update us on this matter. The vote in favor was unanimous.

c. **Personnel Matter** – No action was taken.

#### MOTION PERIOD

Wrecker service operators in Richland County have requested that County Council review for possible adjustment the 2009 Richland County Ordinance pertaining to allowable fees charged for wrecker (towing) and storage services based on increased costs especially in fuel. Fee adjustments have apparently been granted by the ?SC Highway Patrol and City of Columbia [PEARCE] – This item was referred to the A&F Committee.

For Businesses closed for more than one year, if the building is structurally sound then it should be allowed for continued use only without modification. Reason: Buildings closed for more than one year are subject to new Building Codes. The costs for updates are too expensive causing new potential businesses to go elsewhere. The County has a lot of unoccupied buildings causing blighted communities. To resolve the problem if buildings are structurally sound and the use is the same or similar then it should be allowed as continued use without additional modifications [JACKSON] – This item was referred to the D&S Committee.

Resolution honoring William “Bill” Robinson on his retirement [WASHINGTON] – Mr. Pearce moved, seconded by Mr. Jackson, to adopt a resolution honoring William “Bill” Robinson on his retirement. The vote in favor was unanimous.

#### ADJOURNMENT

The meeting adjourned at approximately 8:26 p.m.

\_\_\_\_\_  
Kelvin E. Washington, Sr., Chair

\_\_\_\_\_  
L. Gregory Pearce, Jr., Vice-Chair

\_\_\_\_\_  
Gwendolyn Davis Kennedy

\_\_\_\_\_  
Joyce Dickerson

\_\_\_\_\_  
Valerie Hutchinson

\_\_\_\_\_  
Norman Jackson

\_\_\_\_\_  
Damon Jeter

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Bill Malinowski

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Jim Manning

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Paul Livingston

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Seth Rose

The minutes were transcribed by Michelle M. Onley

# Richland County Council Request of Action

**Subject**

Zoning Public Hearing: October 23, 2012 [**PAGES 20-23**]

## MINUTES OF



### RICHLAND COUNTY COUNCIL ZONING PUBLIC HEARING TUESDAY, OCTOBER 23, 2012 7:00 p.m.

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

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#### **MEMBERS PRESENT:**

Vice Chair	L. Gregory Pearce, Jr.
Member	Valerie Hutchinson
Member	Norman Jackson
Member	Damon Jeter
Member	Paul Livingston
Member	Bill Malinowski
Member	Jim Manning
Not Present	Kelvin E. Washington, Sr.
	Gwendolyn Davis Kennedy
	Seth Rose

**OTHERS PRESENT:** Amelia Linder, Tracy Hegler, Holland Ledger, Tommy DeLage, Geo Price, Suzie Haynes, Brenda Carter, Sparty Hammett, Tony McDonald, Monique Walter, Michelle Onley

#### **CALL TO ORDER**

The meeting was called to order at approximately 7:05 p.m.

#### **ADDITIONS/DELETIONS TO AGENDA**

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

## MAP AMENDMENT

**12-30MA, Oliver Gospel Mission, M. Kevin Garrison, Esq., RS-MD to OI (6.82 Acres), 140 Flora Dr., 19904-03-02**

Mr. Jeter moved, seconded by Ms. Dickerson, to defer the Public Hearing and this item until the November Zoning Public Hearing. The vote in favor was unanimous.

**12-32MA, Terry Darragh, Richland County Landfill, Inc., RU to HI (79.11 Acres), Screaming Eagle Rd., 31600-02-18(p)**

Mr. Pearce opened the floor to the public hearing.

The applicant chose not to speak at this time.

The floor to the public hearing was closed.

Ms. Hutchinson moved, seconded by Mr. Malinowski, to give First Reading approval to the re-zoning request. The vote in favor was unanimous.

## TEXT AMENDMENTS

**An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General Development, Site and Performance Standards; so as to repeal the Green Code Standards and to have Section 26-186 read as "Reserved". [FIRST READING]**

Mr. Pearce opened the floor to the public hearing.

Mr. Earl McLeod, Mr. John R. Thomas, Mr. John Champoux, and Mr. Darren Holcombe spoke in favor of this item.

The floor to the public hearing was closed.

Ms. Dickerson moved, seconded by Ms. Hutchinson, to give First Reading approval to this item. The vote in favor was unanimous.

**An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site and Performance Standards; Section 26-176, Landscaping Standards; Subsection (J), Protection of Existing Trees During Development; Paragraph (3), Exemption—Tree Protection; so as to remove buffer and BMP requirements for forestry activities [FIRST READING]**

Mr. Pearce opened the floor to the public hearing.

No one signed up to speak.

The floor to the public hearing was closed.

Ms. Dickerson moved, seconded by Mr. Manning, to give First Reading approval to this item. The vote in favor was unanimous.

**An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article IV, Amendments and Procedures; Section 26-53, Land Development Permits; so as to clarify the permitting process [FIRST READING]** –

Ms. Hutchinson moved, seconded by Mr. Malinowski, to defer the Public Hearing and this item until the November Zoning Public Hearing meeting. The vote was in favor.

**An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article IV, Amendments and Procedures; Section 26-54, Subdivision Review and Approval; so as to clarify the subdivision review and approval process [FIRST READING]** –

Ms. Hutchinson moved, seconded by Mr. Malinowski, to defer the Public Hearing and this item until the November Zoning Public Hearing meeting.

<b><u>For</u></b>	<b><u>Against</u></b>
Malinowski	Dickerson
Jackson	Manning
Hutchinson	Jeter
Pearce	

The vote was in favor.

**ADJOURNMENT**

The meeting adjourned at approximately 7:21 p.m.

Submitted respectfully by,

Kelvin E. Washington, Sr.  
Chair

The minutes were transcribed by Michelle M. Onley

# Richland County Council Request of Action

## **Subject**

- a. Palmetto Utilities Update
- b. Landfill Contractual Matter [**PAGES 25-32**]
- c. Personnel Matter
- d. SOB Update
- e. Legal Advice - Elections



**OVERBURDEN AGREEMENT**

THIS OVERBURDEN AGREEMENT is made by and between Vulcan Construction Materials, LP and Vulcan Lands, Inc. (collectively, “**Vulcan**”) and Richland County (the “**County**”), and is effective as of the \_\_\_\_\_ day of September, 2012.

**W I T N E S S E T H:**

**WHEREAS**, Vulcan is in the process of stripping overburden from certain property more particularly identified on Exhibit A hereto (the “**Property**”); and

**WHEREAS**, the County owns and operates a landfill adjacent to the Property, more particularly identified on Exhibit B hereto (the “**Landfill**”), and desires that Vulcan provide the County with overburden to provide cover for the Landfill; and

**WHEREAS**, Vulcan has agreed to do so at no cost to the County.

**NOW, THEREFORE**, the parties, intending to be legally bound agree as follows:

1. At the County’s request, Vulcan agrees to provide overburden to the County at such times as are consistent with Vulcan’s operational and business plans, and to stockpile the same at such areas on the Landfill as the County may direct. The County and Vulcan agree to cooperate with each other to devise a working plan regarding times of delivery and amounts and placement of materials delivered. Vulcan designates \_\_\_\_\_ as its contact person, and the County designates Alan Huffstetler, Landfill Manager as its contact person. Both parties may rely on the verbal instructions of the other, but each must notify the other in writing of any change to the contact person.

2. Vulcan is providing the overburden to the County as an accommodation to the County and makes no representations, express or implied, concerning the suitability of the overburden for the County’s purposes. The overburden is conveyed AS-IS, and the County specifically acknowledges and agrees that Vulcan is providing the overburden without any representations or warranty. Both the County and Vulcan shall have the right and obligation to evaluate the soil as deemed reasonable to determine the suitability of the soils for its intended use. Should either party determine that the soils may be contaminated with any objectionable chemical or other material, the discovering party shall inform the other party immediately of the findings. Following a good faith final determination by either party that the soils are unsuitable for use at the landfill, the County or Vulcan may terminate this agreement immediately.

Without limiting the above, the County on behalf of itself and its successors and assigns waives its right to recover from, and forever releases and discharges Vulcan, its affiliates, shareholders, directors, officers, employees and agents, and each of them, from and against any and all demands, claims, legal or administrative proceedings, losses, liabilities, damages, penalties, fines, liens, judgments, costs or expenses whatsoever (including, without limitation, reasonable attorneys’ fees and costs), whether direct or indirect, known or unknown, foreseen or unforeseen, that may arise on account of or in any way be connected with the physical condition of the overburden or any law or regulation applicable thereto, including, without limitation, the

Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (42 U.S.C. § 9601, et seq.), the Resource Conservation and Recovery Act of 1976 (42 U.S.C. § 6901, et seq.), the Clean Water Act (33 U.S.C. § 1251, et seq.), the Safe Drinking Water Act (42 U.S.C. § 300f, et seq.), the Hazardous Materials Transportation Act (49 U.S.C. § 1801, et seq.), the Toxic Substances Control Act (15 U.S.C. § 2601, et seq.), and any applicable state or local laws or regulations. The provisions of this section shall survive the closing forever.

3. This Agreement shall commence on the date hereof and continue until \_\_\_\_\_ . This Agreement may be terminated by either party at any time upon thirty (30) days' prior written notice.

4. Notice hereunder mailed to Vulcan shall be addressed to:

**Vulcan Construction Materials, L.P.**

East Region  
1 Glenlake Parkway NE, Suite 600  
Atlanta, GA 30328  
Attention: Senior Vice President-East

with a copy to:

**Vulcan Materials Company**

Post Office Box 385014  
Birmingham, AL 35238-5014  
Attention: General Counsel

and notice mailed to County shall be addressed to:

**Richland County**

Richland County Administration

2020 Hampton Street

Columbia SC 29204

Attention: Tony McDonald\_\_\_\_\_

5. This Agreement may not be assigned by either party without the prior written consent of the other.

6. This Agreement represents the complete understanding between the parties hereto, and supersedes all prior negotiations, representations or agreements, whether written or oral, as to the matters described herein. This Agreement may be amended only by written instrument signed by both parties. No requirements, obligations, remedy or provision of this Agreement shall be deemed to have been waived, unless so waived expressly in writing, and any such waiver of any such provision shall not be considered a waiver of any right to enforce such provision thereafter.

7. The invalidity or unenforceability of any provision of this Agreement shall not affect or impair any other provision hereof.

8. All the terms and provisions of this Agreement shall be binding upon and shall inure to the benefit of the parties hereto and their respective successors, assigns, heirs, devisees, legatees, beneficiaries, executors and administrators.

9. This Agreement shall be construed and governed in accordance with the laws of the State of South Carolina.

10. County acknowledges that at all times during the Term of this Agreement, Vulcan's operational and business needs shall take precedence over those of the County and Vulcan shall have no liability to the County for failure to deliver overburden in any specific amount or at any specific time.

*[Remainder of Page Intentionally Left Blank]*

11. To facilitate the proper management of this project Vulcan agrees to make part of its contracting with its earthwork and hauling contractors the following stipulations imposed by County in its Grading Plan (Exhibit A): :

- a. Implement traffic control measures at
  - i. Point of entry to highway
  - ii. Scale house crossing point
- b. Implement a dust control program – from point of entry on highway to County landfill property
- c. Adhere to County imposed dust control program while on County landfill property.
- d. Abide by following speed limits
  - i. 5-10 mph prior to landfill gate
  - ii. 15 mph inside the landfill gate
- e. Comply with Landfill's hours of operation - 7:00 AM to 4:30 PM M-F. - LF will be closed 1 day each for New Year, July 4th, Memorial Day, Labor Day, Thanksgiving & Christmas
- f. Provide 24-hour advance notification of haul schedules.
- g. To immediately clean up any leaks or spills on County property originating from contractor's equipment– maintain spill kits. Immediately remove any vehicle from service upon discovery of a fluid leak. Vehicle may return once repairs have been made.

- h. Maintain service roads used during the time of the project from the SE corner of Phase III to the off load points where there is reason to believe the Vulcan equipment created the need for maintenance.
- i. Allow County to determine the suitability of soils in advance of hauling and transfer then upon delivery of overburden soil to landfill County may direct such soils to the appropriate locations on landfill for grading by the Vulcan contractor as described in the County's grading plans at onset of the project
- j. Proof of Insurance – liability coverage while on county property and workman's compensation
- k. Halt hauling operations in the event of a fire or other emergency at the landfill until a determination that it is safe to return by landfill manager or other appropriate County staff.

12.

**IN WITNESS WHEREOF**, the parties hereto have caused this Agreement to be executed and delivered for and in their names by their duly authorized officers, all as of the day and year first above written.

**VULCAN CONSTRUCTION MATERIALS, LP**

By its General Partner  
Legacy Vulcan Corp.  
East Region

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

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

Its: \_\_\_\_\_

**VULCAN LANDS, INC.**

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

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

Its: \_\_\_\_\_

**RICHLAND COUNTY**

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

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

Its: \_\_\_\_\_

**EXHIBIT A**

**EXHIBIT B**





# Richland County Council Request of Action

**Subject**

For Items on the Agenda Not Requiring a Public Hearing

# Richland County Council Request of Action

## **Subject**

- a. Transportation Penny Update
- b. Parking Meter Proposal
- c. TIF Update
- d. 911 Call Center Recognition
- e. "Security of County Records" IT Information Video
- f. Employee Grievance **[ACTION]**

# Richland County Council Request of Action

## **Subject**

- a. TIF Work Session [Proposed Date: November 27, 4:00-5:00 PM] **[ACTION]**
- b. 2013 Council Retreat [Proposed Dates: January 24-25, 2013] **[ACTION]**
- c. Proposed 2013 Council Meeting Calendar **[ACTION] [PAGES 36-37]**
- d. Council Rules Work Session [Proposed Date: November 29, 5:00-6:00 PM] **[ACTION]**

# 2012 COUNCIL MEETING DATES



## MONTH/DATE

## MEETING

### JANUARY

8	Regular Session @ 6:00
15	Regular Session @ 6:00
22	Committees @ 5:00
22	Zoning Public Hearing @ 7:00

### FEBRUARY

5	Regular Session @ 6:00
19	Regular Session @ 6:00
26	Committees @ 5:00
26	Zoning Public Hearing @ 7:00

### MARCH

5	Regular Session @ 6:00
19	Regular Session @ 6:00
26	Committees @ 5:00
26	Zoning Public Hearing @ 7:00

### APRIL

3	Regular Session @ 6:00
17	Regular Session @ 6:00
24	Committee @ 5:00
24	Zoning Public Hearing @ 7:00

### MAY

7	Regular Session @ 6:00
21	Regular Session @ 6:00
28	Committees @ 5:00
28	Zoning Public Hearing @ 7:00

(Please note: Special Called Meetings may be held during this month to discuss budget issues.)

### JUNE

4	Regular Session @ 6:00
18	Regular Session @ 6:00
25	Committees @ 5:00
25	Zoning Public Hearing @ 7:00

**MONTH/DATE**

**MEETING**

**JULY**

2	Regular Session @ 6:00
16	Regular Session @ 6:00
23	Committees @ 5:00
23	Zoning Public Hearing @ 7:00

(Please note there may be a Special Called Meeting this month due to the Council's break in August.)

**AUGUST**

Council Break

**SEPTEMBER**

10	Regular Session @ 6:00
17	Regular Session @ 6:00
24	Committees @ 5:00
24	Zoning Public Hearing @ 7:00

**OCTOBER**

1	Regular Session @ 6:00
15	Regular Session @ 6:00
22	Committees @ 5:00
22	Zoning Public Hearing @ 7:00

**NOVEMBER**

5	Regular Session @ 6:00
19	Regular Session @ 6:00
26	Committees @ 5:00
26	Zoning Public Hearing

(Please note: Dates are subject to change due to the Thanksgiving Holiday)

**DECEMBER**

3	Regular Session @ 6:00
10	Regular Session @ 6:00
17	Committees @ 5:00
17	Zoning Public Hearing

(Please note: Due to the Holiday Season, Committee meetings and/or Zoning Public Hearing will be determined during the first weeks of December)

- **Meeting Dates are subject to change and/or additional dates may be added.**
- Please note that items for the Zoning Public Hearing must go before the Planning Commission. The Planning Commission meets the first Mondays of each month. Contact Suzie Haynes at (803) 576-2176 for further information.

Visit our Website at [www.rcgov.us](http://www.rcgov.us) for updated information.

For more information, please contact the Clerk of Council Office @ (803) 576-2061.

# Richland County Council Request of Action

## **Subject**

- a. Business Friendly Task Force Recommendations Work Session [Proposed Date: November 29, 4:00-5:00] **[ACTION]**
- b. Personnel Matter
- c. Penny Referendum Next Steps

# Richland County Council Request of Action

## **Subject**

- a. An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration: Article V, County Departments; by adding a new division entitled 3A, Tax Assessor; so that a new department will be created, and Amending Chapter 23, Taxation; Article II, Tax Assessor and Article III, Board of Assessment Control; by deleting the language therein
- b. An Ordinance Amending the Fiscal Year 2012-2013 Solid Waste Enterprise Fund Annual Budgets to appropriate \$972,600 of Solid Waste Enterprise Unassigned Fund Balance for transfer to Solid Waste Operating Budget for the sole purpose of purchasing roll carts
- c. An Ordinance Amending the Fiscal Year 2012-2013 General Fund Annual Budget to appropriate \$184,496 of General Fund Unassigned Fund Balance for Grant Match to Departments for grants approved through the FY13 Budget Process
- d. An Ordinance Amending the Richland County Code of Ordinances No.043-01HR Section 24 to increase the rate of copy charges for autopsy reports to \$500
- e. An Ordinance Authorizing a Quit-Claim Deed to Mary Tyler Robinson for an unnamed road shown on a plat in Plat Book "13" at Page 147 and recorded in the Richland County Register of Deeds; and being further described as Richland County TMS#07313-07-01
- f. An Ordinance Authorizing a Utility Easement/Right-of-Way to South Carolina Electric & Gas Company on property identified as TMS#15209-01-04, also known as 218 McNulty Street
- g. An Ordinance Amending the FY12-13 General Fund Annual Budget to add a Full-Time Paralegal position in the Public Defender's Office

# Richland County Council Request of Action

## **Subject**

An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article V, County Departments; by adding a new division entitled 3A, Tax Assessor; so that a new department will be created, and Amending Chapter 23, Taxation; Article II, Tax Assessor and Article III, Board of Assessment Control; by deleting the language therein **[THIRD READING] [PAGES 40-44]**

## **Notes**

September 25, 2012 - The committee recommended that Council approve the draft ordinance that places the County Assessor and County Assessor's office under the County Administrator. The vote in favor was unanimous.

First Reading: October 2, 2012

Second Reading: October 16, 2012

Third Reading:

Public Hearing:



## Richland County Council Request for Action

Subject: Organizationally place the County Assessor and County Assessor's Office under the County Administrator

### A. Purpose

This request is to organizationally place the County Assessor (Tax Assessor) and the County Assessor's office (Tax Assessor Department) under the County Administrator.

### B. Background / Discussion

During the Motion Period of the February 2, 2010, County Council meeting, Mr. Manning made a request to, by ordinance, organizationally place the County Assessor and the County Assessor's Office under the County Administrator. At that time, the Richland County Assessor was appointed by the Board of Assessment Control, a body created by local legislation (state law). It was decided by Council to approach the Legislative Delegation about repealing that local legislation. The repeal legislation was signed by the Governor on June 26, 2012.

Council is now asked to revisit the issue. The attached draft ordinance removes the Tax Assessor and Board of Assessment Control language from Chapter 23 (Taxation) of the Richland County Code of Ordinances. It also creates the Tax Assessor and Tax Assessor Department, which fall under the County Administrator's purview like all County Departments.

Please see the draft ordinance and attachments for further guidance.

### C. Legislative/Chronological History

See first paragraph in section B.

### D. Financial Impact

No known financial impact.

### E. Alternatives

1. Approve the draft ordinance.
2. Amend the draft ordinance and approve.
3. Do not approve the ordinance.

### F. Recommendation

It is recommended that Council approve the draft ordinance or some amended version thereof.

Recommended by: Elizabeth A. McLean      Department: Legal      Date: 9/11/12

### F. Reviews

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

**Finance**

Reviewed by: Daniel Driggers Date: 9/12/12  
 Recommend Council approval  Recommend Council denial  
✓ Council Discretion (please explain if checked)  
Comments regarding recommendation:

This is a policy decision for Council

**Assessor**

Reviewed by: John Cloyd Date: 9-13-12  
x Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
Comments regarding recommendation:

**Legal**

Reviewed by: Elizabeth McLean Date: 9/14/12  
 Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
Comments regarding recommendation:

**Administration**

Reviewed by: Tony McDonald Date: 9/17/12  
✓ Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)

Comments regarding recommendation: The legislation mentioned above actually placed the Assessor under the supervision of the County Council. At a Council work session on July 9, 2012, it was the consensus of those Council Members attending the work session that the Council would, in turn, place the Assessor under the County Administrator's supervision. Approval of the ordinance, therefore, is recommended.

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-12HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION; ARTICLE V, COUNTY DEPARTMENTS; BY ADDING A NEW DIVISION ENTITLED 3A, TAX ASSESSOR; SO THAT A NEW DEPARTMENT WILL BE CREATED; AND AMENDING CHAPTER 23, TAXATION; ARTICLE II, TAX ASSESSOR AND ARTICLE III, BOARD OF ASSESSMENT CONTROL; BY DELETING THE LANGUAGE THEREIN.

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 23, Taxation; Article II, Tax Assessor; is hereby amended by the deletion of the language therein and is reserved for future use.

SECTION II. The Richland County Code of Ordinances, Chapter 23, Taxation; Article III, Board of Assessment Control; is hereby amended by the deletion of the language therein and is reserved for future use.

SECTION III. The Richland County Code of Ordinances, Chapter 2, Administration; Article V, County Departments; Division 3, Animal Care, Sections “2-208 – 2-215. Reserved” is hereby amended to read as follows:

**Secs. 2-208 – 2-215~~1~~. Reserved.**

SECTION IV. The Richland County Code of Ordinances, Chapter 2, Administration; Article V, County Departments; is hereby amended by the creation of a new Division, to read as follows:

DIVISION 3A. TAX ASSESSOR

**Sec. 2-212. Creation; tax assessor.**

There is hereby created the Tax Assessor Department, and the position of Tax Assessor, who shall be responsible to the county administrator to direct and coordinate the operations and activities of the department. The county administrator shall appoint the director and his/her term of office shall be at the pleasure of the county administrator.

**Sec. 2-213. Qualifications of tax assessor; selection; compensation.**

The Tax Assessor shall be a person with education, training, skills, and/or experience that is satisfactory to the county administrator.

**Sec. 2-214. Responsibilities; powers; duties.**

The powers, duties, and responsibilities of the Tax Assessor shall be those set forth by state law.

**Sec. 2-215. Staff; personnel.**

The staff and personnel assigned to the Tax Assessor shall be subject to the county personnel system and their compensation determined accordingly.

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

SECTION VII. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2012.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Kelvin E. Washington, Sr., Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2012.

\_\_\_\_\_  
Michelle M. Onley  
Clerk of Council

RICHLAND COUNTY ATTORNEY’S OFFICE

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

First Reading:  
Second Reading:  
Third Reading:

# Richland County Council Request of Action

## **Subject**

An Ordinance Amending the Fiscal Year 2012-2013 Solid Waste Enterprise Fund Annual Budgets to appropriate \$972,600 of Solid Waste Enterprise Unassigned Fund Balance for transfer to the Solid Waste Operating Budget for the sole purpose of purchasing roll carts **[THIRD READING] [PAGES 45-50]**

## **Notes**

September 25, 2012 - The committee recommended that Council approve the request to transfer \$972,600 from the Solid Waste enterprise fund balance to the Solid Waste operating budget for the sole purpose of purchasing 20,000 95 gallon roll carts to enhance the County's recycling efforts. The vote in favor was unanimous.

First Reading: October 2, 2012

Second Reading: October 16, 2012

Third Reading:

Public Hearing:

# Richland County Council Request of Action

**Subject:** Solid Waste Recycling Program Area #2 and Area #6

## A. Purpose

*"County Council is requested to approve a budget amendment to the Solid Waste Department budget in the amount of \$972,600.00 for the purpose of purchasing 95 gallon roll carts related to the every other week recycling pick up which is scheduled to take effective January 2, 2013"*

## B. Background / Discussion

- Solid Waste Area 2 & Area 6 curbside collection contracts are up for renewal at the end of this year and the revised recycling pick up is part of the new contract negotiations.
- The request for a revised recycling pick up was sent to Council in early 2012
- During the summer of 2012 County Council voted to extend the Solid Waste contracts for Area #2 and Area #6 and modify the recycling pick up to every other week.
- Richland County Administration has been in negotiations with the haulers since Councils decision

## C. Legislative/Chronological History

- The request for a revised recycling pick up was sent to Council in early 2012
- During the summer of 2012 County Council voted to extend the Solid Waste contracts for Area #2 and Area #6 and modify the recycling pick up to every other week.

## D. Financial Impact

The Solid Waste Division is an enterprise fund. The funds will be from the Solid Waste Division's fund balance.

20,000 - 95 gallon roll carts	\$896,600.00
Assembly and distribution	\$76,000.00
Tax	\$0.00
<hr/>	
Total for purchase of carts, assembly and distribution	\$972,600.00
<hr/>	

*"There is no adverse financial impact associated with this request."*

## E. Alternatives

1. Approve the request to allow the transfer of funds for the purchase, assembly and distribution of 20,000 roll carts. The distribution should occur prior to December 31, 2012.

2. Do not approve the transfer of funds for the purchase, assembly and distribution of 20,000 roll carts and continue to recycle once a week with 18 gallon recycling bins

Contract negotiations must be adjusted accordingly.

County Council was provided considerable background earlier and subsequently approved the every other week recycling using the 95 gallon roll carts.

## F. Recommendation

*"It is recommended that Council approve the request to transfer \$972,600.00 from the Solid Waste enterprise fund balance to the Solid Waste operating budget for the sole purpose of purchasing 20,000 – 95 gallon roll carts with the expressed intent to enhance the County's recycling efforts."*

Recommended by: Marlin Henderson    Department: Solid Waste    Date: 9/11/2012

## G. Reviews

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

### Finance

Reviewed by: Daniel Driggers

Date: 9/14/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

### Procurement

Reviewed by: Rodolfo Callwood

Date: 9/14/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

### Legal

Reviewed by: Elizabeth McLean

Date: 9/14/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Policy decision left to Council's discretion.

### Administration

Reviewed by: Tony McDonald

Date: 9/18/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Purchase of the rollcars as outlined above is consistent with the newly renegotiated collection contracts for Solid Waste Service Areas 2 and 6. Approval, therefore, is recommended.



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

AN ORDINANCE AMENDING THE FISCAL YEAR 2012-2013 SOLIDWASTE ENTERPRISE FUND ANNUAL BUDGETS TO APPROPRIATE \$972,600 OF SOLIDWASTE ENTERPRISE UNASSIGNED FUND BALANCE FOR TRANSFER TO THE SOLIDWASTE OPERATING BUDGET FOR THE SOLE PURPOSE OF PURCHASING ROLL CARTS.

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. That the amount of nine hundred seventy two thousand and six hundred dollars (\$972,600) be appropriated in the Solidwaste Enterprise Fund and transferred to Solidwaste Operating Budget. Therefore, the Fiscal Year 2012-2013 Solidwaste Operating Annual Budgets are hereby amended as follows:

SOLIDWASTE ENTERPRISE FUND - REVENUE

Revenue appropriated July 1, 2012 as amended:	\$28,842,986
Appropriation of Solidwaste Enterprise unassigned fund balance:	<u>972,600</u>
Total Solidwaste Enterprise Fund Revenue as Amended:	\$29,815,586

SOLIDWASTE ENTERPRISE - EXPENDITURES

Expenditures appropriated July 1, 2012 as amended:	\$28,842,986
Transfer Out to Solidwaste Operating Fund:	<u>972,600</u>
Total Neighborhood Improvement Expenditures as Amended:	\$29,815,586

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

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

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

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Kelvin Washington, Chair

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

OF \_\_\_\_\_, 2012

\_\_\_\_\_  
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:

# Richland County Council Request of Action

## **Subject**

An Ordinance Amending the Fiscal Year 2012-2013 General Fund Annual Budget to appropriate \$184,496 of General Fund Unassigned Fund Balance for Grant Match to Departments for grants approved through the FY13 Budget Process **[THIRD READING] [PAGES 51-56]**

## **Notes**

September 25, 2012 - The committee recommended that Council approve the request for a budget amendment in the amount of \$184,496 for additional grant match funds for confirmed and pending FY 13 grant awards. The vote in favor was unanimous.

First Reading: October 2, 2012

Second Reading: October 16, 2012

Third Reading:

Public Hearing:

# Richland County Council Request of Action

**Subject:** Budget Amendment – Grant Match

**A. Purpose**

County Council is requested to approve a budget amendment in the amount of \$184,496, increasing the amount of grant match available to departments for grants approved through the FY13 budget process.

**B. Background / Discussion**

A “grant match” is money or in-kind services (if applicable) required for the entity receiving the grant to come up with in order to receive the grant. For example, a grant might cover 50% of the project cost, which means Richland County would have to come up with a funding source or in-kind services (if applicable) to cover the remaining 50%. Historically, Richland County has used the “grant match” account to cover the match required.

Each year during the budget process, departments request grant match funds for grants they think they will receive during the year. For FY13, department grant match requests totaled \$663,954. During the FY13 budget process, \$283,017 was approved as the match pool for County departments’ grants that required cash match. As grants are awarded, any required cash match is drawn down from this pool of funds on a first requested-first awarded approach.

As of September 12, 2012, match amounts for confirmed awards and pending awards total \$467,513. A budget amendment is needed for \$184,496 to cover the shortfall. The attached spreadsheet shows the FY13 grant activity to date. Any un-used match remaining due to reduced awards or not receiving an award will be returned to the General Fund fund balance. If new / additional grants outside of this request are awarded during the fiscal year, staff will bring the grants to Council for approval of the grant itself and any grant match that may be required for these grants.

Staff asks that the full \$184,496 be approved, as grant awards are time sensitive. There is often a 15 to 30 day window when accepting awards, and the County’s budget amendment approval process can take up to three months with Committee meetings, three readings and a public hearing. Dealing with each grant award individually is not advised.

**C. Legislative/Chronological History**

- This is a staff-initiated request.
- The grant match amount of \$283,017 was approved in FY13 budget on May 31, 2012.

**D. Financial Impact**

A budget amendment from the General Fund fund balance is needed for \$184,496.

**E. Alternatives**

1. Approve the request for a budget amendment for grant match in the amount of \$184,496.
2. Do not approve the request for a budget amendment for grant match in the amount of \$184,496, causing the County to return grant funds or reduce scope and size of grant funded projects.

**F. Recommendation**

It is recommended that Council approve the request for a budget amendment of \$184,496 for grant match funds.

Recommended by: Sara Salley

Department: Admin

Date: 9/12/12

**G. Reviews**

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

**Finance**

Reviewed by: Daniel Driggers

Date: 9/14/12

✓ Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

Recommendation based on available funds not on merits of programs. Council should consider if the additional match will create any financial obligations in future years.

**Grants**

Reviewed by: Sara Salley

Date: 9/14/12

✓ Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

Grant match funds included in this ROA are for grants already approved by County Council during the FY13 budget process.

**Legal**

Reviewed by: Elizabeth McLean

Date: 9/14/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Policy decision left to Council’s discretion.

**Administration**

Reviewed by: Roxanne Ancheta

Date: September 14, 2012

✓ Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: It is recommended that Council approve the request for a budget amendment in the amount of \$184,496 for additional grant match funds for confirmed and pending FY 13 grant awards. Any unspent funds would be returned to the General Fund fund balance.

Dept	Grant	Project Total	Grant Request	Requested Cash Match	FY13 Award	Required Cash Match	Un-used Match Requests	Total Match Needed
Com Dev	HOME	\$663,866	\$559,045	\$104,821	\$453,466	\$102,030		\$102,030
EMS	Grant-In-Aid - DHEC	\$63,300	\$60,000	\$3,300	Pending	\$3,300		\$3,300
ESD	LEMPG	\$118,300	\$110,000	\$8,300	\$71,276	\$6,558		\$6,558
Sheriff	COPS Universal Hiring Program	\$684,147	\$513,147	\$171,000	Not Funded			
Sheriff	JAG - Crime Scene Unit Enhancement	\$240,871	\$216,784	\$24,087	\$106,362	\$11,818		\$11,818
Sheriff	Hispanic Outreach - VAWA	\$65,000	\$48,750	\$16,250	\$28,510	\$16,250	\$19,312	\$35,562
Sheriff	Victim Advocacy - VOCA	\$67,060	\$53,649	\$13,411	\$47,515	\$11,879		\$11,879
Sheriff	JAG - School Resource Officer	\$96,959	\$87,277	\$9,692	\$86,687	\$9,632		\$9,632
Sheriff	JAG - Financial Crimes Investigation	\$74,208	\$66,788	\$7,420	\$66,355	\$7,373		\$7,373
Sheriff	JABG - Status Offender Project	\$68,215	\$61,394	\$6,821	Pending	\$6,821		\$6,821
Sheriff	JAG - Violent Fugitive Apprehension	\$66,884	\$60,196	\$6,688	\$60,195	\$6,688		\$6,688
Solicitor	Veterans Treatment Court	\$367,934	\$275,950	\$91,984	Pending	\$91,984		\$91,984
Solicitor	VAWA Prosecution Team	\$175,998	\$131,998	\$44,000	Pending	\$44,000		\$44,000
Solicitor	CDV Court - VAWA	\$129,451	\$97,088	\$32,363	\$55,046	\$32,363	\$33,096	\$65,459
Solicitor	5th Circuit Solicitor's Office Investigators - JAG	\$310,553	\$279,498	\$31,055	Not Funded			
Solicitor	Violent Crime Prosecution Team - JAG	\$229,296	\$206,366	\$22,930	\$205,574	\$22,842		\$22,842
Solicitor	Victim Advocate - VOCA	\$121,337	\$97,069	\$24,268	\$81,947	\$20,487		\$20,487
Solicitor	Technology Improvements - JAG	\$20,405	\$18,364	\$2,041	\$18,364	\$2,041		\$2,041
Airport	Airport Projects FAA #18	\$621,727	\$559,554	\$43,523	\$342,690	\$19,039		\$19,039
			<b>\$663,954</b>	<b>\$1,623,987</b>	<b>\$415,105</b>	<b>\$52,408</b>		<b>\$467,513</b>

Match Amount of Awarded Grants \$ 269,000  
 Un-Used Match Request (Solicitor/Sheriff) \$ 52,408  
 Match Amount of Pending Grants \$ 146,105  
 \$ 467,513  
 Match Amount Approved in FY 13 Budget \$ (283,017)  
 Match Amount Requested in Budget Amendment \$ 184,496

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

AN ORDINANCE AMENDING THE FISCAL YEAR 2012-2013 GENERAL FUND ANNUAL BUDGET TO APPROPRIATE \$184,496 OF GENERAL FUND UNASSIGNED FUND BALANCE FOR GRANT MATCH TO DEPARTMENTS FOR GRANTS APPROVED THROUGH THE FY13 BUDGET PROCESS.

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. That the amount of one hundred eighty four thousand four hundred ninety six dollars (\$184,496) be appropriated for increase to Nondepartmental. Therefore, the Fiscal Year 2012-2013 General Fund Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2012 as amended:	\$ 147,352,730
Appropriation of General Fund unassigned fund balance	<u>184,496</u>
Total General Fund Revenue as Amended:	\$ 147,537,226

EXPENDITURES

Expenditures appropriated July 1, 2012 as amended:	\$ 147,352,730
Increase to Nondepartmental	<u>184,496</u>
Total General Fund Expenditures as Amended:	\$ 147,537,226

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 \_\_\_\_\_, 2012.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Kelvin Washington, Chair

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

OF \_\_\_\_\_, 2012

\_\_\_\_\_  
Clerk of Council

RICHLANDCOUNTYATTORNEY'S OFFICE

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

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



# Richland County Council Request of Action

## **Subject**

An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article V, County Departments; by adding a new division entitled 6A, Conservation; so that a new department will be created [**THIRD READING**] [**PAGES 57-62**]

## **Notes**

September 25, 2012 - The committee recommended that Council approve and ordinance to create the Conservation Department. The vote in favor was unanimous.

First Reading: October 2, 2012

Second Reading: October 16, 2012

Third Reading:

Public Hearing:

# Richland County Council Request of Action

**Subject:** Creation of the Richland County Conservation Department

## **A. Purpose**

County Council is requested to approve an ordinance to create the Conservation Department.

## **B. Background / Discussion**

As a part of the FY13 Budget approved by Council, the Environmental Planning Division (Planning and Developmental Services Department) became an independent budget department with separate oversight.

The Conservation Department will be responsible for working directly with the Richland Soil and Water Conservation District Commissioners and the Richland County Conservation Commissioners. The Conservation Director will direct and supervise all functions of the department and implement the responsibilities of the District and Commission. The director shall consult with and advise the county council and the county administrator regarding the conservation and protection the county's natural, cultural and historical resources. The department shall establish working relationships with other county departments including, but not limited to, Administration, Public Works, and Planning and Development Services. The department shall also interact with federal and State agencies, other counties and municipalities, institutions of higher education, and not-for-profit conservation and environmental organizations to support the responsibilities of the department, District and Commission.

The Conservation Department is also responsible for staffing the Richland County Appearance Commission.

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

FY 13 Budget approved by County Council.

## **D. Financial Impact**

There is no financial impact associated with this request. Prior to FY12, the Richland Soil and Water Conservation District and the Richland County Conservation Commission were separate cost centers. During FY13, the activities of the District and Commission will be blended into a unified Conservation Department budget.

## **E. Alternatives**

1. Approve the ordinance to create the Conservation Department as submitted.
2. Approve the ordinance, with amendments, to create the Conservation Department as submitted.
3. Do not approve the ordinance to create the Conservation Department.

## F. Recommendation

It is recommended Council approve the ordinance to create the Conservation Department as submitted.

Recommended by: James B. Atkins      Department: Conservation      Date: July 16, 2012

## G. Reviews

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

### Finance

Reviewed by: Daniel Driggers      Date: 9/12/12  
✓ Recommend Council approval       Recommend Council denial  
 Council Discretion (please explain if checked)  
Comments regarding recommendation:

### Procurement

Reviewed by: Rodolfo Callwood      Date: 9/12/12  
 Recommend Council approval       Recommend Council denial  
 Council Discretion (please explain if checked)  
Comments regarding recommendation:

### Human Resources

Reviewed by: Dwight Hanna      Date:  
✓ Recommend Council approval       Recommend Council denial  
 Council Discretion (please explain if checked)  
Comments regarding recommendation: Action should be taken to amend any other ordinances that may reference the Conservation Department in a different manner. For example, if the Planning Department ordinance currently makes reference to the Conservation as a Division of the Planning Department.

### Legal

Reviewed by: Elizabeth McLean      Date: 9/12/12  
 Recommend Council approval       Recommend Council denial  
 Council Discretion (please explain if checked)  
Comments regarding recommendation: Policy decision left to Council's discretion.

### Administration

Reviewed by: Sparty Hammett      Date: 09/12/12  
✓ Recommend Council approval       Recommend Council denial  
 Council Discretion (please explain if checked)  
Comments regarding recommendation: Recommend Council approval of the ordinance. Council approved the creation of the Conservation Department during the budget process.

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-12HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION; ARTICLE V, COUNTY DEPARTMENTS; BY ADDING A NEW DIVISION ENTITLED 6A, CONSERVATION; SO THAT A NEW DEPARTMENT WILL BE CREATED.

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 2, Administration; Article V, County Departments; Division 6, Detention, Elections, Voter Registration, and Register of Mesne Conveyances, Sections “2-239 – 2-246. Reserved” is hereby amended to read as follows:

**Secs. 2-239 – 2-2462. Reserved.**

SECTION II. The Richland County Code of Ordinances, Chapter 2, Administration; Article V, County Departments; is hereby amended by the creation of a new Division, to read as follows:

DIVISION 6A. CONSERVATION

**Sec. 2-243. Creation; director.**

There is hereby created the Conservation Department, and the position of Conservation Director, who shall be responsible to the county administrator to direct and coordinate the operations and activities of the department. The county administrator shall appoint the director and his/her term of office shall be at the pleasure of the county administrator.

**Sec. 2-244. Qualifications of director; selection; compensation.**

The Conservation Director shall be a graduate of an accredited college or university, with a master’s degree in environmental or agricultural science or engineering, hydrology, water resources management or closely related field; and shall have had at least five (5) years of responsible, practical experience in the above fields. The director shall possess education, training and experience related to conservation and environmental issues that is satisfactory to the county administrator.

**Sec. 2-245. Responsibilities; powers; duties.**

The Conservation Department shall be responsible for working directly with the Richland Soil and Water Conservation District Commissioners and the Richland County Conservation Commissioners. The Conservation Director shall direct and supervise all functions of the department and implement the responsibilities of the District and Commission. The director shall consult with and advise the county council and the county administrator regarding the conservation and protection of the county's natural, cultural and historical resources. The department shall establish working relationships with other county departments including, but not limited to, Administration, Public Works, and Planning and Development Services. The department shall also interact with federal and State agencies, other counties and municipalities, institutions of higher education, and not-for-profit conservation and environmental organizations to support the responsibilities of the department, District and Commission.

**Sec. 2-246. Staff; personnel.**

The staff and personnel assigned to the Conservation Director shall be subject to the county personnel system and their compensation determined accordingly.

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

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

SECTION V. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2012.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Kelvin E. Washington, Sr., Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2012.

\_\_\_\_\_  
Michelle M. Onley  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading:           October 2, 2012 (tentative)  
Second Reading:  
Third Reading:  
Public Hearing:

# Richland County Council Request of Action

## **Subject**

An Ordinance Amending Ordinance 043-10HR, so as to increase the rate of copy charges for autopsy reports to \$500. **[THIRD READING] [PAGES 63-67]**

## **Notes**

September 25, 2012 - The committee recommended that Council approve the request to increase the copy charges for autopsy reports from \$100 to \$500. The vote was in favor.

First Reading: October 2, 2012

Second Reading:

Third Reading:

Public Hearing:

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

**Subject:** Coroner-Increase the Rate of Copy Charges for Autopsy Reports

### **A. Purpose**

County Council is requested to approve an amendment to County Ordinance No. 043-01HR specifically Section 24 to increase the rate of copy charges for autopsy reports.

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

Effective July 1, 2001 this particular ordinance was implemented to allow the Coroner to charge for copies of autopsy reports. The current amount charged is \$100.00 per autopsy report. These charges were recommended to help recover a part of the expense of an autopsy. Any monies collected for these copies go back into the County general fund. Due to the increase over the years of the costs of autopsies the Coroner is requesting an increase in the amount charged for copies of the reports. He would like this copy charge to be increased to \$500.00 per autopsy report. These charges do not apply to family members or law enforcement.

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

- On May 15, 2001 Council had its first reading on this matter
- On June 19, 2001 a Public Hearing was held and Council had the second reading
- On June 26, 2001 Council had the third reading on this matter
- This Ordinance became effective July 1, 2001

### **D. Financial Impact**

Increasing the copy charges for autopsy reports from \$100.00 to \$500.00 will help to recover a portion of the costs expended for autopsies.

### **E. Alternatives**

1. Approve the request to increase the copy charges for autopsy reports from \$100.00 to \$500.00.
2. Do not approve the request.

### **F. Recommendation**

It is recommended that Council approve the request to increase the copy charges for autopsy reports from \$100.00 to \$500.00.

Recommended by: Gary Watts

Department: Coroner

Date: 09/12/2012



**G. Reviews**

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

**Finance**

Reviewed by: Daniel Driggers Date: 9/14/12  
 Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)

Comments regarding recommendation:

This is a fee increase and would be the discretion of Council. Below are the dollars generated for Richland County from the existing fee for FY11 and FY12:

FY11: \$1,100  
FY12: \$3,300

Below are the similar fees for other Counties for comparative purposes:

<b>County</b>	<b>Copy Costs for Autopsies</b>
Charleston	\$100 for Autopsy Report; no per page costs
Lexington	No charge
	No charge for family members; Attorneys, Insurance Companies etc pay a \$15 fee and \$.35 cents per copy up to 50 copies, then \$.50 a page after that. Note:
Greenville	this service is provided by the Medical Examiner's Office.

**Procurement**

Reviewed by: Rodolfo Callwood Date: 9/14/12  
 Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)

Comments regarding recommendation: Council discretion; action has no immediate impact on Procurement.

**Legal**

Reviewed by: Elizabeth McLean Date: 9/14/12  
 Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)

Comments regarding recommendation: This request is a policy decision left to Council's discretion; however, the request is to amend ord 043-01HR, which is actually the yearly budget ordinance for fy2001-2002. The proper procedure would be to pass an independent ordinance creating the new fee. Such ordinance could reference ord 043-01HR for clarity. Legal will provide a draft ordinance upon request.

**Administration**

Reviewed by: Sparty Hammett Date: 9/19/12  
 Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend Council approval of the increase in fees for autopsy reports. Although the fee would be higher than comparable counties, the revenue could help offset the rising costs of autopsies. The Coroner's Office does not charge families or law enforcement for reports. The revenue from the fee has historically been small, however the Coroner is anticipating an increase in the number of requests for autopsy reports.

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-12

AN ORDINANCE AMENDING ORDINANCE 043-01HR, SO AS TO INCREASE  
THE RATE OF COPY CHARGES FOR AUTOPSY REPORTS TO \$500.

WHEREAS, in ordinance 043-01HR, Section 24, Council established the rate of copy charges for autopsy reports from the Richland County Coroner at \$100; and

WHEREAS, Council now desires to increase such autopsy report copy charges;

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

SECTION I. A copy charge of five hundred dollars (\$500) shall be collected for each copy of an autopsy report. These copy charges shall not apply to family or law enforcement.

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 \_\_\_\_\_, 2012.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Kelvin Washington, Chair

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

OF \_\_\_\_\_, 2012

\_\_\_\_\_  
Clerk of Council

RICHLANDCOUNTYATTORNEY’S OFFICE

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

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

# Richland County Council Request of Action

## **Subject**

An Ordinance Authorizing the Second Amendment of that certain Fee Agreement by and between Richland County, South Carolina and [Project Resolve], relating to, without limitation, the payment to Richland County of a fee in lieu of taxes and the grant of a special source revenue credit to [Project Resolve], and other matters relating thereto  
**[SECOND READING] [PAGES 68-77]**

## **Notes**

First Reading: October 16, 2012

Second Reading:

Third Reading:

Public Hearing:

**STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AUTHORIZING THE SECOND AMENDMENT OF THAT CERTAIN FEE AGREEMENT BY AND BETWEEN RICHLAND COUNTY, SOUTH CAROLINA AND [PROJECT RESOLVE], RELATING TO, WITHOUT LIMITATION, THE PAYMENT TO RICHLAND COUNTY OF A FEE IN LIEU OF TAXES AND THE GRANT OF A SPECIAL SOURCE REVENUE CREDIT TO [PROJECT RESOLVE], AND OTHER MATTERS RELATING THERETO.**

WHEREAS, Richland County, South Carolina (the “County”), acting by and through its County Council (the “County Council”), is authorized and empowered under and pursuant to the provisions of the South Carolina Constitution (the “Constitution”), the Code of Laws of South Carolina, 1976, as amended (the “Code”), and the case law of the courts of the State of South Carolina, to offer and provide certain privileges, benefits, and incentives to prospective industries as inducements for economic development within the County; and

WHEREAS, the County is authorized and empowered under and pursuant to the provisions of Title 12, Chapter 44 of the Code (the “Act”) to enter into certain agreements with any industry that constructs, operates, maintains, and improves certain properties (which constitute “projects” as defined in the Act) and to accept any grants for such projects; and

WHEREAS, through employment of the powers granted by the Act, the County is empowered to promote the economic and industrial development of the State of South Carolina (the “State”) and develop its trade by inducing manufacturing and commercial enterprises to locate and remain in the State and thus use and employ the manpower, agricultural products, and natural resources of the State and benefit the general public welfare of the County by providing services, employment, recreation, or other public benefits not otherwise adequately provided locally by providing for the exemption of such project from property taxes and for the payment of a fee in lieu of property taxes (a “fee agreement,” as defined in the Act); and

WHEREAS, the Company operates a bearing manufacturing facility (the “Facility”) located in the County (the “Existing Project”); and

WHEREAS, the County and the Company entered into that certain Fee Agreement, effective as of December 31, 2008 (as amended by that certain First Amendment of Fee Agreement dated December 13, 2011, the “Fee Agreement”) by which there was created a fee-in-lieu-of-tax arrangement with respect to certain property owned by Company and located at the Existing Project; and

WHEREAS, pursuant to the Fee Agreement, the Company committed to invest at least \$50,000,000 in the Existing Project by December 31, 2018; and

WHEREAS, as of the date hereof, the Company has invested at least \$ \_\_\_\_\_ million in the Existing Project, as originally required by the Fee Agreement; and

WHEREAS, the Company is contemplating an expansion of the Facility to be located in a multi-county industrial park within the County, which would result in substantial additional investment of at least \$130 million and the creation of an additional 175 new, full-time jobs (the “Project”); and

WHEREAS, as described in that certain Memorandum of Understanding by and among the Company; the State of South Carolina, by and through the South Carolina Department of Commerce; the County; and the Town of Blythewood, South Carolina, dated as of \_\_\_\_\_, 2012, the County desires to provide economic incentives to the Company in order to induce the Company to expand the Facility at the Site for the Project (the “Incentives”); and

WHEREAS, as authorized by Section 12-44-40 of the Act, the County and the Company now desire to amend the Fee Agreement to memorialize such Incentives; and

WHEREAS, all capitalized terms not specifically defined herein shall have the meaning as defined in the Fee Agreement, and if not defined therein shall have the meaning as defined in the Act; and

WHEREAS, the County has determined that the Incentives would directly and substantially benefit the general public welfare of the County by inducing the Company to make further investments in the County, thereby providing for the creation of jobs and employment in the County, the increase of the ad valorem tax base of the County, and service, employment or other public benefits not otherwise provided locally; and that the Incentives give rise to no pecuniary liability of the County or incorporated municipality or a charge against the general credit or taxing power of either; and

WHEREAS, the purposes to be accomplished by the Incentives, i.e., economic development, creation of jobs, and addition to the tax base of the County, are proper governmental and public purposes and the inducement of continued utilization of the Project which is located in the County and State are of paramount importance and the benefits of the Project will be greater than the costs; and

WHEREAS, the County Council has caused to be prepared and presented to this meeting the form of the Second Amendment of Fee Agreement (the “Amendment”) by and between the County and the Company memorializing the Incentives; and

WHEREAS, the County desires to authorize the Amendment, and it appears that the Amendment now before this meeting is an appropriate instrument to be executed and delivered by the County for the purposes intended.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, IN MEETING DULY ASSEMBLED:

Section 1. Approval of Amendment. The Amendment is approved as follows:

(a) The form, terms, and provisions of the Amendment presented to this meeting and filed with the Clerk to County Council (the “Clerk”) are approved and all of the terms, provisions, and conditions of the Amendment are incorporated by reference. The Chairman of the County Council (the “Chairman”) and the Clerk are authorized, empowered, and directed to execute, acknowledge, and deliver the Amendment in the name of the County. The Chairman and the Clerk are further authorized, empowered, and directed to cause the Amendment to be delivered to the Company.

(b) The Amendment to be executed on behalf of the County shall be in substantially the form now before the County Council and shall include only changes that, after review by and receipt of advice from counsel to the County (“Counsel”), are approved by the County officials executing the Amendment and do not substantially modify the terms of the Amendment. The execution of the Amendment by County officials shall constitute conclusive evidence that they have approved all changes to or revisions of the Amendment now before this meeting.

(c) If under the Amendment or the Act any future actions of the Company (including, without limitation, the supplementation of the exhibits thereto and/or any assignments of the Project) require the approval of the County, such approval can be given on behalf of the County by the Chairman or the Richland County Administrator (the “County Administrator”) upon affirmative resolution of the County Council to the extent permitted by law. The County officials shall consult Counsel with respect to such approval. The execution of a written approval by County officials shall constitute conclusive evidence that the County has approved the respective actions of the Company.

(d) The Amendment shall provide that, through the Project, the Company shall make an additional investment of at least \$130 million and create a minimum of an additional 175 new, full-time jobs, plus benefits, at the Facility within five (5) years.

(e) The Amendment shall further provide that the County shall grant a Special Source Revenue Credit to the Company as described therein and that the County shall cause the Project to be or remain in a Multi-County Industrial Park.

Section 2. Execution of Document. The Chairman, the County Administrator and the Clerk, are each authorized and directed to do all things reasonably necessary to effect the execution and delivery of the Amendment and the County’s performance of its obligations under the Amendment.

Section 3. Severability. The provisions of this Ordinance are declared to be separable. If any section, phrase, or provision shall be declared by a court of competent jurisdiction to be invalid or unenforceable for any reason, the remaining sections, phrases, and provisions of the Ordinance shall remain valid.

Section 4. Repeal of Conflicting Ordinances. All orders, resolutions, and other ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

Section 5. Effective Date of Ordinance. This Ordinance shall take effect immediately upon third reading of the County Council.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Kelvin Washington, Chairman,  
County Council of Richland  
County, South Carolina

*(SEAL)*

Attest this \_\_\_\_\_ day of \_\_\_\_\_, 2012

\_\_\_\_\_  
Michele Onley, Clerk to County Council  
of Richland County, South Carolina

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: \_\_\_\_\_



STATE OF SOUTH CAROLINA            )  
  )  
COUNTY OF RICHLAND                )

I, the undersigned, Clerk to County Council of Richland County (“County Council”), DO HEREBY CERTIFY:

That the foregoing constitutes a true, correct and verbatim copy of an Ordinance adopted by the County Council. The Ordinance was read and received a favorable vote at three public meetings of the County Council on three separate days. At least one day passed between first and second reading and at least seven days between second and third reading. At each meeting, a quorum of the County Council was present and remained present throughout the meeting.

To the best of my knowledge, the County Council has not taken any action to repeal the Ordinance.

IN WITNESS WHEREOF, I have hereunto set my Hand and the Seal of Richland County Council, South Carolina, as of this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
Michelle Onley, Clerk to County Council  
Richland County, South Carolina

## SECOND AMENDMENT OF FEE AGREEMENT

This Second Amendment of Fee Agreement (the “Amendment”) is made and entered into as of \_\_\_\_\_, 2012, by and between Richland County, South Carolina (the “County”), a body politic and corporate and a political subdivision of the State of South Carolina, and [Project Resolve], a corporation organized and existing under the laws of the State of South Carolina (the “Company”).

WHEREAS, all capitalized terms not specifically defined herein shall have the meaning as defined in the Fee Agreement (as that term is defined below), and if not defined therein shall have the meaning as defined in Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as amended (the “Act”); and

WHEREAS, the Company operates a bearing manufacturing facility (the “Facility”) located in the County (the “Existing Project”); and

WHEREAS, the County and the Company entered into that certain Fee Agreement, effective as of December 31, 2008 (as amended by that certain First Amendment of Fee Agreement dated December 13, 2011, the “Fee Agreement”), a copy of which is attached hereto as Exhibit A, by which there was created a fee-in-lieu-of-tax arrangement with respect to certain property owned by Company and located at the Existing Project; and

WHEREAS, pursuant to the Fee Agreement, the Company committed to invest at least \$50,000,000 in the Existing Project by December 31, 2018 (the “Investment Period”); and

WHEREAS, as of the date hereof, the Company has invested at least \$ \_\_\_\_\_ million in the Existing Project, as originally required by the Fee Agreement; and

WHEREAS, the Company is contemplating an expansion of the Facility to be located in a multi-county industrial park (the “Park”) within the County (the “Site”), which would result in substantial investment and the creation of new jobs (the “Project”); and

WHEREAS, as described in that certain Memorandum of Understanding by and among the Company; the State of South Carolina, by and through the South Carolina Department of Commerce (“Commerce”); the County; and the Town of Blythewood, South Carolina (the “Town”); (with the Company, Commerce, County, and the Town collectively referred to herein as the “Parties”) dated as of \_\_\_\_\_, 2012, the County desires to provide economic incentives to the Company in order to induce the Company to expand the Facility at the Site for the Project; and

WHEREAS, as authorized by Section 12-44-40 of the Act, the County and the Company now desire to amend the Fee Agreement to memorialize such agreements.

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the County and the Company agree as follows:

1. Additional Investment and Jobs Creation. Through the Project, the Company shall make an additional investment of at least \$130 million and create a minimum of an additional 175 new, full-time jobs, plus benefits, at the Facility within five (5) years.

2. Purchase and Transfer of Property by County to Company for Project. Pursuant to that certain Option Agreement dated July 16, 2012, and as amended and revised to include additional property, (the "Land Option"), the County shall exercise the Land Option and purchase and transfer to the Company, at no cost to the Company, the real property subject to the Option Agreement (the "Property"), consisting of approximately 9.5 acres of land, together with improvements, to become part of the Site for the Project. Title to the Property shall be transferred to the Company on a closing date to be agreed upon by the Company and the County. The County shall pay for all closing costs and expenses related to the Land Option, and the purchase and transfer of the Property to the Company.

3. Joint County Industrial or Business Park. The Site shall be included within and added to a joint county industrial or business park established by the County under Section 13 of Article VIII of the Constitution of the State of South Carolina, as implemented by S.C. Code Ann. § 4-1-170 *et seq.*

4. Fee in Lieu of Property Taxes. The County shall add all investment under the Project to the Company's existing negotiated fee-in-lieu of property tax arrangement ("FILOT") under S.C Code Ann. §§ 12-44-10 *et seq.* and the Fee Agreement. The FILOT arrangement is for a 30-year term (from each of the property tax years during the investment period in which qualifying assets are placed in service at the Project), with an extended investment period until December 31, 2018, a fixed millage rate of 405.5 mils, and an assessment ratio of 6% during the term of the FILOT.

5. Special Source Revenue Credit. In order to reimburse the Company for qualifying Project costs, including site preparation, infrastructure, and building construction and improvements, the County shall provide the Company with a Special Source Revenue Credit ("SSRC") **for the Project** equal to 60% of the Company's FILOT liability to the County for the initial ten (10) years and attributable to assets placed in service **at the Project**, and 40% of the FILOT liability to the County for the second consecutive ten (10) years and attributable to assets placed in service **for the Project**, for a total credit period of 20 years. This SSRC is in addition to the special source revenue credit granted to the Company by the County pursuant to that prior, separate and certain Infrastructure Credit Agreement, dated December 13, 2011, applying to other investment and FILOT payments made by the Company. The Company shall be responsible to coordinate its annual property tax return filings with the South Carolina Department of Revenue ("DOR") in order to ensure that each class of assets subject to a special source revenue credit under any agreement with the County is identified to the County through a separate annual certification to the County Auditor.

6. Business License Fees. The County shall not charge the Company business license fees, certain taxes (excluding real property taxes and fee in lieu of tax payments payable to the County) and other fees (“Fees”) on the Project except those Fees which may be charged to Company for the Project pursuant to the Intergovernmental Agreement dated December 1, 2012, between the County and the Town.

7. Severability. If any term, provision, or any portion of this Amendment shall to any extent and for any reason be held by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Amendment shall not be affected thereby and shall nevertheless remain in full force and effect, and each term and/or provision of this Amendment shall be valid and enforceable to the fullest extent permitted by the law.

IN WITNESS WHEREOF, Richland County, South Carolina, has executed this Second Amendment of Fee Agreement by causing its name to be hereunto subscribed by the Chairman of the County Council for the County and attested by the Clerk to the County Council, and the Company has executed this Second Amendment of Fee Agreement by causing its corporate name to be hereunto subscribed by its authorized representative, all being done as of the day and year first written above.

RICHLAND COUNTY, SOUTH CAROLINA

WITNESSES:

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

By: \_\_\_\_\_  
Kelvin Washington, Chairman, County  
Council of Richland County, South Carolina

(SEAL)

ATTEST:

By: \_\_\_\_\_  
Michele Onley, Clerk to County Council of  
Richland County, South Carolina

WITNESSES:

[PROJECT RESOLVE]

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

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

EXHIBIT A

Fee Agreement

# Richland County Council Request of Action

## **Subject**

An Ordinance Authorizing the execution and delivery of an Intergovernmental Agreement by and between Richland County, South Carolina, the Town of Blythewood, South Carolina relating to [Project Resolve] and the business license fees on the investment by [Project Resolve], and other matters related thereto **[SECOND READING]**  
**[PAGES 78-86]**

## **Notes**

First Reading: October 16, 2012

Second Reading:

Third Reading:

Public Hearing:

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

**AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN INTERGOVERNMENTAL AGREEMENT BY AND BETWEEN RICHLAND COUNTY, SOUTH CAROLINA, THE TOWN OF BLYTHEWOOD, SOUTH CAROLINA RELATING TO [PROJECT RESOLVE] AND THE BUSINESS LICENSE FEES ON THE INVESTMENT BY [PROJECT RESOLVE], AND OTHER MATTERS RELATED THERETO**

WHEREAS, Richland County, South Carolina (“County”), acting by and through its County Council (“County Council”) is authorized and empowered under and pursuant to the provisions of Title 4, Chapter 9, Code of Laws of South Carolina, 1976, as amended, to make and execute contracts;

WHEREAS, the County and the Town of Blythewood, South Carolina (“Town”) are negotiating with [Project Resolve] (“Company,” together with the County and the Town, “Parties,” each, a “Party”) regarding a potential, significant investment in the County and the Town (“Investment”);

WHEREAS, the County and the Town have each adopted ordinances that charge business license and other fees (“Fees”) on applicable businesses within the County and Town’s respective jurisdictional boundaries;

WHEREAS, as a part of the negotiation with the Company and because a portion of Investment is located, or will be located, within the jurisdictional boundaries of both the County and the Town, the Parties desire to enter into an Intergovernmental Agreement (“IGA”), the substantially final form of which is attached as Exhibit A, clarifying the Fees the Investment may be subject to;

WHEREAS, the terms of the IGA relating to the County have been negotiated by the County’s Economic Development Director, and County Council has been advised regarding the terms of the IGA.

NOW, THEREFORE, BE IT ORDAINED by the County Council in meeting duly assembled:

**Section 1. *Authorization to Execute and Deliver IGA.*** In the name of and on behalf of the County, the Chairman of the County Council (“Chairman”) or the County Administrator (“Administrator”) is authorized and directed to execute the IGA, which is in substantially final form and attached as Exhibit A, on behalf of the County. The Clerk of the County Council is authorized and directed to attest the IGA, and the Chairman or the Administrator is authorized and directed to deliver the IGA to the Town and the Company. The Chairman or the Administrator may approve and execute modifications and amendments to the IGA, which, after consultation with counsel and the County’s Economic Development Director, do not substantially modify the terms of the IGA.

**Section 2. *Approval of Further Action.*** The County Council and the duly elected or appointed officials of the County shall take any and all further action as may be reasonably necessary to effect the intent of this Ordinance and the IGA.

**Section 3. *General Repealer.*** All ordinances, resolutions, and parts thereof in conflict with this Ordinance are, to the extent of such conflict, hereby repealed.

**Section 4. *Severability.*** Should any part, provision, or term of this Ordinance be deemed

unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such finding or determination shall not affect the rest and remainder of the Ordinance or any part, provision or term thereof, all of which is hereby deemed separable.

**Section 5. *Effective Date.*** This Ordinance is effective after its third reading and a public hearing.



**RICHLAND COUNTY, SOUTH CAROLINA**

By: \_\_\_\_\_  
Kelvin Washington  
Chairman, Richland County Council

ATTEST:

\_\_\_\_\_  
Michelle Onley  
Clerk, Richland County Council

First Reading:           October 16, 2012  
Second Reading:       November 6, 2012  
Public Hearing:           November 20, 2012  
Third Reading:          November 20, 2012

**EXHIBIT A**

**FORM OF INTERGOVERNMENTAL AGREEMENT**

**INTERGOVERNMENTAL AGREEMENT**

**BETWEEN**

**RICHLAND COUNTY, SOUTH CAROLINA**

**AND**

**THE TOWN OF BLYTHEWOOD, SOUTH CAROLINA**

**DATED AS OF**

**DECEMBER 1, 2012**

---

## INTERGOVERNMENTAL AGREEMENT

This Intergovernmental Agreement (the “*Agreement*”) is being entered as of this 1<sup>st</sup> day of December, 2012 between Richland County, South Carolina (the “*County*”), and the Town of Blythewood, South Carolina (the “*Town*,” together with the County, the “*Parties*,” each, a “*Party*”).

### WITNESSETH:

*WHEREAS*, the County and the Town are vested with the powers to enter into agreements of this type pursuant to Constitution and statutes of the State of South Carolina (the “*State*”) and, in particular, Title 4 and Title 5 of the Code of Laws of South Carolina 1976, as amended; and

*WHEREAS*, the County and the Town now wish to cooperate as described herein for purposes of attracting a new investment by a company known as Project Resolve (the “*Company*”) which is expected to involve the expenditure of at least \$130,000,000 and the creation of at least 175 new, full-time jobs by December 31, 2018 (the “*Project*”), relating to the expansion of an existing manufacturing facility; and

*WHEREAS*, the Company owns real property assets relating to the Project in the County, of which a portion of those assets also lie, or will also lie, within the corporate limits of the Town;

*WHEREAS*, the Company represents to the County and the Town that more than 50.000% of the total square footage of all buildings owned by the Company within the County are located exclusively within the boundaries of the County and the Company anticipates that, after certain property to be acquired by the Company related to the Project which will be located in the Town, more than 50.000% of the total square footage of all buildings owned by the Company within the County will be located exclusively within the boundaries of the County; and

*WHEREAS*, the Company has requested the County and the Town to enter into this Agreement for purposes of confirming how the Company will be treated for purposes of payment of fees, certain taxes (excluding real estate taxes) as well as other jurisdictional issues.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS THAT IN CONSIDERATION OF COMMITMENTS SET FORTH HEREIN THE PARTIES AGREE AS FOLLOWS:

### ARTICLE I COMMITMENTS OF THE COUNTY AND THE TOWN

**Section 1.1. *Agreement as to Location.*** Based on the representations of the Company regarding the location of the Company’s physical assets and other information known to the County and the Town, the County and the Town hereby agree that more than 50.000% of the physical structures comprising all of the Company’s real property assets (as measured by total square footage of all buildings owned by the Company within the County) are located exclusively within the boundaries of the County.

**Section 1.2. *Treatment of the Project.*** Pursuant to this Agreement and the policy adopted by the Richland County Council on November 3, 2009, the entire business of the Company, including the Project, shall be treated as being located in the County and such business shall not be subject to Town fees, inspections and taxes, excluding real property taxes. Only the County's permitting requirements shall apply to the Project.

**Section 1.3. *Future Changes.*** If, as a result of any future expansions by the Company or any other change in circumstances, more than 50.000% of the Company's buildings (by total square footage of all buildings owned by the company in the County) are physically located within the corporate limits of the Town, then the entire business of the Company shall be treated as being located in the Town and such business shall not be subject to County fees, inspections and taxes, excluding real property taxes and fee in lieu of tax payments payable to the County.

## **ARTICLE II MISCELLANEOUS**

**Section 2.1. *Binding Effect of Agreement.*** This Agreement represents binding and enforceable commitments of the Parties.

**Section 2.2. *Severability.*** In the event and to the extent (and only to the extent) that any provision or any part of a provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable the remainder of that provision or any other provision or part of a provision of this Agreement.

**Section 2.3. *Complete Agreement; Amendment.*** This Agreement constitutes the entire agreement between the Parties and supersedes all agreements, representations, warranties, statements, promises and understandings, whether oral or written, with respect to the subject matter hereof, and no Party hereto shall be bound by any oral or written agreements, statements, promises, or understandings not specifically set forth in this Agreement.

**Section 2.4. *Events of Default; Remedies.*** Should either Party hereto breach or fail to abide by any of the terms of this Agreement and is unable to cure such breach or otherwise comply with the terms of this Agreement within thirty (30) calendar days of the receipt of written notice from the other Party specifying the breach or area of noncompliance, then such Party shall be deemed to have caused an event of default under this Agreement. In such event, the Party that is injured by such event of default may take such action under law or in equity that it deems appropriate, including a demand for specific performance, in order to enforce its rights under this Agreement.

**Section 2.5. *Counterpart Execution.*** This Agreement may be executed in multiple counterparts.

**Section 2.6. *Third Party Beneficiary.*** The County and the Town hereby designate the Company as a third party beneficiary to this Agreement. It is understood and acknowledged by the County and Town that the Company would not have located the Project in the County and Town but for this Agreement. In the event of a breach or default of this Agreement by the County or Town, or any failure of the County or Town to abide by any terms of this Agreement, the Company has the rights and remedies of a Party under this Agreement as well as other remedies allowed by law, including the right to provide written notice to the Town or County under Section 2.4 of this Agreement of the Town or County's right to cure a breach or to comply with the terms of the Agreement, the failure of which by the Town or the County, as the case may be, shall be deemed to have caused a default under this Agreement.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year first above written.

**RICHLAND COUNTY, SOUTH CAROLINA**

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

**THE TOWN OF BLYTHEWOOD, SOUTH CAROLINA**

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

# Richland County Council Request of Action

## **Subject**

12-32MA  
Terry Darragh  
Richland County Landfill, Inc.  
RU to HI (79.11 Acres)  
Screaming Eagle Rd.  
31600-02-18(p) **[SECOND READING] [PAGES 87-89]**

## **Notes**

First Reading: October 23, 2012  
Second Reading:  
Third Reading:  
Public Hearing: October 23, 2012

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-12HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS A PORTION OF TMS # 31600-02-18 FROM RU (RURAL DISTRICT) TO HI (HEAVY INDUSTRIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as a portion of TMS # 31600-02-18 from RU (Rural District) zoning to HI (Heavy Industrial District) zoning, (as further described in Exhibit A, which is attached hereto).

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

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

Section IV. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2012.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Kelvin E. Washington, Sr., Chair

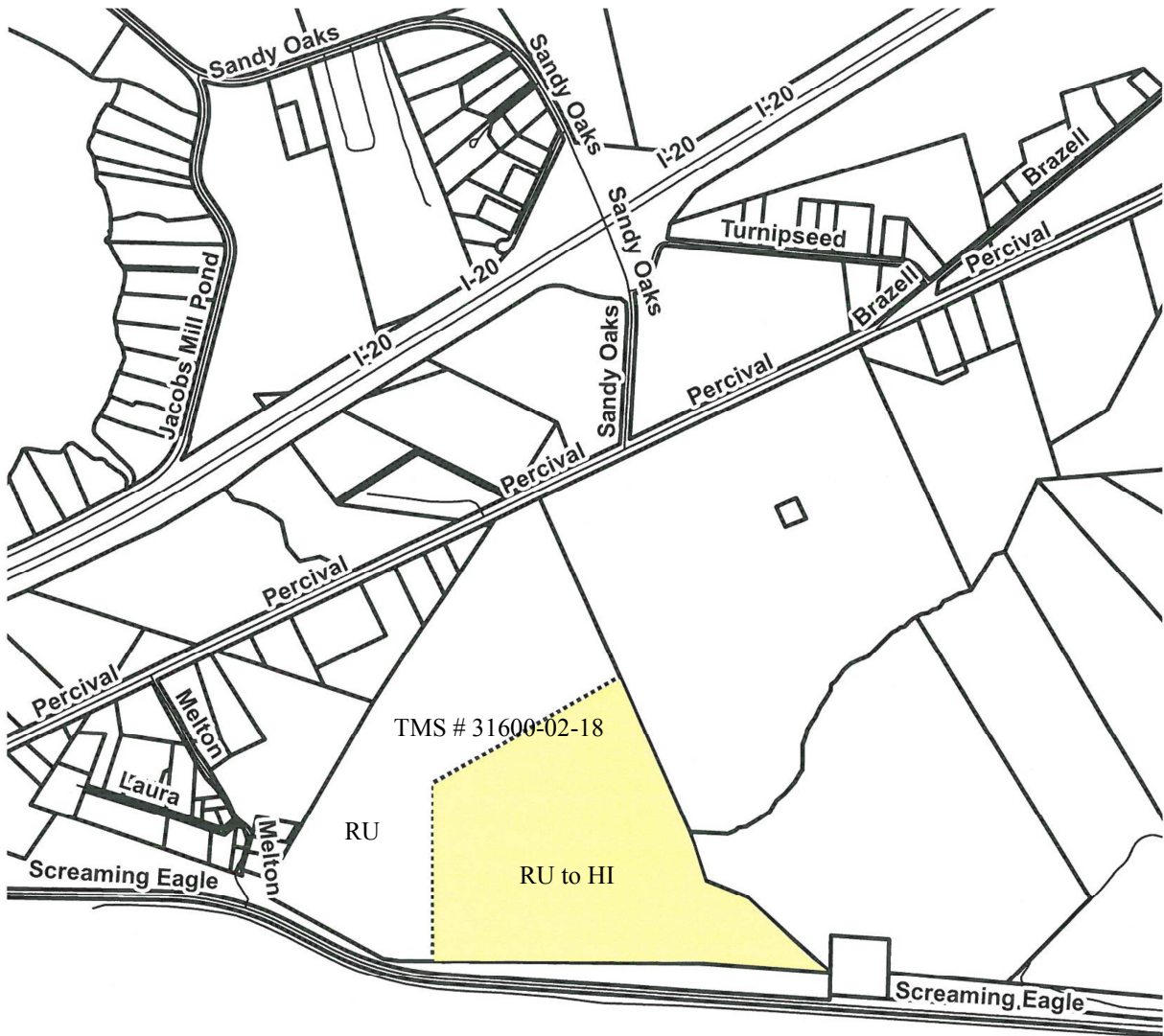
Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2012.

\_\_\_\_\_  
Michelle M. Onley  
Clerk of Council

Public Hearing:       October 23, 2012  
First Reading:       October 23, 2012  
Second Reading:     November 13, 2012 (tentative)  
Third Reading:



Exhibit A



# Richland County Council Request of Action

## **Subject**

An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General Development, Site, and Performance Standards; so as to repeal the Green Code Standards and to have Section 26-186 read as "Reserved" **[SECOND READING] [PAGES 90-109]**

## **Notes**

First Reading: October 23, 2012

Second Reading:

Third Reading:

Public Hearing: October 23, 2012

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-12HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; ARTICLE VII, GENERAL DEVELOPMENT, SITE, AND PERFORMANCE STANDARDS; SO AS TO REPEAL THE GREEN CODE STANDARDS AND TO HAVE SECTION 26-186 READ AS “RESERVED”.

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

SECTION I. The Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site, and Performance Standards; Section 26-186; is hereby amended to read as follows:

**Sec. 26-186. ~~Green Code standards.~~ Reserved.**

- ~~(a) — Purpose. Green Code standards are intended to encourage the development of residential communities based upon the Comprehensive Plan for Richland County, and which are designed to:~~
- ~~(1) — Preserve and protect environmental resources, scenic vistas, and natural and cultivated landscapes; and~~
  - ~~(2) — Enhance land, water, air and tree resources by minimizing the area of land disturbance, reducing impervious surface, optimizing stream buffers, preserving tree cover and encouraging retention and protection of Conservation Areas; and~~
  - ~~(3) — Reduce infrastructure maintenance costs as a result of efficient community design; and~~
  - ~~(4) — Provide a Conservation Area and pedestrian linkages and wildlife corridors among residential communities and to encourage recreation opportunities; and~~
  - ~~(5) — Preserve significant historical and archeological features; and to preserve and protect contiguous undeveloped areas within the development.~~
- ~~(b) — Applicability/Establishment. The owner of property within an RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, or CC zoning district may apply the development standards found within this section, in lieu of the development standards set forth for the applicable zoning district, subject to meeting the requirements of this section.~~

~~(c) — *Application.* A property owner desiring to use the development standards of this section must first submit an application to the Planning department. The application shall be accompanied by an “Existing Features Site Analysis Plan” (see subsection (e), below), and a “Concept Plan” (see subsection (f), below). An application will not be accepted if the property has been clear-cut (i.e. marketable timber has been removed; provided, however, thinning of pine timber is permitted pursuant to a certified forest management plan, with such plan addressing reforestation) within the past twenty-four (24) months. In addition, property must utilize a public sanitary sewer, unless the owner obtains prior approval from DHEC to utilize a well and septic tank system.~~

~~(d) — *Approval by the County’s Soil and Water Department.* A Conservation Area that delineates the land that is to be set aside for conservation purposes must be certified and accepted by the Richland County Soil and Water department. The Planning department shall submit this information to the Soil and Water department for review.~~

~~(e) — *Existing Features Site Analysis Plan.* At time of development, and prior to preparing the Concept Plan, an Existing Features Site Analysis Plan, sealed by a registered engineer or landscape architect, shall be prepared and submitted by the applicant or developer.~~

~~(1) — The purposes of the Existing Features Site Analysis Plan are to:~~

~~a. — Delineate areas that have been identified as worthy of permanent protection as a Conservation Area because of their environmental values.~~

~~b. — Set forth the particulars of the site, including boundary, topographic data (minimum 2 foot contour intervals), existing structures and utility easements. County topographical data, current GIS data other published data will be acceptable.~~

~~c. — Provide the starting point for design of the conservation subdivision with built areas being designed as separate from the areas delineated as worthy of permanent protection.~~

~~(2) — The Existing Features Site Analysis Plan shall include, at a minimum, the following information:~~

~~a. — Perennial and intermittent streams, wetlands, and FEMA designated 100-Year Flood Hazard Zones. The source of this information shall also be indicated. USACE approved delineation is not required. Delineation of stream buffers along intermittent streams and perennial streams. The required buffers are:~~

~~For an Intermittent stream—a 25-foot buffer on each side, and~~

~~For a Perennial stream—a 50-foot buffer on each side.~~

~~For a delineated wetland area—a 50-ft buffer.~~

- ~~b. Identification of tree lines, native woodlands, open fields or meadows, peaks or rock outcroppings, and prime agricultural land.~~
  - ~~c. Delineation of tree resource areas by type, such as hardwoods, pines or mixed; and old or new growth, as determined by existing and published data.~~
  - ~~d. Delineation of steep slope areas (25% or greater). The plan shall provide for protective vegetative cover on slopes greater than forty percent (40%).~~
  - ~~e. Identification of historical, archeological or other significant features.~~
  - ~~f. Identification of the Conservation Area, Open Space, or common areas contiguous to the project.~~
  - ~~g. Identification of protected plant species as listed by the South Carolina Department of Natural Resources, to be certified by a registered landscape architect, forester, arborist, biologist, botanist or horticulturist.~~
  - ~~h. The plan also shall include a notarized statement by the landowner that marketable timber has not been removed (provided, however, thinning of pine timber is permitted pursuant to a certified forest management plan, with such plan addressing reforestation) within the past twenty-four (24) months within stream and/or wetland buffer areas in the previous twenty-four (24) months prior to the approval of a Concept Plan.~~
- ~~(f) *Concept Plan.* At time of development application, a Concept Plan shall be submitted by the developer for review and approval in accordance with the requirements and procedures of this chapter. A Concept Plan shall consist of either a site plan or a sketch plan, including the following information:~~
- ~~(1) Delineation and specifications of a Conservation Area, including calculations, and any “Neighborhood Greens,” play areas, or trail system to be constructed.~~

- ~~(2) A typical detail on the plan indicating minimum lot width, building setback lines, off-street parking, street trees, sidewalks, and street pavement and right-of-way width.~~
- ~~(3) Minimum Lot width area and percent of floodplain specifications in tabular form; and density calculations (gross and net).~~
- ~~(g) Conservation Area Requirements. In order to use the development standards of this section, the Conservation Area shall meet the following requirements:
  - ~~(1) Delineation. Priority shall be given in delineating Conservation Areas as those areas of significance identified in the Existing Features Site Analysis Plan, around which the built areas are designed.~~
  - ~~(2) Undeveloped and Natural. The Conservation Area shall remain undeveloped and natural except for the provision of non-motorized passive recreation opportunities, such as running, walking, biking, and similar outdoor activities. Trail construction and maintenance activities shall be allowed, including trail markers and routine mowing. For trail systems, boardwalks are allowed. Trail wetland and stream bank mitigation projects are also permitted. Natural vegetation shall not be disturbed, except for utility crossings within the required buffers.
    - ~~a. "Primary Conservation Areas" are required to be included in the Conservation Area. These areas shall be covered by a provision for permanent protection and shall include 100-Year floodplains, stream buffer zones, and slopes greater than forty percent (40%) consisting of a contiguous area of at least 5,000 square feet, wetlands, endangered or threatened species or their habitat, archeological sites, cemeteries or burial grounds.~~
    - ~~b. "Secondary Conservation Areas" are features that are acceptable and desirable for Conservation Area designation, and may be covered by the provisions for permanent protection. These include important historic sites, existing healthy, native forests of at least one (1) contiguous acre, scenic view sheds, peaks and rock outcroppings, prime agriculture lands consisting of at least five (5) contiguous acres, and existing trails that connect the tract to neighboring areas. Also considered Secondary Conservation Areas are "Neighborhood Greens" and storm water management facilities and practices, and these may be constructed and maintained in the Conservation Area. However, "Neighborhood Greens" shall not exceed twenty percent (20%) of the total required Conservation Area.~~~~~~

- ~~e. Proposed Permanent Lakes that will be used for wet detention shall be credited at fifty percent (50%) of the land area.~~
  - ~~d. Existing lakes that are used for stormwater detention shall be credited at one hundred percent (100%), and no more than fifty percent (50%) of land area located within a proposed permanent wet stormwater basin may be credited.~~
- ~~(3) Exclusions. The following features are excluded from the minimum amount of Conservation Area that must be set aside:~~
- ~~a. Residential yards.~~
  - ~~b. Impervious surfaces in recreation areas shall not be credited.~~
  - ~~c. Land area within power, gas pipeline easements, sewer line easements or pump stations shall not be credited unless these easements contain sensitive areas and are approved for common use areas.~~
  - ~~d. Land area devoted to public or private streets or any land that has been, or is to be, conveyed to a public agency for such use as parks, schools, or other public facilities, shall not be credited.~~
  - ~~e. Dry stormwater detention basins shall not be credited.~~
- ~~(4) Ownership of Conservation Areas. Prior to any building permits being issued for the subdivision, the Conservation Area that is delineated on the Final Plat shall be permanently protected by either one or both of the following options:~~
- ~~a. Option 1. Conveyance to Qualified Organizations or Entities. Except for "Neighborhood Greens," developed recreation areas or Secondary Conservation Areas not desired for permanent protection, the Conservation Area shall be permanently protected by the: 1) recording of a covenant or conveyance of an easement which runs in perpetuity under South Carolina law in favor of any corporation, trust, or other organization holding land for the use of the public or certain governmental entities; or 2) conveyance of a conservation easement running in perpetuity to a third party "qualified organization" recognized by Federal Treasury Regulation Section 1.170A-14(e)(1). Qualified organizations recognized by this Treasury Regulation include, but may not be limited to, governmental entities, local and national land trusts, or other conservation groups that are organized or operated primarily or substantially for one of the conservation purposes specified in~~

~~the Internal Revenue Code. Governmental entities that qualify to be named in covenants or to receive conservation easements under the Treasury Regulation referred to above for purposes of this section shall include the Federal government, the State of South Carolina, Richland County, or authorities of the State of South Carolina or Richland County. If a covenant is recorded or an easement conveyed in favor of a governmental entity, formal acceptance by the governmental entity or qualified conservation organization shall be obtained prior to the recording of the covenant or conveyance of the easement. The developer shall record the necessary legal instrument to accomplish protection of the Conservation Area prior to, or concurrent with, the recording of the Final Plat. Both the deed and the Final Plat shall contain, at a minimum, the following covenant:~~

~~“The Conservation Area conveyed by deed and shown on the Final Plat shall remain permanently protected and shall not be disturbed or cleared except to clean up storm damage, or to create or maintain hiking trails, and shall have the following goals: 1) protection of streams, floodplains and wetlands; 2) protection of steep slopes; 3) protection of woodlands, open fields and meadows; 4) protection of historical and archeological features; 5) protection of significant wildlife habitats; 6) protection of scenic vistas; and 7) passive recreation and connectivity with nearby open spaces. The following uses may be allowed: passive recreational amenities, such as pervious-surface paths and minimal parking spaces; picnic and restroom facilities (constructed facilities shall not exceed fifteen percent (15%) of the Conservation Area). This covenant is intended to benefit said area to the public and the use of same to the subdivision lot owners and residents, and it shall run in perpetuity.”~~

- ~~b. — Option 2. *Conveyance to the Property Owners’ Association.* — A deed conveying ownership of the Conservation Area in fee simple to a property owner’s association shall be recorded and delivered prior to, or concurrent with, the recording of the Final Plat for the first phase of the subdivision. The legal instrument shall contain, at a minimum, the same language required to be placed on a deed as stated in Option 1 of this Section.~~

~~The property owner’s association bylaws or covenants, at a minimum, shall contain the following provisions:~~

- ~~1. — Governance of the association.~~



- ~~2. Lien rights to the association for maintenance expenses and tax obligations.~~
  - ~~3. Responsibility for maintenance of the open space, including, if applicable, low impact development stormwater management mechanisms.~~
  - ~~4. Responsibility for insurance and taxes.~~
  - ~~5. Automatic compulsory membership of all lot purchasers and their successors; and compulsory assessments.~~
- ~~c. Conditions and timing of transferring control of the association from the developer to the lot owners.~~

~~The property owner's association, or other entity approved in advance by the Planning department, shall be responsible for the continuous maintenance and/or preservation of buffers, Conservation Area, trails and recreation areas.~~

~~(h) *Development Requirements.* Subdivisions shall meet the following requirements:~~

~~(1) Minimum Subdivision Size: 2 contiguous acres.~~

~~(2) Lot Area: No minimum.~~

~~(3) Minimum Yard Areas (Setbacks):~~

~~a. Front: 20 feet; provided, however, the front yard setback may be reduced to 5 feet if dwellings are provided side or rear entry garages.~~

~~b. Rear: 20 feet.~~

~~c. Side: 5 feet.~~

~~d. Corner lots secondary side 1/2 front or 10 feet~~

~~e. For alley loaded developments:~~

~~Front: 10 feet~~

~~Rear: 15 feet~~

~~Side: 3 feet, 6 feet combined~~

~~Corner lots secondary side 10 feet~~

~~f. For a zero "lot line" development:~~

~~Front: 15 feet~~

Rear: 15 feet  
Side: 0 feet, 6 feet combined  
Corner lots secondary side 7 1/2 feet

- ~~(4) Street Frontage Buffer along existing roads: Twenty five (25) feet in width (not part of any building lot). The street frontage buffer shall remain undisturbed and natural, except for entrance features, necessary street construction activities, right of way crossings, public utility easements, and corner right of way miters or radii. If the required street frontage buffer is void of vegetation, it shall be planted in accordance to landscape buffer type "A" to provide an effective visual screen, which may include landscaped berms and decorative fences. The street frontage buffer may be counted towards Conservation Area calculations.~~
- ~~(5) Maximum Height: Three (3) stories above ground level. (For the purpose of this subparagraph, "ground level" shall mean: the average finished ground elevation at the base of a structure to the highest point of the roof of the structure; provided that spires, belfries, cupolas, chimneys, antennas, water tanks, ventilators, elevator housing, mechanical equipment, or other such structures that are placed above roof level and are not intended for human occupancy, shall not be subject to height limitations).~~
- ~~(6) Yards: All disturbed areas on dwelling lots shall be stabilized with sod, or landscaped with mulch and native plants for landscaping and stabilization of the entire lot.~~
- ~~(7) Street trees shall be provided along all roads at intervals of twenty five (25) feet and shall be 2½ inch caliper/10 feet in height at time of planting.~~
- ~~(8) Proposed utilities shall be located underground.~~
- ~~(9) Community streets shall be as follows:
  - ~~a. Main Roads twenty four (24) feet pavement width with 1.5 feet minimum rolled curb.~~
  - ~~b. Park Roads seventeen (17) feet pavement width with 1.5 feet minimum rolled curb. On cul-de-sac bulbs, the inside curb shall be one (1) foot ribbon curb.~~
  - ~~c. Street Lighting if street lighting is proposed, a pedestrian scale shall be utilized (maximum 12 feet in height).~~~~

~~d. All streets shall conform to Richland County standards for pavement section, horizontal and vertical curvature. All streets in the community will have sidewalks on at least one side.~~

~~e. Sidewalks shall provide access to community trail systems. All sidewalks shall be a minimum of five (5) feet wide and meet ADA standards. Sidewalks shall be setback five (5) feet from the curb, providing a grass or landscaped buffer between the sidewalk and roadway.~~

~~(10) Storm water management. Where possible, detention shall be accomplished in wet ponds. In addition, low impact development (LID) options shall be utilized when feasible throughout the community. However, in either case, storm water controls shall meet Richland County's standards. LID stormwater mechanisms, such as grassy cul-de-sacs and neighborhood greens shall be owned and maintain by the Home Owners' Association.~~

~~(11) Pervious material may be used for sidewalks and driveways. The maximum impervious surface allowed is fifty percent (50%) of the developed area.~~

~~(12) Certification shall be issued by the Richland County Council for the completion of development that meets the within Green code standards, which enhances the environment, improves our quality of life, and prioritizes Green Development.~~

~~(i) *Density.* The residential gross density in each zoning district is established in other sections of this Code; provided, however, bonus density shall be granted based on meeting open space conservation targets as follows:~~

- ~~—30% required minimum open space—10% bonus density~~
- ~~—40% open space provided—20% bonus density~~
- ~~—50% open space provided—30% bonus density~~

~~Density bonus can be applied on a pro-rata basis for open space amounts falling between the benchmarks.~~

~~(j) *Appeals.* The Board of Zoning Appeals, consistent with section 26-58, shall hear appeals of decisions of the Planning Department pertaining to this section (26-186).~~

SECTION II. The Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-86, RU Rural District; Subsection (c), Development Standards; is hereby amended to read as follows:

(c) *Development standards.* See also Article V., Section 26-131. Table of Area, Yard, and Height Requirements. ~~Provided, however, if a developer can meet the requirements found within Section 26-186, the development standards of 26-186 (i) may be substituted for the standards required in this subsection.~~

(1) *Minimum lot area/maximum density:* Minimum lot area: 33,000 square feet (one acre), or as determined by the DHEC, but in no case shall it be less than 33,000 square feet. Maximum density standard: no more than one (1) principal dwelling unit may be placed on a lot except for permitted accessory dwellings.

(2) *Minimum lot width:* 120 feet.

(3) *Structure size standards:* None.

(4) *Setback standards:* The following minimum setbacks shall be required for principal uses in the RU District:

a. Front: 40 feet.

b. Side: 20 feet.

c. Rear: 50 feet.

The minimum side and rear setback requirement for accessory buildings/structures in the RU District is twenty (20) feet. See also Section 26-185(b) of this chapter.

The landscape and bufferyard standards of Section 26-176 may require additional setback distances; if so, the most restrictive requirements shall apply.

(5) *Height standards:* The maximum height of structures in the RU District shall be 45 feet. Silos, barns, windmills, or other similar structures used for agricultural purposes are exempt from height requirements.

(6) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.

(7) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. No parking lots shall be permitted within any required setback.

(8) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter

- (9) *Signs*: Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (10) *Recreation/open space standards*: ~~Open space may be provided for new developments and expansions of existing developments in accordance with the Green Code standards of Section 26-186 of this chapter~~ None.
- (11) *Design and operation standards*: None.

SECTION III. The Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-87, RR Rural Residential District; Subsection (c), Development Standards; Paragraph 10, Recreation/open space standards; is hereby amended to read as follows:

- (10) *Recreation/Open Space Standards*: ~~Open space may be provided for new developments and expansions of existing developments in accordance with the Green Code standards of Section 26-186 of this chapter~~ None.

SECTION IV. The Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-88, RS-E Residential, Single Family – Estate District; Subsection (c), Development Standards; is hereby amended to read as follows:

- (c) *Development standards*. See also Article V., Section 26-131. Table of Area, Yard, and Height Requirements. ~~Provided, however, if a developer can meet the requirements found within Section 26-186, the development standards of 26-186 (i) may be substituted for the standards required in this subsection.~~
  - (1) *Minimum lot area/maximum density*: Minimum lot area: 20,000 square feet, or as determined by DHEC, but in no case shall it be less than 20,000 square feet. Maximum density standard: no more than one (1) principal dwelling unit may be placed on a lot, except for permitted accessory dwellings. However, see the special requirement provisions for single-family zero lot line dwellings at Section 26-151(c) of this chapter.
  - (2) *Minimum lot width*: 100 feet.
  - (3) *Structure size standards*: None.
  - (4) *Setback standards*: The following minimum setbacks shall be required for principal uses in the RS-E District.
    - a. Front: 35 feet.
    - b. Side: 10 feet.

- c. Rear: 30 feet.

Where zero lot line developments are permitted, the side setback shall meet the special requirements for such developments as set forth in Section 26-151 of this chapter.

The minimum side and rear setback requirement for accessory buildings/structures in the RS-E District is ten (10) feet.

The landscape and bufferyard standards of Section 26-176 of this chapter may require additional setback distances; if so, the most restrictive requirements shall apply.

- (5) *Height standards:* The maximum height of structures in the RS-E District shall be 45 feet. Silos, barns, windmills or other similar structures used for agricultural purposes are exempt from height requirements.
- (6) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.
- (7) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. No parking lots shall be permitted within any required setback.
- (8) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter.
- (9) *Signs:* Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (10) *Recreation/Open Space Standards:* ~~Open space may be provided for new developments and expansions of existing developments in accordance with the Green Code standards of Section 26-186 of this chapter~~ None.
- (11) *Design and operation standards:* None.

SECTION V. The Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-89, RS-LD Residential, Single Family – Low Density District; Subsection (c), Development Standards; is hereby amended to read as follows:

- (c) *Development standards.* See also Article V., Section 26-131. Table of Area, Yard, and Height Requirements. ~~Provided, however, if a developer can meet the requirements found within Section 26-186, the development standards of 26-186 (i) may be substituted for the standards required in this subsection.~~

- (1) *Minimum lot area/maximum density:* Minimum lot area: 12,000 square feet or as determined by DHEC, but in no case shall it be less than 12, 000 square feet. Maximum density standard: no more than one (1) principal dwelling unit may be placed on a lot except for permitted accessory dwellings. However, see the special requirement provisions for single-family zero lot line dwellings at Section 26-151(c) of this chapter.
- (2) *Minimum lot width:* 75 feet.
- (3) *Structure size standards:* None.
- (4) *Setback standards:* The following minimum setbacks shall be required for principal uses in the RS-LD District:
  - a. Front: 25 feet.
  - b. Side: 16 feet total for side setbacks, with 5 feet minimum on any one side.
  - c. Rear: 20 feet.

Where zero lot line developments are permitted, the side setback shall meet the special requirements for such developments as set forth in Section 26-151 of this chapter.

The minimum side and rear setback requirement for accessory buildings/structures in the RS-LD District is five (5) feet.

The landscape and bufferyard standards of Section 26-176 of this chapter may require additional setback distances; if so, the most restrictive requirements shall apply.

- (5) *Height standards:* The maximum height of structures in the RS-LD District shall be 45 feet.
- (6) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.
- (7) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. No parking lots shall be permitted within any required setback.
- (8) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter.

- (9) *Signs*: Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (10) *Recreation/open space standards*: ~~Open space may be provided for new developments and expansions of existing developments in accordance with the Green Code standards of Section 26-186 of this chapter~~ None.
- (11) *Design and operation standards*: None.

SECTION VI. The Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-90, RS-MD Residential, Single Family – Medium Density District; Subsection (c), Development Standards; is hereby amended to read as follows:

- (c) *Development standards*. See also Article V., Section 26-131. Table of Area, Yard, and Height Requirements. ~~Provided, however, if a developer can meet the requirements found within Section 26-186, the development standards of 26-186 (i) may be substituted for the standards required in this subsection.~~
  - (1) *Minimum lot area/maximum density*: Minimum lot area: 8,500 square feet, or as determined by DHEC. Maximum density standard: no more than one (1) principal dwelling unit may be placed on a lot except for permitted accessory dwellings. However, see the special requirement provisions for single-family zero lot line dwellings at Section 26-151(c) and the special exception provisions for single-family zero lot line dwellings at Section 26-152(d) of this chapter.
  - (2) *Minimum lot width*: 60 feet.
  - (3) *Structure size standards*: None.
  - (4) *Setback standards*: The following minimum setbacks shall be required for principal uses in the RS-MD District:
    - a. Front: 25 feet.
    - b. Side: 13 feet total for side setback, with 4 feet minimum for any one side.
    - c. Rear: 20 feet.

Where zero lot line developments are permitted, the side setback shall meet the special requirements for such developments as set forth in Section 26-151 and Section 152 of this chapter.



The minimum side and rear setback requirement for accessory buildings/structures in the RS-MD District is five (5) feet.

The landscape and bufferyard standards of Section 26-176 of this chapter may require additional setback distances; if so, the most restrictive requirements shall apply.

- (5) *Height standards*: The maximum height of structures in the RS-MD District shall be 45 feet.
- (6) *Landscaping/bufferyard standards*: Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.
- (7) *Parking/loading standards*: Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. No parking lots shall be permitted within any required setback.
- (8) *Sidewalk and pedestrian amenities*: Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter.
- (9) *Signs*: Signs shall be regulated by the requirements of Section 26-180 of this chapter.
- (10) *Recreation/open space standards*: ~~Open space may be provided for new developments and expansions of existing developments in accordance with the Green Code standards of Section 26-186 of this chapter~~ None.
- (11) *Design and operation standards*: None.

SECTION V. The Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-91, RS-HD Residential, Single Family – High Density District; Subsection (c), Development Standards; is hereby amended to read as follows:

- (c) *Development standards*. See also Article V., Section 26-131. Table of Area, Yard, and Height Requirements. ~~Provided, however, if a developer can meet the requirements found within Section 26-186, the development standards of 26-186 (i) may be substituted for the standards required in this subsection.~~
  - (1) *Minimum lot area/maximum density*: Minimum lot area: 5,000 square feet, or as determined by DHEC. In no case shall the lot size be less than 5,000 square feet. Maximum density standard: no more than one (1) principal dwelling unit may be placed on a lot except for permitted accessory dwellings. However, see the special requirement provisions for single-family zero lot line dwellings at Section 26-151(c) and the special

exception provisions for single-family zero lot line dwellings at Section 152(d) of this chapter.

- (2) *Minimum lot width:* 50 feet.
- (3) *Structure size standards:* None.
- (4) *Setback standards:* The following minimum setbacks shall be required for principal uses in the RS-HD District:
  - a. Front: 25 feet.
  - b. Side: 12 feet total for side setbacks, with 4 feet minimum setback for any one side.
  - c. Rear: 20 feet.

The minimum side and rear setback requirement for accessory buildings or structures in the RS-HD District is five (5) feet.

Where zero lot line developments are permitted, the side setback shall meet the special requirements for such developments as set forth in Section 26-151 and Section 26-152 of this chapter.

The landscape and bufferyard standards of Section 26-176 of this chapter may require additional setback distances; if so, the most restrictive requirements shall apply.

- (5) *Height standards:* The maximum height of structures in the RS-HD District shall be 45 feet.
- (6) *Landscaping/bufferyard standards:* Landscaping and bufferyards shall be provided in accordance with Section 26-176 of this chapter.
- (7) *Parking/loading standards:* Parking and loading facilities shall be provided as required by Section 26-173 and Section 26-174 of this chapter. No parking lots shall be permitted within any required setback.
- (8) *Sidewalk and pedestrian amenities:* Sidewalks and other pedestrian amenities shall be provided as required by Section 26-179 of this chapter.
- (9) *Signs:* Signs shall be regulated by the requirements of Section 26-180 of this chapter.

(10) *Recreation/open space standards:* ~~Open space may be provided for new developments and expansions of existing developments in accordance with the Green Code standards of Section 26-186 of this chapter~~ None.

(11) *Design and operation standards:* None.

SECTION VI. The Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-92, MH Manufactured Home Residential District; Subsection (c), Development Standards; Paragraph 10, Recreation/open space standards; is hereby amended to read as follows:

(10) *Recreation/Open Space Standards:* ~~Open space may be provided for new developments and expansions of existing developments in accordance with the Green Code standards of Section 26-186 of this chapter~~ None.

SECTION VII. The Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-93, RM-MD Residential, Multi-Family – Medium Density District; Subsection (c), Development Standards; Paragraph 10, Recreation/open space standards; is hereby amended to read as follows:

(10) *Recreation/Open Space Standards:* ~~Open space may be provided for new developments and expansions of existing developments in accordance with the Green Code standards of Section 26-186 of this chapter~~ None.

SECTION VIII. The Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-94, RM-HD Residential, Multi-Family – High Density District; Subsection (c), Development Standards; Paragraph 10, Recreation/open space standards; is hereby amended to read as follows:

(10) *Recreation/Open Space Standards:* ~~Open space may be provided for new developments and expansions of existing developments in accordance with the Green Code standards of Section 26-186 of this chapter~~ None.

SECTION IX. The Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-105, C Conservation Overlay District; Subsection (d), Development Standards; Paragraph (6), Recreation/open space standards; is hereby amended to read as follows:

(6) *Recreational/open space standards:* ~~Open space shall be provided for new developments and expansions of existing developments in accordance with the provisions established in Section 26-186 of this chapter~~ None.

SECTION X. The Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-109, CRD Corridor Redevelopment Overlay District; Subsection (d), Development Standards; Paragraph (7), Recreation/open space standards; is hereby amended to read as follows:

- (7) Recreation/Open Space Standards: All CRD developments that include residential units shall be required to dedicate open space. The amount of useable open space required for dedication shall be determined using the Open Space Dedication Matrix below. ~~Unless otherwise specified below, the requirements of Section 26-186 of this chapter shall apply.~~

SECTION XI. The Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-111, CC Crane Creek Neighborhood District; Subsection (d), Property Development Standards; Paragraph (3), Crane Creek Standards Summary Table; is hereby amended to read as follows:

(3) *Crane Creek Standards Summary Table.*

	<b>CC-1 – Residential</b>	<b>CC-2 – Neighborhood Mixed Use</b>	<b>CC-3 – Activity Center Mixed Use</b>	<b>CC-4 – Industrial</b>	
<b>Building Type</b>	Single-Family, Detached Dwelling				
	Townhouse				
	Civic/Institutional				
		Loft Dwelling Units			
		Live-Work Units			
		Commercial/Office			
		Mixed-use, nonresidential			
<b>Minimum Open Space</b>	<del>As required in Section 26-186.</del> The requirements of Section 26-111 (d) (11) do not apply.	10% of development acreage. The requirements of Section 26-111 (d) (11) apply.			
<b>Sidewalk</b>	5 feet				
<b>Drainage</b>	Open Swale or Closed	Closed and LID			
<b>Minimum Height</b>	None	30 feet for mixed use buildings.		None	
<b>Maximum Height</b>	45 feet	45 feet	75 feet (only applies to Loft Dwelling, Commercial/Office, and Mixed Use, non-residential)	75 feet	

LID – Low Impact Development Techniques

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

SECTION XIV. Effective Date. This ordinance shall be enforced from and after December 31, 2012.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Kelvin E. Washington, Sr., Chair

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

OF \_\_\_\_\_, 2012

\_\_\_\_\_  
Michelle M. Onley  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing:       October 23, 2012  
First Reading:       October 23, 2012  
Second Reading:     November 13, 2012 (tentative)  
Third Reading:

# Richland County Council Request of Action

## **Subject**

An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site, and Performance Standards; Section 26-176, Landscaping Standards; Subsection (J), Protection of Existing Trees During Development; Paragraph (3), Exemption - Protection; so as to remove buffer and BMP requirements for forestry activities [**SECOND READING**] [**PAGES 110-112**]

## **Notes**

First Reading: October 23, 2012  
Second Reading:  
Third Reading:  
Public Hearing: October 23, 2012

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-12HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE VII, GENERAL DEVELOPMENT, SITE AND PERFORMANCE STANDARDS; SECTION 26-176, LANDSCAPING STANDARDS; SUBSECTION (J), PROTECTION OF EXISTING TREES DURING DEVELOPMENT; PARAGRAPH (3), EXEMPTION – TREE PROTECTION; SO AS TO REMOVE BUFFER AND BMP REQUIREMENTS FOR FORESTRY ACTIVITIES.

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

SECTION I. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General Development, Site and Performance Standards; Section 26-176, Landscaping Standards; Subsection (j), Protection of Existing Trees During Development; Paragraph (3), Exemptions – Tree Protection; is hereby amended to read as follows:

- (3) *Exemptions – tree protection.* Commercial timber, tree farms, agricultural operations, or timber clearing on private property are exempt from tree protection requirements, but must comply with the buffer requirements and other voluntary protective measures known as “Best Management Practices (BMPs)”, as published by the South Carolina Forestry Commission. In addition to the BMPs, this shall include an undisturbed buffer along the entire perimeter of the property, including road frontages, except for approved access crossings. Such buffer shall be fifty (50) feet wide or equal to the required setback for the zoning district in which the property is located, whichever is greater.

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 \_\_\_\_\_, 2012.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Kelvin E. Washington, Sr., Chair

ATTEST THIS THE \_\_\_\_ DAY  
OF \_\_\_\_\_, 2012.

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Michelle M. Onley  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing:       October 23, 2012  
First Reading:       October 23, 2012  
Second Reading:     November 13, 2012 (tentative)  
Third Reading:



# Richland County Council Request of Action

## **Subject**

General Obligation Bonds for the Richland County Recreation Commission [**PAGES 113-126**]

## **Notes**

October 23, 2012 - The Committee recommended that the Council liaison group for the Recreation Commission (Kennedy, Hutchinson, Washington), along with appropriate staff, meet with the Recreation Commission to obtain further information and greater detail on this item. This group is also to work on viable alternatives to provide the Recreation Commission with operational dollars, and is to bring recommendations back to Council for review and action.

## Richland County Council Request of Action

**Subject:** General Obligation Bonds for the Richland County Recreation Commission

### A. Purpose

County Council is being requested to enact an ordinance authorizing the Richland County Recreation Commission (RCRC) to issue \$5,000,000 in general obligation bonds over the next five (5) years in the amount of approximately \$1,000,000, the proceeds of which will be used to fund capital expenses including capital maintenance, repair and replacement of facilities and equipment.

### B. Background / Discussion

During County Council's Retreat in January 2012, RCRC discussed its need for additional operating revenue to pay operating expenses associated with new parks coming on line and new initiatives particularly related to serving the teen population. Under Act 388, the annual millage increases available are limited. While County Council has approved the maximum millage increase available under Act 388, because of the limitations imposed by Act 388, the Commission is still in need of additional operating revenue.

During discussions with bond counsel, the RCRC focused on the fact that its general fund budget includes a substantial amount for expenses which are capital in nature, including, for example, annual capital maintenance, repair and replacement of facilities, and equipment.

With the approval of Richland County Council, the Recreation Commission could issue an annual general obligation bond to fund such capital expenses, thereby freeing up those amounts in its general fund to be used for true operating expenses.

See the attached Memorandum from the Recreation Commission's bond counsel (Frannie Heizer) for a more complete discussion of this financing plan. The ordinance related to this request is also attached below for your convenience.

This item was originally presented at the July A&F Committee. It was deferred to the September A&F Committee, where it was again deferred in order for staff to obtain more information from the Recreation Commission. That information has been obtained, and is provided for your convenience. (See RCRC memo dated October 10, 2012)

Please note that the following language was approved in the \$50M bond ordinance, which received third reading approval on September 9, 2008 (emphasis added):

SECTION 2. Pursuant to the aforementioned constitutional and statutory provisions, the Commission, on behalf of the District, is hereby authorized to issue the Bonds in such amounts and at such times as the Commission shall determine; **provided that this authorization is granted upon the condition that the Commission agrees that it will not issue Bonds in an amount that will require more than three mills of taxes to be levied and collected for debt service on the existing debt of the District and the Bonds.** The Bonds may be issued in one

or more series, in one or more years, with appropriate series designations. The Bonds shall be dated, shall mature, shall be in such denomination, shall bear such interest, shall be subject to redemption, shall be executed and shall contain such other provisions as the Commission shall determine. Prior to the issuance of a series of bonds, the Commission may issue bond anticipation notes in anticipation of the receipt of proceeds of such bonds.

The direct financial impact of an approval of this request is that debt service millage for the RCRC would increase from the current level of three mills to four mills.

### C. Financial Impact

The direct financial impact of an approval of this request is that debt service millage for the RCRC would increase from the current level of three mills to four mills. This additional mill of taxes on an owner occupied residence valued at \$100,000 would equal \$4.00. On property assessed at 6%, one additional mill of taxes would equal \$6.00.

### D. Legislative / Chronological History

- This item was originally presented at the July 31, 2012 A&F Committee Meeting.
- This item was deferred at the July 31, 2012 A&F Committee Meeting to the September 25, 2012 A&F Committee Meeting.
- This item was deferred at the September 25, 2012 A&F Committee Meeting in order for staff to obtain detailed information from the Recreation Commission regarding the proposed expenditure of these funds. That information is included in this document.

### E. Alternatives

1. Approve the request to enact the ordinance.
2. Approve the request to enact the ordinance for a smaller amount.
3. Do not approve the request.

### F. Recommendation

It is recommended that Council enact the ordinance to approve the request.

Recommended by: Richland County Recreation Commission, July 19, 2012

### G. Reviews

#### Finance

Reviewed by: Daniel Driggers

Date: 10/11/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

While this request is a funding request, and is therefore at the discretion of Council, it is not recommended that the County issue debt to fund maintenance and repair cost which accounts for 70% of exhibit B (October 10, 2012 RCRC memo – last page). From a

budgetary perspective, these costs are operating in nature and will be recurring each year.

Approval of the request will require a tax increase on the debt service side as stated in Section C above, and provide for an automatic issuance of \$1m bond every year for five years without further approval. This would commit the County to this funding mechanism indefinitely and will probably increase over time.

Additional financial items for consideration based on proposed plan:

- Council approved a multi-year \$50m bonding plan for capital projects starting in 2008. It appears that approximately 75% of the available dollars have been issued. The current tax levy to cover the recreation debt service is 3.0 mills. The proposed plan would add 1.0 mill for an estimated total of 4.0 mills for the current year.
- Exhibit A (October 10, 2012 RCRC memo) below seems to suggest that there are additional operating costs not considered that will come on line in FY13 and 14 for \$579m and \$1.9m respectively. It is unclear how these costs will be funded. Based on the FY13 millage data, this would equate to another .6 and 1.9 mill rate increase if the plan included funded from additional taxes. Estimates are not provided beyond the two fiscal years.
- Based on the Exhibit B (October 10, 2012 RCRC memo) below, the bond funds would be used to pay for a portion of the capital expenses related to the property management budget currently paid for with the operating funds. Based on the remaining capital program to be completed, it is recommended that the County request an evaluation of the total additional operating increase that will be required in future years with a proposed funding plan in order to minimize future shortfalls.
- Only one alternative was provided in the ROA; however, the County may want to consider requesting other funding alternatives that were considered during the process. For example:
  - Is there an opportunity to reconsider the scope/cost of the remaining projects in order to accommodate the operation of existing facilities first?
  - Has any consideration been given to utilizing the savings realized from the lower building costs and record low interest rates from 2008 to 2012?
- The County should consider the precedent that may be set by implementing the requested funding strategy and future impacts from other agencies implementing a similar method.

#### Legal

Reviewed by: Elizabeth McLean

Date: 7/27/2012

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Policy decision left to Council's discretion

**Administration**

Reviewed by: Tony McDonald

Date: 7/27/2012

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: This request is the result of the Recreation Commission's efforts to identify alternative funding mechanisms for the added costs of operations for those facilities that are being constructed under the 2008 recreation bond.

I concur with the comments of the Finance Director and would reiterate that the approval of the request will increase the Recreation Commission's annual debt service from three to four mills.

# MEMORANDUM

MCNAIR  
ATTORNEYS

Francenia B. Heizer

To: Richland County Council Members

Cc: Tony McDonald, Interim County Administrator  
Daniel Driggers, Finance Director  
Roxanne Anchetta, Asst. to the Interim County Administrator  
Richland County Attorneys' Office  
James Brown, Sr., Executive Director for Richland County Recreation  
Commission  
Kenya Bryant, Asst. Executive Director for Richland County Recreation  
Commission

From: Francenia B. Heizer, Esquire

Date: July 17, 2012

Subject: Richland County Recreation Commission; Moving Capital Expenditures  
from General Fund to Debt Service

fheizer@mcnair.net

T (803) 799-9800

F (803) 933-1463

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The Richland County Recreation Commission (RCRC) has been exploring options for maximizing the availability of revenue within its general fund to pay operating expenses related to new parks and new initiatives particularly related to serving the teen population/ As a result of Act 388, increases in general fund millage are limited. However, increases in debt service millage are not limited by Act 388. RCRC currently pays from its general fund a substantial amount of expenses that are capital in nature, including annual capital maintenance, repair and replacement of facilities, and equipment. With the approval of Richland County Council, RCRC could issue a general obligation bond every fall, the proceeds of which would be used to fund the capital expenditures currently paid from the general fund. The movement of these expenses from the general fund would “free up” that amount of money in the general fund to be used for operating expenses.

Under this proposed financing plan, the Commission would issue a bond every fall prior to millage being set. The millage necessary to make the payment on the bond would be put on the tax rolls in October and the debt would be paid in full by March or April after property taxes are collected. The value of a debt service mill for RCRC is approximately \$1,000,000. If County Council was willing to approve allowing the Commission to have four mills of debt service every year instead of the current three mills of debt service, RCRC could fund approximately \$1,000,000 of capital expenses using this financing plan. RCRC would ask County Council to approve not to exceed \$5,000,000 in additional general obligation bonds to be issued in five series of approximately \$1,000,000 each year over the next five years. As the initial five year period is ending, RCRC could approach County Council for another authorization.

McNair Law Firm, P. A.

1221 Main Street

Suite 1800

Columbia, SC 29201

Mailing Address

Post Office Box 11390

Columbia, SC 29211

mcnair.net

Memorandum  
Page 2  
July 17, 2012

A number of political subdivisions including counties and school districts have adopted a financing plan of moving capital expenses from the general fund because of the millage limitations established by Act 388. State law clearly allows for the implementation of this financing plan with only the approval of County Council and the Commission. The key to this plan is the approval of one additional mill of taxes for debt service which would be levied each year.

Based on County Council's summer schedule, if County Council is willing to allow the Commission to pursue this financing, it would be best to get at least one reading of an ordinance accomplished prior to the end of July, The other two required readings and public hearing could be scheduled in September.

If you have any questions or would like additional information, please let me know.

FBH:laf

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-12HR

AUTHORIZING THE RECREATION COMMISSION OF RICHLAND COUNTY ON BEHALF OF THE RECREATION DISTRICT OF RICHLAND COUNTY, SOUTH CAROLINA, TO ISSUE GENERAL OBLIGATION BONDS IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$5,000,000 IN ONE OR MORE SERIES, IN ONE OR MORE YEARS, WITH APPROPRIATE SERIES DESIGNATIONS; AND OTHER MATTERS RELATING THERETO.

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

SECTION 1. The County Council (the “County Council”) of Richland County, South Carolina (the “County”), hereby finds and determines:

(a) The District was established pursuant to Act No. 873 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina, Regular Session of 1960, as amended (the “Act”).

(b) The corporate powers and responsibilities of the District are performed by the Commission and as such the Commission is the governing body of the District. The Act committed to the Commission the power to acquire, by gift, purchase or through the exercise of eminent domain, lands, or interest thereon whereon to establish physical education and recreation facilities.

(c) Article X, Section 14 of the Constitution of the State of South Carolina, 1895, as amended, provides that special purpose districts shall have the power to issue bonded indebtedness only for a purpose which is a public purpose and a corporate purpose in an amount not exceeding eight percent (8%) of the assessed value of all taxable property therein upon such terms and conditions as the General Assembly shall prescribe by general law.

(d) The Council constitutes the “county board” of the County and the District constitutes a “special purpose district,” as such quoted terms are defined in the Code.

(e) Pursuant to Title 6, Chapter 11, Article 5, Code of Laws of South Carolina, 1976, as amended (the “Code”), the county boards of all counties of the State of South Carolina wherein special purpose districts exist are empowered to authorize the governing body of such special purpose district to issue bonds of the special purpose district whose proceeds shall be used in furtherance of any power of the special purpose district.

(f) Pursuant to the Code the County Council is empowered to authorize the Commission of the District to issue bonds of the District whose proceeds shall be used in furtherance of any power of the District.

(g) The assessed value of all taxable property of the District as of June 30, 2011, is \$1,010,034,191. Eight percent of such assessed value is \$80,802,735. The general obligation debt outstanding of the District for computation purposes under Article X, Section 14, of the Constitution of



the State of South Carolina, 1895, as amended, is \$35,375,000. Thus, the District may incur \$45,427,735 of general obligation debt within its applicable debt limitation.

(h) It is now in the best interest of the District for the Commission to provide for the issuance and sale of the Bonds of the District pursuant to the aforesaid provisions of the Constitution and laws of the State of South Carolina in the principal amount of not exceeding \$5,000,000 (the "Bonds"), the proceeds of which will be used for capital expenses including capital maintenance, repair and replacement of facilities and equipment and costs of issuance of the Bonds.

(i) Prior to the enactment of this Ordinance, County Council shall hold a public hearing on the question of the issuance of the Bonds as required by Section 6-11-830, Code of Laws of South Carolina 1976 as amended.

SECTION 2. Pursuant to the aforementioned constitutional and statutory provisions, the Commission, on behalf of the District, is hereby authorized to issue the Bonds in an aggregate amount not to exceed \$5,000,000 in such amounts and at such times as the Commission shall determine; provided that this authorization is granted upon the condition that the Commission agrees that it will not issue Bonds in an amount that will require more than four mills of taxes to be levied and collected in any tax year for debt service on the existing debt of the District and the Bonds. The Bonds may be issued in one or more series, in one or more years, with appropriate series designations. The Bonds shall be dated, shall mature, shall be in such denomination, shall bear such interest, shall be subject to redemption, shall be executed and shall contain such other provisions as the Commission shall determine. Prior to the issuance of a series of Bonds, the Commission may issue bond anticipation notes in anticipation of the receipt of proceeds of such Bonds.

SECTION 3. No election shall be held as a condition to the issuance of the Bonds.

SECTION 4. For the payment of the principal and interest on the Bonds as they respectively mature, and for the creation of such sinking fund as may be necessary to provide for the prompt payment thereof, the full faith, credit, taxing power and resources of the District shall be irrevocably pledged, and there shall be levied annually by the Auditor of Richland County and collected by the Treasurer of Richland County, in the same manner as county taxes are levied and collected, a tax without limit on all taxable property of the District sufficient to pay the principal and interest on the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

SECTION 5. The Commission is authorized to do all things necessary or convenient in accordance with applicable law to effect the issuance of the Bonds at such times as it deems necessary and in the interest of the District.

SECTION 6. Following the enactment of this Ordinance, a Notice in substantially the form attached as Exhibit A shall be published in a newspaper of general circulation in the County for three successive weeks.

SECTION 7. Miscellaneous. All rules, regulations, resolutions and parts thereof, procedural or otherwise, in conflict herewith or the proceedings authorizing the issuance of the Bonds are, to the extent of such conflict, hereby repealed and this Ordinance shall take effect and be in full force from and after its adoption.

Enacted this \_\_\_\_\_ day of September, 2012.

RICHLAND COUNTY, SOUTH CAROLINA

By: \_\_\_\_\_  
Kelvin Washington, Chairman  
Richland County Council

(SEAL)

ATTEST THIS \_\_\_\_\_ DAY OF  
\_\_\_\_\_, 2012:

\_\_\_\_\_  
Michelle Onley  
Interim Clerk of County Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Date of First Reading:  
Date of Second Reading:  
Publication of Notice of  
Public Hearing:  
Date of Public Hearing:  
Date of Third Reading:

FORM OF  
NOTICE PURSUANT TO  
SECTION 6-11-870, CODE OF LAWS  
OF SOUTH CAROLINA, 1976, AS AMENDED,  
OF APPROVAL BY THE COUNTY COUNCIL  
OF RICHLAND COUNTY, SOUTH CAROLINA  
OF THE ISSUANCE OF  
NOT EXCEEDING \$5,000,000 GENERAL OBLIGATION BONDS  
IN ONE OR MORE SERIES, ON ONE OR MORE YEARS  
OF THE RECREATION DISTRICT OF RICHLAND COUNTY, SOUTH CAROLINA

The County Council caused the required notice to be published in a newspaper of general circulation in Richland County and on \_\_\_\_\_, held a public hearing in Council Chambers, Richland County Administration Building, 2020 Hampton Street, Columbia, South Carolina 29201, on the question of the issuance of the Bonds. The hearing was conducted publicly and both proponents and opponents were given full opportunity to be heard.

The Bonds will be issued at such time as the Commission determines. For the payment of the principal and interest on the Bonds as they respectively mature and for the creation of such sinking fund as may be necessary to provide for the prompt payment thereof, the full faith, credit, taxing power and resources of the District shall be irrevocably pledged, and there shall be levied and collected annually upon all taxable property of the District a tax, without limitation as to rate or amount, sufficient for such purposes.

County Council determined that no election shall be ordered in the District upon the question of the issuance of the Bonds.

Any person affected by the action of the County Council may, by action de novo instituted in the Court of Common Pleas for Richland County, within twenty (20) days following the last publication of this notice, but not afterwards, challenge the action of the County Council.

Chairman, County Council of Richland County,  
South Carolina

**BOARD OF COMMISSIONERS:**

*J. Marie Green, Chair  
Barbara Mickens, Vice Chair  
G. Todd Weiss, Secretary  
C. Todd Latiff  
Weston A. Furgess, Jr.  
Wilbert Lewis  
George D. Martin, Jr.*



**EXECUTIVE DIRECTOR**

**James Brown, III**  
5819 Shakespeare Road  
Columbia, SC 29223  
Phone: (803) 754-7275  
Fax: (803) 786-2028  
Email: [info@rcrc.state.sc.us](mailto:info@rcrc.state.sc.us)  
[www.richlandcountyrecreation.com](http://www.richlandcountyrecreation.com)

**MEMORANDUM**

To: Members of Richland County Council  
From: James Brown, III, Executive Director  
Date: October 10, 2012  
Subject: General Obligation Bond Request for Operational Funding

Members of Council, enclosed you will find documents pertaining to the Commission's request to issue a general obligation bond to assist with the operational costs pertaining to facilities built from the \$50 Million Recreation Bond. The first document (Exhibit A) is the projected cost the Recreation Commission will incur once all of the remaining facilities come on line. These costs include staffing for each facility, utilities, equipment, etc.

The second document (Exhibit B) is the itemized list of budget items and capital improvements the agency would utilize the \$1 million bond for the first year. The Property Management budget items you see on the list are the items we would remove from our operational budget and would be itemized each year. As for the capital items, we currently have around \$3.5 million worth of projects that have been identified as needed improvements that we can place on the list each year.

If there is more information needed are any questions please feel free to contact me or my Assistant Executive Director, Kenya Bryant.

Thank you for all that you do for Richland County.

Sincerely,

James Brown, III  
Executive Director



*Nationally Accredited:  
The Richland County Recreation Commission became South Carolina's first nationally accredited parks and recreation agency in 2006.*

*Equal Opportunity Statement: The Richland County Recreation Commission is dedicated to the concept of equal opportunity. The Commission will not discriminate on the basis of race, color, religion, sex, age, disability, national origin, or marital status, in its employment practices or in the participation policies for its facilities.*

**PROJECTED INCREMENTAL OPERATIONAL COSTS FOR BOND PROJECTS**  
**Assume All Projects On Line For FY 2013/2014**

**Exhibit A**

<u>DISTRICT</u>	<u>PROJECT</u>	INCREMENTAL	INCREMENTAL
		COST	COST
		<u>FY 12/13</u>	<u>FY 13/14</u>
2	St. Andrews Park Replacement	\$70,218	\$72,324
2	St. Andrews Park Swimming Pool	\$85,702	\$88,274
	District 2 total	\$155,920	\$160,598
3	New Castle Community Center	\$0	\$38,252
	District 3 total	\$0	\$38,252
4	Ridgewood Park Community Center	\$0	\$48,250
	District 4 total	\$0	\$48,250
7	New Administrative Office (3 months FY 12/13)	\$29,649	\$122,156
7	Crane Creek Gymnasium (9 months FY 12/13)	\$97,064	\$133,301
7	Meadowlake Park Canteen & Press Box	\$3,574	\$3,681
	District 7 total	\$130,287	\$259,138
9	Candlewood Mini Park	\$0	\$10,285
9	Kelly Mill Sports Complex (4 months FY 12/13)	\$63,560	\$196,402
9	North Springs Park Community Center	\$0	\$81,262
9	Royal Pines Mini Park	\$0	\$10,285
	District 9 total	\$63,560	\$298,234
10	Bluff Road Park Replacement	\$67,987	\$70,027
10	Cross Roads Community Center	\$82,049	\$84,511
10	Eastover Park Swimming Pool	\$0	\$88,274
10	Gadsden Park Community Center	\$0	\$188,889
10	Hopkins Park Senior Center Replacement	\$0	\$18,455
10	Perrin Thomas Community Center	\$0	\$66,402
	District 10 total	\$150,036	\$516,558
11	Garners Ferry Adult Activity Center (2 months FY 12/13)	\$52,505	\$324,481
11	Garners Ferry Technology Center (2 months FY 12/13)	\$27,662	\$170,950
11	4 Mini Parks	\$0	\$41,141
	District 11 total	\$80,167	\$536,572
<b>TOTAL PROJECTED INCREMENTAL COSTS</b>		<b>\$579,970</b>	<b>\$1,857,602</b>

### General Obligation Bond Itemized Sheet

**Exhibit B**

<b>Project</b>	<b>Amount</b>
Replace Adult Leisure Bus that transports seniors (65-66 passengers)	\$86,000
Replace (2) buses that transport afterschool students (14 passengers)	\$84,000
Replace HVAC units at several facilities	\$160,000
Property Management Grounds Maintenance Budget	\$180,000
Property Management Repair and Replacement Budget	\$140,000
Property Management Building Maintenance Budget	\$125,000
Property Management Vehicle Maintenance Budget	\$225,000
<b>TOTAL</b>	<b>\$1,000,000</b>

# Richland County Council Request of Action

## **Subject**

Changes to Employee Handbook - Promotion Probation [**PAGES 127-129**]

## **Notes**

October 23, 2012 - The Committee recommended that Council approve the proposed language and amend appropriate documents as necessary to confirm that "Department Heads will no longer have the option to require promoted employees to serve a promotional probationary period in his/her new job. Newly promoted employees will not serve a probationary period."

## Richland County Council Request of Action

**Subject:** Change to Employee Handbook – Promotion Probation

### **A. Purpose**

County Council is requested to approve a change to the Employee Handbook policy on Promotion Probation per County Council to achieve consistency and uniformity for all County departments.

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

This item went to County Council in September as part of proposed updates to the Employee Handbook. Councilman Malinowski moved, seconded by Councilman Jackson, to refer this item back to the A&F Committee and directed the Human Resources Department to create language making a probationary period for newly promoted employees consistent across the board. Currently, Department Directors have the *option* to require a newly promoted employee to serve a probationary period on his/her new job. Please note, however, that there have been only a very small number of departments that have historically and consistently exercised this option in the past.

#### Current Employee Handbook Language for Promotion Probation:

A newly promoted employee is considered to be on probation in their new position for three months. (While this is the current language in the Employee Handbook, Department Directors have been following the language in the HR Guidelines, which is also the same that was in the old personnel ordinance, which allows for *discretion / option* of the Department Director in these matters. It is because of this conflict that we are seeking to make all language related to this matter consistent.)

#### Proposed Employee Handbook Language for Promotion Probation:

Department Heads will no longer have the option to require promoted employees to serve a promotional probationary period in their new job. Newly promoted employees will *not* serve a probationary period.

The current language will be removed from the Employee Handbook, and all associated documents will be revised to remove all language referring to a probationary promotion period.

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

- June 26, 2012 - Item was presented to the A&F Committee as part of proposed changes to the Employee Handbook.
- June 26, 2012 - Date item referred to full Council.
- July 18, 2012 - Date item went to full Council.
- July 18, 2012 - Date item referred back to A&F Committee for clarification on probationary periods for promoted employees.

### **D. Financial Impact**

Revision of Employee Handbook and HR Guidelines already in progress; therefore no additional dollars required to make this change.



**E. Alternatives**

1. Approve the proposed language, and amend the appropriate documents as necessary. “Department Heads will no longer have the option to require promoted employees to serve a promotional probationary period in his/her new job. Newly promoted employees will not serve a probationary period.”
2. Do not approve the proposed language. Department Directors will continue to have the option to require newly promoted employees to serve a probationary period in his/her new job.
3. Do not approve the proposed language. Approve alternate language at Council’s discretion.

**F. Recommendation**

Human Resources recommends option # 1, based on the direction of County Council to have consistency.

Recommended by: Dwight Hanna Department: Human Resources Date: 9-18-12

**G. Reviews**

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

**Finance**

Reviewed by: Daniel Driggers Date: 10/12/12  
✓ Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
Comments regarding recommendation:

**Legal**

Reviewed by: Elizabeth McLean Date: 10/12/12  
 Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
Comments regarding recommendation: Policy decision left to Council’s discretion.

**Administration**

Reviewed by: Tony McDonald Date: 10/15/12  
✓ Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
Comments regarding recommendation: Recommend approval of the proposed Employee Handbook Language, whereby newly promoted employees will not be required to serve a probationary period in their new positions.

# Richland County Council Request of Action

## **Subject**

Santee Wateree Transit Authority Motion and COG Transit Analysis [**PAGES 130-139**]

## **Notes**

October 23, 2012 - The Committee recommended Council consent to the COG Transit Analysis. The results and recommendations from the COG Transit Analysis will be brought to Committee at a later date, and funding for the SWRTA will be discussed during the FY14 budget process.

## Richland County Council Request of Action

**Subject:** Santee Wateree Transit Authority Motion and COG Transit Analysis

### **A. Purpose**

County Council is requested to review the information below related to Councilman Jackson's motion regarding the removal of funding from the Santee Wateree Transit Authority, and acknowledge the COG Transit Analysis.

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

Councilman Jackson made the following motion at the October 2, 2012 Council Meeting:

Remove the \$10,000 allocation to SCDOT for the Santee Wateree Transit Authority as it has not improved the intended service and is merely supplementing the fund.

The Santee Wateree Regional Transit Authority (SWRTA) provides service to the areas of Eastover, Gadsden, and Hopkins. The schedule of the Eastover transit services is attached for your convenience, as is information regarding Passenger Trips and Mileage for the period covering July 2011 through June 2012.

Please see comments below from Ms. Ann August, Executive Director of the SWRTA:

On our Eastover Paratransit Services, we are currently transporting passengers from the Eastover, Gadsden and Hopkins areas that are going to Dialysis at 6:00AM and 11:00AM in Columbia on Monday, Wednesday and Friday's. Last month (September) we started taking another passenger on Tuesday and Thursday going to dialysis at 10:45AM. Other general public cash passengers use this transit service and ride along with the passengers going Dialysis to go to other places. We were still providing the Demand Response transportation services on Tuesday's and Thursday's as well, even when we did not have any Tuesday and Thursday dialysis passengers.

The Lower Richland Commuter Route remains the same with one morning run which only returns to Eastover if there are passengers on the return run coming back into town; otherwise it will return to Sumter. We have two afternoon runs with return trips back to Eastover.

In addition, Mr. Sandy Jenkins , SWRTA Operations Director have been, communicating with Mrs. Mildred Myers at 320 Congaree Church Rd. phone # 803-353-9812 who was referred to us by Representative Neal. Based on our communications with her, he just completed a preliminary schedule that would allow the bus to deviate off of Highway 48 between Eastover and Gadsden to possibly address a transportation need for that area as well. Our Quality Control Manager, Mr. Maurice Dukes will be delivering some more information to her by

this Friday. The information provides the times that the Lower Richland bus will be able to service the area in which she resides, as well as provide a time period that she and other community residents would be able to also access the Para-transit route.

As we do every year, on October 6, 2012 the SWRTA will also be providing one bus for the Annual Congaree Swamp Fest. Our bus will provide free public transit shuttle service from a designated area to the Park activities. If you require more detailed ridership numbers, I cannot provide it to you until 10:00 AM Friday, since I will be in Orangeburg for meetings all day tomorrow and will not return to the office until after 5:00 PM. I hope this provide some assistance to your questions.

[Additional information from Ms. August.]

To address your question, of what this funding cut would mean to the SWRTA. It would mean that the \$10,074 that we are currently receiving from Richland County, and using as the State required local match would put the SWRTA in a position of non-compliance. Not having local match as required by the Federal Transit Administration and the State DOT- Office of Public Transit, would cause additional hardships on the agency and citizens within the Lower Richland area who currently use the service. It will also mean that decreases in transit service would take place, beyond the limited services that is already being offered.

In order for the SWRTA to provide this service we need to have the required local match; unless Richland County can initiate communications with SCDOT to change the requirement for the Lower Richland Transit Service and provide more State funding to cover the costs of operating the transit services. Our goal was to always increase services in Lower Richland County, however with no increases in funding level and increases in the fuel levels have created what we have today.

If the funding were to be cut from the SWRTA, per Bob Schneider, Executive Director, the Central Midlands Regional Transit Authority (CMRTA) would not be directly impacted at this juncture, as it provides no service to the Lower Richland/Hopkins/Eastover Area. The indirect impact would be inconsequential, as there would be a nominal loss or ridership or revenue from SWRTA customers to the CMRTA system.

The SWRTA has received funding from Richland County Government for over 10 years to provide service in Lower Richland. Starting in 2006, per SCDOT's request, SWRTA was required to start using the approximately \$10,000 from Richland County as the local match for the federal funds that were being provided by the SC Department of Transportation (DOT). Per the DOT, all local transit systems must provide a local match.

Staff attended a meeting at the COG on Friday, October 12, 2012. Council Members Jackson and Washington were in attendance, along with representatives from the COG, DOT, the CMRTA, and the SWRTA. The Council Members stated that they would prefer the funds be

used to expand and enhance the services provided by the SWRTA in Lower Richland, versus the funds being used as a local match.

As a result of this meeting, the COG was asked to undertake an analysis of transit needs in the County. They would determine which providers (public and private) serve which areas, where facilities are located (health centers, recreation sites, businesses, etc.), which areas could benefit from additional / improved service, etc. The COG will begin in the Lower Richland area and expand out to the rest of the County. Per the COG, the analysis for the Lower Richland area may take a few months. The results from this analysis will be reported to the County once available. There is no financial impact to the County for this analysis being completed by the COG to date, as the State (DOT) provides planning funds to the COG for such purposes.

However, please note that as a result of the COG's analysis, additional funds for transit services throughout the County may be requested during the FY 14 budget process.

This item is to be considered as information only. The results from the COG analysis will be brought to Council at a later date for review and recommendation.

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

- Motion by Councilman Jackson at the October 2, 2012 Council Meeting.

### **D. Financial Impact**

\*\*Please note that SWRTA receives funding directly from Richland County. Mr. Jackson's motion references SCDOT as a conduit for these funds, which is incorrect.\*\*

If funding were removed from the SWRTA, this would free up approximately \$10,000 from the annual budget. At this time, however, it is not recommended that the funding for the SWRTA be decreased or removed while the COG analysis is pending.

Please find FY 05 – FY 13 funding allocations below.

FY 13	\$10,074
FY 12	\$10,074
FY 11	\$10,074
FY 10	\$10,074
FY 09	\$9,923
FY 08	\$10,074
FY 07	\$10,074
FY 06	\$9,972
FY 05	\$9,972

The transit analysis to be completed by the COG has no cost to the County to date. The results of this analysis, however, may be a recommendation for improved or increased transit services in Richland County. The cost of these recommendations has yet to be determined.

**E. Alternatives**

- 1. Receive this item as information. The FY 13 funding for the SWRTA remains in tact, as do the services currently being provided by the SWRTA in Richland County. The COG transit analysis will be brought to Council once completed for review and recommendation.
- 2. Remove FY 14 funding for the SWRTA.
- 3. Do not allow the COG to complete the transit analysis.

**F. Recommendation**

It is recommended that Council receive this item as information. The FY 13 funding for the SWRTA remains in tact, as do the services currently being provided by the SWRTA in Richland County. The COG transit analysis will be brought to Council once completed for review and recommendation.

Recommended by: Roxanne Ancheta Dept: Administration Date: October 3, 2012

**G. Reviews**

**Finance**

Reviewed by: Daniel Driggers Date: 10/16/12  
 Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
 Comments regarding recommendation: ROA is informational only

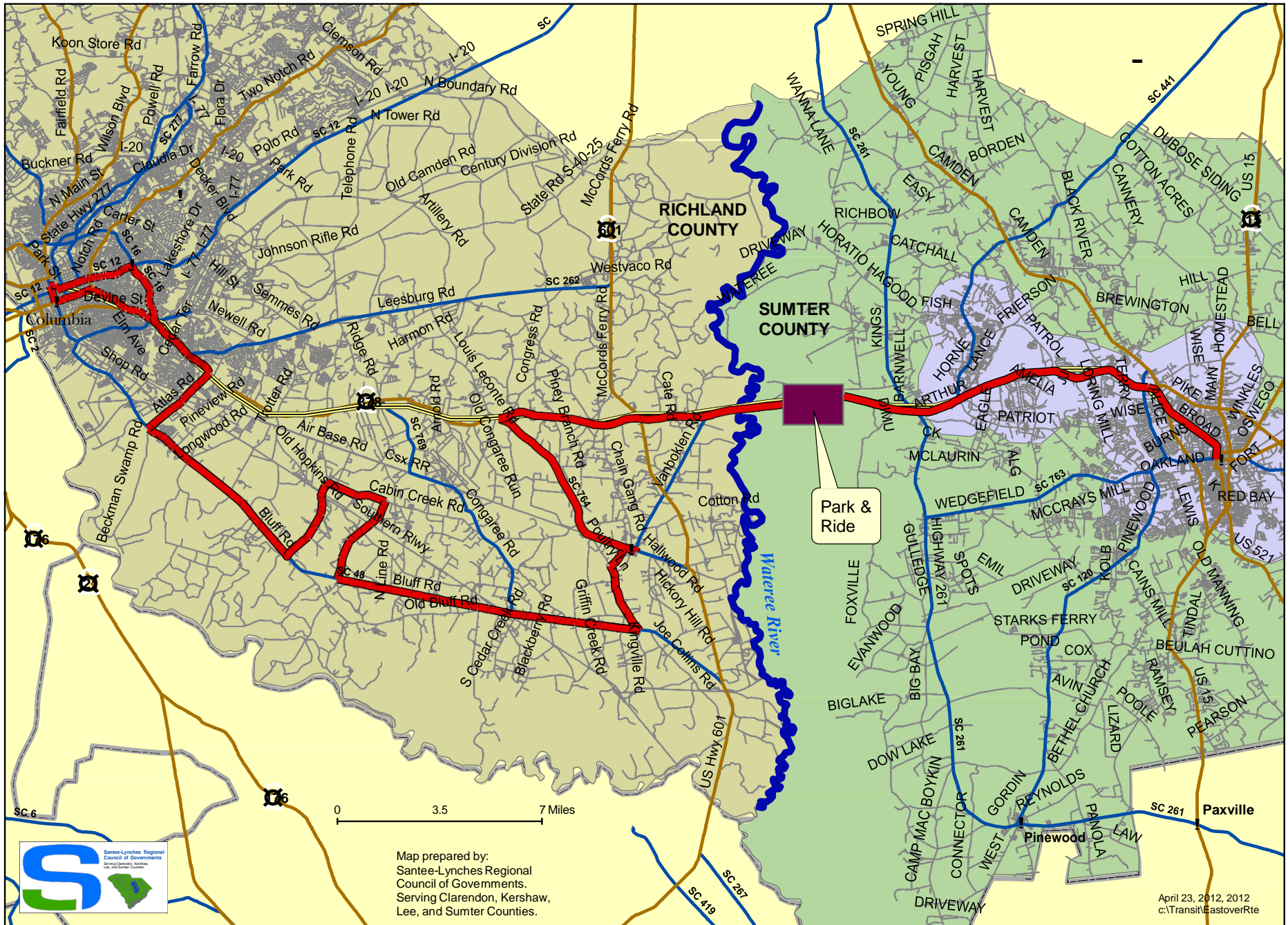
**Legal**

Reviewed by: Elizabeth McLean Date: 10/16/12  
 Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
 Comments regarding recommendation: Informational only. No action required.

**Administration**

Reviewed by: Roxanne Ancheta Date: 10/16/12  
 Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
 Comments regarding recommendation: It is recommended that Council receive this item as information. The FY 13 funding for the SWRTA remains in tact, as do the services currently being provided by the SWRTA in Richland County. The COG transit analysis will be brought to Council once completed for review and recommendation.

# Santee Wateree RTA - Eastover Route



**Eastover To Columbia**  
*Revised Schedule*  
**Monday Through Friday**

<b>Bus Stop Locations</b>	<b>Leave Time</b>	<b>Leave Time</b>	<b>Leave Time</b>
Leaves Sumter (Calhoun / Magnolia) Transfer Point	5:15 AM	12:15PM	=====
Eastover Town Hall	6:00 AM	1:30 PM	4:30 PM
Eastover Richland Supply Co.	6:05 AM	1:35 PM	4:35 PM
Hwy. 48/56 (formerly the Hill Store)	6:11 AM	1:41 PM	4:41 PM
Gadsden (Post Office)	6:17 AM	1:47 PM	4:47 PM
Hopkins (Middle School)	6:29 AM	1:59 PM	4:59 PM
Hopkins (Elementary School)	6:38 AM	2:08 PM	5:08 PM
Hopkins (Manchester Farms)	6:40 AM	2:10 PM	5:10 PM
Columbia (Bluff Estates)	6:53 AM	2:23 PM	5:23 PM
Columbia (Wal-Mart at East Point Mall)	7:02 AM	2:32 PM	5:32 PM
Columbia (Dorn Veterans Hospital)	7:07 AM	2:37 PM	5:37 PM
Columbia (Dresher High School)	7:15 AM	2:45 PM	5:45 PM
Columbia (Gervais and Sumter Sts.)	7:22 AM	2:52 PM	5:52 PM
Columbia (Assembly and Gervais Sts.)	7:23 AM	2:53 PM	5:53 PM
Columbia (Assembly and Taylor Sts.)	7:30 AM	3:00 PM	6:00 PM

**Exact Fare is Required - No Pennies will be accepted**

DRIVERS DO NOT CARRY CASH AND ARE NOT PERMITTED

TO GIVE CHANGE TO PASSENGERS.



**Santee Water Regional  
Transportation Authority  
(SWRTA)**

*Eastover Transit  
Bus Service*

**Monday Through Friday**

**Effective Date— July 14, 2008**

**Eastover /Columbia Transit Fare – \$2.50**

**Sumter to Eastover—\$3.50**

**Sumter to Columbia—\$4.50**

**Senior Citizens—65 years or older, Persons  
with Disabilities and/or Medicare Card Holder**

**Ride for Half Fare—\$1.25**

- Children ages 7-12 ride for 1/2 fare
- Children 6 years of age or younger ride free



**Columbia To Eastover**  
*Revised Schedule*  
**Monday Through Friday**

<b>Bus Stop Locations</b>	<b>Leave Time</b>	<b>Leave Time</b>	<b>Leave Time</b>
Columbia (Assembly and Taylor Sts.)	7:30 AM	3:00 PM	6:00 PM
Columbia (Laurel and Sumter Sts.)	7:32 AM	3:05 PM	6:05 PM
Baptist Hospital (along Taylor St. after Marion)	7:33 AM	3:06 PM	6:06 PM
Columbia (Providence Hospital)	7:38 AM	3:11 PM	6:11 PM
Columbia (Forest Dr. / Beltline Blvd.)	7:43 AM	3:17 PM	6:17 PM
Columbia (Dom Veterans Hospital)	7:53 AM	3:32 PM	6:32 PM
Columbia (Wal-Mart at East Point Mall)	7:58 AM	3:36 PM	6:36 PM
Columbia (Bluff Estates)	8:07 AM	3:42 PM	6:42 PM
Hopkins (Manchester Farms)	8:20 AM	3:56 PM	6:56 PM
Hopkins (Elementary School)	8:22 AM	3:58 PM	6:58 PM
Hopkins (Middle School)	8:31 AM	4:04 PM	7:04 PM
Gadsden (Post Office)	8:43 AM	4:16 PM	7:16 PM
Hwy. 48/56 (Formerly the Hill Store)	8:49 AM	4:20 PM	7:20 PM
Eastover (Richland Supply Co.)	8:55 AM	4:25 PM	7:25 PM
Eastover (Town Hall)	9:00 AM	4:30 PM	7:30 PM
Return to Sumter James E. Clyburn Center	9:00 AM		8:00 PM

**Bus Courtesy:** 1. No Smoking 2. No eating, drinking or carrying any opened fluid containers  
3. CD Players and radios must have earphones or headsets 4. No profanity of any kind  
5. Front seats are reserved for the elderly and persons with disabilities 6. Service Animals are allowed

**The SWRTA Lower Richland  
Eastover Transit Service**

The Eastover Transit Service is a rural commuter service that has stops between the Eastover Town Hall and the City of Columbia.

SWRTA Eastover Paratransit services are available for individuals who cannot access one of the Eastover Transit commuter stops.

To access the SWRTA Paratransit services, passengers will need to Call the SWRTA Operation's Office at least 24-48 hours in advance to be picked-up for service.

**Special Note:**

This is not a door-to-door service, it is a curb-to-curb service.

The Eastover Paratransit Services is a General Public Shared Ride Transit Service.

Passengers who may be eligible for Medicaid should contact the County Department of Health and Human Services (DHHS) at (803) 735-7000 for transportation information and services.

For additional information regarding any of the Eastover services, please contact SWRTA at

**Santee Wateree RTA**  
P.O. Box 2462 Holmes Gardner Rd  
Sumter, SC 29151  
1-888-748-4987

**SANTEE WATEREE RTA @ LOWER RICHLAND  
ROUTE EVALUATION REPORT  
JULY 1, 2011-JUNE 30, 2012**

	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER
PARATRANSIT/ DEMAND RESPONSE TRIPS	93	115	85	104	116	118
PARATRANSIT/ DEMAND RESPONSE VEHICLE MILES	2,211.00	2,603.00	2,172.00	2,614.00	2,468.00	2,656.00
FIXED ROUTE TRIPS	734	825	751	680	634	570
FIXED ROUTE VEHICLE MILES	6,370.00	7,419.00	6,620.00	6,538.00	6,675.00	6,378.00

	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE
PARATRANSIT/ DEMAND RESPONSE TRIPS	143	128	106	108	92	95
PARATRANSIT/ DEMAND RESPONSE VEHICLE MILES	3,125.00	2,754.00	2,449.00	2,509.00	2,494.00	2,502.00
FIXED ROUTE TRIPS	595.00	656	646	706	702	640
FIXED ROUTE VEHICLE MILES	6,433.00	6,880.00	6,958.00	6,620.00	7,024.00	6,437.00

	YTD
<b>PARATRANSIT/ DEMAND RESPONSE TRIPS</b>	<b>1,303.00</b>
<b>PARATRANSIT/ DEMAND RESPONSE VEHICLE MILES</b>	<b>30,557.00</b>
<b>FIXED ROUTE TRIPS</b>	<b>8,139.00</b>
<b>FIXED ROUTE VEHICLE MILES</b>	<b>80,352.00</b>

# Richland County Council Request of Action

## **Subject**

IT Server Room HVAC Upgrade [**PAGES 140-144**]

## **Notes**

October 23, 2012 - The Committee recommended that Council authorize Procurement to enter into and award a contract with Cullum Mechanical for improvements to the IT server room HVAC system to include installing the redundant emergency system.

# Richland County Council Request of Action

**Subject:** IT Server Room HVAC Upgrade

## **A. Purpose**

Council is requested to authorize the expenditure of budgeted funds for bid award to upgrade the Heating, Ventilation, Air Conditioning (HVAC) systems in the main server/data center at 2020 Hampton St. from the Department of Support Services budget.

## **B. Background / Discussion**

The main Information Technology (IT) server/data center is located on the third floor of 2020 Hampton St. This room houses the IT system that provides mission critical functions to departments throughout the county. Thus, it is critical that this room remains operational continuously, without any interruption.

The equipment is very sensitive to environmental conditions of temperature and moisture, so both must be controlled within strict operating parameters. These parameters require we maintain a working environment between 65° and 70° Fahrenheit with a relative humidity between 40% and 50%.

Over the years, additional equipment and more powerful servers has increased heat load within the room. The technology of this equipment has also changed, generating a need for mechanical changes in how the environments of these IT rooms are controlled. Due to these factors, the computer equipment now overtaxes the existing HVAC equipment requiring it to operate near 100% capacity on a continuous basis. The room is currently cooled by utilizing a primary 10 ton unit and a 5 ton unit. Additionally, the 5 ton is the original unit set when the room was first designed. This unit has become unreliable, outdated, and cost prohibitive to repair and maintain.

The Department of Support Services has determined that we need to remove the 5 ton unit and replace it with a 20 ton HVAC unit. This new unit will become the primary unit and it will meet the primary cooling requirements for the space. As well as being a multi-stage unit that will not be required to operate at or near 100% capacity, the energy efficiency to maintain this room will be improved. The existing 10 ton unit then will become the redundancy/supplementary unit providing cooling during cases of primary equipment shutdown. Also as part of this project, as another level of redundancy, a Variable Air Volume (VAV) cooling box that utilizes the cold air from the building's main HVAC system, will be installed. (The VAV box will only be used in extreme emergencies, as this method will divert cooling from occupied space into the server room). This added failsafe will help extend the time available to make complete repairs of the primary HVAC unit before the room exceeds the working environmental requirements forcing IT system shutdowns.

During the evaluation of the new technology and design of the IT equipment, we visited newly designed IT server rooms in the Columbia area and determined that simple equipment replacement may not be sufficient for ensuring a good working system for many years into the future. So the department, through the established Request for Proposal (RFP) process, contracted with a mechanical engineering firm to evaluate the existing HVAC system, to establish current and future heat loads by interviewing the IT Department staff, to evaluate

methods of improving air flow, and to provide a solution that would address the County's needs into the foreseeable future.

The engineers confirmed that today's IT equipment requires improvements in our 20 year old air delivery system to remove the heat surrounding the compact IT equipment and to control moisture. The evaluation generated a design that included known and forecasted equipment through information gathered from the IT Department, which is required to maintain their operational support to the entire County.

The project was advertised for solicitations as designed by the mechanical engineer. The solicitation had a base bid and two alternates. Alternative #1 was for adding an emergency power transfer switch to power the new unit in case of a power failure via a temporary back-up generator. This switch would be located in the main electrical room on the 1st floor. Alternative #2 was for deducting the Direct Digital Control (DDC) controls and to operate the units and VAV box and tie the system into the fire detection and suppression system with stand-alone electric thermostats and on-board unit controls. County staff concurred with the engineer's recommendation not to move forward with either alternate and consider the base bid only.

There were a total of two proposals received by procurement from McCarter Mechanical and Cullum Mechanical. The bids were as follows:

<b>Prime Contractor</b>	<b>Base Bid</b>	<b>Alt #1 (Transfer Switch)</b>	<b>Alt #2 (Stand Alone Ctrl's)</b>
McCarter Mechanical	\$142,846.00	\$24,500.00	-\$5,400.00
Cullum Mechanical	\$129,062.00	\$43,000.00	-\$5,544.00

After reviewing the proposals, the engineering firm recommended to only accept the base bid. Cullum Mechanical was the firm that was recommended as the most responsive, responsible, inclusive, inexpensive responder that met materially with the specifications and requirements as publicized.

The total cost for this project is \$129,062.00 plus 15% contingency totaling \$148,421.00. The contingency is requested to address any unforeseen conditions due to the complexity of manufacturing and installation of the redundant VAV box system to include installation of plumbing through the facility roof system and mounting condensing equipment on the facility roof. Contingency use must be requested, evaluated and recommended by the engineer. No contingency use would be approved without strict scrutiny of all the facts and possible options, by the facilities project management team.

Negotiation of contract terms, if approved by Council, is to be initiated with Cullum Mechanical, to schedule and to complete the work as designed. Should negotiations break down, the next most responsive, responsible responder will be contacted to negotiate project requirements and schedules.

The Department of Support Services, Facilities and Grounds Division, will oversee the project to ensure the County's interests are protected by ensuring contractor quality, and will work with the IT Department to allow the server room and surrounding areas to continue normal operations with minimal interruption and impact.

**C. Legislative / Chronological History**

Council approved the replacement/upgrade of the 5 ton unit in the 2012 budget, but as the project evaluation progressed, we had to review the changing technologies in equipment to be maintained. In doing so, we determined that equipment replacement alone would not insure our ability to maintain the room environment into the future or in as an efficient manner.

**D. Financial Impact**

There are no additional funds requested for this project. Support Services has all necessary funds in their current budget oversight. Initial funding for this project was part of the approved 2012 budget, and sufficient funds have been identified by the department to support the system air flow improvements and redundancy design implementation.

Funds are available in the existing Support Services budget noted below:

- \$98,899 in GL-1100317002.530400 programmed through the budget process
- \$49,522 in JL-10880000.530400 for the contingency, airflow design improvements, and supply redundancy equipment.

**E. Alternatives**

1. Authorize Procurement Department Director to enter into and award a contract with Cullum Mechanical, who has been determined to be the most responsive, responsible, inclusive, and inexpensive responder complying materially with the specifications as advertised.
2. Direct staff to negotiate a new scope with Cullum Mechanical that will include the primary equipment replacement only. This alternative would only solve the short-term needs of maintaining the room environment, but it would not address or establish the emergency redundant system. In the future, we would have to revisit this project to establish funding for a plan to improve the air delivery system and/or equipment replacement.
3. Do not approve the expenditure of the funds and leave the existing HVAC systems in place. However this option will foster increased maintenance and utility costs and exposes the IT server room to extreme environmental conditions and failure of critical computer equipment. This option also will result in increased emergency responses by county maintenance and IT personnel to respond to ever increasing failures.

**F. Recommendation**

It is recommended by Support Services that Council authorize option # 1 under section E to authorize Procurement Department Director to enter into and award a contract with Cullum Mechanical for improvements to the IT sever room HVAC system to include installing the redundant emergency system.

Recommended by: John Hixon

Department: Support Services

Date: 9/28/12

**G. Reviews**

**Finance**

Reviewed by : Daniel Driggers

Date: 10/11/12

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Procurement**Reviewed by: Rodolfo CallwoodDate: 10/15/12 Recommend Council approval Recommend Council denial

Comments regarding recommendation:

**Information Technology**Reviewed by: Janet ClaggettDate: 10/15/12 Recommend Council approval Recommend Council denial

Comments regarding recommendation:

**Legal**Reviewed by: Elizabeth McLeanDate: 10/16/12 Recommend Council approval Recommend Council denial

Comments regarding recommendation: Policy decision left to Council's discretion.

**Administration**Reviewed by: Tony McDonaldDate: 10/16/12 Recommend Council approval Recommend Council denial

Comments regarding recommendation: This project is a planned capital improvement project for which funds have been budgeted, as outlined above. Approval, therefore, is recommended.



# Richland County Council Request of Action

## **Subject**

Ridgewood Monticello Road Streetscape Project (Bid Award Approval and Commercial Lighting Fee Increase) [**PAGES 145-157**]

## **Notes**

October 23, 2012 - The Committee recommended that Council approve the award of contract in the amount of \$315,815.20 to Cherokee Construction for the Monticello Road Streetscape project (Phase I of II). The Committee also recommended Council approve the revised lighting fee agreement between SCE&G and Richland County, contingent upon the requested revisions by the Legal Department being resolved.

## Richland County Council Request of Action

**Subject:** Ridgewood Monticello Road Streetscape Project (Bid Award Approval  
And Commercial Lighting Fee Increase)

### **A. Purpose**

County Council is requested to approve two items related to the Ridgewood Monticello Road Streetscape Project. Approval is requested for the bid to be awarded to Cherokee Construction and to approve changes to the lighting agreement made by South Carolina Electric & Gas (SCE&G).

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

The Ridgewood Monticello Road Streetscape design is focused on repair of existing infrastructure, safety and beautification. There are residents, businesses, schools and churches directly impacted by the project. The community is located immediately south of Interstate 20 at Monticello Road near the Exit 68 interchange (see map). Updates to this area are reflective of the 2004 Council-approved Ridgewood Master Plan.

County Council is requested to approve two items related to the Ridgewood Monticello Road Streetscape Project.

1. Approval is requested for the Phase I (of II) bid to be awarded to Cherokee Construction. This vendor was vetted through the County's Procurement Department and determined to be the lowest, responsible, responsive bidder at \$315,815.20 for Phase I of the Ridgewood Monticello Road Streetscape Project. This project will be bid and constructed in two phases. Initially, the Monticello Road Streetscape Project was estimated to cost \$500,000. (The entire project (Phase I and II) was estimated by BP Barber to cost \$500,000. At this time we have a bid for Phase I. Phase I is approximately 75% of the project.) The construction will be phased over 2 years (FY's 2012-2013). This plan of action was chosen due to the availability of CDBG funding. Richland County Community Development has allocated Community Development Block Grant (CDBG) funds for Phase I of construction.

Phase I consists of the demolition of 5219 Ridgeway St; replacement of 1,818 SF retainer wall; construction of sidewalk and curb ramp; creation of detectable warning surfaces including cross walks and stamped asphalt at 3 intersections; construction of a pocket park and installation of a shelter at bus stop. Phase I is expected to take 120 days to complete.

2. County Council is also requested to approve changes made to the lighting agreement to include a fee increase for 30 decorative streetlights (Phase I) along Monticello Road commercial corridor and a one-time installation charge of \$3,200.

Please note that on March 16, 2010 Council approved a 10 year Lease Agreement for lighting for this project with SCE&G. The overall project had several delays and now the project is proceeding again. (For more than a year, staff was negotiating acquisitions of two properties needed for project construction. The project was also delayed by end of County's fiscal year.)

The original 2010 Terms of the Agreement with SCE&G were negotiated by Richland County Legal Department and SCE&G Legal before approval by Council. In March 2010, there were two five-year Agreements that would run consecutively for the installation and maintenance of 45 lights. Those agreements were not executed due to project construction delays.

Because two years have passed since Council’s initial approval of the agreement, the 2 five-year agreements have been replaced by a ten year agreement. The new agreement reflects that the total number of lights is 45. Lighting under Phase I construction was increased from 28 to 30 lights. In addition, there is now an up-front, one-time installation charge of \$3,200, which can be paid by CDBG funds. Also, there is a rate increase for lights from a monthly charge of \$25.33 per light to \$26.16 per light (30 lights total in Phase I) and the fee for early termination increased. If Richland County decided to terminate the agreement prior to the fifth year of service, there would be termination penalty. No other changes have been made to the agreement.

A comparative table reflecting changes over this two year period are found in the following table:

2009/2010 Phase 1 Agreement	2012 Phase 1 Agreement
Contract was for 28 Lights/Poles	Contract is for 30 Lights/Poles
The monthly lease rate for each light/pole was \$25.33	The current monthly lease rate for each light/pole is \$26.16
The was no required up-front installation charge	We now will require an up-front installation charge of \$3,200.00
The termination value at 5 years was \$40,660.32	The current termination value at 5 years is now \$41,581.24
Total Annual Budget \$8,510.88	Total Annual Budget \$9,417.60

The new agreement will be effective when signed by both parties for a period of 10 years and must be signed prior to installation of lighting. Richland County will need to sign the Agreement (attached) for Phase I lighting and Richland County will only be charged for lights as they are installed and operational. Language highlighted in yellow indicate document changes. A separate agreement will be presented to Council at a later date for Phase II which includes 15 lights, of which eight (8) are in the County. The City of Columbia has agreed to fund a portion of the Phase II construction, once we begin to reach the end of Phase I. (We have a letter of financial commitment from the City Manager. Community Development staff has been instructed to create an MOU for Phase II, which is forthcoming.)

**C. Legislative / Chronological History**

March 16, 2010 – Council approved the SCE&G lighting agreement and agreed to pay for leasing fees and maintenance of the lighting for a total of 10 years with Neighborhood Improvement Program funds.

March 20, 2012 – Council approved the acquisition of two properties for this project along Monticello Road. The funds to pay for the acquisition will come from CDBG funding.

**D. Financial Impact**

The financial impact to the Community Development Department for Phase I of the Monticello Road Streetscape Project for acquisition, construction (\$315,815.20), and lights installation (\$3,200) is \$319,015.20. CDBG grant funds have been reserved for this purpose.

The financial impact to the Neighborhood Improvement Program to lease 30 underground, decorative lights along Monticello Rd for 10 years is \$94,176.00. The annual cost will be \$9,417.60 or \$784.80 per month. Please note that SCE&G Lighting Rates are subject to change within this ten year period. By signing SCE&G's 10 Year Lighting Agreement, Richland County will be responsible for the monthly lease for 10 years at a minimum. Neighborhood Improvement Program (NIP) funds will be used to pay for service and maintenance.

\*\*See attached SCE&G rate schedule and written agreements.

**Ridgewood Monticello Road Streetscape Project**

Streetscape Construction (FY 2011 & 2012 CDBG)	\$315,815.20
Light Installation Fee (FY 2011 & 2012 CDBG)	\$ 3,200.00
Ten year lighting service and maintenance (*Neighborhood Improvement Program)	<u>\$ 94,176.00*</u>
<b>TOTAL</b>	<b>\$413,191.20</b>

*Note: Projected cost for Phase II construction is \$234,184.80 and \$47,088 for installation, service and maintenance of 15 Lights. Phase II construction will be funded using CDBG and the City of Columbia has committed \$71,000 for Phase II construction.*

**E. Alternatives**

- Approve the bid of \$315,815.20 to be awarded to Cherokee Construction for Monticello Road Streetscape construction (Phase I). Approve the revised lighting agreement between SCE&G and Richland County. The cost to the County will provide the power service fee and maintenance fees for a total of 10 years.
- Approve the bid of \$315,815.20 to be awarded to Cherokee Construction for Monticello Road Streetscape construction (Phase I). Do not approve the revised SCE&G lease agreement. The County would install lights privately at an estimated cost of \$150,000-175,000 with the County paying for maintenance and paying SCE&G for electrical power only.
- Approve neither the bid award to Cherokee Construction nor the revised lighting lease agreement with SCE&G. The Monticello Road Streetscape Design would not continue.

**F. Recommendation**

It is recommended that Council approve the bid of \$315,815.20 to be awarded to Cherokee Construction for Monticello Road Streetscape construction (Phase I). It is also recommended that Council also approve the revised lighting fee agreement between SCE&G and Richland County.

Recommended by:	Department:	Date:
<u>Valeria Jackson, Director</u>	<u>Community Development</u>	<u>October 4, 2012</u>

## G. Reviews

### Finance

Reviewed by: Daniel Driggers

Date: 10/15/12

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

### Procurement

Reviewed by: Rodolfo Callwood

Date: 10/15/12

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

### Grants

Reviewed by: Sara Salley

Date: 10/15/12

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval as this project is included in the Ridgewood Master Plan and can utilize CDBG grant funds.

### Planning

Reviewed by: Tracy Hegler

Date: 10/15/12

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

### Legal

Reviewed by: Elizabeth McLean

Date: 10/16/12

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council's discretion; however, ARTICLE VII (Term), ARTICLE IV (Early Termination Charge), and EXHIBIT A are not totally consistent as to the early termination charge. The language should be cleaned up.

### Administration

Reviewed by: Sparty Hammett

Date: 10/16/12

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend Council approval to award Cherokee Construction the Monticello Road Streetscape construction project (Phase I) using CDBG funds. It is also recommended that Council approve the revised lighting fee agreement between SCE&G and Richland County. As indicated by Ms. McLean, the language regarding early termination should be revised.

**AGREEMENT COVERING AREA LIGHTING**

**RICHLAND COUNTY  
PHASE 1  
MONTICELLO ROAD STREETScape  
RIDGEWAY STREET TO KNIGHTNER STREET  
COLUMBIA, SOUTH CAROLINA 29203**

THIS AGREEMENT is entered into and effective this 14<sup>th</sup> day of September, 2012, by and between "Customer", **Richland County** and South Carolina Electric & Gas Company, "Company".

In consideration of the mutual covenants and agreements herein contained, the same to be well and truly kept and performed, the sums of money to be paid, and the services to be rendered, the parties hereto covenant and agree with each other as follows, namely:

**ARTICLE I**

LIGHTING SERVICE: Company shall provide lighting service from dusk (one half (1/2) hour after sunset) to dawn (one half (1/2) hour before sunrise) each night during the Agreement period for a total of approximately four thousand (4000) hours of lighting per year. Customer agrees that lighting provided is ornamental in nature and is not designed for security or public safety. Company does not guarantee lighting level for security or public safety purposes. Customer agrees that lighting is not designed in accordance with the Illuminating Engineering Society (IES) recommended maintained luminance and illumination values for roadways and area lighting.

**ARTICLE II**

RATE: Customer shall be billed in accordance with Company's "Underground Street Lighting" Rate 18, attached hereto and incorporated herein by reference which is currently \$26.16 per luminaire and pole per month, based on the current rate. Customer's current monthly lighting charges for this project will total \$784.80 plus S.C. sales tax and all other applicable fees. This rate is subject to change upon periodic review by the South Carolina Public Service Commission (PSC), in the manner prescribed by law. Additionally, this Agreement and all services rendered hereunder are subject to Company's "General Terms and Conditions" as approved by the Commission as they may now exist or may be amended in the future. The "General Terms and Conditions" as they currently exist are made a part of this Agreement as attached.

Rate	Item	Cost	Qty	Total
18	150 watt high pressure sodium Acorn-Style Luminaire	\$16.86	30	\$505.80
18	17' black fiberglass pole	\$9.30	30	\$279.00
			<b>Total</b>	<b>\$784.80</b>

**ARTICLE III**

AID-TO-CONSTRUCTION: Customer has requested and Company has agreed to install facilities. The installation cost requires an aid to construction in the amount of \$3,200.00 to be paid by Customer to Company prior to installation. Customer agrees to provide and install all two (2) inch schedule 40 gray electrical PVC lighting conduit to Company specification. Company shall assume no responsibility for repairs to or replacement of damaged conduit.

#### ARTICLE IV

INSTALLATION AND MAINTENANCE: Customer is responsible for locating and marking all facilities (irrigation, water, sewer, drainage, etc.) in areas where digging will take place if not part of the Palmetto Utility Protection Service (PUPS). Company is not responsible for any damage to Customer owned utilities such as irrigation, sewer, cable, water taps, etc. that have not been located or have been mis-located. Customer is responsible for obtaining all applicable authorizations and permissions from any governmental entities related to luminaires, poles, and/or related equipment. Customer is also responsible for compliance with, and informing Company of, any governmental ordinances as they may relate to lighting. Customer is responsible for and will pay to Company any and all costs associated with the removal, relocation or exchange of luminaires, poles and/or related equipment that are determined to be non-compliant by governmental entities. Company agrees to provide and install underground wiring and appurtenances for thirty (30) 150 watt high pressure sodium Acorn-Style luminaires mounted on thirty (30) 17' black fiberglass poles. This lighting installation will be located along Monticello Road from Ridgeway Street to Knightner Street (southern intersection) on the east side of Monticello Road, and from Knightner Street (southern intersection) to Knightner Street (northern intersection) on both sides of Monticello Road located in Columbia, South Carolina. The delivery voltage to these fixtures shall be 120v. At all times, Company will maintain ownership of luminaires and poles. Customer must notify Company of any non-functioning or mal-functioning luminaires. Company will not be responsible for any landscape or pavement replacement that may be necessary as a result of the Company installing the lighting facility or any landscape or pavement replacement that may be necessary as a result of the Company performing maintenance on the lighting facility. Customer will maintain a reasonable working distance around luminaires and poles.

\_\_\_\_\_  
Customer Initial/Date

#### ARTICLE V

REPLACEMENT AND MAINTENANCE - ORDINARY: Company shall perform all ordinary replacement and maintenance on the equipment and appurtenances. This shall include the replacement of lamps, photocells, conductor, and conduit and electrical connections. The replacement lamps shall be limited to Company's standard 150 watt high pressure sodium and the replacement photocells shall be limited to Company's standard twist-lock photocell. Non-standard equipment replacement may be delayed until such equipment can be ordered and delivered to Company, as non-standard equipment is not kept in Company inventory. Company shall retain ownership of these facilities located on Customer's premises. If Customer elects, for any reason, to require removal or relocation of Company facilities, Customer is required to reimburse Company for all costs incurred by Company as a result of such removal or relocation. If action is taken by a governmental entity that requires the removal or relocation of Company's facilities, Customer is required to reimburse Company for all costs incurred by Company as a result of such removal or relocation.

#### ARTICLE VI

REPLACEMENT AND MAINTENANCE - EXTRAORDINARY: Company is responsible for the replacement and maintenance of extraordinary equipment and appurtenances, which shall include the replacement of the luminaires and poles and other associated equipment due to normal wear and tear. In the event of accidental damage or vandalism, Company shall bill Customer and hold Customer responsible for all extraordinary replacement and maintenance work that is not recovered by Company from third parties tortfeasors. If Customer elects, for any reason, to require removal or

relocation of Company facilities, Customer is required to reimburse Company for all costs incurred by Company as a result of such removal or relocation. If action is taken by a governmental entity that requires the removal or relocation of Company's facilities, Customer is required to reimburse Company for all costs incurred by Company as a result of such removal or relocation.

## **ARTICLE VII**

**TERM:** This Agreement shall continue for the full initial term of five (5) years ("Initial Term"). Thirty (30) days prior to the end of the Initial Term, Customer shall notify Company in writing whether or not it intends to let the Agreement term expire or extend the Agreement term for an additional five (5) year period ("Extension Term"). Customer may terminate (or after the completion of the Initial Term, choose not to extend for the Extension Term) this Agreement at the end of any year in either the Initial Term or the Extension Term, in which case Customer will be liable for a payment in the amount specified on Exhibit A. Following completion of the Extension Term, this Agreement shall continue thereafter from year to year until terminated by at least thirty (30) days prior written notice by either Party to the other of its intention to terminate. In the event of a termination after both the Initial Term and the Extension Term (a total of ten years), no payment arising as a result of the termination shall be due from the Customer.

## **ARTICLE VIII**

**TERMINATION FOR DEFAULT BY CUSTOMER:** The occurrence of any one or more of the following events by Customer shall constitute a default by Customer: 1) bankruptcy; 2) non-payment; 3) dissolution of business entity; 4) discontinuation of access; or 5) unauthorized modification of equipment. In the event of default, Company reserves the right to terminate this Agreement. Should Customer terminate prior to the end of the initial term of this Agreement, an early termination charge outlined in Article IX shall apply.

## **ARTICLE IX**

**EARLY TERMINATION CHARGE:** Should Customer terminate this Agreement for any reason, either during the initial term or any extension thereof, unless waived as provided for herein, Customer shall pay to Company a termination charge excluding fuel for the remainder of the contract term; plus the sum of the original cost of the installed equipment, less accumulated depreciation through the effective termination date, plus removal and disposal costs, plus environmental remediation costs, less any applicable salvage values, the total cost of which shall not be less than zero. Company may waive a portion or all of the termination charge where (1) a successor agreement is executed prior to termination of this Agreement, (2) Customer is able to furnish Company with satisfactory evidence that a successor customer will occupy the premises within a reasonable time and contract for substantially the same service facilities, or (3) the facilities for serving have been fully depreciated.

## **ARTICLE X**

**LIMITATION OF LIABILITY:** THE PARTIES AGREE, AS AN ESSENTIAL CONDITION OF THIS AGREEMENT, THAT COMPANY SHALL HAVE NO LIABILITY TO CUSTOMER OR TO ANY THIRD PARTY AS A RESULT OF THE SERVICES PROVIDED HEREUNDER OR COMPANY'S INSTALLATION, OPERATION, MAINTENANCE, OR REMOVAL OF THE LUMINAIRES, POLES, CONDUCTORS OR OTHER APPURTENANCES ASSOCIATED WITH THE LIGHTING FACILITIES EXCEPT TO THE EXTENT OF COMPANY'S NEGLIGENCE.

IN NO EVENT WILL COMPANY BE LIABLE FOR INCIDENTAL, INDIRECT OR CONSEQUENTIAL DAMAGES. THE LIABILITY OF COMPANY SHALL IN NO EVENT EXCEED THE MAXIMUM



AMOUNT THAT THE COUNTY COULD BE LIABLE TO A THIRD PARTY UNDER THE SOUTH CAROLINA TORT CLAIMS ACT, WHICH AMOUNT IS CURRENTLY THREE HOUNDED THOUSAND DOLLARS (\$300,000).

#### **ARTICLE XI**

WARRANTIES: COMPANY MAKES NO REPRESENTATIONS OR WARRANTIES OF ANY TYPE, EXPRESS OR IMPLIED, EXCEPT AS SPECIFICALLY STATED IN THIS AGREEMENT. WITHOUT LIMITING THE FOREGOING, COMPANY EXPLICITLY DISCLAIMS ANY WARRANTY REGARDNG THE SERVICES PROVIDED HEREUNDER OR COMPANY'S INSTALLATION, OPERATION, MAINTENANCE, OR REMOVAL OF THE LUMINAIRES, POLES, CONDUCTORS OR OTHER APPURTENANCES ASSOCIATED WITH THE LIGHTING FACILITIES REGARDING THE SUITABILITY, PRACTICALITY, VIABILITY, OR FUNCTIONALITY OF THE PRODUCTS AND SERVICES PROVIDED HEREUNDER, EXCEPT AS SPECIFICALLY STATED HEREIN. COMPANY SPECIFICALLY DOES NOT WARRANT THAT THE PRODUCTS OR SERVICES WILL INCREASE SAFETY OR REDUCE THE POSSIBILITY OF CRIMINAL ACTIVITY. THE WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE ARE SPECIFICALLY DISCLAIMED.

#### **ARTICLE XII**

RIGHT OF WAY: Customer hereby grants Company free access and right of way to maintain install and remove any and all luminaires, poles, conductors and other appurtenances associated with the lighting facilities contained within this Agreement.

#### **ARTICLE XIII**

CUSTOMER MODIFICATIONS: No modifications to luminaires, poles or related equipment may be made by Customer without prior written approval from Company. Company assumes no liability if luminaires, poles or related equipment are modified in any manner by Customer.

#### **ARTICLE XIV**

ASSIGNMENT: No assignment of this Agreement, in whole or in part by Customer, will be made without the prior written consent of Company, which consent will not be unreasonably withheld or delayed.

#### **ARTICLE XV**

AMENDMENT: This Agreement may not be amended except by written agreement signed by an authorized representative of each Party.

#### **ARTICLE XVI**

REPRESENTATION: Each Party to the Agreement represents and warrants that it has full and complete authority to enter into and perform its respective obligations under this Agreement. Any person who executes this Agreement on behalf of either Party represents and warrants that he or she has full and complete authority to do so and that such represented Party shall be bound thereby.

#### **ARTICLE XVII**

COVENANTS: This Agreement is an entire contract, each stipulation thereto being a part of the consideration for every other, and the terms, covenants, and conditions thereof inure to the benefit of and bind the successors and assigns of each of the parties hereto, as well as the parties themselves.

**ARTICLE XVIII**

ENTIRE UNDERSTANDING: This Agreement contains the entire understanding of the Parties and supersedes all prior oral or written representation(s) concerning the subject matter hereof.

**RICHLAND COUNTY**

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

(Print  
Name): \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

**SOUTH CAROLINA ELECTRIC & GAS COMPANY**

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

(Print Name): Daniel F. Kassis \_\_\_\_\_

Title: Vice President of Customer Service \_\_\_\_\_

Date: \_\_\_\_\_

## RATE 18

UNDERGROUND  
STREET LIGHTING

(Page 1 of 2)

## AVAILABILITY

This rate is available to customers, including municipal customers, using the Company's electric service for street and area lighting served from existing underground distribution facilities.

## APPLICABILITY

Applicable only to outdoor lighting high intensity discharge fixtures, either high pressure sodium (HPS), or metal halide (MH), and with poles conforming to Company specifications. Services will be rendered only at locations that, solely in the opinion of the Company, are readily accessible for maintenance. If the Company is required to install light fixtures on poles other than those described herein, the Company will determine in each case the amount and form of payment required.

## RATE PER LUMINARIES

SIZE AND DESCRIPTION	Lamp Charges per Month	kWh per Month
9,000 Lumens (MH) (100W) (Acorn, Round, or Octagonal Style)*	\$ 16.49	41
15,000 Lumens (HPS) (150W) (Acorn, Round, or Octagonal Style)*	\$ 16.86	62
9,000 Lumens (MH) (100W) (Traditional)	\$ 12.12	37
15,000 Lumens (HPS) (150W) (Traditional)	\$ 12.55	62
9,000 Lumens (MH) (100W) (Shepherd)	\$ 25.06	41
15,000 Lumens (HPS) (150W) (Shepherd)	\$ 26.81	62
42,600 Lumens (MH) (400W) Hatbox	\$ 32.18	159
50,000 Lumens (HPS) (400W) Hatbox	\$ 30.97	158
110,000 Lumens (MH) (1000W) Hatbox	\$ 49.82	359
140,000 Lumens (HPS) (1000W) Hatbox	\$ 45.50	368
30,000 Lumens (MH) (320W) Shoebox Type	\$ 26.62	123
45,000 Lumens (HPS) (400W) Shoebox Type	\$ 23.12	158
30,000 Lumens (MH) (320W) Cobra Flex	\$ 30.74	120
50,000 Lumens (HPS) (400W) Cobra Flex	\$ 30.80	152

## The following fixtures are available for new installations only to maintain pattern sensitive areas:

9,000 Lumens (MH) (100W) (Modern)	\$ 12.12	37
15,000 Lumens (HPS) (150W) (Modern)	\$ 12.55	62
9,000 Lumens (MH) (100W) (Classic)	\$ 15.90	37
15,000 Lumens (HPS) (150W) (Classic)	\$ 16.76	62

Effective January 2009, selected existing light sets will no longer be available for new installations. Replacement light sets will only be available until inventory is depleted and will be replaced on a first-come, first-served basis. Affected lights are as follows:

7,500 Lumens (MV) (175W) (Acorn, Round, or Octagonal Style)*	\$ 16.18	69
7,500 Lumens (MV) (175W) (Traditional)	\$ 12.05	69
7,500 Lumens (MV) (175W) (Shepherd)	\$ 23.52	69
7,500 Lumens (MV) (175W) (Modern)	\$ 12.05	69
7,500 Lumens (MV) (175W) (Classic)	\$ 16.07	69
10,000 Lumens (MV) (250W) (Acorn, Round, or Octagonal Style)*	\$ 17.69	95
20,000 Lumens (MV) (400W) Shoebox Type	\$ 21.44	159
36,000 Lumens (MH) (400W) Hatbox	\$ 32.37	159
40,000 Lumens (MH) (400W) Shoebox Type	\$ 28.47	159

## RATE PER POLE

15' Aluminum Shepherd's Crook / Direct Buried (Mounted Height)	\$ 26.75
15' Aluminum Shepherd's Crook / Base Mounted (Mounted Height)	\$ 34.40
12' Smooth/Fluted Aluminum (Mounted Height)	\$ 23.00
14' Smooth/Fluted Aluminum (Mounted Height)	\$ 23.65
17' Standard Fiberglass (Mounted Height)	\$ 9.30
42' Square Aluminum/Direct Buried (35' Mounted Height)	\$ 25.60
42' Round Aluminum/Direct Buried (35' Mounted Height)	\$ 25.60
35' Round Aluminum/Base Mounted (Add Base To Determine Mounted Height)	\$ 32.50
35' Square Aluminum/Base Mounted (Add Base To Determine Mounted Height)	\$ 35.50

**EXHIBIT A - Phase I**

9/14/2012

**Early Termination Charge Estimate**

**Project Name:** Phase I - Ridgewood Revitalization Project (Monticello Road Streetscape)

**Light Fixtures:** 150 W HPS Acorn 30 \$14.66

**Light Poles:** 17' Black Fiberglass Pole 30 \$9.30

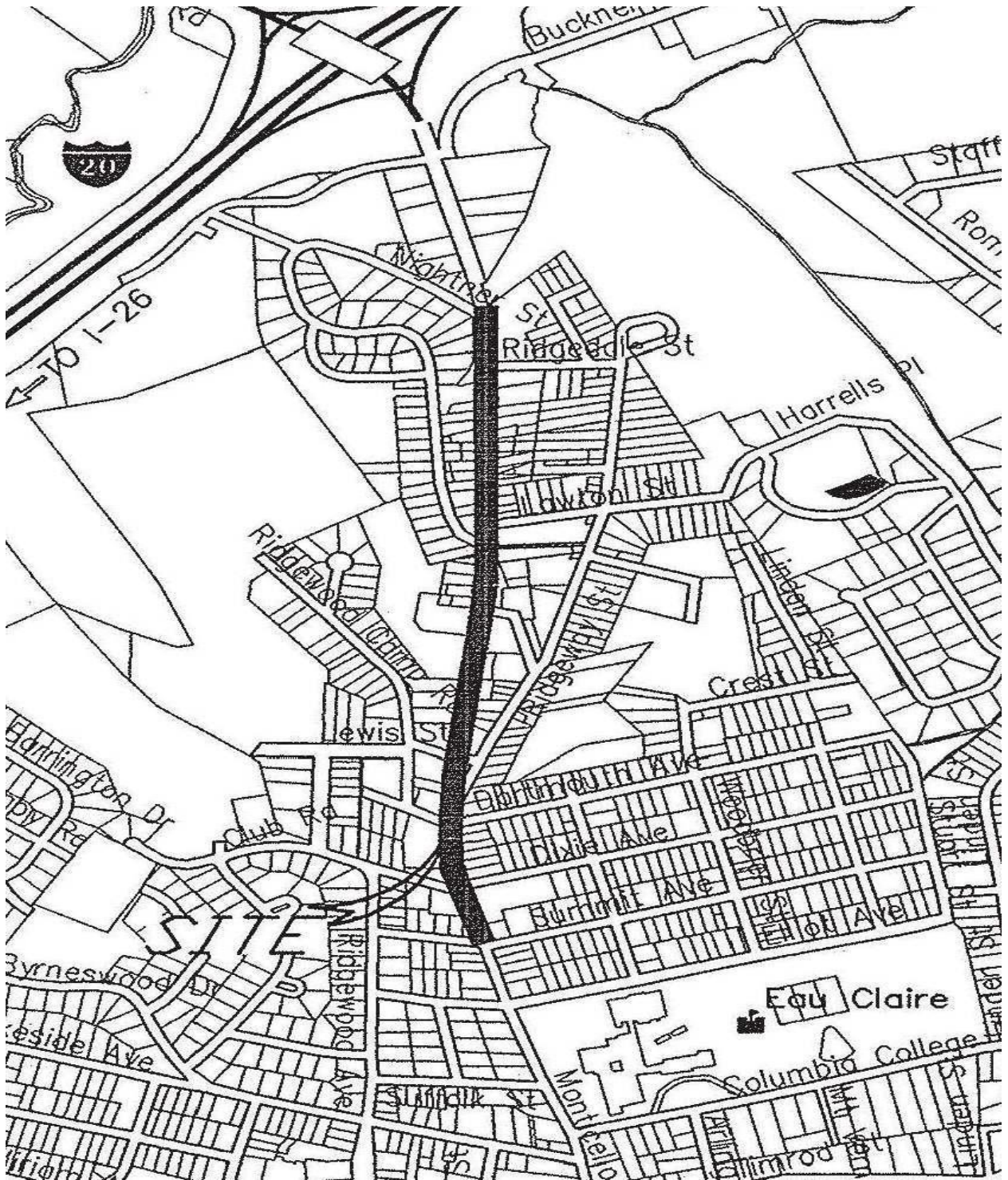
**Original Cost of Installed Equipment:** \$ 32,417.00

**Depreciation Rate:** 4.59%

**Annual Depreciation (Straight Line)** \$ 1,487.94

<u>Year</u>	<u>Months Remaining in Term</u>	<u>Original Cost Less Depreciation</u>	<u>Removal and Disposal</u>	<u>Salvage</u>	<u>Total Cancellation Fee</u>
1	120	\$ 32,417.00	\$ 18,116.00	\$ 3,000.00	\$ 47,533.00
2	108	\$ 30,929.06	\$ 18,116.00	\$ 3,000.00	\$ 46,045.06
3	96	\$ 29,441.12	\$ 18,116.00	\$ 3,000.00	\$ 44,557.12
4	84	\$ 27,953.18	\$ 18,116.00	\$ 3,000.00	\$ 43,069.18
5	72	\$ 26,465.24	\$ 18,116.00	\$ 3,000.00	\$ 41,581.24
6	60	\$ 24,977.30	\$ 18,116.00	\$ 3,000.00	\$ 40,093.30
7	48	\$ 23,489.36	\$ 18,116.00	\$ 3,000.00	\$ 38,605.36
8	36	\$ 22,001.42	\$ 18,116.00	\$ 3,000.00	\$ 37,117.42
9	24	\$ 20,513.48	\$ 18,116.00	\$ 3,000.00	\$ 35,629.48
10	12	\$ 19,025.54	\$ 18,116.00	\$ 3,000.00	\$ 34,141.54

# Ridgewood Monticello Road Streetscape Project Map



# Richland County Council Request of Action

## **Subject**

Broad River Road Corridor Lighting Project [**PAGES 158-169**]

## **Notes**

October 23, 2012 - The Committee recommended that Council approve the request to install the 33 lights within the Broad River Corridor and Community study area, contingent upon the offending language being removed from the lighting agreement.

# Richland County Council Request of Action

**Subject:** Broad River Road Corridor Lighting Project

## **A. Purpose**

County Council is requested to approve a five (5) year+ agreement with SCE&G for the installation and monthly maintenance of street lights along Broad River Road in the Broad River Road Corridor and Community Study area, from the Broad River Bridge to the Harbison State Forest. This would involve monthly installments of \$664.95 for thirty-three (33) lights.

## **B. Background / Discussion**

Richland County Council is being asked to approve the installation of thirty-three (33) 400 watt high pressure sodium Cobra head-style fixtures on six foot arms mounted to existing SCE&G electric poles in the Broad River Road Corridor and Community Master Plan area as a step towards implementation of the master plan. Installation of the 33 lights will require one (1) additional transformer to serve the lights.

A total of fifty-three (53) lights will actually be installed, but twenty (20) of those lights fall within the City of Columbia municipal boundaries. The City of Columbia is in the process of agreeing to provide funding for the twenty (20) lights and one (1) transformer that is within their municipal boundaries as a part of their lighting agreement with SCE&G. It is anticipated that City Council will approve the request in November.

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

Funding for the lighting in the Broad River Road Corridor in the amount of \$75,000 was approved and appropriated during FY 12 from the Planning and Development Services Department/Neighborhood Improvement Program Division budget. The FY 12 funds were rolled over to FY 13, as these funds were not used in FY 12; therefore, funding exists for this project.

## **D. Financial Impact**

The cost per year for the 33 lights is \$7,979.40. In addition, an upfront cost of \$800.00 is required to install the needed transformer for the Richland County-Broad River Road Streetscape project located along Broad River Road from Harbison Boulevard to Marley Drive.

Qty	Type of Luminaire	Rate	Lease Charges/Month
33	400 Watt High Pressure Sodium, 45,000 Lumens	26	\$ 20.15
Total Lease Charges Per Month			\$664.95

The total cost for the first five years under the proposed agreement with SCE&G would be \$40,697.00 (\$7,979.40 X 5 years + \$800 transformer). However, funds in the amount of \$75,000 for installation and monthly charges were appropriated during FY 12 (and rolled over

to FY 13) from the Planning and Development Services Department/Neighborhood Improvement Program Division budget.

This appropriation (\$75,000) is in excess of what is quoted in this contract (\$40,697.00 for 5 years, includes transformer), which means that the contract could be extended for an additional four years beyond the original term. The contract states that the contract will continue year to year after the first five years unless either Party gives written notice 30 days prior to the end of a term. (\$7,979.40 X 9 years + \$800 transformer = \$72,614.60; \$75,000 was budgeted for this project.)

**E. Alternatives**

1. Approve the request to install the needed lighting for the Broad River Road Corridor as a first step towards implementation of this Master Plan.
2. Do not approve the request to install lighting for the Broad River Road Corridor.

**F. Recommendation**

It is recommended that Council approve the request to install the 33 lights within the Broad River Road Corridor and Community Study area.

Recommended by: Tracy Hegler                      Department: Planning                      Date: October 1, 2012

**G. Reviews**

**Finance**

Reviewed by: Daniel Driggers                      Date: 10/11/12  
 Recommend Council approval                       Recommend Council denial  
Comments regarding recommendation: Recommendation based on previous Council approval of project, funding availability and Planning Director recommendation.

**Procurement**

Reviewed by: Rodolfo Callwood                      Date: 10/11/12  
 Recommend Council approval                       Recommend Council denial  
Comments regarding recommendation:

**Legal**

Reviewed by: Elizabeth McLean                      Date: 10/17/12  
 Recommend Council approval                       Recommend Council denial  
Comments regarding recommendation: Policy decision left to Council's discretion; however, the County cannot indemnify or hold harmless a third party. The offending language has been removed from the attached contract.



**Administration**

Reviewed by: Sparty Hammett

Date: 10/18/12

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend Council approval, as indicated in the ROA, Council previously approved the lighting during the FY12 budget process.

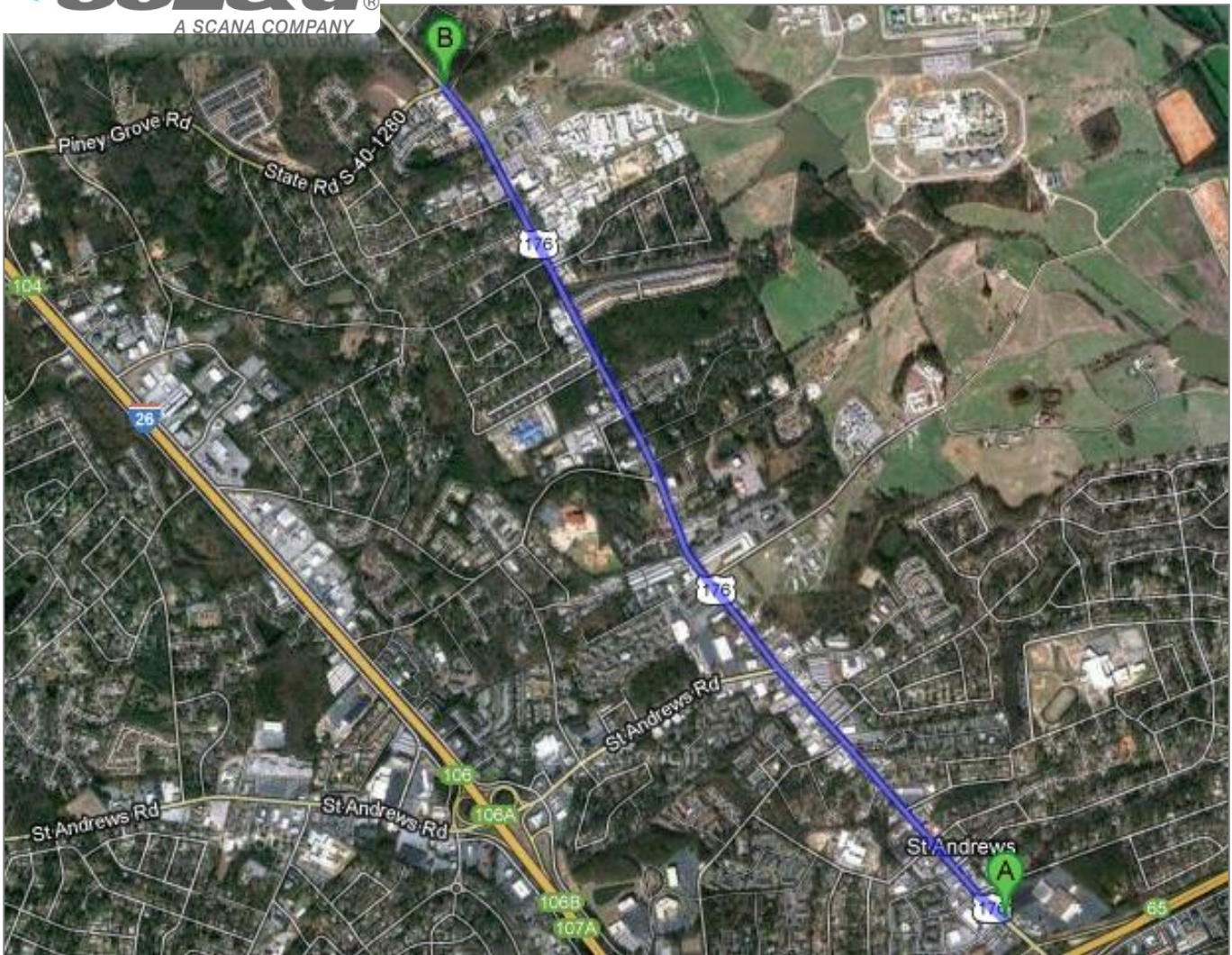


## Richland County Broad River Road Streetscape

### Broad River Road Streetscape

**Scope:** Street lighting from Briargate Cir/Marley Drive to Piney Grove Road.

**Proposal:** Installation of 53 Fixtures along the approximate 2.5



miles of Broad River Road.

## Description

Install 53 – 400 watt high pressure sodium Cobrahead–style fixtures on six foot arms mounted on existing SCE&G electric poles

- 33 lights fall inside the Richland County municipal boundary and 20 lights fall inside the City of Columbia municipal boundary
- This installation will require one additional transformer to serve some of the lights and, therefore, this installation will require an up-front installation charge of \$800.00
- Requires a 5 year lighting agreement with Richland County
- All Lighting Rates are subject to any PSC-approved rate increases

## Total Charges

- Up-front installation charge of \$800.00
- 33 Fixtures @ \$20.15 each per month = \$664.95 total per month

### **Cobrahead Roadway Cutoff**

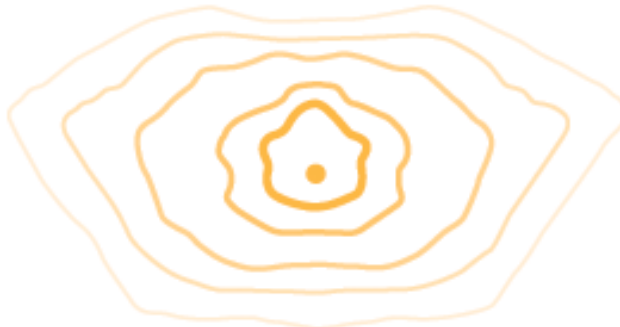
This cutoff-style cobrahead emanates useful light at lower angles for a precise distribution. Optics are computer-designed for maximum performance.



#### **WATTAGE/TYPE**

150 HPS 15,000 Lumens  
400 HPS 50,000 Lumens  
100 MH 9,000 Lumens  
320 MH 30,000 Lumens

#### **AREA OF ILLUMINATION**



## AGREEMENT FOR PRIVATE SECURITY LIGHTING SERVICE

**THIS AGREEMENT** made this 8<sup>th</sup> day of October, 2012 by and between South Carolina Electric & Gas Company, for itself, its successors and assigns hereinafter called "Company" and **Richland County – Broad River Road Streetscape** located along Broad River Road from Harbison Boulevard to Marley Drive in Columbia, South Carolina, hereinafter called "Customer".

It being agreed and understood that:

1. **EQUIPMENT:** Company will install and maintain standard light(s) and pole(s) as follows:

Qty	Type Luminaire(s)/Pole(s)	Rate	Lease Charges/Month
	100 Watt Metal Halide, 9,000 Lumens	26	\$
	150 Watt High Pressure Sodium, 15,000 Lumens	26	\$
	320 Watt Metal Halide, 30,000 Lumens	25	\$
33	400 Watt High Pressure Sodium, 45,000 Lumens	26	\$20.15
	30' Wooden Pole	26	\$
	35' Wooden Pole	26	\$
	25' Fiberglass Pole	26	\$
	Other:	X	\$
<b>TOTAL LEASE CHARGES PER MONTH:</b>			<b>\$664.95</b>

All charges are subject to S.C. sales tax and all other applicable fees. These charges are in accordance with Company's published rates. Company will retain ownership of facilities installed on Customer's premises.

2. **LIGHTING SERVICE:** Company shall provide lighting service from dusk (one half (1/2) hour after sunset) to dawn (one half (1/2) hour before sunrise) each night during the Agreement period for a total of approximately four thousand (4000) hours of lighting per year. Company does not guarantee lighting level for security or public safety purposes. Customer agrees that lighting is not designed in accordance with the Illuminating Engineering Society (IES) recommended maintained luminance and illumination values for roadways and area lighting.
3. **TERM:** The initial term of the Agreement is for five (5) years, beginning on the date service is established, and Agreement continues thereafter from year to year until terminated by at least thirty (30) days prior written notice by either Party to the other of its intention to terminate the Agreement, except as noted in Item 5 below.
4. **DEPOSIT:** Customer will make a deposit of \$0.00 before commencement of the lighting installation. Deposit will be refunded, together with any interest then due, less any monies owed for service, at the end of the Agreement term, provided Customer's payment history has been satisfactory. If the revenue due for the remainder of Agreement, at time of cancellation, is less than the termination charge, the smaller figure shall be applied. Company reserves the right to terminate this Agreement and remove the lighting facilities at any time at its sole discretion. In this event, no termination charge will be applied.
5. **EARLY TERMINATION CHARGE:** Customer requested cancellation of this Agreement prior to expiration of the initial Agreement term as noted in Item 3 above will result in an early termination charge of \$2,475.00. If the revenue due for the remainder of Agreement, at time of cancellation, is less than the termination charge, the smaller figure shall be applied. The occurrence of any one or more of the following events by Customer shall constitute a default by Customer: 1) bankruptcy; 2) non-payment; or 3) discontinuation of access. In the event of default by Customer, Company reserves the right to terminate this Agreement, upon written notice to Customer and the early termination charges shall apply. Company reserves the right to terminate this Agreement, for its convenience and due to no fault by Customer, and remove the lighting facilities, in which event no early termination charge shall be applied.
6. **RIGHT OF WAY:** Customer hereby grants Company free access and right of way to maintain, install and remove any and all luminaires, poles, conductors and appurtenances associated with the lighting facilities contained within this Agreement. If vegetation prevents access, Company may use reasonable means to remove vegetation to gain access.
7. **INSTALLATION AND MAINTENANCE:** Customer is responsible for locating and marking all facilities, (irrigation, water, sewer, drainage, etc.) in areas where digging will take place if not part of the Palmetto Utility Protection Service (PUPS). Company is not responsible for any damage to Customer owned utilities such as irrigation, sewer, cable, water taps, etc. that have not been located or have been mis-located. Customer is responsible for: 1) notification to Company of any non-functioning or mal-functioning luminaires; 2) obtaining all applicable governmental permissions; 3) compliance with any governmental ordinances; and 4) payment to Company any and all costs associated with

change-out of lighting fixtures associated with Customer's non-compliance noted above. Company shall perform all ordinary replacement and maintenance on the equipment and appurtenances, including replacement of Company's standard lamps, photocells, poles, fixtures, conductors, conduit and electrical connections due to normal wear and tear. In the event of accidental damage or vandalism, Company shall bill Customer and hold Customer

responsible for all replacement work that is not recovered by Company from third party tortfeasors. Company will not be responsible for any landscape or pavement replacement that may be necessary as a result of the Company installing the lighting facility or any landscape or pavement replacement that may be necessary as a result of the Company performing maintenance on the lighting facility. Customer will maintain a reasonable working distance around luminaires and poles. \_\_\_\_\_

Customer Initials/Date

8. **RELOCATION:** If Customer elects, for any reason, to require removal or relocation of Company facilities, Customer is required to reimburse Company for all costs incurred by Company as a result of such removal or relocation. If action is taken by a governmental entity that requires the removal or relocation of Company's facilities, Customer is required to reimburse Company for all costs incurred by Company as a result of such removal or relocation.
9. **RATES AND TERMS:** The Rates and Terms under this Agreement are in accordance with Company's published Rates and General Terms and Conditions which are incorporated herein by reference and are available upon request. Rates and Terms are subject to change at any time by the South Carolina Public Service Commission in the manner prescribed by law.
10. **LIMITATION OF LIABILITY:** THE PARTIES AGREE, AS AN ESSENTIAL CONDITION OF THIS AGREEMENT, THAT COMPANY SHALL HAVE NO LIABILITY TO CUSTOMER OR TO ANY THIRD PARTY AS A RESULT OF THE SERVICES PROVIDED HEREUNDER OR COMPANY'S INSTALLATION, OPERATION, MAINTENANCE, OR REMOVAL OF THE LUMINAIRES, POLES, CONDUCTORS OR OTHER APPURTENANCES ASSOCIATED WITH THE LIGHTING FACILITIES EXCEPT TO THE EXTENT OF COMPANY'S NEGLIGENCE. ~~CUSTOMER AGREES TO INDEMNIFY COMPANY IN THE EVENT THAT A THIRD PARTY SHOULD BRING A CLAIM AGAINST COMPANY ARISING OUT OF THE SERVICES PROVIDED HEREUNDER OR COMPANY'S INSTALLATION, OPERATION, MAINTENANCE, OR REMOVAL OF THE LUMINAIRES, POLES, CONDUCTORS OR OTHER APPURTENANCES ASSOCIATED WITH THE LIGHTING FACILITIES.~~

IN NO EVENT WILL COMPANY BE LIABLE FOR INCIDENTAL, INDIRECT OR CONSEQUENTIAL DAMAGES. THE LIABILITY OF COMPANY SHALL IN NO EVENT EXCEED THE AMOUNT PAID BY CUSTOMER TO COMPANY DURING THE TWELVE MONTHS PRECEDING THE EVENT WHICH GIVES RISE TO THE UNDERLYING CLAIM.

11. **WARRANTIES:** COMPANY MAKES NO REPRESENTATIONS OR WARRANTIES OF ANY TYPE, EXPRESS OR IMPLIED, EXCEPT AS SPECIFICALLY STATED IN THIS AGREEMENT. WITHOUT LIMITING THE FOREGOING, COMPANY EXPLICITLY DISCLAIMS ANY WARRANTY REGARDING THE SERVICES PROVIDED HEREUNDER OR COMPANY'S INSTALLATION, OPERATION, MAINTENANCE, OR REMOVAL OF THE LUMINAIRES, POLES, CONDUCTORS OR OTHER APPURTENANCES ASSOCIATED WITH THE LIGHTING FACILITIES REGARDING THE SUITABILITY, PRACTICALITY, VIABILITY, OR FUNCTIONALITY OF THE PRODUCTS AND SERVICES PROVIDED HEREUNDER, EXCEPT AS SPECIFICALLY STATED HEREIN. COMPANY SPECIFICALLY DOES NOT WARRANT THAT THE PRODUCTS OR SERVICES WILL INCREASE SAFETY OR REDUCE THE POSSIBILITY OF CRIMINAL ACTIVITY. THE WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE ARE SPECIFICALLY DISCLAIMED.

**OTHER CONSIDERATIONS:** Deposit waived – Left in as Termination Charge. Contribution in Aid to Construction of \$800.00 is required for this installation and to be paid prior to installation.

**IN WITNESS WHEREOF**, the Parties have caused this Agreement to be executed in two identical counterparts each having the same legal significance as the other.

**SOUTH CAROLINA ELECTRIC & GAS COMPANY**

**RICHLAND COUNTY**

BY: \_\_\_\_\_

BY: \_\_\_\_\_

PRINT NAME: Daniel F. Kassis

PRINT NAME \_\_\_\_\_

TITLE: Vice President of Customer Service

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

ACCOUNT NO: \_\_\_\_\_

**RATE 26**

**OVERHEAD PRIVATE  
STREET LIGHTING**

**AVAILABILITY**

This rate is available to customers using the Company's electric service for overhead street lighting.

**RATE**

All night street lighting service where fixtures are mounted on Company's existing standard wooden poles which are a part of Company's distribution system will be charged for at the following rates:

	<b>SIZE AND DESCRIPTION</b>	<b>Lamp Charges per Month</b>	<b>kWh per Month</b>
9,000	Lumens (MH) (100W) Closed Type	\$ 10.36	37
15,000	Lumens (HPS) (150W) Open Type	\$ 10.64	57
15,000	Lumens (HPS) (150W) Closed Type	\$ 12.06	62
30,000	Lumens (MH) (320W) Closed Type	\$ 18.64	123
50,000	Lumens (HPS) (400W) Closed Type	\$ 20.15	158

The following fixtures are available for new installations only to maintain pattern sensitive areas:

9,500	Lumens (HPS) (100W) Open Type	\$ 10.59	38
9,500	Lumens (HPS) (100W) Closed Type	\$ 10.59	38
15,000	Lumens (HPS) (150W) Open Type - Retrofit	\$ 10.64	63
27,500	Lumens (HPS) (250W) Closed Type	\$ 17.41	102
45,000	Lumens (HPS) (360W) Closed Type - Retrofit	\$ 19.75	164

Effective January 2009, selected existing light sets will no longer be available for new installations. Replacement light sets will only be available until inventory is depleted and will be replaced on a first-come, first-served basis. Affected lights are as follows:

7,500	Lumens (Mercury) (175W) Open Type	\$ 9.82	69
7,500	Lumens (Mercury) (175W) Closed Type	\$ 12.07	69
10,000	Lumens (Mercury) (250W) Open Type	\$ 14.79	95
20,000	Lumens (Mercury) (400W) Closed Type	\$ 18.69	159

<b>Cost per month for each additional pole:</b>					
	25'	30'	35'	40'	45'
(Fiberglass)	\$9.95	\$4.65	\$5.10	\$6.50	\$7.75

**MINIMUM CHARGE**

When construction costs exceed four (4) times the estimated annual revenue excluding fuel revenue to be derived by the Company, the customer may make a contribution in aid of construction of the excess cost or pay the Company's standard facility rate on the excess construction cost in addition to the rate charges above.

**ADJUSTMENT FOR FUEL AND VARIABLE ENVIRONMENTAL COSTS**

Fuel costs of \$.03541 per kWh are included in the monthly lamp charge and are subject to adjustment by the Public Service Commission of South Carolina.

**STORM DAMAGE COMPONENT**

Inclusion of a storm damage component has been indefinitely suspended until further order of the Public Service Commission of South Carolina.

**SALES AND FRANCHISE TAX**

To the above will be added any applicable sales tax, franchise fee or business license tax which may be assessed by any state or local governmental body.

**PAYMENT TERMS**

All bills are net and payable when rendered.

**TERM OF CONTRACT**

The initial term of this contract shall be for a period of five (5) years and, thereafter, for like periods until terminated by either party on thirty days' written notice, but the Company may require a contract of initial term up to ten (10) years and may require an advance deposit not to exceed one half of the estimated revenue for the term of the initial contract. The Company reserves the right to remove its facilities when subject to vandalism or for other cogent reasons.

**SPECIAL PROVISIONS**

The Company will furnish, erect, operate and maintain all necessary equipment in accordance with its standard specifications. It is the customer's responsibility to notify the Company when equipment fails to operate properly. Non-standard service requiring underground, special fixtures and/or poles will be furnished only when the customer pays the difference in costs between such non-standard service and standard service or pays to the Company its normal monthly facility charge based on such difference in costs.

**GENERAL TERMS AND CONDITIONS**

The Company's General Terms and Conditions are incorporated by reference and are a part of this rate schedule.

# AGREEMENT FOR PRIVATE SECURITY LIGHTING SERVICE

**THIS AGREEMENT** made this 8<sup>th</sup> day of October, 2012 by and between South Carolina Electric & Gas Company, for itself, its successors and assigns hereinafter called "Company" and **Richland County – Broad River Road Streetscape** located along Broad River Road from Harbison Boulevard to Marley Drive in Columbia, South Carolina, hereinafter called "Customer".

It being agreed and understood that:

1. **EQUIPMENT:** Company will install and maintain standard light(s) and pole(s) as follows:

Qty	Type Luminaire(s)/Pole(s)	Rate	Lease Charges/Month
	100 Watt Metal Halide, 9,000 Lumens	26	\$
	150 Watt High Pressure Sodium, 15,000 Lumens	26	\$
	320 Watt Metal Halide, 30,000 Lumens	25	\$
33	400 Watt High Pressure Sodium, 45,000 Lumens	26	\$20.15
	30' Wooden Pole	26	\$
	35' Wooden Pole	26	\$
	25' Fiberglass Pole	26	\$
	Other:	X	\$
<b>TOTAL LEASE CHARGES PER MONTH:</b>			<b>\$664.95</b>

All charges are subject to S.C. sales tax and all other applicable fees. These charges are in accordance with Company's published rates. Company will retain ownership of facilities installed on Customer's premises.

2. **LIGHTING SERVICE:** Company shall provide lighting service from dusk (one half (1/2) hour after sunset) to dawn (one half (1/2) hour before sunrise) each night during the Agreement period for a total of approximately four thousand (4000) hours of lighting per year. Company does not guarantee lighting level for security or public safety purposes. Customer agrees that lighting is not designed in accordance with the Illuminating Engineering Society (IES) recommended maintained luminance and illumination values for roadways and area lighting.
3. **TERM:** The initial term of the Agreement is for five (5) years, beginning on the date service is established, and Agreement continues thereafter from year to year until terminated by at least thirty (30) days prior written notice by either Party to the other of its intention to terminate the Agreement, except as noted in Item 5 below.
4. **DEPOSIT:** Customer will make a deposit of \$0.00 before commencement of the lighting installation. Deposit will be refunded, together with any interest then due, less any monies owed for service, at the end of the Agreement term, provided Customer's payment history has been satisfactory. If the revenue due for the remainder of Agreement, at time of cancellation, is less than the termination charge, the smaller figure shall be applied. Company reserves the right to terminate this Agreement and remove the lighting facilities at any time at its sole discretion. In this event, no termination charge will be applied.
5. **EARLY TERMINATION CHARGE:** Customer requested cancellation of this Agreement prior to expiration of the initial Agreement term as noted in Item 3 above will result in an early termination charge of \$2,475.00. If the revenue due for the remainder of Agreement, at time of cancellation, is less than the termination charge, the smaller figure shall be applied. The occurrence of any one or more of the following events by Customer shall constitute a default by Customer: 1) bankruptcy; 2) non-payment; or 3) discontinuation of access. In the event of default by Customer, Company reserves the right to terminate this Agreement, upon written notice to Customer and the early termination charges shall apply. Company reserves the right to terminate this Agreement, for its convenience and due to no fault by Customer, and remove the lighting facilities, in which event no early termination charge shall be applied.
6. **RIGHT OF WAY:** Customer hereby grants Company free access and right of way to maintain, install and remove any and all luminaires, poles, conductors and appurtenances associated with the lighting facilities contained within this Agreement. If vegetation prevents access, Company may use reasonable means to remove vegetation to gain access.
7. **INSTALLATION AND MAINTENANCE:** Customer is responsible for locating and marking all facilities, (irrigation, water, sewer, drainage, etc.) in areas where digging will take place if not part of the Palmetto Utility Protection Service (PUPS). Company is not responsible for any damage to Customer owned utilities such as irrigation, sewer, cable, water taps, etc. that have not been located or have been mis-located. Customer is responsible for: 1) notification to Company of any non-functioning or mal-functioning luminaires; 2) obtaining all applicable governmental permissions; 3) compliance with any governmental ordinances; and 4) payment to Company any and all costs associated with change-out of lighting fixtures associated with Customer's non-compliance noted above. Company shall perform all ordinary replacement and maintenance on the equipment and appurtenances, including replacement of Company's standard lamps, photocells, poles, fixtures, conductors, conduit and electrical connections due to normal wear and tear. In the event of accidental damage or vandalism, Company shall bill Customer and hold Customer



responsible for all replacement work that is not recovered by Company from third party tortfeasers. Company will not be responsible for any landscape or pavement replacement that may be necessary as a result of the Company installing the lighting facility or any landscape or pavement replacement that may be necessary as a result of the Company performing maintenance on the lighting facility. Customer will maintain a reasonable working distance around luminaires and poles.

Customer Initials/Date

- 8. **RELOCATION:** If Customer elects, for any reason, to require removal or relocation of Company facilities, Customer is required to reimburse Company for all costs incurred by Company as a result of such removal or relocation. If action is taken by a governmental entity that requires the removal or relocation of Company's facilities, Customer is required to reimburse Company for all costs incurred by Company as a result of such removal or relocation.
- 9. **RATES AND TERMS:** The Rates and Terms under this Agreement are in accordance with Company's published Rates and General Terms and Conditions which are incorporated herein by reference and are available upon request. Rates and Terms are subject to change at any time by the South Carolina Public Service Commission in the manner prescribed by law.
- 10. **LIMITATION OF LIABILITY:** THE PARTIES AGREE, AS AN ESSENTIAL CONDITION OF THIS AGREEMENT, THAT COMPANY SHALL HAVE NO LIABILITY TO CUSTOMER OR TO ANY THIRD PARTY AS A RESULT OF THE SERVICES PROVIDED HEREUNDER OR COMPANY'S INSTALLATION, OPERATION, MAINTENANCE, OR REMOVAL OF THE LUMINAIRES, POLES, CONDUCTORS OR OTHER APPURTENANCES ASSOCIATED WITH THE LIGHTING FACILITIES EXCEPT TO THE EXTENT OF COMPANY'S NEGLIGENCE.

IN NO EVENT WILL COMPANY BE LIABLE FOR INCIDENTAL, INDIRECT OR CONSEQUENTIAL DAMAGES. THE LIABILITY OF COMPANY SHALL IN NO EVENT EXCEED THE AMOUNT PAID BY CUSTOMER TO COMPANY DURING THE TWELVE MONTHS PRECEDING THE EVENT WHICH GIVES RISE TO THE UNDERLYING CLAIM.

- 11. **WARRANTIES:** COMPANY MAKES NO REPRESENTATIONS OR WARRANTIES OF ANY TYPE, EXPRESS OR IMPLIED, EXCEPT AS SPECIFICALLY STATED IN THIS AGREEMENT. WITHOUT LIMITING THE FOREGOING, COMPANY EXPLICITLY DISCLAIMS ANY WARRANTY REGARDING THE SERVICES PROVIDED HEREUNDER OR COMPANY'S INSTALLATION, OPERATION, MAINTENANCE, OR REMOVAL OF THE LUMINAIRES, POLES, CONDUCTORS OR OTHER APPURTENANCES ASSOCIATED WITH THE LIGHTING FACILITIES REGARDING THE SUITABILITY, PRACTICALITY, VIABILITY, OR FUNCTIONALITY OF THE PRODUCTS AND SERVICES PROVIDED HEREUNDER, EXCEPT AS SPECIFICALLY STATED HEREIN. COMPANY SPECIFICALLY DOES NOT WARRANT THAT THE PRODUCTS OR SERVICES WILL INCREASE SAFETY OR REDUCE THE POSSIBILITY OF CRIMINAL ACTIVITY. THE WARRANTIES OF MERCHANTABILITY AND FITNESS FOR A PARTICULAR PURPOSE ARE SPECIFICALLY DISCLAIMED.

**OTHER CONSIDERATIONS:** Deposit waived – Left in as Termination Charge. Contribution in Aid to Construction of \$800.00 is required for this installation and to be paid prior to installation.

**IN WITNESS WHEREOF**, the Parties have caused this Agreement to be executed in two identical counterparts each having the same legal significance as the other.

**SOUTH CAROLINA ELECTRIC & GAS COMPANY**

**RICHLAND COUNTY**

BY: \_\_\_\_\_

BY: \_\_\_\_\_

PRINT NAME: Daniel F. Kassis

PRINT NAME \_\_\_\_\_

TITLE: Vice President of Customer Service

TITLE: \_\_\_\_\_

DATE: \_\_\_\_\_

DATE: \_\_\_\_\_

MAILING ADDRESS: \_\_\_\_\_

ACCOUNT NO: \_\_\_\_\_

# Richland County Council Request of Action

## **Subject**

An Ordinance Amending the Fiscal Year 2012-2013 General Fund Annual Budget to add a Full-Time Paralegal position in the Public Defender's Office [**FIRST READING**] [**PAGES 170-175**]

## **Notes**

October 23, 2012 - The Committee recommended that Council convert the Part-Time position to a Full-Time position, which will require a budget amendment, but will be financially neutral.

First Reading:

Second Reading:

Third Reading:

Public Hearing:

# Richland County Council Request of Action

**Subject:** Conversion of a Part-time Paralegal Position to a Full-time Paralegal Position

**A. Purpose**

The Circuit Public Defender requests that County Council approve the conversion of a part-time paralegal position to a full-time paralegal position.

**B. Background / Discussion**

The Richland County Public Defender’s Office has one part-time paralegal position in its budget. This position was for an individual working three days (22.5 hours) per week at a yearly salary of \$34,500. The person filling this position has left the employment of this office and Richland County. This position and salary was very specialized (death penalty support work) and we need to convert it to a more generalized paralegal position to more adequately support the core functions of this office.

Starting salary for a **full-time** paralegal in this department is \$28,407.60. The department is currently hiring five new attorneys and filling two existing vacancies which will increase the work load on the paralegal support staff.

The total cost (inclusive of FICA, retirement, medical, dental, and life insurances) for a full-time starting paralegal is estimated at \$39,000 per year. The total cost for the part-time is estimated at \$41,000 per year. The requested conversion will both save money and enhance the ability of this office to accomplish its mission.

There has been no prior action or request for action on this matter.

**C. Legislative/Chronological History**

This is a staff initiated request and has no legislative/chronological history.

**D. Financial Impact**

This request is a cost saving request as the starting salary of a full-time paralegal is cheaper than the currently budgeted part-time position. No funds are needed

Full Name	Salary Acct 511100 & 511300	FICA Acct 512200	Regular Retirement Acct 513100	Health Acct 513300	Dental Acct 513400	Life Acct 513500	Total Cost per Employee
<b>PART TIME (CURRENT)</b>	\$34,500.00	\$ 2,639.25	\$ 3,657.00	\$ -	\$ -	\$ -	\$40,796.25
<b>FULL TIME (PROPOSED)</b>	\$28,407.60	\$ 2,173.18	\$ 3,011.21	\$ 5,231.40	\$ 303.84	\$ 45.12	\$39,172.35

## E. Alternatives

1. Approve this request converting a part time paralegal position to a full time paralegal position. This will allow the department to more completely meet staffing needs at no increased cost to the County.
2. Deny the request and force the department to try and fill a position which was set up prior to the switch to county employee status to accommodate one specific individual who had a specific skill set which is not generally available in the market place.

## F. Recommendation

It is recommended that Council approve the request to convert a part time paralegal position to a full time paralegal position.

Recommended by: Circuit Public Defender Douglas Strickler  
Department: Public Defender  
Date: October 8, 2012

## G. Reviews

### Finance

Reviewed by: Daniel Driggers

Date: 10/11/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: The request is a budgetary request which is at the discretion of Council. Below is some related information for consideration.

- The current method for approval of the departmental position count is through the annual budget
- The Public Defender currently receives funding from the County of approximately \$1.6m. Additional funds are received from the State and Kershaw County
- Council approved the addition of five attorney positions in the FY13 budget
- Based on the ROA, the request would be cost neutral

### Human Resources

Reviewed by: Dwight Hanna

Date: 10/15/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: The request is a budgetary request which is at the discretion of County Council.

### Legal

Reviewed by: Elizabeth McLean

Date: 10/16/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Policy decision left to Council's discretion.

**Administration**

Reviewed by: Sparty Hammett

Date: 10/16/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend Council approval to convert the position in the Public Defender's Office. The conversion of the position would be cost neutral. A budget amendment is required to create a new FT position. If recommended for approval, a budget amendment will be created.

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

AN ORDINANCE AMENDING THE FISCAL YEAR 2012-2013 GENERAL FUND ANNUAL BUDGET TO ADD A FULL-TIME PARALEGAL POSITION IN THE PUBLIC DEFENDER'S OFFICE.

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. That one full-time paralegal position be added to the Public Defender's Office and funded through the existing appropriation level. Therefore, the Fiscal Year 2012-2013 General Fund Annual Budget is hereby amended.

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 \_\_\_\_\_, 2012.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Kelvin Washington, Chair

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

OF \_\_\_\_\_, 2012

\_\_\_\_\_  
Clerk of Council

RICHLANDCOUNTYATTORNEY'S OFFICE

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

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

# Richland County Council Request of Action

## **Subject**

An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article X, Subdivision Regulations; Section 26-224, Certain Subdivisions Exempt from Road Standards; so as to delete the requirement of county review fees **[FIRST READING] [PAGES 176-181]**

## **Notes**

October 23, 2012 - The Committee recommended that Council delete the county review fees for family property (Section 26-224 of the Land Development Code), retroactive to November 15, 2011.

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



# Richland County Council Request for Action

**Subject:** Delete Review Fees for Family Property

## **A. Purpose**

County Council is requested to consider a motion to amend Section 26-224, to remove the requirement of review fees when an applicant proposes to subdivide what is commonly referred to as “family property.”

## **B. Background / Discussion**

On November 15, 2011, County Council enacted Ordinance No. 064-11HR, which allows the Planning Director, or his/her designee, to exempt subdivisions from the road construction requirements of Sec. 26-181 if the property is being transferred to the owners’ immediate family members or is being transferred by will or intestate succession or forced division decreed by appropriate judicial authority. Subsection (e) includes this provision:

“the proposed subdivision of land shall not be exempted from any other minimum standard set forth in this chapter, including any and all review fees, minimum lot size, etc.”

On April 17, 2012, a motion was made by the Honorable Kelvin Washington, as follows:

“I move to direct staff to draft an ordinance that would delete any county review fees for family property (Section 26-224 of the Land Development Code), retroactive to November 15, 2011.”

A draft ordinance is attached that deletes the review fees.

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

This item was deferred during the May, June, July, and September 2012 D&S Committee meetings in order for the Committee to obtain feedback from Chairman Washington.

## **D. Financial Impact**

The County would not receive the fees that it would have if the ordinance is not amended. For example, typical review fees are \$400 per application, and if the Planning Department received 5 applications per year, the loss of revenue would be \$2,000 per year. However, this amount could vary from year to year.

## **E. Alternatives**

1. Approve the amendment to Section 26-224, and delete the requirement of review fees retroactive to November 15, 2011.

2. Do not approve the amendment, thereby requiring a \$400 review fee to be paid when an applicant submits a plan to subdivide “family property.”

## F. Recommendation

This request is at Council’s discretion, as it was a motion by Mr. Washington.

Motion by: Honorable Kelvin E. Washington, Sr.      Date: April 17, 2012

## F. Approvals

### Finance

Reviewed by: Daniel Driggers      Date: 5/1/12  
 Recommend Council approval       Recommend Council denial  
 Council Discretion (please explain if checked)  
Comments regarding recommendation:

This is a policy decision for council discretion. The financial impact is negligible.

### Planning

Reviewed by: Tracy Hegler      Date:  
 Recommend Council approval       Recommend Council denial  
 Council Discretion (please explain if checked)  
Comments regarding recommendation:

While Planning recognizes the financial impact is negligible, the department is concerned about how this policy will be received by other applicants who are required to pay.

### Planning

Reviewed by: Amelia R. Linder      Date: 5/4/12  
 Recommend Council approval       Recommend Council denial  
 Council Discretion (please explain if checked)  
Comments regarding recommendation: This is a policy decision for Council to make.

### Public Works

Reviewed by: David Hoops      Date:  
 Recommend Council approval       Recommend Council denial  
 Council Discretion (please explain if checked)  
Comments regarding recommendation: Does not affect PW operating budget.

### Legal

Reviewed by: Brad Farrar      Date: 5/16/12  
 Recommend Council approval       Recommend Council denial  
 Council Discretion (please explain if checked)  
Comments regarding recommendation: See comments from Planning. Legal guidance available pursuant to S.C.Code Ann. Sections 30-4-10 et seq. (The South Carolina Freedom of Information Act) if desired.

**Administration**

Reviewed by: Sparty Hammett

Date: 5/16/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: I agree with the Planning Director, the removal of fees would have minimal financial impact; however, concerns could be raised by other applicants that have to pay plan review fees.

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-12HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; ARTICLE X, SUBDIVISION REGULATIONS; SECTION 26-224, CERTAIN SUBDIVISIONS EXEMPT FROM ROAD STANDARDS; SO AS TO DELETE THE REQUIREMENT OF COUNTY REVIEW FEES.

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 26, Land Development; Article X, Subdivision Regulations; Section 26-224, Certain Subdivisions Exempt From Road Standards; is hereby amended to read as follows:

**Sec. 26-224. Certain subdivisions exempt from road standards.**

The planning director, or his/her designee, may exempt subdivisions from the road construction requirements of Sec. 26-181 of this chapter only if the property is being transferred to the owners' immediate family members or is being transferred by will or intestate succession or forced division decreed by appropriate judicial authority. The subdivider must submit legal documentation satisfactory to the planning director, or his/her designee, in order to establish eligibility for this exemption. In addition, the subdivider must submit a "Hold Harmless Agreement" as to Richland County. This exemption shall apply only to initial division of property, not to subsequent sale or further subdivision by the heirs, devisees, or transferees. Plats of subdivisions so exempted shall show an ingress/egress easement providing access to all parcels, and shall contain the following information:

- (a) Names of owners of each parcel being created; and
- (b) Purpose of the subdivision; and
- (c) A note stating that "ROAD ACCESS NOT PROVIDED"; and
- (d) A note stating "THESE LOTS/PARCELS MAY NOT BE FURTHER SUBDIVIDED UNTIL ROAD ACCESS IS PROVIDED AND A REVISED PLAT IS APPROVED BY RICHLAND COUNTY".
- (e) Should the planning director, or his/her designee, exempt a proposed subdivision from the construction of the private roadway, the property shall also be exempt from delineation of jurisdictional and non-jurisdictional wetlands (for purposes of approving the plat for recordation only; this section shall not supersede any state and/or federal requirement for construction in, around or through a jurisdictional wetland or flood zone). In the situation that a property owner requests exemption from road construction as outlined in this section, the property owner shall sign a statement that he/she understands

that the proposed subdivision of land shall not be exempted from any other minimum standard set forth in this chapter, ~~including any and all review fees, minimum lot size, etc.;~~ provided, however, all Planning Department subdivision plan review fees shall be waived.

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

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

SECTION IV. Effective Date. This ordinance shall be effective retroactively from and after November 15, 2011.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Kelvin E. Washington, Sr., Chair

Attest this the \_\_\_\_\_ day of  
\_\_\_\_\_, 2012

\_\_\_\_\_  
Michelle M. Onley  
Assistant Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

# Richland County Council Request of Action

## **Subject**

Develop a Master Plan for the Olympia Neighborhood **[TO TABLE] [PAGES 182-186]**

## **Notes**

October 23, 2012 - The Committee recommended that Council table this item.

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

**Subject:** Develop a Master Plan for the Olympia Neighborhood

### **A. Purpose**

County Council is requested to direct staff to develop a Neighborhood Master Plan for the Olympia Neighborhood.

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

On September 11, 2012, a motion was made by the Honorable Seth Rose and the Honorable Kelvin Washington, which was forwarded to the October 23, 2012 D&S Committee agenda:

“To develop a master plan for the Olympia neighborhood that takes into account the community’s residential character and revitalization.”

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

The 10 priority focal areas as defined in 2005 are:

- Broad River Heights/Riverview Terrace;
- Candlewood;
- Crane Creek;
- Decker Boulevard/Woodfield Park;
- Dutch Square/Lower Broad River;
- Hopkins/29061 (now renamed Lower Richland);
- Lower Richland/Garners Ferry Road (now renamed Southeast Richland);
- Piney Grove/St Andrews;
- Spring Hill; and
- Trenholm Acres/Newcastle.

The Neighborhood Improvement Program staff is tasked with ensuring completion of these Master Plans and working with Council to initiate the plans’ respective strategies.

Since 2005, staff has procured consultants to complete each plan, and to date have completed seven (7) of the ten (10) proposed plans. As the Broad River Road Corridor Master Plan was the most recent to be completed and comprised a combination of two (2) of the proposed plans, only two remain: the Spring Hill and Lower Richland (Hopkins) Plans, both of which are currently underway and proposed for completion within the next 12 months.

If approved, the Olympia Master Plan would become the 10th primary focus area for Neighborhood Master Planning.

A map of the Olympia area is attached for reference.

In addition to this neighborhood Master Planning effort, the Central Midlands Council of Governments prepared a Neighborhood Master Plan for the Olympia Neighborhood in 1983. Staff can utilize this document as a template and/or starting point from which to begin study of the proposed project.

Council needs to be aware that the Olympia Neighborhood is located entirely within the City limits of Columbia. As such, any implementation strategies will necessitate coordination with the City Council and staff. The Planning Department recommends the County and City formalize an agreement regarding the Plan's development and implementation prior to initiating the Olympia Master Plan. This will help to ensure the strength of the Plan and lead to better implementation of its recommendations. This agreement will be presented at a later date.

A funding source and a proposed time frame for completion have yet to be approved and/or allocated for this project. It is estimated that this plan will cost upwards of \$150,000, and may take approximately a year to complete once initiated.

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

September 11, 2012 – Council presented a motion to develop a Master Plan for the Olympia Neighborhood as stated above. This motion was forwarded to the October 23, 2012 D&S Committee.

### **D. Financial Impact**

Developing a Master Plan for the Olympia Neighborhood will cost upwards of \$150,000. There are no funds allocated to this project at this time. The Neighborhood Improvement Program has approximately \$250,000 in the FY 12-13 budget to cover professional services, which were planned for the implementation of recommended projects from existing Neighborhood Master Plans. If these funds are used to fund the Olympia Neighborhood Master Plan, those projects related to the implementation of existing Master Plans would be delayed.

### **E. Alternatives**

1. Approve the development of a Master Plan for the Olympia Neighborhood. If approved, a contract will be brought to Council for approval / award. The agreement with the City would also be brought to Council for approval at that time.
2. Do not approve the development of a Master Plan for the Olympia Neighborhood at this time.

### **F. Recommendation**

This request is at the discretion of County Council.

Motion by: Seth Rose and Kelvin Washington      Date: September 11, 2012



## F. Reviews

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

### Finance

Reviewed by: Daniel Driggers

Date: 10/10/12

Recommend Council approval

Recommend Council denial

✓ Recommend Council Discretion

Comments regarding recommendation: As stated in the ROA, approval is a funding decision and at the discretion of Council. Approval as stated would not require a budget amendment. FY12 audited financial results are not available yet however the estimated fund balance for Neighborhood Improvement is \$1.2m. Use of fund balance would require a budget amendment.

### Planning

Reviewed by: Tracy Hegler

Date: 10/15/12

Recommend Council approval

Recommend Council denial

✓ Recommend Council Discretion

Comments regarding recommendation: As stated in the ROA, approval is a funding decision and at the discretion of Council.

### Legal

Reviewed by: Elizabeth McLean

Date: 10/16/12

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council's discretion.

### Administration

Reviewed by: Sparty Hammett

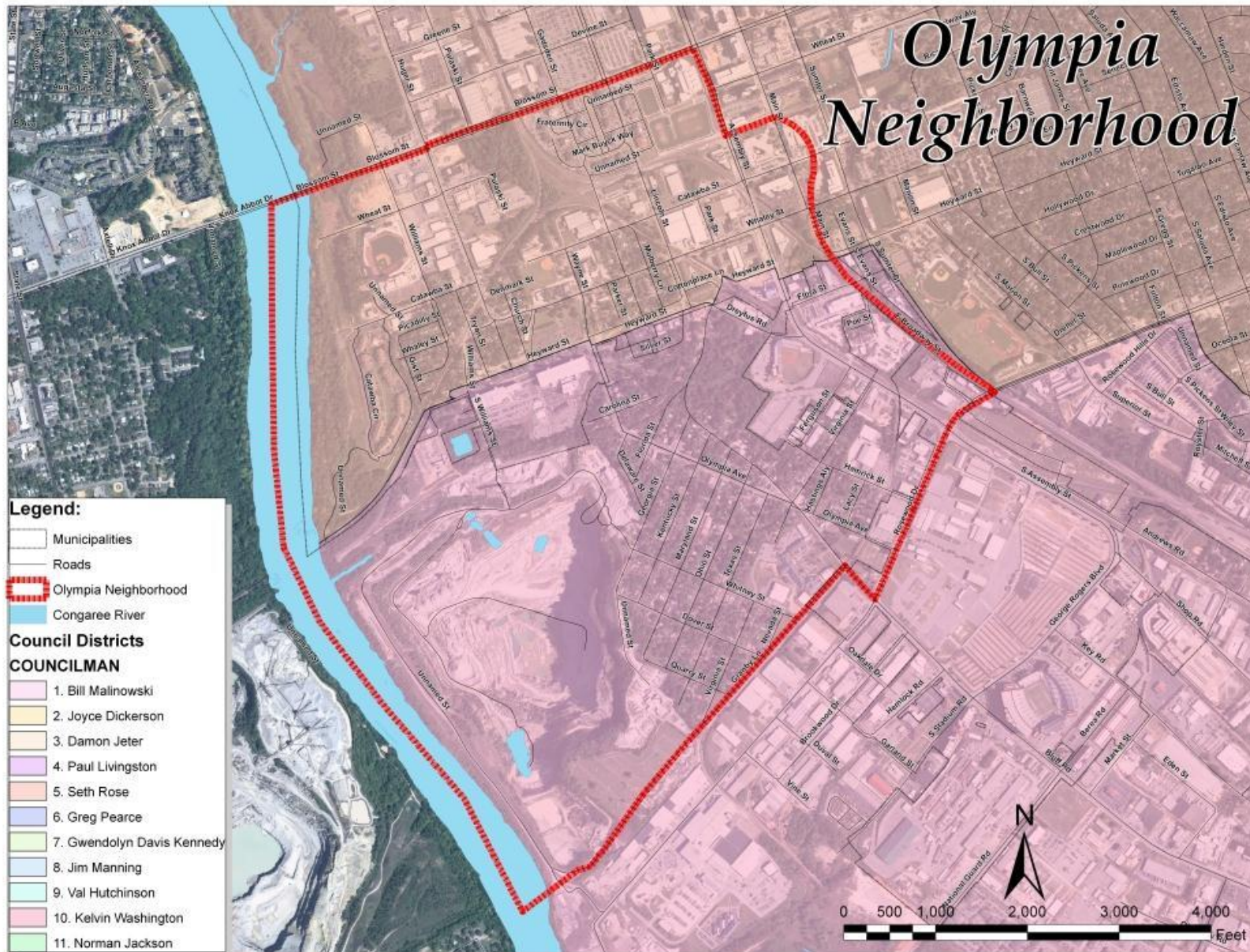
Date: 10/16/12

✓ Recommend Council approval

Recommend Council denial

Recommend Council Discretion

Comments regarding recommendation: Recommend Council approval of the development of an Olympia Master Plan. As indicated in the ROA, the Olympia Neighborhood is located entirely within the City limits of Columbia. If Council decides to approve the master plan, an agreement should be reached with the City of Columbia prior to beginning the master plan to avoid any implementation concerns.



# Richland County Council Request of Action

## **Subject**

Council Members to Review the Comprehensive Plan's Current and Future Land Use Maps [**RECEIVE AS INFORMATION**] [**PAGES 187-189**]

## **Notes**

October 23, 2012 - The Committee recommended that Council members accept the item as information, and meet with Planning staff as they deem necessary to review the current and future land use maps in their district. Further, the Committee recommends that the Comprehensive Plan be discussed at Retreat.

## Richland County Council Request of Action

**Subject:** Council Members to Review the Comprehensive Plan's Current and Future Land Use Maps

### **A. Purpose**

County Council members are requested by Mr. Malinowski to review the Comprehensive Plan's Current and Future Land Use Maps for their districts in order to ensure accuracy.

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

On October 2, 2012, the following motion was made by the Honorable Bill Malinowski:

“Council members may not have been fully aware of planned changes to future land use maps for their district at the time of creation. All Council members therefore should compare it with the current land use plan map and determine if it is correct. Any changes should be brought to the attention of staff for corrections and/or adjustments.”

The Current and Future Land Use Maps are an element of the “2009 Richland County Comprehensive Plan,” which was adopted by County Council on December 15, 2009. The Future Land Use Map serves as a guide for growth and does not change the current zoning of the area.

The Planning Department is available to go over the Current and Future Land Use Maps with Council Members at any time. Please contact Tommy DeLage, Comprehensive Planner, with questions or to review at 576-2172 or [delaget@rcgov.us](mailto:delaget@rcgov.us).

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

December 5, 2009 – Council adopted the “2009 Richland County Comprehensive Plan, which includes the Current and Future Land Use Plans.

### **D. Financial Impact**

There is no financial impact associated with this request. Council members may meet with staff regarding this item as they see fit.

### **E. Alternatives**

1. Review the Current and Future Land Use Plans with the Planning Department.
2. Do not review the Current and Future Land Use Plans with the Planning Department.

### **F. Recommendation**

This request is at the discretion of Council.

Motion by: The Honorable Bill Malinowski

Date: October 2, 2012

## G. Reviews

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

### Finance

Reviewed by: Daniel Driggers

Date: 10/11/12

Recommend Council approval

Recommend Council denial

✓ Council Discretion (please explain if checked)

Comments regarding recommendation: Request has no financial and recommendation is Council discretion

### Planning

Reviewed by: Tracy Hegler

Date: 10/11/12

Recommend Council approval

Recommend Council denial

✓ Council Discretion (please explain if checked)

Comments regarding recommendation: As noted above, the Planning Department is available to assist with this review as requested by Council members.

### Legal

Reviewed by: Elizabeth McLean

Date: 10/11/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Policy decision left to Council's discretion.

### Administration

Reviewed by: Sparty Hammett

Date: 10/16/12

✓ Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

# Richland County Council Request of Action

## **Subject**

Water Line Installation on Larger Street [**PAGES 190-193**]

## **Notes**

October 23, 2012 - The Committee recommended that Council direct staff to investigate the feasibility and cost of constructing a water line to properties along Larger Street, and report findings to Council. The Committee also recommended that staff review other similar instances across the County.

## Richland County Council Request of Action

**Subject:** Water Line Installation on Larger Street

### **A. Purpose**

County Council is requested to direct staff to investigate the feasibility and cost of installation of a water line on Larger Street.

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

The following motion was made by Councilwoman Kennedy at the September 18, 2012 Council Meeting:

**“Motion to have a water line installed on Larger Street.”**

Larger Street is a dead end street off of Heyward Brockington Road in northern Richland County. Please see attached map. Water service is currently provided to the area by the City of Columbia. According to Larger Street property owners, water service is available on Heyward Brockington Road, but not Larger Street. Therefore, residents on Larger Street currently use wells for their water.

It is requested that County staff be directed to:

1. Determine which properties along Larger Street are requesting water service.
2. Develop a map of potential service area.
3. Present request to City of Columbia and determine if capacity exists for additional customers.
4. Request City to develop a cost estimate for a water line extension.
5. Determine if City would extend a water line at their cost.

If approved, County staff will undertake items 1 – 5 above, and will provide information to Council for direction once available.

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

This motion was referred to the D&S Committee on September 18, 2012.

### **D. Financial Impact**

The financial impact will be determined after items 1 – 5 are undertaken. This information will be shared with Council once available.

### **E. Alternatives**

1. Approve the request to direct staff to investigate the feasibility and cost of constructing a water line along Larger Street. Items 1 – 5 will be undertaken if approved.
2. Do nothing. Residents will continue to receive water through wells.

**F. Recommendation**

It is recommended that Council direct staff to investigate the feasibility and cost of constructing a water line to properties along Larger Street and report findings to Council.

Recommended by: Andy H. Metts Department: Utilities Date: October 5, 2012

**G. Reviews**

**Finance**

Reviewed by: Daniel Driggers

Date: 10/11/12

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Request is for Council to provide staff direction

**Legal**

Reviewed by: Elizabeth McLean

Date: 10/12/12

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council discretion.

**Administration**

Reviewed by: Sparty Hammett

Date: 10/15/12

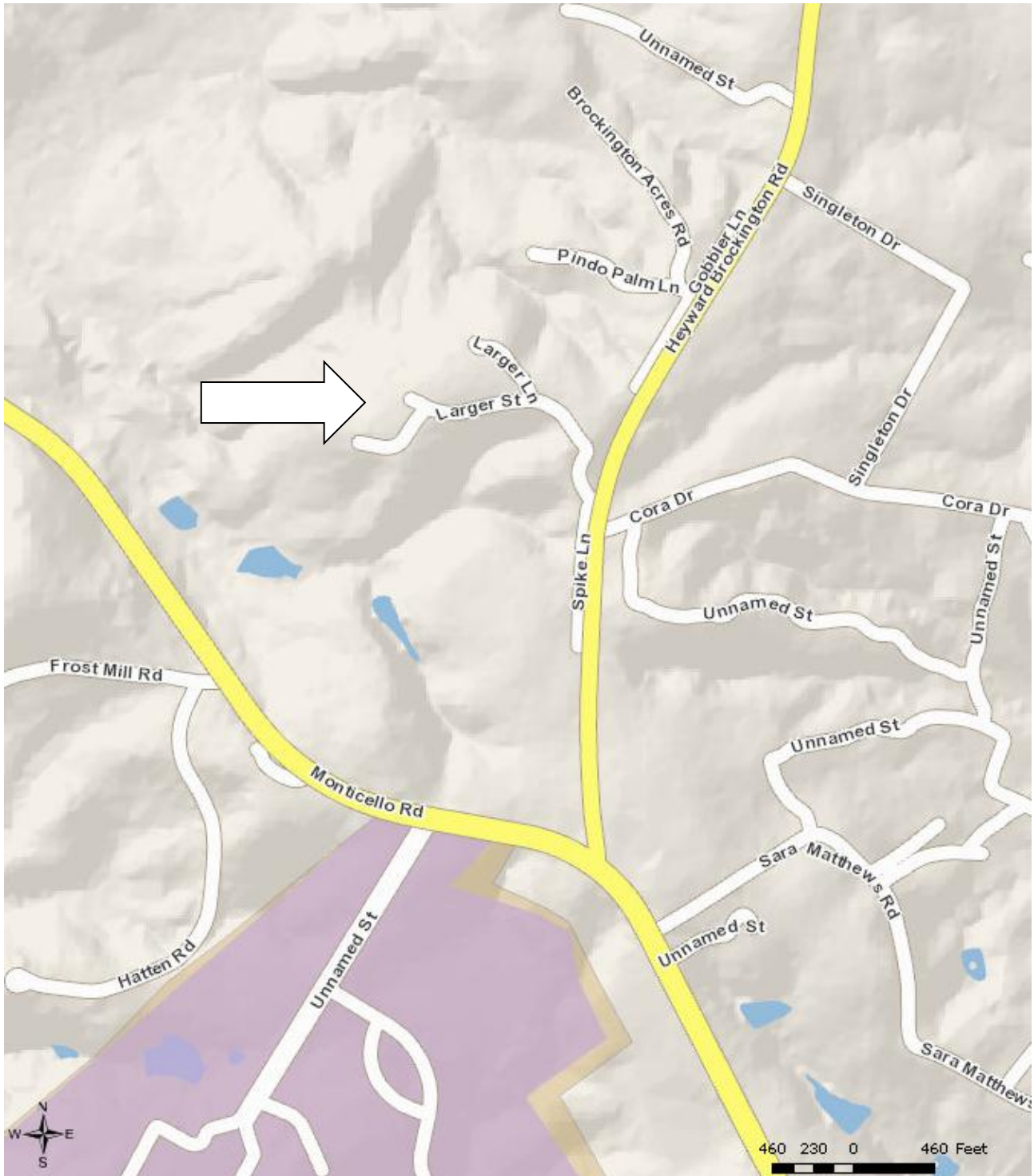
Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend Council approval to direct staff to investigate the feasibility and cost of constructing a water line along Larger Street.



# Larger Street



# Richland County Council Request of Action

## **Subject**

Broad River Sewer Monthly User Fee **[TO TABLE] [PAGES 194-207]**

## **Notes**

October 23, 2012 - The Committee recommended that Council table this item. The Committee further recommended that by the first of the year, staff provide information on the feasibility of prospectively metering sewer in unincorporated Richland County.

## Richland County Council Request of Action

**Subject:** Broad River Sewer Monthly User Fees

### **A. Purpose**

The purpose of this report is to provide County Council with additional information and to seek Council's direction relating to the motion made by Councilman Malinowski during the May 15, 2012 Council meeting.

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

Mr. Malinowski's motion from the May 15, 2012 Council Meeting is as follows:

**Many residents connected to City of Columbia Water are charged the same flat rate for sewer as those who have well water. Some families consist of 4 or more while others are only one person. This in itself will create a huge disparity in sewer use. In an effort to work toward a more fair pricing of utilities the following motion is being made: Determine per gallon usage rates for sewer in counties of comparable size to Richland County and then through liaison obtain water usage rates from Columbia in order to charge a more accurate sewer usage rate for those who have water meters. Those without meters will continue to pay a standard rate as determined by Richland County.**

Preliminary information on this subject has been provided to the D&S Committee on June 26, 2012 and July 31, 2012. Copies of this information are attached as Attachments "B" and "C."

Attachments "B" and "C" provided Council with general information relating to the number of customers that may be affected if a new monthly user fee rate structure is adopted. They also included general information on data and actions completed to date, and also outlined additional actions to be completed.

The most current and detailed information available is attached as Attachment "A" and is titled "Implementation Process to Institute a Sanitary Sewer Fee Based on Monthly Water Consumption." This attachment is a summary of all the information that both the Richland County Finance Department and the Utilities Department have been able to accumulate to assist County Council with their decision on modifying the sewer monthly user fee.

Attachment "A" provides details on information gathered from the City of Columbia, discusses information collected from other counties, discusses implementation challenges, and provides both up front implementation cost estimates and re-occurring annual cost estimates. Attachment "A" also includes a proposed implementation plan if Council decides to proceed with the development of a new rate structure.

A confidential memo from our Legal Department will be sent under separate cover.

It is at this time that Council's direction regarding this matter is requested.

**C. Legislative / Chronological History**

- This motion was referred to the D&S Committee during the May 15, 2012 Council meeting.
- Preliminary information was presented to the D&S Committee during the June 26, 2012 meeting. Council directed staff to continue to gather information from the City and report back.
- An update memorandum was presented to the D&S Committee during the July 31, 2012 meeting. This item remained in Committee pending Utilities staff providing additional information.

**D. Financial Impact**

Based on the information contained in Attachment “A,” the estimated one-time up-front cost to implement a consumption-based monthly user fee would be approximately \$92,500.00. This cost includes the cost to obtain initial data from the City, software cost, and the cost of a vehicle for a meter reader. The estimated recurring annual cost to maintain this program would be approximately \$177,000.00. This cost would include additional personnel, vehicle operation and maintenance, monthly water consumption data from the City, and additional billing costs.

All Richland County Utility systems are established as self-supporting enterprise funds. Therefore, all costs associated with the implementation of this program would be passed on to the customer unless another source of funds could be identified.

**E. Alternatives**

1. The County can continue to charge a flat rate (\$46.54) for monthly sewer usage.
2. The County can develop a monthly user fee based on water consumption as described in Attachment “A.”

**F. Recommendation**

Based upon the additional cost that would be passed on to the customer and the operational challenges of implementation, it is recommended that the County maintain its current flat rate method for charging monthly sewer user fees.

Recommended by: Andy H. Metts      Department: Utilities      Date: October 4, 2012

**G. Reviews**

**Finance**

Reviewed by: Daniel Driggers      Date: 10/15/12  
 Recommend Council approval       Recommend Council denial  
 Recommend Council Discretion

Comments regarding recommendation:

This is a policy decision for Council on the preferred method of determining the cost to provide a service. Based on the research, it seems that a consumption based fee system could be implemented if approved by Council. At this point it is unclear how the monthly fee per household would compare to the existing structure.

**Legal**Reviewed by: Elizabeth McLeanDate: 10/16/12 Recommend Council approval Recommend Council denial

Comments regarding recommendation: Council Discretion. Please see the legal opinion provided under separate cover.

**Administration**Reviewed by: Sparty HammettDate: 10/18/12 Recommend Council approval Recommend Council denial

Comments regarding recommendation: Implementation of a billing system based on water consumption would require an upfront cost of \$92,500 and increase annual operating costs by \$177,000. These additional costs would have to be passed on to the customers.

## Implementation Process to Institute a Sanitary Sewer Fee Based on Monthly Water Consumption

### I. Accomplished to date

- A. In reviewing service area maps, RCU has determined that there are approximately 5,000 customers that are served by the City of Columbia Water System in the Broad River Sanitary Sewer Service Area. However, additional time will be needed to completely identify all customers that are served by a public water system.
- B. RCU and Finance Department representatives have met with representatives from the City of Columbia to ascertain whether or not the City would be willing to forward water consumption data for customers located within the Broad River Sanitary Sewer Service Area and in what manner this information would be forwarded to the County.
  1. The City has stated that they would be willing to forward the water consumption data to RCU on a monthly basis at a cost of \$0.50 per record for each individual customer. The estimated cost of receiving this data from the City is included in table # 1 below.
  2. City representatives have stated that there are ten (10) individual billing cycles in a month. If the County requested the current month's water consumption data on the 1<sup>st</sup> of the month, the data would not be received until the end of the same month (approximately 30 day turn around period).
  3. City and County representatives will need to determine a manner in which to identify customers in order to recover the data from the City's database.
  4. The Finance Department has contacted the other 45 counties in South Carolina to determine if they provide utility services and if so how their utility fees are determined out of the 45 counties:
    - i. only five (5) counties (Berkeley, Clarendon, Dorchester, McCormick, and York) offer both sanitary sewer and water service. Out of those five (5) counties, three (3) counties (Berkeley, Clarendon & Dorchester) charge a flat rate for sanitary sewer services while water rates are based on consumption.
    - ii. The other two (2) counties (McCormick and York) charge a sewer rate based on in-house water consumption data.
    - iii. All five (5) counties bill on a monthly basis.
    - iv. In addition, there are two (2) counties (Anderson & Kershaw) that offer just sanitary sewer services. Anderson County has approximately 425 customers that are billed for sewer service on a consumption rate. Local water service providers provide hard copies of the consumption data to Anderson County. Kershaw County also bills their sewer customers utilizing a consumption rate. They obtain their water usage data from Lugoff-Elgin Water Authority. Both sewer systems are relatively very small.

ATTACHMENT "A"

## Attachment A

- C. A preliminary legal review indicates that a hybrid rate, where one customer has a monthly charge based on water consumption and another customer receiving the same service has a monthly charge based on a flat rate, may not be easily defensible. But, if the customer who is normally charged a flat rate is given an opportunity to install a water meter and become a consumption based customer, then the hybrid rate becomes more defensible.
- D. Cost estimates have been obtained for sewer customers not currently on a metered water supply, to purchase and have installed on their property and at their cost, a water meter that is compatible with the County's meter reading system. A cost estimate has also been developed for a customer that elects to have the County install the meter on their behalf. Those cost estimates are included in table # 2 below.
- E. The Utilities Department has reviewed their current operational activities and determined that approximately 2 minutes per month per customer is spent reading water meters. If the approximate 5000 sewer customers currently on unmetered water services elect to install water meters and become consumption based sewer customers, then an additional 166 man-hours per month will be required to read the additional water meters. A new employee would be required in the Utilities Department to accomplish this task. The employee would require a vehicle which would require annual maintenance and fuel. The estimated cost to the Utilities Department is included in table #1 below.
- F. A new billing software system would be required to accept the water meter reading data and generate a monthly sewer bill base upon water consumption. The estimated cost of this new software is included in table # 1 below.
- G. The Finance Department staff will be required to modify their current billing process. This will likely require additional man-hours to request the water consumption data from the City of Columbia, process the water meter reading data as provide by the Richland County Utilities Department, produce the monthly billing data and process the monthly sewer bill for mailing.

It is recommended that a consumption based sewer bill be sent out monthly rather than quarterly as is currently the practice. Monthly billing will allow customer to investigate the cause of a higher than normal sewer bill and make repairs to leaks or other adjustments which may affect subsequent sewer bills. Monthly bill will increase the number of man-hours required to prepare the bills and will also increase the postage required for the mailings. These costs are estimated in table # 1 below.

# Attachment A

**Table # 1**

<b>Estimated Implementation Costs</b>			
<b>Item</b>	<b># of Units</b>	<b>Cost per unit</b>	<b>Total Cost</b>
City of Columbia water consumption data*	5000	\$ 0.50	\$ 2,500.00
Billing software**	1	\$ 60,000.00	\$ 60,000.00
Vehicle for Utilities Site Coordinator	1	\$ 25,000.00	\$ 25,000.00
Costs to develop software to rec. & proc. external data	1	\$ 5,000.00	\$ 5,000.00
<b>Total Up-front Cost</b>			<b>\$ 92,500.00</b>
<b>Estimated Annual Costs</b>			
<b>Item</b>	<b># of Units</b>	<b>Cost per unit</b>	<b>Total Cost</b>
Utilities Dept. pers. cost (Utilities Site Coordinator)***	1	\$ 40,000.00	\$ 40,000.00
Finance Department personnel cost (System Specialist & Billing/Collection)	1	\$ 95,706.00	\$ 95,706.00
Vehicle mainentance/depreciation****	1	\$ 11,100.00	\$ 11,100.00
Water consumption reports (City of Columbia)*****	12	\$ 2,500.00	\$ 30,000.00
Monthly Fin. Dept. costs to proc. monthly usage data	1	\$ 2,500.00	\$ 2,500.00
Monthly Fin. Dept. billing costs	1	\$ 8,200.00	\$ 8,200.00
Other costs as identified by the Fin. Dept.	1	\$ 4,000.00	\$ 4,000.00
<b>Total Annual Cost</b>			<b>\$ 176,806.00</b>
<p>*A 12 month water consumption history will be obtained from the City of Columbia for water customers that are located in the Broad River sanitary sewer service area. This data will be used to determine the rates needed to maintain the current O&amp;M budget for the Broad River sanitary sewer service area.</p> <p>**The cost of the Billing Software is based on an estimate given to RCU in 2007. This billing software would need to be reviewed with the Finance Department and the estimate updated for a final cost.</p> <p>***There are approximately 10,000 customers in the Broad River Service Area. Out of the 10,000 customers, approximately 5,000 customers will need to have their individual meters read if the customers elect to have their sanitary sewer rate based on water consumption. It will take approximately 2 minutes to read each meter. At a rate of 2 minutes per meter, personnel could read approximately 200 meters/day, 1000 meters/week, 4000 meters/month. This may necessitate the need for additional assistance from other personnel.</p> <p>****The cost of Vehicle Maintenance/Depreciation is based on the current IRS mileage rate of \$0.555/mile at 20,000 miles/year.</p> <p>*****Approximately 5000 RCU customers are supplied water by the City of Columbia. In order to charge sanitary sewer rates based on monthly water consumption, RCU will need to request monthly water consumption reports for those from the City of Columbia for those customers. The cost will be \$0.50/customer report.</p>			

II. Present information to County Council and request further direction.



## Attachment A

### III. Actions to be undertaken if County Council approves the development of an implementation plan

- A. All customers that are served by the City of Columbia Water Department and RCU's Broad River Waste Water Sewer Service Area will be identified. This action will require a considerable number of man-hours from Existing Utilities personnel.
- B. Once a list of sewer customers who receive water service from the City is developed, monthly water consumption data, for the last 12 months, for the above referenced customers will be requested from the City of Columbia; this may have a cost of approximately \$2500
- C. All water service providers, in addition to the City of Columbia, within the Broad River Sanitary Sewer Service Areas, will be identified and all affected customers within said service areas will be identified
- D. Monthly water consumption data from the City of Columbia will be obtained and reviewed to determine appropriate monthly sanitary sewer rates in order to maintain the current Operating Budget for the Broad River Service Area.
- E. Determine costs for the Finance Department and Utilities Department to implement a monthly sanitary sewer fee based on monthly water consumption:
- F. Identify, with the assistance of the Finance Department, an appropriate Utility Billing Software.
- G. Develop a final implementation plan for presentation to County Council
  1. Provide the number of customers within the City of Columbia Water Department and RCU's Broad River Waste Water Sewer Service Area.
  2. Provide the average monthly water consumption rate for said customers.
  3. Recommend the appropriate monthly user fee based on water consumption.
  4. Present and recommend a Utility Billing Software.
  5. Present costs for the Finance Department and Utility Department to implement a sanitary sewer rate based on monthly water consumption.
  6. Provide a final implementation plan schedule.
- H. Present the final implementation to County Council and obtain approval for execution.
- I. Draft, present, and obtain the approval of an intergovernmental agreement between the City of Columbia, other water service providers, and RCU to obtain the monthly water consumption for customers within the Broad River Sewer Service Area

## Attachment A

- J. Implementation of the Utility Billing Software
  
- K. Contact Broad River Sewer Service Area customers and inform them of the option of the new water consumption based sanitary sewer rates
  - 1. Customers will be informed that they either have the option to continue with their current flat sewer rates or that they can participate in the new rates based on water consumption
  - 2. Customers will be made aware of the necessary requirements to be charged the sewer rates based on water consumption (i.e. plumbing modifications and the installation of a Hot Rod water meter). Costs for these modifications are listed below in Table # 2.

**Table # 2**

<b>Costs Incurred by the Customer (all costs paid by the Customer)</b>			
<b>Associated costs if the water meter is installed by the Customer</b>			
<b>Item</b>	<b># of Units</b>	<b>Cost per unit</b>	<b>Total Cost</b>
Water Meter*	1	\$ 317.30	\$ 317.30
<b>Total Cost</b>			<b>\$ 317.30</b>
<b>Associated Costs if the water meter is installed by Richland County Utilities for the Customer</b>			
<b>Item</b>	<b># of Units</b>	<b>Cost per unit</b>	<b>Total Cost</b>
Water Meter*	1	\$ 317.30	\$ 317.30
Miscellaneous plumbing fittings	1	\$ 50.00	\$ 50.00
Labor Costs**	2	\$ 72.00	\$ 144.00
<b>Total Cost</b>			<b>\$ 511.30</b>
<p><b>*The cost of the water meter may fluctuate on an annual basis depending on current market conditions and pricing provided by the vendor. The sanitary sewer customer would purchase the meter directly from RCU, at cost.</b></p> <p><b>**Labor costs are based on current market rates as provided in maintenance contracts between RCU and its contractors.</b></p>			

**Richland County Council Request of Action**

**Subject:** Broad River Sewer Monthly User Fees

**A. Purpose**

The purpose of this report is to provide County Council with information relating to the motion made by Councilman Malinowski during the May 15, 2012 Council meeting. The motion is as follows:

“Many residents connected to City of Columbia Water are charged the same flat rate for sewer as those who have well water. Some families consist of 4 or more while others are only one person. This in itself will create a huge disparity in sewer use. In an effort to work toward a more fair pricing of utilities the following motion is being made: Determine per gallon usage rates for sewer in counties of comparable size to Richland County and then through liaison obtain water usage rates from Columbia in order to charge a more accurate sewer usage rate for those who have water meters. Those without meters will continue to pay a standard rate as determined by Richland County.”

**B. Background**

The Richland County Utilities Department provides sewer service to approximately 10,000 residential and commercial customers. In addition, the Utilities Department provides water service to less than 600 residential customers. Only a small portion of the County’s water customers (15) are also County sewer customers.

Richland County’s sewer service area is considerably different than a municipality’s service area. The County’s service area is mostly in the unincorporated areas of the County where public water service may or may not be available. A specific survey has not been completed, but from reviewing sewer system service area maps, an estimated seventy percent (70%) of the County’s sewer customers may have access to a public water system. The remaining thirty percent (30%) obtain their water from private wells.

Several public water systems provide water service within the County’s sewer service area with the City of Columbia’s system being the largest. Of the seventy percent (70%) on public water, approximately fifty percent (50%) would be on the City of Columbia’s system with the remaining twenty percent (20%) being supplied by small community water systems. These small community water systems may be either owned and operated by a community or homeowners association. The water supplied by these small community water systems may or may not be metered for use.

**C. Discussion**

Richland County has historically charged a flat rate for sewer service due to a lack of access to water usage data. As mentioned above, the City of Columbia is the largest supplier of water in the County’s service area. Attempts have been made in the past to obtain water usage data from the City for County sewer customers. The City provides water service to approximately 132,000 customers. The problem with obtaining water

Item# 7

## Attachment B

usage data for County sewer customers only was the ability to identify those customers from the list of 132,000 customers that the City can provide.

In addition to not being able to identify the County customers from the City's list, there also exist approximately 2000 sewer customers who receive their water from small community water systems and 3000 sewer customers who receive their water from private wells. These wells normally do not have water meters nor does anyone collect any data on water consumption. Also, the small community water systems that are homeowner association owned likely do not have water meters installed to measure water consumption.

### D. Alternatives

1. The County can continue to charge a flat rate for monthly sewer usage. This is a common practice industry-wide where water usage data is not available.
2. The County can develop a program to collect water usage data from all sewer customers. This would require:
  - A. developing a software program to extract County customer data from City of Columbia water customer data,
  - B. maintaining and updating the software program mentioned above with new customer data monthly,
  - C. installing water meters on all private wells and community water systems without meters. This may require permission and a hold harmless agreement with the property owners,
  - D. develop a program to read water meters on private wells. This would likely require additional Utilities personnel,
  - E. modifying the County rate ordinance to reflect a new water usage rate structure.
3. The county can develop a hybrid monthly user fee to charge customers with available water consumption data a monthly fee based on consumption and a flat monthly fee for those without water consumption data. Many of the same requirements as identified in option #2 above would also apply to this option. This option should be discussed in greater detail with the Legal Department prior to implementation.

### E. Financial Impact

Alternative#1 above would have no financial impact on the Utilities Operation.

Alternatives #2 and #3 may require additional funds to develop a program to receive data from the City, install water meters and fund personnel to implement and maintain the program. Additional research would be required to estimate the actual implementation cost.

### F. Recommendation

Defer to Council's discretion.

**Recommended for discussion by:** Councilman Malinowski      **Date** 6/12/12

### G. Reviews

Please indicate your recommendation with a  before routing to the next recipient. Thanks.

Item# 7

## Attachment B

### Utilities

Reviewed by: Andy Metts

Date: 6/13/12

- Recommend Council approval of alternative #1  Recommend Council denial  
 Council Discretion (please explain if checked)

Comments regarding recommendation: Because of the obstacles and possible additional cost associated with implementing a water usage based rate structure, it is recommended that the monthly user fee remain as a flat rate. Flat Rate is the most common rate used by Utilities that provide only sewer service.

### Finance

Reviewed by: Daniel Driggers

Date: 6/13/12

- Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)

Comments regarding recommendation:

Alternative one is consistent with the County's current practice. Based on the information provided, additional research would be needed to determine the financial viability of alternative 2 or 3.

### Procurement

Reviewed by: Rodolfo Callwood

Date: 6/14/12

- Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)

Comments regarding recommendation:

### Legal

Reviewed by: Elizabeth McLean

Date: 6/14/12

- Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)

Comments regarding recommendation:

Policy decision left to Council's discretion.

### Administration

Reviewed by: Sparty Hammett

Date: 6/19/12

- Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend Council approval of Alternative 1 – continuing to charge a flat monthly rate.

Item# 7

Attachment C



**RICHLAND COUNTY**  
Department of Utilities  
7525 Broad River Road  
Irmo, South Carolina 29063

**Andy H. Metts, Director**

Phone: (803) 401-0050  
Facsimile: (803) 401-0030

24 hr Maintenance: (803) 401-0050  
Billing: (803) 576-2094

**MEMORANDUM**

July 26, 2012

TO: D & S Committee Members  
FROM: Andy H. Metts, Utilities Director  
SUBJECT: Broad River Sewer Monthly User Fees

The Utilities Department and Finance Department staff are working together to collect data, develop an implementation plan and estimate the cost of possibly converting the current sewer monthly user fee from a flat rate to one based upon water consumption. Some information has been collected but other information is still pending and is dependent upon a third party response. Discussions with the third parties are continuing and a plan will be presented to the D&S Committee as soon as it is complete.

The following are task completed to date:

- The Finance Department Staff has contacted several other counties and requested information on water and sewer rates in those counties. This information is compiled in a spreadsheet for further review and comparison.
- The Utilities Department has had several discussions with members of the City of Columbia Utilities Staff. As discussions proceeded through the chain-of-command, it may be possible for the City to provide the County with the water usage data needed to implement a sewer rate based on water consumption. Early indications are that the City would charge the County a fee for extracting the data and delivering this information to the County on a monthly basis.

Currently discussions are being held between the County staff and the City's IT staff to first, determine the format required for the data and then determine if the format is possible, and if so, at what cost to the County.

- Data has been collected on the cost of installation of water meters on private wells if those customers elect to install a water meter.

z/jean/curfil/andy/memo/d&s

Page 16 of 79

**ATTACHMENT "C"**

**Item# 4**

Attachment number 1  
Page 1 of 2

## Attachment C

Broad River Monthly User Fees  
July 26, 2012  
Page 2

The following tasks are pending completion:

- Continued discussions with the City of Columbia on format and cost to provide water usage data on a monthly basis.
- Continue discussions with other public and private water providers in the area to determine if water usage data can be obtained.
- Develop final cost and specifications on individual water meter installations if the customers elect to install meters.
- Develop staffing and equipment requirements to collect and use water usage data.
- Develop cost to modify customer billing system to incorporate a new rate structure.
- Prepare a final implementation for package for consideration by the D&S Committee.

Information continues to be collected, reviewed and analyzed on the above described task.

AHM/jbf

# Richland County Council Request of Action

## **Subject**

An Ordinance Authorizing a Quit-Claim Deed to Mary Tyler Robinson for an unnamed road shown on a plat in Plat Book "13" at Page 147 and recorded in the Richland County Register of Deeds; and being further described as Richland County TMS# 07313-07-01 **[FIRST READING] [PAGES 208-222]**

## **Notes**

October 23, 2012 - The Committee recommended that Council approve the quitclaim to the unopened road back to the Robinson family as requested.

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



## Richland County Council Request of Action

**Subject: Quitclaim Unopened Road off Skyland Drive**

### **A. Purpose**

County Council is requested to approve the quitclaim of an unopened road off Skyland Drive to the adjoining property owner.

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

Attorney W. D. Morris contacted Public Works on June 27, 2012 concerning the quitclaiming of a portion of land for a proposed road off Skyland Drive in District 5 (R07313-07-01) back to his client, Mary Tyler Robinson. A map of the parcel is attached for reference.

A quitclaim is a transfer of all one's interest, as in a parcel of real estate, especially without a warranty of title.

In July 1959 Richland County accepted a deed for a proposed road off Skyland Drive. The grantor of this road was the Robinson family. This road was never opened and has become overgrown and impassable to vehicular traffic. There are three lots that would become land locked by the closing of this road. However, the Estate of Mary T. Robinson owns all these lots. Also, staff has included a plat of the property which shows property lines to be abandoned along with a note which reads:

“ALL 4 PARCELS SHOWN ABOVE IN THE NAME OF MARY T. ROBINSON ARE TO BE COMBINED INTO ONE TMS PARCEL CONTAINING 5.41 ACRES TOTAL.”

**This road would never be extended due to the fact that there are numerous car lots where any road extension would be.**

There is correspondence on file dated July 1988 where consideration was given to opening this road to access the car lots fronting on Greystone Blvd. Once the Skyland Drive Neighborhood Home Owners Association (SDNHA) became aware of this, the association put together a petition drive to oppose opening the road. One hundred and nine signatures were obtained to oppose the opening of this road. This correspondence is attached. There is no reference in the file if the opening of this road ever went to County Council.

The draft quitclaim agreement is attached.

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

This request came from the attorney representing the Robinson family; therefore, there is no legislative history.

**D. Financial Impact**

There will be no financial impact to Richland County. In fact, this property, once quitclaimed back to the Robinson family, will be placed back on the tax rolls.

**E. Alternatives**

1. Approve the request to quitclaim this “proposed road” back to the Robinson family as requested.
2. Do not approve the quitclaim request and leave everything “as is.”

**F. Recommendation**

It is recommended that Council approve the request to quitclaim this unopened road back to the Robinson family as requested.

Recommended by: David Hoops Department: Public Works Date: October 3, 2012

**G. Reviews**

**Finance**

Reviewed by: <u>Daniel Driggers</u>	Date: 10/12/12
<input checked="" type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

**Legal**

Reviewed by: <u>Elizabeth McLean</u>	Date: 10/18/12
<input type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation: Policy decision left to Council’s discretion. This request requires an ordinance.	

**Administration**

Reviewed by: <u>Sparty Hammett</u>	Date: 10/18/12
<input checked="" type="checkbox"/> Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation: Recommend Council approval of the quitclaim request.	

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-12HR

AN ORDINANCE AUTHORIZING A QUIT-CLAIM DEED TO MARY TYLER ROBINSON FOR AN UNNAMED ROAD SHOWN ON A PLAT IN PLAT BOOK "13" AT PAGE 147 AND RECORDED IN THE RICHLAND COUNTY REGISTER OF DEEDS; AND BEING FURTHER DESCRIBED AS RICHLAND COUNTY TMS# 07313-07-01.

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. For and in consideration of the sum of \$1.00, the County of Richland and its employees and agents are hereby authorized to grant to MARY TYLER ROBINSON a quit-claim deed for an unnamed road shown on a plat in Plat Book "13" at page 147 and recorded in the Richland County Register of Deeds, also known as Richland County TMS# 07313-07-01, and as is further specifically described in the attached quit claim deed, which is 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: \_\_\_\_\_  
Kelvin Washington, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2012.

\_\_\_\_\_  
Michelle Onley  
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:

THIS SPACE LEFT BLANK FOR RECORDING PURPOSE

STATE OF SOUTH CAROLINA )  
 ) QUIT CLAIM DEED  
COUNTY OF RICHLAND )

THIS QUIT-CLAIM DEED, executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ by Richland County, (hereinafter "Grantor"), to Mary Tyler Robinson, (hereinafter "Grantee"). (Wherever used herein, the terms "Grantor" and "Grantee" shall include singular and plural, heirs, successors, assigns, legal representatives and corporations wherever the context so permits or requires).

WITNESSETH, that the said Grantor, for and in consideration of the sum of One Dollar (\$1.00), in hand paid by the grantee, the receipt of which is hereby acknowledge, does hereby remise, release, and quit-claim unto the Grantee, their heirs, successors, and assigns, forever, all their right, title, interest, claim and demand which Grantor has in and to the following described lot, piece, or parcel of land, situate, lying and being in the County of Richland, State of South Carolina, to wit:

All that certain piece, parcel or lot of land, situate, lying and being in the County of Richland, State of South Carolina, and being that portion of roadway shown as Proposed Road on a plat prepared for the Estate of Alice I. Robinson made by Joseph Keels, dated Feb. 27, 1958 and recorded in the ROD for Richland County in Plat Book "13" at page 147.

Tax Map Sheet 07313-07-01

TO HAVE AND TO HOLD the same together with all and singular the rights, members, hereditaments and appurtenances to the premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular the remises before mentioned unto the said Grantee, their heirs, successors and assigns forever so that neither the said Grantors nor their heirs successors, or assigns nor any other person or persons, claiming under their heirs, successors, or assigns, predecessors, or them, shall at any time hereafter, by any way or means, have claim or demand any right or title to the aforesaid premises or appurtenances, or any part of parcel thereof, forever.

WITNESS my hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

WITNESSES:GRANTOR

\_\_\_\_\_

(Witness #1)

By \_\_\_\_\_

Its: Chairman, Richland County Council

\_\_\_\_\_

(Witness #2/Notary )

**STATE OF SOUTH CAROLINA)**

)

**COUNTY OF RICHLAND )**

)

**PROBATE**

**(Grantor)**

Personally appeared before me \_\_\_\_\_ and  
(Name of Witness #1)  
made oath that (s)he saw the within named \_\_\_\_\_

Execute, seal and as its act and deed, deliver the within Assignment and that (s)he with

\_\_\_\_\_ witnessed the execution thereof  
(Name of Witness #2/Notary

\_\_\_\_\_  
Signature of Witness #1

Sworn to before me this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_

\_\_\_\_\_  
Notary Public for South Carolina

MCE \_\_\_\_\_

B. Dale Lowder, President  
Skyland Drive Neighborhood Homeowners Association  
130 Castle Road, Columbia, South Carolina 29210  
(803) 765-9051

July 7, 1988

RECEIVED

JUL 11 1988

RICHLAND COUNTY  
PUBLIC WORKS

Mr. Ralph Pearson  
Richland County Public  
Works Department  
400 Powell Road  
Columbia, SC 29203

RE: County Road, Tax Map No. 07310

Dear Mr. Pearson:

Enclosed please find a copy of the Skyland Drive Neighborhood Homeowners Association petition in opposition to opening a county road. This petition is the one I referred to in my letter to you of February 16, 1988. Although, I understand that Richland County has decided not to take any action concerning this road, I would appreciate it if you would contact me immediately if that decision changes. As you can see there is strong opposition to reopening this county road. Our neighborhood has been very concerned about not only the county road but any other actions taken which would jeopardize the integrity of our quiet residential area.

I appreciate the help that you have given us concerning this matter. Please feel free to call if you have any questions.

Sincerely,



B. Dale Lowder

BDL:sp  
Enclosure

SKYLAND DRIVE NEIGHBORHOOD HOMEOWNERS ASSOCIATION

PETITION IN OPPOSITION TO OPENING OF COUNTY ROAD

159

We, the undersigned residents of and members of the Skyland Drive Neighborhood Homeowners Association hereby oppose the reopening of the county road located adjacent to the properties of George H. Robinson and running between the property occupied by Ken Hyatt Chrysler Dealership and Skyland Drive; said lot is more specifically identified through reference to Richland County Property Tax Map Sheet No. 07310 which is attached to this petition and incorporated by reference.

<u>Barbara DeBucher</u>	<u>130 Castle Rd. 2910</u>	<u>465-9051</u>
<u>Frederick H. Herring</u>	<u>179 Castle Rd</u>	<u>779-0048</u>
<u>Mary J. Robinson</u>	<u>1131 Skyland Dr</u>	<u>779-2974</u>
<u>Art S. Schepel</u>	<u>513 Skyland Dr</u>	<u>779-8313</u>
<u>Mary Callahan</u>	<u>521 Skyland Dr</u>	<u>779-0373</u>
<u>Stanley R. Bond</u>	<u>130 Castle Rd</u>	<u>765-9051</u>
<u>George H. Robinson</u>	<u>1131 Skyland Dr</u>	<u>779-2974</u>
<u>Art S. Schepel</u>	<u>513 Skyland Dr</u>	<u>779-8313</u>
<u>Patrick H. Callahan</u>	<u>521 Skyland Dr</u>	<u>779-0373</u>
<u>Robert &amp; Mary C. Kuff</u>	<u>136 Castle Rd</u>	<u>252-7453</u>
<u>Dorothy M. Holder</u>	<u>146 Castle Rd.</u>	<u>252-6755</u>
<u>M. J. Holder</u>	<u>146 Castle Rd</u>	<u>252-6755</u>
<u>Dorothy D. Tuttle</u>	<u>145 Castle Rd.</u>	<u>765-2828</u>
<u>EM Whitman</u>	<u>189 Castle Rd</u>	<u>252-7243</u>
<u>Harmon Johnson</u>	<u>189 CASTLE RD</u>	<u>765-2882</u>
<u>Kurt von Beechmann</u>	<u>189 CASTLE RD</u>	<u>765-2882</u>
<u>Robert Parutan</u>	<u>185 Castle Rd</u>	<u>779-4146</u>
<u>Rob Sun</u>	<u>112 Castle Rd.</u>	<u>779-0329</u>
<u>Shirley Kuper</u>	<u>116 Castle Rd</u>	<u>252-9450</u>
<u>Jan Overstreet</u>	<u>1100 Skyland Dr. Kirkhill 2-3</u>	<u>779-8862</u>



8

Betty D. Christensen	135 Castle Rd.	765-0895
Russell P. Christensen	135 Castle Rd	765-0895
Martha H. Christensen	126 Castle Rd	252-4663
Nancy C. Christensen	126 Castle Rd.	252-3663
Frankie J. Goghly	120 Castle Road	779-3614
Lorna Blitch	500 Skyland Dr.	252-2575
Herb Blitch	"	"
Ruth R. Mobley	4 Hillmark Dr.	252-3015
Leigh V. Peck	8 Hillmark Dr	252-2432
Sperry Moore	"	252-2432
Leigh H. Peck	"	"
Janola Peck	"	"
Jack Peck	"	"
John Crumpton	20 Hillmark Dr.	765-5866
Carol Ann Crumpton	20 Hillmark Dr.	765-5866
MS Chew	32 HILLMARK DR.	779-2754
ELMORA CHEW	"	"
Robert S. Pierce	36 Hillmark Dr	252 9767
Wendy B. Bronkew	86 Hillmark Drive	771-7555
M. Ann Bronkew	"	"
Danny J. Stanley	"	"
Herbert K. Johnson	84 Hillmark DR.	765-9282
Pat Johnson	"	"
Mark Suggert	420 Skyland Dr	765-2622
Terri Suggert	"	"
David L. Handy	412 Skyland Dr.	765-2042
Kathy F. Handy	412 Skyland Dr.	765-2042

Russ H. Sumner	408 Skyland Dr.	252 5183
Fani 2 Puma	411 Skyland Dr.	779-0219
Dot Gauss	411 Skyland Dr.	779-6214
David B. Bault	501 Skyland Dr.	765-0477
Nebbia Bault	501 Skyland Dr.	765-0477
Mrs. R. E. Davis	501 Skyland Dr.	779-0235
Johnny H. Davis	426 Sedgefield Dr.	252-5979
Caroline Davis	426 Sedgefield Dr.	252-5979
Dennis Davis	" "	"
Cynthia Cole	414 Sedgefield Dr.	779-7702
Edward Long	" "	779-7702
Emily Tucker	500 Sedgefield Dr.	765-1724
Gene & Louise Baykin	514 Skyland Dr.	765-2655
Elaine Blanks	510 Sedgefield Rd.	254-3330
William P. Blanks, Jr.	510 Sedgefield Rd.	254-3330
William K. Blanks	510 Sedgefield Rd.	254-3330
Kathryn B. Manos	520 Sedgefield Dr.	779-3880
John N. Manos	520 Sedgefield Dr.	779-3880
<del>Mr</del> Mrs Joe H. Wylie	601 Skyland	7659220
Joe H. Wylie	601 Skyland Dr.	765-9220
Skip White	100 W. Shawnee Rd.	779-0565
Barbara White	100 W. Shawnee Rd.	779-0563
Jane Metts	60 Hillmark Dr.	771-7809
Bugs Metts	60 Hillmark Dr.	771-7809
Jim P. Wallis	56 Hillmark Dr.	779-7570
Maria Wittner	56 Hillmark Dr.	779-7570
Akew Bunsdrick	529 Skyland Dr.	252 8750
Lloyd E. Tibby	528 Skyland Dr.	256-4068
Sue Tibby	528 Skyland Dr.	256-4068

Carol Roof	614 Skyland Dr.	779-1227
Wendy Boles	614 Skyland Dr	779-1227
Shirley Milam	628 Skyland Dr	252-5722
Bill Suppasa	118 Normandy Rd.	765-9415
Thomas J. H. Mich	124 Normandy Rd.	252-7704
Luis L. McHaw	124 Normandy Rd	252-7704
Holly Flake	112 Normandy Rd	765-2037
Joseph B. Munner	119 Normandy	771-4956
David Morgan	137 Normandy	737-8829
Ed D. Morgan	137 Normandy Rd.	771-5151
L. Edward Stevenson	145 Normandy Rd.	254-8514
Curtis J. Jager	138 Normandy Rd.	29210 779-2761
W. Stuart Miller	111 Normandy Rd.	29210 765-1251
Susan B. Miller	111 Normandy Rd	29210 765-1251
Bhoda D. Hayes	115 Normandy Rd	29210
Tim Rogers	533 Harden St.	254-3148 799-3767 CO. 799-4897 Ch.
Dick Harpootlian	1720 Main St	265-2621
Harvey J. Dempsey	B-5 Birchhill	
Frank J. Jagan	C-1 Birchhill	252-2785
Mildred C. Robinson	J-3	" " 256-2075
Jesse J. Trout	G-4	" " 254-1857
Elizabeth M. Holt	D-3	" " 254-9106
Everett "Betty" Reavis	O-5	" " 254-6217
Ronis J. Jagers	A-6	" " 256-0717
William C. McKellar	O-8	" " 256-8979
Ron Banis	O-7	" " 799-2645
Kina P. Phillips	L-8	" " 256-2597
James A. Cayatt	P-1	" " 799-0770

David Lee	Q. 5 Riverview	252-8829
Charles Hall	R 2 Riverview	772-6971
Lynn & Benpton	H-1 Riverview	768-1335
Wickie Sturdevant	LS Riverview	799-3844

Being duly sworn, I hereby state  
 that the foregoing Highland Drive Neighborhood  
 Homeowners Association Petition in Opposition  
 to opening of county road consists of five signature  
 pages, including the front page and this page  
 and has attached a copy of Richland County Map  
 Job Map No. 07310.

July 5, 1988

Barb Dale Jordan,  
 President, Highland Drive Neighborhood  
 Homeowners Association

Sworn to and subscribed before me  
 on this the 7th day of July, 1988

Elke E. Watkins

Notary Public for S.C.  
 My Commission Expires:

# Quit Claim to Robinson Properties Richland County Right of Way TMS R07313-07-01

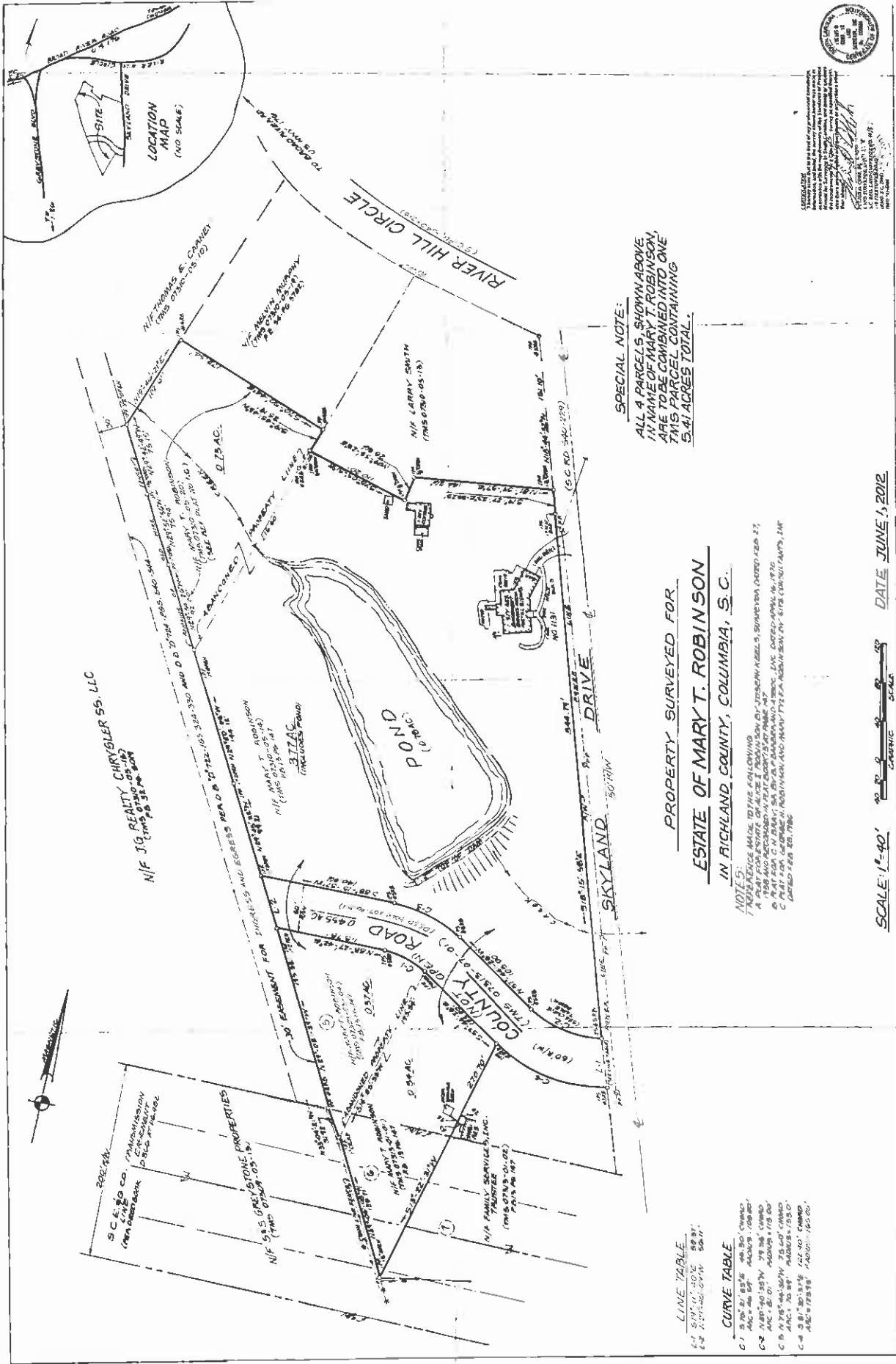


**Legend**

- Parcels
- Roads
- Richland County  
Quit Claim Property
- Properties that will  
be joined



This is a product of the Richland County  
Public Works Department 2012



# Richland County Council Request of Action

## **Subject**

An Ordinance Authorizing a Utility Easement/Right-of-Way to South Carolina Electric & Gas Company on property identified as TMS# 15209-01-04, also known as 218 McNulty Street **[FIRST READING] [PAGES 223-236]**

## **Notes**

October 23, 2012 - The Committee recommended that Council approve the power line easement to SCE&G for 218 McNulty Street, per the request of the Richland County Public Library, contingent upon clarification of the easement location and language associated with the easement, as well as the potential for compensation.

First Reading:

Second Reading:

Third Reading:

Public Hearing:

## Richland County Council Request for Action

Subject: Power Line Easement to SCE&G (218 McNulty Street - RCPL)

### A. Purpose

County Council is requested to approve an easement to SCE&G for power line placement along the western boundary of property owned by the County (for the benefit of the Richland County Public Library). The property involved is the Blythewood Branch of the RCPL at 218 McNulty Street.

### B. Background / Discussion

The Legal Department was approached by Steve Sullivan from the RCPL and SCE&G (Paul Thompson) for a power line easement along the western property line of a parcel owned by the County. The property borders property of Bethel Baptist Church to the west. The property is located on McNulty Street and houses the Blythewood Branch of the RCPL. Even though the property is used by the RCPL, the title is in the name of Richland County, for the benefit of the Public Library; thus, Richland County must approve and execute the easement. According to Mr. Sullivan, the RCPL Board of Trustees approved the request at its October 8, 2012, meeting. The item has now been forwarded to Richland County for approval and execution.

Please see the attached easement and GIS map for the location of the requested easement. Additionally, I have included an email from Paul Thompson describing the project and need for the requested easement.

As you will see from the easement, the easement area is not clearly defined. I will ask that SCE&G provide (before second reading), a revised easement and project drawing properly identifying the easement area.

### C. Legislative/Chronological History

None.

### D. Financial Impact

No known financial impact.

### E. Alternatives

1. Adopt the ordinance.
2. Do not adopt the ordinance.

### F. Recommendation

Council Discretion.

Recommended by: Elizabeth A. McLean

Department: Legal

Date: 10/10/12



## G. Reviews

### Finance

Reviewed by: Daniel Driggers

Date: 10/11/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

Request appears consistent with previous request with no financial impact. If approved, recommendation would be to make it contingent upon the clarification mentioned by legal in the last paragraph of the background section.

### Planning

Reviewed by: Tracy Hegler

Date: 10/15/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

Most of the impact is stated in the attached email to be on Bethel Baptist Church property, but agree with need for more clarification of the location. There is no perceived impact to Planning.

### Conservation

Reviewed by: Buddy Atkins

Date: 10/17/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

In the proposed easement, the following language has been included:

*Together also with the right to lay, construct, maintain, operate, repair, alter, replace and remove pipe lines, together with valves, tieovers and appurtenant facilities for the transportation of gas, oil petroleum products or any other liquids, gases or substances which can be transported through a pipe line.*

**The above language should be deleted from the proposed easement since SCE&G is requesting to install an overhead electric line.**

The proposed easement also contains the language:

*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. Grantor further agrees to maintain minimum ground coverage of twenty four (24) inches and maximum ground coverage of forty two (42) inches over all underground pipe (gas) lines. Together also with the right of entry upon said lands of Grantor for all of the purposes aforesaid.*

As previously stated, any reference to underground pipes should be excluded from the easement. Additionally, the language implies Richland County (Grantor) is responsible for maintaining certain maximum ground coverage. All maintenance of the overhead line easement to comply with vegetation management standards is the responsibility of SCE&G (Grantee). **The easement should be amended to accurately reflect said vegetative maintenance responsibility.**

**The easement should be amended to state explicitly what type of electric line is being proposed-transmission or distribution.** The line type will control the required ROW width. If indeed this is a distribution line, the proposed ROW is correct. However, if this is a transmission line, the width is inadequate and will be wider than stated which will have an environmental impact to the County's property and tree resources. The proposed easement states:

*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 or pipe lines 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;*

Lastly, I would recommend Council reconsider the proposed payment "of One Dollar (\$1.00) received from Grantee" to more accurately account for the environmental and conservation devaluation caused by locating the electric line on Richland County property.

### Public Works

Reviewed by: David Hoops

Date: 10/17/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend clarification of the bounds of the easement, refer to comments made by Mr. Atkins regarding multiple use of the easement, and consider impact on trees lining the route of the easement.

### Legal

Reviewed by: Elizabeth McLean

Date: 10/17/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: This request is for a standard power line easement. As noted in my ROA, the easement MUST be amended before third reading, as it fails to adequately describe the easement area; other than that issue, the language is discretionary and fairly standard for easement requests we have received from SCE&G. If Council would like to address the language allowing for underground utilities, we can take such a request to SCE&G. I assume the language is present so that the company can change power distribution methods without having to change the easement in each case. As I have stated, that decision is left to Council's discretion. I do not think that it

is necessary to state which specific type of line is being placed, as the easement area will be specifically described and will not be affected by the type of line.

Lastly, I will address Dr. Atkins' recommendation that the \$1.00 consideration be removed or amended to reflect the actual diminution in value. The present language is very standard and is merely a recital of the consideration for the contract, which is necessary for the contract to be valid. I am not aware that any diminution in value of county property has been asserted here, and would frankly be hard to even guess what that might be at this point as the easement area hasn't been properly defined.

I would recommend approval of the item, with the condition that the specific easement area be defined before second reading and with any other changes that Council may deem appropriate.

### **Administration**

Reviewed by: Sparty Hammett

Date: 10/17/12

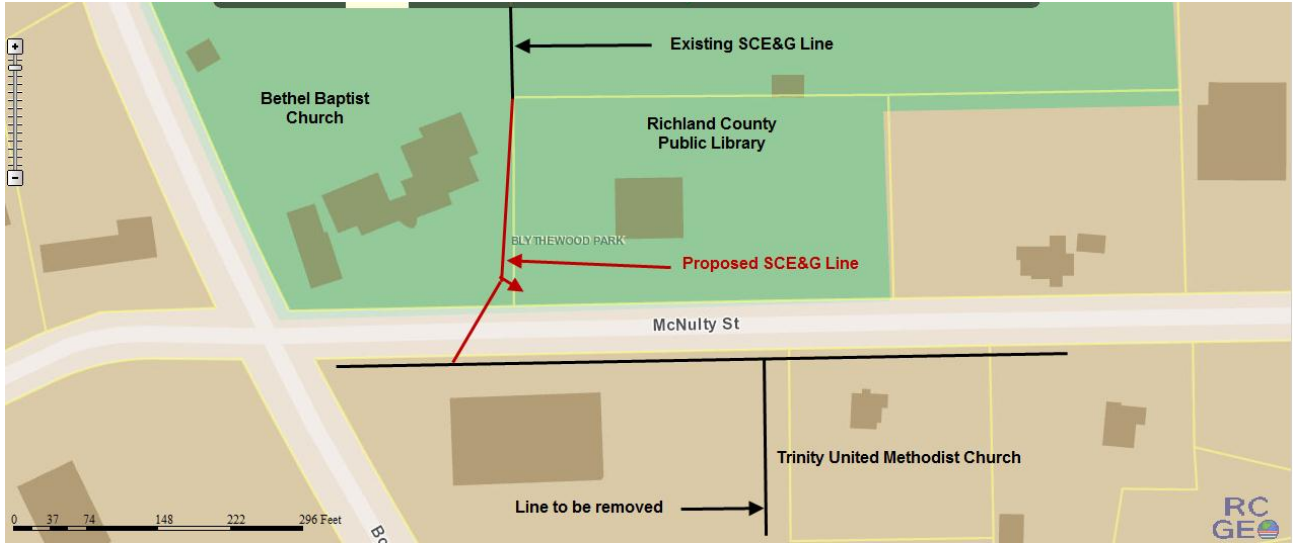
Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend approval with the following three changes:

- (1) The specific easement area should be defined,
- (2) Any reference to underground utilities should be deleted from the easement, and
- (3) SCE&G should be responsible for vegetative maintenance.



STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-12HR

AN ORDINANCE AUTHORIZING A UTILITY EASEMENT/RIGHT-OF-WAY TO SOUTH CAROLINA ELECTRIC & GAS COMPANY ON PROPERTY IDENTIFIED AS TMS# 15209-01-04, ALSO KNOWN AS 218 MCNULTY STREET.

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 a utility easement right-of-way to South Carolina Electric & Gas Company, upon land identified as TMS Number 15209-01-04, located at 218 McNulty Street, and as is more fully described in the easement/right-of-way, a copy of 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 effective from and after \_\_\_\_\_, 2012.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Kelvin Washington, Chairperson

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2012.

\_\_\_\_\_  
Michelle Onley  
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:

INDENTURE, made this \_\_\_\_\_ day of \_\_\_\_\_, 2012 by and between **Richland County for The Richland County Public Library** of the State of South Carolina, hereinafter called "Grantor" (whether singular or plural), and the SOUTH CAROLINA ELECTRIC & GAS COMPANY, 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 **1.90 acres**, more or less, and being the same lands conveyed to Grantor by deed of **Felix H. Rimer, Jr. et al**, dated or recorded **1/11/1991**, and filed in the Register of Deeds office for **Richland** County in Deed Book **1014** at Page **419**.

**Property is located on McNulty Street.**

**Right of way granted to extend overhead line along common property line of Grantor and n/f Bethel Baptist Church.**

**TMS: 15209-01-04**

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 to lay, construct, maintain, operate, repair, alter, replace and remove pipe lines, together with valves, tieovers and appurtenant facilities for the transportation of gas, oil petroleum products or any other liquids, gases or substances which can be transported through a pipe line.

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 or pipe lines 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. Grantor further agrees to maintain minimum ground coverage of twenty four (24) inches and maximum ground coverage of forty two (42) inches over all underground pipe (gas) 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 for The Richland County**

**Public Library**

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

\_\_\_\_\_ (SEAL)



**From:** THOMPSON, PAUL E III <PETHOMPSON@scana.com>  
**Sent:** Wednesday, October 10, 2012 9:39 AM  
**To:** ELIZABETH MCLEAN  
**Subject:** RE: SCE&G Easement and Richland County Public Library Property  
**Attachments:** McNulty Street.pdf

Mrs. McLean, Trinity United Methodist Church on McNulty street is planning an additional building. Currently we have a power line running through their tract where they plan to construct the building. We have an existing three phase line to the rear of the library which can feed McNulty Street. Bethel Baptist Church next to the library has verbally agreed to allow SCE&G to extend along the property line between them and the library. The new section of line would mostly be on the Bethel Baptist Church property with only the down guy anchor and some tree trimming on the library tract. This also allows SCE&G to make changes being requested by the Town of Blythewood in the near future. Attached is a sketch of proposed work. Thank you, Paul Thompson, SCE&G Right of Way.

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**From:** ELIZABETH MCLEAN [mailto:MCLEANE@rcgov.us]  
**Sent:** Wednesday, October 10, 2012 9:08 AM  
**To:** THOMPSON, PAUL E III  
**Subject:** RE: SCE&G Easement and Richland County Public Library Property

Mr. Thompson,

Could you please provide me with a summary of the project (why you need the easement)? I will need to provide it to County Council. I need it ASAP as the deadline for the committee meeting was yesterday.

Thanks,  
Elizabeth

**Elizabeth McLean**  
Assistant County Attorney  
Richland County Attorney's Office  
2020 Hampton Street, Room 4018  
PO Box 192  
Columbia, South Carolina 29202  
(803) 576-2078 (fax) 803-576-2139  
[mcleane@rcgov.us](mailto:mcleane@rcgov.us)

ATTORNEY-CLIENT OR OTHER PRIVILEGED INFORMATION NOT FOR DISSEMINATION BEYOND ORIGINAL ADDRESSEE(S) AND COPIED RECIPIENT(S)

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**From:** Sullivan, Steve [mailto:Sullivan@MyRCPL.com]  
**Sent:** Tuesday, October 09, 2012 1:53 PM  
**To:** ELIZABETH MCLEAN  
**Cc:** THOMPSON, PAUL E III  
**Subject:** SCE&G Easement and Richland County Public Library Property

Ms. McLean,

I work for the Richland County Public Library. I was contacted by Paul Thompson with SCE&G last month regarding an easement for an overhead line at our Blythewood branch library. The library has no issues with



his proposed line. The library's Board of Trustees considered the proposal at their meeting last night, October 8, 2012, and passed it as an agenda item.

The property is titled to Richland County for the Richland County Public Library. I thought it proper to send this on to you now for further consideration and execution. Is this, indeed, the way this works?

*S. Sullivan*

Steve Sullivan  
Operations Supervisor  
Richland County Public Library  
1431 Assembly Street  
Columbia, SC 29201  
803.929.3418  
803.622.5314 (mobile)

INDENTURE, made this \_\_\_\_\_ day of \_\_\_\_\_, 2012 by and between **Richland County for The Richland County Public Library** of the State of South Carolina, hereinafter called "Grantor" (whether singular or plural), and the SOUTH CAROLINA ELECTRIC & GAS COMPANY, a South Carolina corporation, having its principal office in Cayce, South Carolina, hereinafter called "Grantee".

WITNESSETH:

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**Property is located on McNulty Street.**

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**TMS: 15209-01-04**

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 to lay, construct, maintain, operate, repair, alter, replace and remove pipe lines, together with valves, tieovers and appurtenant facilities for the transportation of gas, oil petroleum products or any other liquids, gases or substances which can be transported through a pipe line.~~

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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 for The Richland County Public Library**

By: \_\_\_\_\_ (SEAL)

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

\_\_\_\_\_  
1<sup>st</sup> Witness

\_\_\_\_\_  
2<sup>nd</sup> Witness

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 for The Richland County Public Library**, 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 \_\_\_\_\_, 2012

\_\_\_\_\_  
Signature of Notary Public State of SC

My commission expires: \_\_\_\_\_

**RIGHT OF WAY GRANT TO  
SOUTH CAROLINA ELECTRIC & GAS COMPANY**

Line: **McNulty Rd**

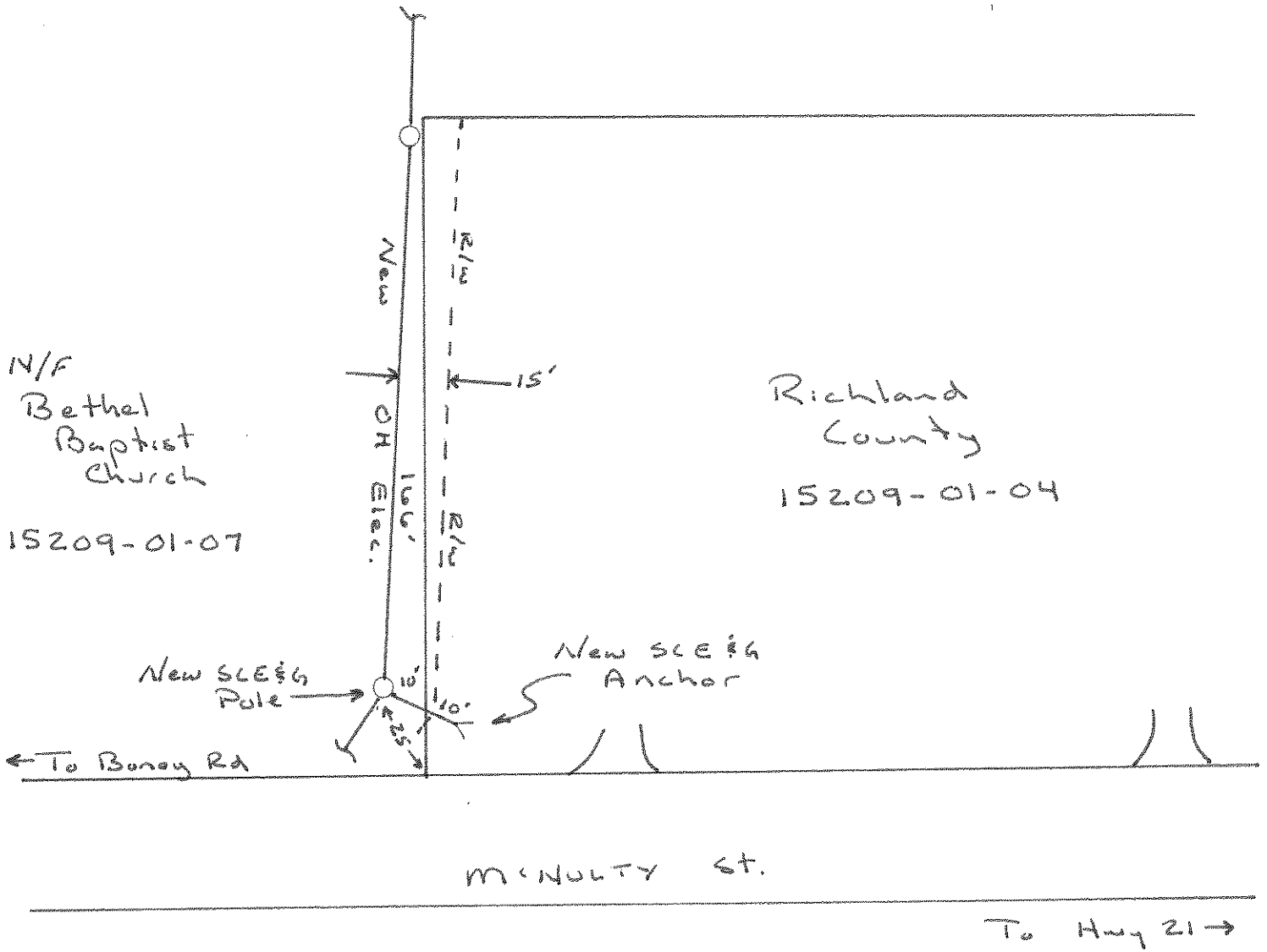
County: **Richland**

R/W File Number: **17922**

Grantor(s): **Richland County for The Richland County Public Library**

Return to: SCE&G

EXHIBIT "A"



# Richland County Council Request of Action

## **Subject**

An Ordinance Authorizing the issuance and sale of not to exceed \$9,000,000 Fire Protection Service General Obligation Bonds, Series 2012B, or such other appropriate series designation, of Richland County, South Carolina; fixing the form and details of the bonds; Authorizing the Interim County Administrator to determine certain matters relating to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; adopting written procedures related to tax-exempt debt; and other matters relating thereto **[PAGES 237-282]**

## **Notes**

September 25, 2012 - The committee recommended that Council approve a bond ordinance of up to \$9,000,000 in accordance with the capital needs assessment for County Fire operations as presented by the Administrator during the Council's annual planning retreat. The recommendation for approval is contingent upon Administration obtaining information on how the City of Columbia spends the monies it receives from its fire hydrant fee. The vote in favor was unanimous.

First Reading: October 2, 2012  
Second Reading: October 16, 2012  
Third Reading:  
Public Hearing: October 16, 2012

# Richland County Council Request of Action

**Subject:** Bond Issuance - Fire Service

## **A. Purpose**

County Council is requested to approve a bond ordinance for up to \$9,000,000 in accordance with the capital project plan provided at the planning retreat to Council members by the County Administrator.

## **B. Background / Discussion**

During the Council retreat in January 2012, the County Administrator provided Council with information about his capital needs assessment for County Fire Operations. The recommendation included a planned bond issue for approximately \$9m at the end of 2012.

During a discussion at the 2012 Council retreat it was mentioned that the current bond market has shown very favorable rates but can be volatile. Recent bond sales have closed with an effective interest rate of less than 2 percent and as low as 1.5 percent. Estimates are that if the County issues the same \$9m now to take advantage of these low rates the County could save the taxpayer more than \$1m on the total cost over the life of this loan.

County Administration has worked with the Emergency Service Director to ensure that the bond issue supports the immediate needs of the Fire Operation for vehicles and equipment. Funds will be used to purchase emergency vehicles, fire apparatus, portable and fixed equipment. Finance has worked with the County Financial Advisor to ensure that the issue can be managed within the current 1.8 mill tax rate for debt service.

The result of this is that the bond can be issue with no impact on the tax rate for Fire Service.

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

Capital Needs assessments for Fire Operations that the County Administrator provided to Council during its annual retreat in January of 2012.

## **D. Financial Impact**

The actual financial impact can not be determined until the bonds are issued. However consistent with the County's long-term plan, the proposal is advantageous to the County because:

- Request is consistent with the County Emergency Service Director priorities.
- Approval would address the replacement of aging equipment and vehicles related to public safety
- Approval would not increase the debt service millage associated with the Fire operation

- By issuing now and taking advantage of interest rates, the County will reduce it's borrowing cost by approximately \$1m over the life of the loan

**E. Alternatives**

1. Approve the requested bond ordinance and associated purchases.
2. Approve the requested bond ordinance but amend the purchase list.
3. Delay the approval of the bond ordinance and project list until a later time.
4. Do not approve the bond ordinance at this time and not move forward with the project list.

**F. Recommendation**

It is recommended that Council approve alternative 1 with a bond ordinance.

Recommended by: Daniel Driggers      Department: Finance      Date: 9/7/12

**G. Reviews**

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

**Finance**

Reviewed by: Daniel Driggers      Date: 9/18/12  
 Recommend Council approval       Recommend Council denial  
 Council Discretion (please explain if checked)  
 Comments regarding recommendation:

Request is consistent with the County capital plan

**Procurement**

Reviewed by: Rodolfo Callwood      Date: 9/18/12  
 Recommend Council approval       Recommend Council denial  
 Council Discretion (please explain if checked)  
 Comments regarding recommendation:

**Emergency Services**

Reviewed by: Michael Byrd      Date:  
 Recommend Council approval       Recommend Council denial  
 Council Discretion (please explain if checked)  
 Comments regarding recommendation: The bond will allow for the replacement of older fire vehicles and equipment. Large truck replacement purchases have not been made in several years. This will improve the readiness of the fleet.

**Legal**

Reviewed by: Elizabeth McLean      Date: 9/18/12  
 Recommend Council approval       Recommend Council denial  
 Council Discretion (please explain if checked)  
 Comments regarding recommendation: Policy decision left to Council's discretion.

**Administration**

Reviewed by: Tony McDonald

Date: 9/18/12

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend approval of the proposed bond issue for the following reasons: (1) items to be purchased through the bond are consistent with the Fire Service capital improvement program and with the recently renegotiated City / County Fire Service Contract; (2) timing of the bond issue is ideal due to the low interest rates that are currently available; and (3) issuance of the bond at this time will not increase the debt service millage currently reflected on the tax bills.



STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_\_-12HR

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED \$9,000,000 FIRE PROTECTION SERVICE GENERAL OBLIGATION BONDS, SERIES 2012B, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF RICHLAND COUNTY, SOUTH CAROLINA,; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; ADOPTING WRITTEN PROCEDURES RELATED TO TAX-EXEMPT DEBT; AND OTHER MATTERS RELATING THERETO.

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

SECTION 1. Findings and Determinations. The County Council (the “County Council”) of Richland County, South Carolina (the “County”), hereby finds and determines:

(a) Pursuant to Section 4-9-10, Code of Laws of South Carolina 1976, as amended, the County operates under the Council-Administrator form of government and the County Council constitutes the governing body of the County.

(b) The County Council has previously determined to establish, operate and maintain a system of fire protection in the unincorporated area of the County and in the incorporated limits of the Town of Forest Acres, the Town of Blythewood, and the Town of Eastover and within the Capital View Fire District and, pursuant to the provisions of Chapter 19 of Title 4 of the Code of Laws of South Carolina 1976, as amended (the “Enabling Act”), designated the areas of the County where fire protection service may be furnished by the County under the provisions of the Enabling Act (the “District”); and

(c) By virtue of the Enabling Act, County Council is authorized to issue general obligation bonds of the County for the purpose of raising moneys to establish, maintain, and operate a fire protection system as provided by the Enabling Act and to purchase the necessary fire-fighting equipment and to construct, acquire, and build the necessary fire stations and to acquire sites for the station; and

(d) Section 12 of Article X of the South Carolina Constitution prohibits the issuance of general obligation bonds of any county to finance fire protection facilities benefiting only a particular geographic section of a county unless a special assessment, tax or service charge in an amount designed to provide debt service shall be imposed upon the areas or persons receiving the benefit therefrom;

(e) After due investigation, County Council has determined and hereby finds that the levy and collection of an annual ad valorem tax within the District pursuant to this Ordinance will be sufficient to provide for the payment of the principal and interest on the bonds to be issued hereunder, and the respective requirements of Article X, Section 12 of the South Carolina Constitution and Section 4-19-30 of the Enabling Act with respect to the issuance of the bonds provided for herein have been met.

(f) The County Council has been advised by Co-Bond Counsel that a best practice related to the issuance of tax-exempt debt is for each issuer to have Written Procedures related to Tax-Exempt Debt.

(g) It is now in the best interest of Richland County for the County Council to provide for the issuance and sale of not exceeding \$9,000,000 fire protection service general obligation bonds of the County pursuant to the aforesaid provisions of the Constitution and laws of the State of South Carolina, the proceeds of which will be used to provide funds for the acquisition of firefighting equipment including but not limited to purchase emergency vehicles, fire apparatus, portable and fixed equipment (the "Project"), costs of issuance of the bonds; and such other lawful corporate and public purposes as the County Council shall determine and to adopt Written Procedures Related to Tax-Exempt Debt.

SECTION 2. Authorization and Details of Bonds. Pursuant to the aforesaid provisions of the Constitution and laws of the State, there is hereby authorized to be issued not exceeding \$9,000,000 aggregate principal amount of fire protection service general obligation bonds of the County to be designated "\$9,000,000 (or such lesser amount issued) Fire Protection Service General Obligation Bonds, Series 2012B, of Richland County, South Carolina" (the "Bonds") for the purpose stated in Section 1(f) of this Ordinance.

The Bonds shall be issued as fully registered Bonds registerable as to principal and interest; shall be dated as of the first day of the month in which they are delivered to the initial purchaser(s) thereof; shall be in denominations of \$5,000 or any integral multiple thereof not exceeding principal amount of Bonds maturing each year; shall be numbered from R-1 upward; shall bear interest from their date payable at such times as hereafter designated by the Interim County Administrator (the "Interim Administrator") at such rate or rates as may be determined by the County Council at the time of sale thereof; and shall mature serially in successive annual installments as determined by the Interim Administrator.

Without further authorization, the County Council hereby delegates to the Interim Administrator the authority to: (a) determine the par amount of the Bonds; (b) determine the maturity dates of the Bonds and the respective principal amounts maturing on such dates; (c) determine the interest payment dates of the Bonds; (d) determine redemption provisions, if any, for the Bonds; (e) the time and date of sale of the Bonds; (f) to receive bids on behalf of the County Council; and (g) award the Bonds to the bidder whose bid is in the best interest of the County, upon advice from the County's Bond Counsel and Financial Advisor. After the sale of the Bonds, the Interim Administrator shall submit a written report to County Council setting forth the details of the Bonds as set forth in this paragraph.

Wells Fargo Bank, N.A., Atlanta, Georgia, will serve as paying agent for the Bonds.

SECTION 3. Registration, Transfer and Exchange of Bonds. The County shall cause books (herein referred to as the "registry books") to be kept at the offices of the Registrar/Paying Agent, for the registration and transfer of the Bonds. Upon presentation at its office for such purpose the Registrar/Paying Agent shall register or transfer, or cause to be registered or transferred, on such registry books, the Bonds under such reasonable regulations as the Registrar/Paying Agent may prescribe.

Each Bond shall be transferable only upon the registry books of the County, which shall be kept for such purpose at the principal office of the Registrar/Paying Agent, by the registered owner thereof in person or by his duly authorized attorney upon surrender thereof together with a written instrument of transfer satisfactory to the Registrar/Paying Agent duly executed by the registered owner or his duly authorized attorney. Upon the transfer of any such Bond the Registrar/Paying Agent on behalf of the County shall issue in the name of the transferee a new fully-registered Bond or Bonds, of the same aggregate principal amount, interest rate and maturity as the surrendered Bond. Any Bond surrendered in exchange for a new registered Bond pursuant to this Section shall be canceled by the Registrar/Paying Agent.

The County and the Registrar/Paying Agent may deem or treat the person in whose name any fully-registered Bond shall be registered upon the registry books as the absolute owner of such Bond, whether such Bond shall be overdue or not, for the purpose of receiving payment of the principal of and interest on such Bond and for all other purposes and all such payments so made to any such registered owner or upon his order shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the County nor the Registrar/Paying Agent shall be affected by any notice to the contrary. For every such transfer of Bonds, the County or the Registrar/Paying Agent may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such transfer, and, except as otherwise provided herein, may charge a sum sufficient to pay the cost of preparing each Bond issued upon such transfer, which sum or sums shall be paid by the person requesting such transfer or by the County as a condition precedent to the exercise of the privilege of making such transfer. Neither the County nor the Registrar/Paying Agent shall be obliged to make any such transfer of Bonds during the fifteen (15) days preceding an interest payment date on such Bonds.

SECTION 4. Record Date. The County hereby establishes a record date for the payment of interest or for the giving of notice of any proposed redemption of Bonds, and such record date shall be the fifteenth (15th) day of the calendar month preceding each semiannual interest payment date on such Bond or in the case of any proposed redemption of Bonds, such record date shall be the fifteenth (15th) day prior to the giving of notice of redemption of bonds.

SECTION 5. Mutilation, Loss, Theft or Destruction of Bonds. In case any Bond shall at any time become mutilated in whole or in part, or be lost, stolen or destroyed, or be so defaced as to impair the value thereof to the owner, the County shall execute and the Registrar shall authenticate and deliver at the principal office of the Registrar, or send by registered mail to the owner thereof at his request, risk and expense a new Bond of the same series, interest rate and maturity and of like tenor and effect in exchange or substitution for and upon the surrender for cancellation of such defaced, mutilated or partly destroyed Bond, or in lieu of or in substitution for such lost, stolen or destroyed Bond. In any such event the applicant for the issuance of a substitute Bond shall furnish the County and the Registrar evidence or proof satisfactory to the County and the Registrar of the loss, destruction, mutilation, defacement or theft of the original Bond, and of the ownership thereof, and also such security and indemnity in an amount as may be required by the laws of the State of South Carolina or such greater amount as may be required by the County and the Registrar. Any duplicate Bond issued under the provisions of this Section in exchange and substitution for any defaced, mutilated or partly destroyed Bond or in substitution for any allegedly lost, stolen or wholly destroyed Bond shall be entitled to the identical benefits under this Ordinance as was the original Bond in lieu of which such duplicate Bond is issued, and shall be entitled to equal and proportionate benefits with all the other Bonds of the same series issued hereunder.

All expenses necessary for the providing of any duplicate Bond shall be borne by the applicant therefor.

SECTION 6. Execution of Bonds. The Bonds shall be executed in the name of the County with the manual or facsimile signature of the Chairman of the County Council attested by the manual or facsimile signature of the Interim Clerk of the County Council under a facsimile of the seal of the County impressed, imprinted or reproduced thereon; provided, however, the facsimile signatures appearing on the Bonds may be those of the officers who are in office on the date of adoption of this Ordinance. The execution of the Bonds in such fashion shall be valid and effectual, notwithstanding any subsequent change in such offices. The Bonds shall not be valid or become obligatory for any purpose unless there shall have been endorsed thereon a certificate of authentication. Each Bond shall bear a certificate of authentication manually executed by the Registrar in substantially the form set forth herein.

SECTION 7. Form of Bonds. The Bonds and the certificate of authentication shall be in substantially the form attached hereto as Exhibit A and incorporated herein by reference.

SECTION 8. Investment Contracts. The County Council hereby authorizes the Interim County Administrator to execute such investment contracts and related documents as he determines to be in the best interest of the County; provided that all such investments shall be permitted investments of public funds as provided in Section 6-5-10 and 11-1-60, Code of Laws of South Carolina 1976 as amended.

SECTION 9. Security for Bonds. For the payment of the principal of and interest on the Bonds, as they respectively mature, the full faith, credit and taxing power of Richland County, South Carolina, are hereby irrevocably pledged, and pursuant to Section 4-19-140 of the Code and Section 12 of Article X of the Constitution, there shall be levied annually by the Auditor of the County and collected by the Treasurer of the County, in the same manner as other county taxes are levied and collected, an ad valorem tax, without limit, on all taxable property in the Richland County Fire Protection District, sufficient to pay the principal of and interest on such Bonds as they respectively mature and to create such sinking fund as may be necessary therefor. Bonds issued by the County for the Richland County Fire Protection District are the primary obligation of the Richland County Fire Protection District and only in the event ad valorem taxes levied and collected in the Richland County Fire Protection District are insufficient to pay the debt service on the Bonds shall the County be required to levy and collect a tax on all taxable property within the County sufficient to pay the principal and interest on the Bonds as they mature and to create such sinking fund as may be necessary.

The County Council, acting through its Chairman, shall give the Auditor and Treasurer of the County written notice of the delivery of and payment for the Bonds and they are hereby directed to levy and collect annually, on all taxable property in the Richland County Fire Protection District, a tax, without limit, sufficient to pay the principal of and interest on the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

SECTION 10. Notice of Initiative and Referendum. The County Council hereby delegates to its Chairman and the Interim Administrator the authority to determine whether the Notice prescribed under the provisions of Title 11, Chapter 27, relating to the Initiative and Referendum provisions contained in Title 4, Chapter 9 of the Code of Laws of South Carolina 1976, as amended, shall be given with respect to this Ordinance, such notice being in the form attached hereto as Exhibit B. The Chairman and the Interim Administrator are authorized to cause such notice to be published in a newspaper of general circulation in the County.

SECTION 11. Defeasance. The obligations of the County under this Ordinance and the pledges, covenants and agreements of the County herein made or provided for, shall be fully discharged and satisfied as to any portion of the Bonds, and such Bond or Bonds shall no longer be deemed to be outstanding hereunder when:

(a) such Bond or Bonds shall have been purchased by the County and surrendered to the County for cancellation or otherwise surrendered to the County or the Paying Agent and is canceled or subject to cancellation by the County or the Paying Agent; or

(b) payment of the principal of and interest on such Bonds either (i) shall have been made or caused to be made in accordance with the terms thereof, or (ii) shall have been provided for by irrevocably depositing with a corporate trustee to be named in trust and irrevocably set aside exclusively for such payment, (1) moneys sufficient to make such payment, or (2) Government Obligations (hereinafter defined) maturing as to principal and interest in such amounts and at such times as will ensure the availability of sufficient moneys to make such payment and all necessary and proper fees, compensation and expenses of the corporate trustee. At such time as the Bonds shall no longer be deemed to be outstanding hereunder, such Bonds shall cease to draw

interest from the due date thereof and, except for the purposes of any such payment from such moneys or Government Obligations, shall no longer be secured by or entitled to the benefits of this Ordinance.

“Government Obligations” shall mean any of the following:

- (i) direct obligations of the United States of America or agencies thereof or obligations, the payment of principal or interest on which, in the opinion of the Attorney General of the United States, is fully and unconditionally guaranteed by the United States of America;
- (ii) non-callable, U. S. Treasury Securities - State and Local Government Series (“SLGS”);
- (iii) general obligation bonds of the State, its institutions, agencies, school districts and political subdivisions; and
- (iv) a defeasance obligation as defined in Section 6-5-10 of the S.C. Code as such as may be amended from time to time.

(c) Such Bond or Bonds shall be defeased as provided in Section 11-14-110 of the S.C. Code as such may be amended from time to time.

SECTION 12. Exemption from State Taxes. Both the principal of and interest on the Bonds shall be exempt, in accordance with the provisions of Section 12-2-50 of the Code, from all State, county, municipal, school district and all other taxes or assessments, except estate or other transfer taxes, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise.

SECTION 13. Eligible Securities. The Bonds initially issued (the “Initial Bonds”) will be eligible securities for the purposes of the book-entry system of transfer maintained by The Depository Trust Company, New York, New York (“DTC”), and transfers of beneficial ownership of the Initial Bonds shall be made only through DTC and its participants in accordance with rules specified by DTC. Such beneficial ownership must be of \$5,000 principal amount of Bonds of the same maturity or any integral multiple of \$5,000.

The Initial Bonds shall be issued in fully-registered form, one Bond for each of the maturities of the Bonds, in the name of Cede & Co., as the nominee of DTC. When any principal of or interest on the Initial Bonds becomes due, the Paying Agent, on behalf of the County, shall transmit to DTC an amount equal to such installment of principal and interest. DTC shall remit such payments to the beneficial owners of the Bonds or their nominees in accordance with its rules and regulations.

Notices of redemption of the Initial Bonds or any portion thereof shall be sent to DTC in accordance with the provisions of the Ordinance.

If (a) DTC determines not to continue to act as securities depository for the Bonds, or (b) the County has advised DTC of its determination that DTC is incapable of discharging its duties, the County shall attempt to retain another qualified securities depository to replace DTC. Upon receipt by the County the Initial Bonds together with an assignment duly executed by DTC, the County shall execute and deliver to the successor securities depository Bonds of the same principal amount, interest rate and maturity registered in the name of such successor.

If the County is unable to retain a qualified successor to DTC or the County has determined that it is in its best interest not to continue the book-entry system of transfer or that interests of the beneficial owners of the

Bonds might be adversely affected if the book-entry system of transfer is continued (the County undertakes no obligation to make any investigation to determine the occurrence of any events that would permit it to make any such determination), and has made provision to so notify beneficial owners of the Bonds by mailing an appropriate notice to DTC, upon receipt by the County the Initial Bonds together with an assignment duly executed by DTC, the County shall execute, authenticate and deliver to the DTC participants Bonds in fully-registered form, in substantially the form set forth in Section 2 of this Ordinance in the denomination of \$5,000 or any integral multiple thereof.

Notwithstanding the foregoing, at the request of the purchaser, the Bonds will be issued as one single fully-registered bond and not issued through the book-entry system.

SECTION 14. Sale of Bonds, Form of Notice of Sale. The Bonds shall be offered for public sale on the date and at the time designated by the Interim Administrator. A Notice of Sale in substantially the form set forth in Exhibit C attached hereto and incorporated herein by reference shall be distributed to prospective bidders and a summary of such Notice of Sale shall be published in a newspaper of general circulation in the State of South Carolina and/or in a financial publication published in the City of New York not less than seven (7) days prior to the date set for such sale.

SECTION 15. Preliminary and Final Official Statement. The County Council hereby authorizes and directs the Interim Administrator to prepare, or cause to be prepared, a Preliminary Official Statement to be distributed to prospective purchasers of the Bonds together with the Notice of Sale. The County Council authorizes the Interim Administrator to designate the Preliminary Official Statement as “near final” for purposes of Rule 15c2-12 of the Securities Exchange Commission. The Interim Administrator is further authorized to see to the completion of the final form of the Official Statement upon the sale of the Bonds so that it may be provided to the purchaser of the Bonds.

SECTION 16. Filings with Central Repository. In compliance with Section 11-1-85, South Carolina Code of Laws 1976, as amended, the County covenants that it will file or cause to be filed with a central repository for availability in the secondary bond market when requested: (a) a copy of an annual independent audit of the County within thirty (30) days of the County's receipt thereof; and (b) within thirty (30) days of the occurrence thereof, event specific information of an event which adversely affects more than five (5%) percent of the tax revenues of the County or the County's tax base.

SECTION 17. Continuing Disclosure. In compliance with the Securities and Exchange Commission Rule 15c2-12 (the “Rule”) the County covenants and agrees for the benefit of the holders from time to time of the Bonds to execute and deliver prior to closing, and to thereafter comply with the terms of a Disclosure Dissemination Agent Agreement in substantially the form appearing as Exhibit D to this Ordinance. In the event of a failure of the County to comply with any of the provisions of the Disclosure Dissemination Agent Agreement, an event of default under this Ordinance shall not be deemed to have occurred. In such event, the sole remedy of any bondholder or beneficial owner shall be an action to compel performance by the Ordinance.

SECTION 18. Deposit and Use of Proceeds. The proceeds derived from the sale of the Bonds shall be deposited with the Treasurer of the County in a special fund to the credit of the County, separate and distinct from all other funds, and shall be expended from time to time and made use of by the County Council as follows:

(a) Any premium shall be placed in the sinking fund established pursuant to Section 4-15-150 of the Code; and

(b) The balance of the proceeds shall be applied for the purposes set forth in this Ordinance including defraying the costs and expenses of issuing the Bonds.

SECTION 19. Reimbursement of Certain Expenditures. The County Council hereby declares its official intent pursuant to Regulation § 1.150-2 to reimburse the County from the proceeds of tax-exempt debt in the form of general obligation bonds of the County to be issued pursuant to the Constitution, Title 4, Chapter 19, Code of Laws of South Carolina 1976, as amended, Title 11, Chapter 27, Code of Laws of South Carolina 1976, as amended, and this Ordinance for expenditures with respect to the Project (the “Expenditures”). The County anticipates incurring Expenditures with respect to the Project prior to the issuance by the County of general obligation bonds for such purposes. To be eligible for reimbursement of the Expenditures, the reimbursement allocation must be made not later than 18 months after the later of (a) the date on which the Expenditures were paid, or (b) the date the Project was placed in service, but in no event more than three (3) years after the original Expenditures. The Expenditures are incurred solely to acquire, construct or rehabilitate property (both real and personal) having a reasonably expected economic life of at least one (1) year. The source of funds for the Expenditures with respect to the Project will be the County's general reserve funds.

SECTION 20. Notice of Public Hearing. The County Council hereby ratifies and approves the publication of a notice of public hearing regarding the Bonds and this Ordinance, such notice in the form attached hereto as Exhibit E, having been published in The State, a newspaper of general circulation in the County, not less than 15 days prior to the date of such public hearing.

SECTION 21. Tax Covenants. The County hereby covenants and agrees with the Holders of the Bonds that it will not take any action which will, or fail to take any action which failure will, cause interest on the Bonds to become includable in the gross income of the Bondholders for federal income tax purposes pursuant to the provisions of the IRC and regulations promulgated thereunder in effect on the date of original issuance of the Bonds. The County further covenants and agrees with the holders of the Bonds that no use of the proceeds of the Bonds shall be made which, if such use had been reasonably expected on the date of issue of the Bonds would have caused the Bonds to be “arbitrage bonds,” as defined in Section 148 of the IRC, and to that end the County hereby shall:

- (a) comply with the applicable provisions of Sections 103 and 141 through 150 of the IRC and any regulations promulgated thereunder so long as the Bonds are outstanding;
- (b) establish such funds, make such calculations and pay such amounts, in the manner and at the times required in order to comply with the requirements of the IRC relating to required rebates of certain amounts to the United States; and
- (c) make such reports of such information at the time and places required by the IRC.

SECTION 22. Written Procedures Related to Tax-Exempt Debt. The Board hereby approves the Written Procedures Related to Tax-Exempt Debt attached hereto as Exhibit F.

SECTION 23. Miscellaneous. The County Council hereby authorizes any one or more of the following officials to execute such documents and instruments as necessary to effect the issuance of the Bonds: Chair of the County Council, Interim County Administrator, Interim Clerk to the County Council and County Attorney. The County Council hereby retains McNair Law Firm, P.A. and The Law Office of Ernest W. Cromartie III, LLC, as co-bond counsel, , Parker Poe Adams and Bernstein LLP and Jabber & Isaac, P.A., co-disclosure counsel, and Southwest Securities Inc., as financial advisor in connection with the issuance of the Bonds. The Interim County Administrator is authorized to execute such contracts, documents or engagement letters as may be necessary and appropriate to effectuate these engagements.

All rules, regulations, resolutions and parts thereof, procedural or otherwise, in conflict herewith or the proceedings authorizing the issuance of the Bonds are, to the extent of such conflict, hereby repealed and this Ordinance shall take effect and be in full force from and after its adoption.

Enacted this \_\_\_\_ day of \_\_\_\_\_, 2012.

RICHLAND COUNTY, SOUTH CAROLINA

By: \_\_\_\_\_  
Kelvin Washington, Chair  
Richland County Council

(SEAL)

ATTEST THIS \_\_\_\_ DAY OF  
\_\_\_\_\_, 2012:

\_\_\_\_\_  
Interim Clerk to Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Date of First Reading:  
Date of Second Reading:  
Date of Public Hearing:  
Date of Third Reading:



(FORM OF BOND)

UNITED STATES OF AMERICA  
 STATE OF SOUTH CAROLINA  
 COUNTY OF RICHLAND  
 FIRE PROTECTION SERVICE GENERAL OBLIGATION BOND  
 SERIES 2012B

No. R-

<u>INTEREST</u> <u>RATE</u>	<u>MATURITY</u> <u>DATE</u>	<u>ORIGINAL</u> <u>ISSUE DATE</u>	<u>CUSIP</u>
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REGISTERED HOLDER: CEDE & CO.

PRINCIPAL AMOUNT: \_\_\_\_\_ DOLLARS

KNOW ALL MEN BY THESE PRESENTS, that Richland County, South Carolina (the "County"), is justly indebted and, for value received, hereby promises to pay to the registered holder specified above, or registered assigns, the principal amount specified above on the maturity date specified above, upon presentation and surrender of this Bond at the principal office of Wells Fargo Bank, N.A., in the City of Atlanta, State of South Carolina (the "Paying Agent"), and to pay interest on such principal amount from the date hereof at the rate per annum specified above until this Bond matures. Interest on this Bond is payable semiannually on \_\_\_\_\_ and \_\_\_\_\_ of each year, commencing \_\_\_\_\_, until this Bond matures, and shall be payable by check or draft mailed to the person in whose name this Bond is registered on the registration books of the County maintained by the registrar, presently Wells Fargo Bank, N.A., in Atlanta, Georgia (the "Registrar"), at the close of business on the fifteenth (15th) day of the calendar month preceding each semiannual interest payment date. The principal of and interest on this Bond are payable in any coin or currency of the United States of America which is, at the time of payment, legal tender for public and private debts; provided, however, that interest on this fully-registered Bond shall be paid by check or draft as set forth above.

This Bond shall not be entitled to any benefit under the Ordinance (hereafter defined), nor become valid or obligatory for any purpose, until the certificate of authentication hereon shall have been duly executed by the Registrar.

For the payment hereof, both principal and interest, as they respectively mature and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of the County are irrevocably pledged and there shall be levied annually by the Auditor of the County and collected by the Treasurer of the County, in the same manner as other county taxes are levied and collected, an ad valorem tax, without limit, on all taxable property in the Richland County Fire Protection District (the "Fire Protection District") sufficient to pay the principal and interest of this Bond as they respectively mature and to create such sinking fund as may be necessary therefor. Bonds issued by the County for the Fire Protection District are the primary obligation of the Fire Protection District and only in the event ad valorem taxes levied and collected in the Fire Protection District are insufficient to pay the debt service on the Bonds shall the County be required to

levy and collect a tax on all taxable property within the County sufficient to pay the principal and interest on the Bonds as they mature and to create such sinking fund as may be necessary.

This Bond is one of a series of Bonds of like date of original issue, tenor and effect, except as to number, denomination, date of maturity, redemption provisions, and rate of interest, aggregating \_\_\_\_\_ Dollars (\$ \_\_\_\_\_), issued pursuant to and in accordance with the Constitution and laws of the State of South Carolina, including Article X of the Constitution of the State of South Carolina, 1895, as amended; Title 4, Chapter 15, Code of Laws of South Carolina 1976, as amended; Title 11, Chapters 15, 21 and 27, Code of Laws of South Carolina 1976, as amended; and Ordinance No. \_\_\_\_\_ duly enacted by the County Council on \_\_\_\_\_, 2012.

[Redemption Provisions]

This Bond is transferable as provided in the Ordinance, only upon the books of the County kept for that purpose at the principal office of the Registrar by the registered holder in person or by his duly authorized attorney upon surrender of this Bond together with a written instrument of transfer satisfactory to the Registrar duly executed by the registered holder or his duly authorized attorney. Thereupon a new fully-registered Bond or Bonds of the same aggregate principal amount, interest rate redemption provisions, if any, and maturity shall be issued to the transferee in exchange therefor as provided in the Ordinance. The County, the Registrar and the Paying Agent may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of or on account of the principal hereof and interest due hereon and for all other purposes.

Under the laws of the State of South Carolina, this Bond and the interest hereon are exempt from all State, county, municipal, school district and all other taxes or assessments, except estate or other transfer taxes, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of the State of South Carolina to exist, to happen and to be performed precedent to or in the issuance of this Bond exist, have happened and have been performed in regular and due time, form and manner as required by law; that the amount of this Bond, together with all other indebtedness of the County, does not exceed the applicable limitation of indebtedness under the laws of the State of South Carolina; and that provision has been made for the levy and collection of a tax, without limit, on all taxable property in the County sufficient to pay the principal of and interest on this Bond as the same shall respectively mature and to create such sinking fund as may be necessary therefor.

IN WITNESS WHEREOF, RICHLAND COUNTY, SOUTH CAROLINA, has caused this Bond to be signed with the facsimile signature of the Chairman of the County Council, attested by the facsimile signature of the Interim Clerk to the County Council and the seal of the County impressed, imprinted or reproduced hereon.

RICHLAND COUNTY, SOUTH CAROLINA

\_\_\_\_\_  
Chairman, County Council

(SEAL)

A-2

ATTEST:

\_\_\_\_\_  
Interim Clerk, County Council

[FORM OF REGISTRAR'S CERTIFICATE OF AUTHENTICATION]

Date of Authentication:

This bond is one of the Bonds described in the within mentioned Ordinance of Richland County, South Carolina.

\_\_\_\_\_  
as Registrar

By: \_\_\_\_\_  
Authorized Officer

The following abbreviations, when used in the inscription on the face of this Bond shall be construed as though they were written out in full according to applicable laws or regulations.

TEN COM - As tenants in common

UNIF GIFT MIN. ACT

TEN ENT - As tenants by the  
entireties

\_\_\_\_\_  
Custodian  
(Cust.) (Minor)

JT TEN - As joint tenants  
with right of  
survivorship and  
not as tenants in  
common

under Uniform Gifts to Minors

\_\_\_\_\_  
(State)

Additional abbreviations may also be used though not in list above.

[FORM OF ASSIGNMENT]

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

\_\_\_\_\_  
(Name and address of Transferee)

the within Bond and does hereby irrevocably constitute and appoint \_\_\_\_\_ attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated:

\_\_\_\_\_  
Signature Guaranteed:

\_\_\_\_\_  
(Authorizing Officer)

\_\_\_\_\_  
Signature(s) must be guaranteed by an institution which is a participant in the Securities Transfer Agents Medallion Program ("STAMP") or similar program.

\_\_\_\_\_  
NOTICE: The signature to this agreement must correspond with the name of the registered holder as it appears upon the face of the within Bond in every particular, without alteration or enlargement or any change whatever.

Copies of the final approving opinions to be rendered shall be printed on the back of each Bond and preceding the same a certificate shall appear, which shall be signed on behalf of the County with a facsimile signature of the Interim Clerk to the County Council. The certificate shall be in substantially the following form:

[FORM OF CERTIFICATE]

IT IS HEREBY CERTIFIED that the following is a true and correct copy of the complete final approving opinions (except for date and letterhead) of McNair Law Firm, P.A., Columbia, South Carolina, approving the issue of bonds of which the within bond is one, the original of which opinions were manually executed, dated and issued as of the date of delivery of and payment for the bonds and a copy of which is on file with the County Council of Richland County, South Carolina.

RICHLAND COUNTY, SOUTH CAROLINA

By: \_\_\_\_\_  
Interim Clerk, County Council

## FORM OF NOTICE

NOTICE IS HEREBY GIVEN that the County Council (the "County Council") of Richland County, South Carolina (the "County"), on \_\_\_\_\_, 2012, enacted Ordinance No. \_\_\_\_\_ entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED \$9,000,000 FIRE PROTECTION SERVICE GENERAL OBLIGATION BONDS, SERIES 2012B, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF RICHLAND COUNTY, SOUTH CAROLINA,; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE INTERIM COUNTY ADMINISTRATOR TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO" (the "Bonds") of the County.

The proceeds of the Bonds will be used to provide funds for the acquisition of firefighting equipment including but not limited to purchase emergency vehicles, fire apparatus, portable and fixed equipment and to pay costs of issuance of the Bonds.

Pursuant to Section 11-27-40(8) of the Code of Laws of South Carolina, 1976, as amended, unless a notice, signed by not less than five (5) qualified electors of the County, of the intention to seek a referendum is filed both in the office of the Clerk of Court of the County and with the Interim Clerk of the County Council, the initiative and referendum provisions of South Carolina law, Sections 4-9-1210 to 4-9-1230 of the Code of Laws of South Carolina, 1976, as amended, shall not be applicable to the Ordinance. The notice of intention to seek a referendum must be filed within twenty (20) days following the publication of this notice of the adoption of the aforesaid Ordinance in a newspaper of general circulation in Richland County.

/s/Chairman, County Council, Richland County,  
South Carolina

## FORM OF NOTICE OF SALE

\$ \_\_\_\_\_ FIRE PROTECTION SERVICE GENERAL OBLIGATION BONDS,  
SERIES 2012B  
OF RICHLAND COUNTY, SOUTH CAROLINA

Time and Place of Sale: NOTICE IS HEREBY GIVEN that sealed bids, facsimile bids and electronic bids will be received on behalf of Richland County, South Carolina (the "County") in the Administrative Conference Room, 4th Floor, 2020 Hampton Street, Columbia, South Carolina, until 11:00 a.m., South Carolina time, on \_\_\_\_\_, \_\_\_\_\_, 2012, at which time said proposals will be publicly opened for the purchase of \$ \_\_\_\_\_ Fire Protection Service General Obligation Bonds, Series 2012B, of the County (the "Bonds").

Sealed Bids: Each hand delivered proposal shall be enclosed in a sealed envelope marked "Proposal for \$ \_\_\_\_\_ Fire Protection Service General Obligation Bonds, Series 2012B, Richland County, South Carolina" and should be directed to the Interim County Administrator at the address in the first paragraph hereof.

Facsimile Bids: The County will accept the facsimile transmission of a manually signed Official Bid Form at the risk of the Bidder. The County shall not be responsible for the confidentiality of bids submitted by facsimile transmission. Any delay in receipt of a facsimile bid, and any incompleteness or illegible portions of such bid are the responsibility of the bidder. Bids by facsimile should be transmitted to the attention of Tony McDonald, Interim County Administrator, fax number (803) 576-2138.

Electronic Bids: Electronic proposals must be submitted through i-Deal's Ipreo Electronic Bid Submission System ("Ipreo"). No electronic bids from any other providers of electronic bidding services will be accepted. Information about the electronic bidding services of Ipreo may be obtained from i-Deal, 40 W. 23rd Street, 5th floor, New York, New York 10010, Customer Support, telephone (212) 404-8102.

**PROPOSALS MAY BE DELIVERED BY HAND, BY MAIL, BY FACSIMILE TRANSMISSION OR BY ELECTRONIC BID, BUT NO PROPOSAL SHALL BE CONSIDERED WHICH IS NOT ACTUALLY RECEIVED BY THE COUNTY AT THE PLACE, DATE AND TIME APPOINTED, AND THE COUNTY SHALL NOT BE RESPONSIBLE FOR ANY FAILURE, MISDIRECTION, DELAY OR ERROR RESULTING FROM THE SELECTION BY ANY BIDDER OF ANY PARTICULAR MEANS OF DELIVERY OF BIDS.**

Book-Entry-Only Bonds: The Bonds will be issued in fully-registered form. One Bond representing each maturity will be issued to and registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), as registered owner of the Bonds and each such Bond will be immobilized in the custody of DTC. DTC will act as securities depository for the Bonds. Individual purchases will be made in book-entry form only, in the principal amount of \$5,000 or any integral multiple thereof not exceeding the principal amount of Bonds maturing each year; Purchasers will not receive physical delivery of certificates representing their interest in the Bonds purchased. The winning bidder, as a condition to delivery of the Bonds, will be required to deposit the Bond certificates representing each maturity with DTC.

The Bonds will be issued in fully-registered form registered as to principal and interest; will be dated \_\_\_\_\_, 2012; will be in denominations of \$5,000 or any integral multiple thereof not exceeding the principal amount of Bonds maturing in each year; and will mature serially in successive annual installments on \_\_\_\_\_ in each of the years and in the principal amounts as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
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The Bonds will bear interest from the date thereof payable semiannually on \_\_\_\_\_ and \_\_\_\_\_ of each year, commencing \_\_\_\_\_, until they mature.

[Redemption Provisions]

Registrar/Paying Agent: Wells Fargo Bank, N.A., Atlanta, Georgia, shall serve as Registrar/Paying Agent for the Bonds.

Bid Requirements: Bidders shall specify the rate or rates of interest per annum which the Bonds are to bear, to be expressed in multiples of 1/20 or 1/8 of 1% and the interest rate specified for any maturity shall not be lower than the interest rate specified for any previous maturity. Bidders are not limited as to the number of rates of interest named, but the rate of interest on each separate maturity must be the same single rate for all Bonds of that maturity from their date to such maturity date. A bid for less than all the Bonds, a bid at a price less than par or a bid which includes a premium in excess of 10% of the par amount of the Bonds will not be considered. In addition to the bid price, the successful bidder must pay accrued interest from the date of the Bonds to the date of full payment of the purchase price.

Award of Bid. The Bonds will be awarded to the bidder or bidders offering to purchase the Bonds at the lowest true interest cost (TIC) to the County. The TIC will be the nominal interest rate which, when compounded semiannually and used to discount all debt service payments on the Bonds (computed at the interest rates specified in the bid and on the basis of a 360-day year of twelve 30-day months) to the dated date of the Bonds, results in an amount equal to the price bid for the Bonds. In the case of a tie bid, the winning bid will be awarded by lot. The County reserves the right to reject any and all bids or to waive irregularities in any bid. Bids will be accepted or rejected no later than 3:00 p.m., South Carolina time, on the date of the sale.

Security: For the payment of the principal of and interest on the Bonds, as they respectively mature, the full faith, credit and taxing power of Richland County, South Carolina, are hereby irrevocably pledged, and pursuant to Section 4-19-140 of the Code and Section 12 of Article X of the Constitution, there shall be levied annually by the Auditor of the County and collected by the Treasurer of the County, in the same manner as other county taxes are levied and collected, an ad valorem tax, without limit, on all taxable property in the Richland County Fire Protection District, sufficient to pay the principal of and interest on such Bonds as they respectively mature and to create such sinking fund as may be necessary therefor. Bonds issued by the County for the Richland County Fire Protection District are the primary obligation of the Richland County Fire Protection District and only in the event ad valorem taxes levied and collected in the Richland County Fire Protection District are insufficient to pay the debt service on the Bonds shall the County be required to levy and collect a tax on all taxable property within the County sufficient to pay the principal and interest on the Bonds as they mature and to create such sinking fund as may be necessary.

Good Faith Deposit: No good faith deposit is required.

Bid Form: Proposals should be enclosed in a separate sealed envelope marked “Proposal for \$ \_\_\_\_\_ Fire Protection Service General Obligation Bonds, Series 2012B, of Richland County, South Carolina” and should be directed to the Interim County Administrator at the address in the first paragraph hereof. It is requested but not required that you submit your bid on the Proposal for Purchase of Bonds supplied with the Official Statement.

Official Statement: Upon the award of the Bonds, the County will prepare an official statement (the “Official Statement”) in substantially the same form as the preliminary official statement subject to minor additions, deletions and revisions as required to complete the Official Statement. Within seven (7) business days after the award of the Bonds, the County will deliver the Official Statement to the successful bidder in sufficient quantity to comply with Rule G-32 of the Municipal Securities Rulemaking Board. The successful bidder agrees to supply to the County all necessary pricing information and any Underwriter identification necessary to complete the Official Statement within 24 hours after the award of the Bonds.

Continuing Disclosure: In order to assist the bidders in complying with S.E.C. Rule 15c2-12(b)(5), the County will undertake, pursuant to an ordinance and a Disclosure Dissemination Agent Agreement, to provide certain annual financial information and notices of the occurrence of certain events, if material. A description of this undertaking is set forth in the Preliminary Official Statement and will also be set forth in the final Official Statement.

Legal Opinion: The County Council shall furnish upon delivery of the Bonds the final approving opinions of McNair Law Firm, P.A., Columbia, South Carolina, which opinions shall accompany each Bond, together with the usual closing documents, including a certificate of the County that no litigation is pending affecting the Bonds.

Certificate as to Issue Price: The successful bidder must provide a certificate to the County by the date of delivery of the Bonds, stating the initial reoffering price of the Bonds to the public (excluding bond houses and brokers) and the price at which a substantial amount of the Bonds were sold to the public, in form satisfactory to Bond Counsel. A sample copy of such a certificate may be obtained from Bond Counsel.

Delivery: The Bonds will be delivered on or about \_\_\_\_\_, 2012, in New York, New York, at the expense of the County. The balance of the purchase price then due, including the amount of accrued interest, must be paid in federal funds or other immediately available funds.

Additional Information: The Preliminary Official Statement of the County with respect to the Bonds is available via the internet at <https://officialstatements.swst.com> and will be furnished to any person interested in bidding for the Bonds upon request to McNair Law Firm, P. A., Post Office Box 11390, Columbia, South Carolina 29211, attention: Francenia B. Heizer, Esquire, telephone (803) 799-9800, e-mail: [fheizer@mcnair.net](mailto:fheizer@mcnair.net). The Preliminary Official Statement shall be reviewed by bidders prior to submitting a bid. Bidders may not rely on this Notice of Sale as to the complete information concerning the Bonds. Persons seeking information should communicate with the County’s Bond Counsel, Francenia B. Heizer, Esquire, McNair Law Firm, P.A., 1221 Main Street, 18<sup>th</sup> Floor, Columbia, South Carolina, 29201, telephone (803) 799-9800, e-mail: [fheizer@mcnair.net](mailto:fheizer@mcnair.net) or with the Financial Advisor, Brian G. Nurick, SVP/Managing Director of Public Finance, Southwest Securities Inc., 1219 Assembly Street, Suite 202, Columbia, South Carolina 29201; telephone (859) 410-2602, e-mail: [brian.nurick@swst.com](mailto:brian.nurick@swst.com).

RICHLAND COUNTY, SOUTH CAROLINA  
s/ Chair, County Council



## FORM OF DISCLOSURE DISSEMINATION AGENT AGREEMENT

This Disclosure Dissemination Agent Agreement (“Disclosure Agreement”), dated \_\_\_\_\_, 2012, is executed and delivered by Richland County, South Carolina (“Issuer”) and Digital Assurance Certification, L.L.C., as exclusive Disclosure Dissemination Agent (“Disclosure Dissemination Agent” or “DAC”) for the benefit of the Holders (defined below) of the Bonds (defined below) and in order to provide certain continuing disclosure with respect to the Bonds in accordance with Rule 15c2-12 of the United States Securities and Exchange Commission (“SEC”) under the Securities Exchange Act of 1934, as the same may be amended from time to time (“Rule”).

The services provided under this Disclosure Agreement solely relate to the execution of instructions received from the Issuer through use of the DAC system and do not constitute “advice” within the meaning of the Dodd-Frank Wall Street Reform and Consumer Protection Act (“Act”). DAC will not provide any advice or recommendation to the Issuer or anyone on the Issuer’s behalf regarding the “issuance of municipal securities” or any “municipal financial product” as defined in the Act and nothing in this Disclosure Agreement shall be interpreted to the contrary.

SECTION 1. Definitions. Capitalized terms not otherwise defined in this Disclosure Agreement shall have the meaning assigned in the Rule or, to the extent not in conflict with the Rule, in the Official Statement (defined below). The capitalized terms shall have the following meanings:

“Annual Report” means an Annual Report described in and consistent with Section 3 of this Disclosure Agreement.

“Annual Filing Date” means the date, set in Sections 2(a) and 2(f), by which the Annual Report is to be filed with the MSRB.

“Annual Financial Information” means annual financial information as such term is used in paragraph (b)(5)(i) of the Rule and specified in Section 3(a) of this Disclosure Agreement.

“Audited Financial Statements” means the financial statements (if any) of the Issuer for the prior fiscal year, certified by an independent auditor as prepared in accordance with generally accepted accounting principles or otherwise, as such term is used in paragraph (b)(5)(i) of the Rule and specified in Section 3(b) of this Disclosure Agreement.

“Bonds” means the bonds as listed on the attached Exhibit A, with the 9-digit CUSIP numbers relating thereto.

“Certification” means a written certification of compliance signed by the Disclosure Representative stating that the Annual Report, Audited Financial Statements, Notice Event notice, Failure to File Event notice, Voluntary Event Disclosure or Voluntary Financial Disclosure delivered to the Disclosure Dissemination Agent is the Annual Report, Audited Financial Statements, Notice Event notice, Failure to File Event notice, Voluntary Event Disclosure or Voluntary Financial Disclosure required to be submitted to the MSRB under this Disclosure Agreement. A Certification shall accompany each such document submitted to the Disclosure Dissemination Agent by the Issuer and include the full name of the Bonds and the 9-digit CUSIP numbers for all Bonds to which the document applies.

“Disclosure Representative” means the Finance Director, or his or her designee, or such other person as the Issuer shall designate in writing to the Disclosure Dissemination Agent from time to time as the person responsible for providing Information to the Disclosure Dissemination Agent.

“Disclosure Dissemination Agent” means Digital Assurance Certification, L.L.C, acting in its capacity as Disclosure Dissemination Agent hereunder, or any successor Disclosure Dissemination Agent designated in writing by the Issuer pursuant to Section 9 hereof.

“Failure to File Event” means the Issuer’s failure to file an Annual Report on or before the Annual Filing Date.

“Force Majeure Event” means: (i) acts of God, war, or terrorist action; (ii) failure or shut-down of the Electronic Municipal Market Access system maintained by the MSRB; or (iii) to the extent beyond the Disclosure Dissemination Agent’s reasonable control, interruptions in telecommunications or utilities services, failure, malfunction or error of any telecommunications, computer or other electrical, mechanical or technological application, service or system, computer virus, interruptions in Internet service or telephone service (including due to a virus, electrical delivery problem or similar occurrence) that affect Internet users generally, or in the local area in which the Disclosure Dissemination Agent or the MSRB is located, or acts of any government, regulatory or any other competent authority the effect of which is to prohibit the Disclosure Dissemination Agent from performance of its obligations under this Disclosure Agreement.

“Holder” means any person (a) having the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, any Bonds (including persons holding Bonds through nominees, depositories or other intermediaries) or (b) treated as the owner of any Bonds for federal income tax purposes.

“Information” means, collectively, the Annual Reports, the Audited Financial Statements (if any), the Notice Event notices, the Failure to File Event notices, the Voluntary Event Disclosures and the Voluntary Financial Disclosures.

“MSRB” means the Municipal Securities Rulemaking Board established pursuant to Section 15B(b)(1) of the Securities Exchange Act of 1934.

“Notice Event” means any of the events enumerated in paragraph (b)(5)(i)(C) of the Rule and listed in Section 4(a) of this Disclosure Agreement.

“Obligated Person” means any person, including the Issuer, who is either generally or through an enterprise, fund, or account of such person committed by contract or other arrangement to support payment of all, or part of the obligations on the Bonds (other than providers of municipal bond insurance, letters of credit, or other liquidity facilities), as shown on Exhibit A.

“Official Statement” means that Official Statement prepared by the Issuer in connection with the Bonds, as listed on Appendix A.

“Trustee” means the institution, if any, identified as such in the document under which the Bonds were issued.

“Voluntary Event Disclosure” means information of the category specified in any of subsections (e)(vi)(1) through (e)(vi)(11) of Section 2 of this Disclosure Agreement that is accompanied by a Certification of the Disclosure Representative containing the information prescribed by Section 7(a) of this Disclosure Agreement.

“Voluntary Financial Disclosure” means information of the category specified in any of subsections (e)(vii)(1) through (e)(vii)(9) of Section 2 of this Disclosure Agreement that is accompanied by a Certification of the Disclosure Representative containing the information prescribed by Section 7(b) of this Disclosure Agreement.

SECTION 2. Provision of Annual Reports.

(a) The Issuer shall provide, annually, an electronic copy of the Annual Report and Certification to the Disclosure Dissemination Agent, together with a copy for the Trustee, not later than the Annual Filing Date. Promptly upon receipt of an electronic copy of the Annual Report and the Certification, the Disclosure Dissemination Agent shall provide an Annual Report to the MSRB not later than February 1 after the end of each fiscal year of the Issuer, commencing with the February 1 following the fiscal year ending June 30, 2012. Such date and each anniversary thereof is the Annual Filing Date. The Annual Report may be submitted as a single document or as separate documents comprising a package, and may cross-reference other information as provided in Section 3 of this Disclosure Agreement.

(b) If on the fifteenth (15th) day prior to the Annual Filing Date, the Disclosure Dissemination Agent has not received a copy of the Annual Report and Certification, the Disclosure Dissemination Agent shall contact the Disclosure Representative by telephone and in writing (which may be by e-mail) to remind the Issuer of its undertaking to provide the Annual Report pursuant to Section 2(a). Upon such reminder, the Disclosure Representative shall either (i) provide the Disclosure Dissemination Agent with an electronic copy of the Annual Report and the Certification no later than two (2) business days prior to the Annual Filing Date, or (ii) instruct the Disclosure Dissemination Agent in writing that the Issuer will not be able to file the Annual Report within the time required under this Disclosure Agreement, state the date by which the Annual Report for such year will be provided and instruct the Disclosure Dissemination Agent that a Failure to File Event has occurred and to immediately send a notice to the MSRB in substantially the form attached as Exhibit B, accompanied by a cover sheet completed by the Disclosure Dissemination Agent in the form set forth in Exhibit C-1.

(c) If the Disclosure Dissemination Agent has not received an Annual Report and Certification by 12:00 noon on the first business day following 6:00 p.m. Eastern time on the Annual Filing Date (or, if such Annual Filing Date falls on a Saturday, Sunday or holiday, then the first business day thereafter) for the Annual Report, a Failure to File Event shall have occurred and the Issuer irrevocably directs the Disclosure Dissemination Agent to immediately send a notice to the MSRB in substantially the form attached as Exhibit B without reference to the anticipated filing date for the Annual Report, accompanied by a cover sheet completed by the Disclosure Dissemination Agent in the form set forth in Exhibit C-1.

(d) If Audited Financial Statements of the Issuer are prepared but not available prior to the Annual Filing Date, the Issuer shall, when the Audited Financial Statements are available, provide in a timely manner an electronic copy to the Disclosure Dissemination Agent, accompanied by a Certification, together with a copy for the Trustee, for filing with the MSRB.

(e) The Disclosure Dissemination Agent shall:

- (i) verify the filing specifications of the MSRB each year prior to the Annual Filing Date;
- (ii) upon receipt, promptly file each Annual Report received under Sections 2(a) and 2(b) with the MSRB;

(iii) upon receipt, promptly file each Audited Financial Statement received under Section 2(d) with the MSRB;

(iv) upon receipt, promptly file the text of each Notice Event received under Sections 4(a) and 4(b)(ii) with the MSRB, identifying the Notice Event as instructed by the Issuer pursuant to Section 4(a) or 4(b)(ii) (being any of the categories set forth below) when filing pursuant to Section 4(c) of this Disclosure Agreement:

1. “Principal and interest payment delinquencies”;
2. “Non-Payment related defaults, if material”;
3. “Unscheduled draws on debt service reserves reflecting financial difficulties”;
4. “Unscheduled draws on credit enhancements reflecting financial difficulties”;
5. “Substitution of credit or liquidity providers, or their failure to perform”;
6. “Adverse tax opinions, IRS notices or events affecting the tax status of the security”;
7. “Modifications to rights of securities holders, if material”;
8. “Bond calls, if material”;
9. “Defeasances”;
10. “Release, substitution, or sale of property securing repayment of the securities, if material”;
11. “Rating changes”;
12. “Tender offers”;
13. “Bankruptcy, insolvency, receivership or similar event of the obligated person”;
14. “Merger, consolidation, or acquisition of the obligated person, if material”; and
15. “Appointment of a successor or additional trustee, or the change of name of a trustee, if material.”

(v) upon receipt (or irrevocable direction pursuant to Section 2(c) of this Disclosure Agreement, as applicable), promptly file a completed copy of Exhibit B to this Disclosure Agreement with the MSRB, identifying the filing as “Failure to provide annual financial information as required” when filing pursuant to Section 2(b)(ii) or Section 2(c) of this Disclosure Agreement;

(vi) upon receipt, promptly file the text of each Voluntary Event Disclosure received under Section 7(a) with the MSRB, identifying the Voluntary Event Disclosure as

instructed by the Issuer pursuant to Section 7(a) (being any of the categories set forth below) when filing pursuant to Section 7(a) of this Disclosure Agreement:

1. “amendment to continuing disclosure undertaking”;
2. “change in obligated person”;
3. “notice to investors pursuant to bond documents”;
4. “certain communications from the Internal Revenue Service”;
5. “secondary market purchases”;
6. “bid for auction rate or other securities”;
7. “capital or other financing plan”;
8. “litigation/enforcement action”;
9. “change of tender agent, remarketing agent, or other on-going third party”;
10. “derivative or other similar transaction”; and
11. “other event-based disclosures.”

12. State-Mandated Continuing Disclosure. In addition to the requirements set forth in this Section 2(e)(vi) of this Disclosure Agreement, the Issuer further agrees, pursuant to the requirements of S.C. Code Section 1-11-85, to file with the Dissemination Agent (a) its annual independent audit within 30 days of its receipt, and (b) event-specific information within 30 days of an event adversely affecting more than five percent of its revenue or tax base. The Issuer expects that, in meeting the requirements of Section 3 and 4 of this Disclosure Agreement, it also will meet the requirements of this Section 2(e)(vi)(12); however, to the extent that certain information is required to be filed pursuant to State law which is not required to be filed under the Rule or the other provisions of this Disclosure Agreement, the Issuer will provide notice of such information to the Dissemination Agent.

(vii) upon receipt, promptly file the text of each Voluntary Financial Disclosure received under Section 7(b) with the MSRB, identifying the Voluntary Financial Disclosure as instructed by the Issuer pursuant to Section 7(b) (being any of the categories set forth below) when filing pursuant to Section 7(b) of this Disclosure Agreement:

1. “quarterly/monthly financial information”;
2. “change in fiscal year/timing of annual disclosure”;
3. “change in accounting standard”;
4. “interim/additional financial information/operating data”;

5. “budget”;
6. “investment/debt/financial policy”;
7. “information provided to rating agency, credit/liquidity provider or other third party”;
8. “consultant reports”; and
9. “other financial/operating data.”

(viii) provide the Issuer evidence of the filings of each of the above when made, which shall be by means of the DAC system, for so long as DAC is the Disclosure Dissemination Agent under this Disclosure Agreement.

(f) The Issuer may adjust the Annual Filing Date upon change of its fiscal year by providing written notice of such change and the new Annual Filing Date to the Disclosure Dissemination Agent, Trustee (if any) and the MSRB, provided that the period between the existing Annual Filing Date and new Annual Filing Date shall not exceed one year.

(g) Any Information received by the Disclosure Dissemination Agent before 6:00 p.m. Eastern time on any business day that it is required to file with the MSRB pursuant to the terms of this Disclosure Agreement and that is accompanied by a Certification and all other information required by the terms of this Disclosure Agreement will be filed by the Disclosure Dissemination Agent with the MSRB no later than 11:59 p.m. Eastern time on the same business day; provided, however, the Disclosure Dissemination Agent shall have no liability for any delay in filing with the MSRB if such delay is caused by a Force Majeure Event provided that the Disclosure Dissemination Agent uses reasonable efforts to make any such filing as soon as possible.

SECTION 3. Content of Annual Reports. Each Annual Report shall contain Annual Financial Information with respect to the Issuer, including

(a) Audited Financial Statements prepared in accordance with generally accepted accounting principles (“GAAP”) or alternate accounting principles, as described in the Official Statement. If audited financial statements are not available, then, unaudited financial statements, prepared in accordance with GAAP or alternate accounting principles, as described in the Official Statement, will be included in the Annual Report. Audited Financial Statements (if any) will be provided pursuant to Section 2(d).

(b) The information provided in the Official Statement under the headings:

(i) Financial information relating to the Issuer’s General Fund revenues and expenditures for the previous five fiscal years, prepared substantially in the form of and updating the table appearing in the Official Statement under the heading, “FINANCIAL AND TAX INFORMATION – Five Year Summary of General Fund Operations.”

(ii) Information concerning the Issuer’s budget for the fiscal year in which the Annual Report is issued, prepared substantially in the form of the summary shown in the Official Statement under the heading, “FINANCIAL AND TAX INFORMATION – Budget Procedure.”

(iii) Information concerning the Issuer’s sources of revenues for the previous five fiscal years and for the fiscal year in which the Annual Report is issued, prepared

substantially in the form of and updating the tables appearing in the Official Statement under the heading, “FINANCIAL AND TAX INFORMATION – Revenues.” This information shall include a summary of expected revenues to be received from ad valorem property taxes, from the State of South Carolina and from the United States government.

(iv) Information concerning the assessed value and estimated true value of taxable real and personal property in the Issuer for each of the five previous fiscal years and, if available, an estimate for the fiscal year in which the Annual Report is issued, prepared substantially in the form of and updating the table shown in the Official Statement under the heading, “FINANCIAL AND TAX INFORMATION – Assessed Value” and under the heading, “FINANCIAL AND TAX INFORMATION – Estimated True Value of All Taxable Property.”

(v) (a) Information concerning the ad valorem property taxes collected for the Issuer’s operational and debt service purposes for each of the five previous fiscal years prepared substantially in the form of and updating the table shown in the Official Statement under the heading, “FINANCIAL AND TAX INFORMATION – Tax Collections for Last Five Years”; (b) information concerning the ten largest taxpayers to the Issuer and Issuer taxes paid during the previous fiscal year, prepared substantially in the form of the table shown in the Official Statement under the heading, “FINANCIAL AND TAX INFORMATION – Ten Largest Taxpayers”; and (c) the millage levied for the Issuer’s purposes during the previous five fiscal years and the fiscal year in which the Annual Report is provided, substantially in the form of and updating the table shown in the Official Statement under the heading, “FINANCIAL AND TAX INFORMATION – Millage History.”

(vi) (a) Information showing the legal debt limit of the Issuer as of June 30 of the previous fiscal year or some later date, substantially in the form shown in the Official Statement under the heading, “DEBT STRUCTURE – Legal Debt Limit of the County”; and (b) information showing the outstanding indebtedness of the Issuer, including long term lease obligations and other long term liabilities, as of June 30 of the previous fiscal year or some later date, substantially in the form of and updating the table and information appearing in the Official Statement under the heading, “DEBT STRUCTURE – Outstanding Indebtedness.”

Any or all of the items listed above may be included by specific reference from other documents, including official statements of debt issues with respect to which the Issuer is an “obligated person” (as defined by the Rule), which have been previously filed with the SEC or available on the MSRB Internet Website. If the document incorporated by reference is a final official statement, it must be available from the MSRB. The Issuer will clearly identify each such document so incorporated by reference.

Any Annual Financial Information containing modified operating data or financial information is required to explain, in narrative form, the reasons for the modification and the impact of the change in the type of operating data or financial information being provided.

#### SECTION 4. Reporting of Notice Events.

(a) The occurrence of any of the following events with respect to the Bonds constitutes a Notice Event:

(i) Principal and interest payment delinquencies;

- (ii) Non-payment related defaults, if material;
- (iii) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (iv) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (v) Substitution of credit or liquidity providers, or their failure to perform;
- (vi) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
- (vii) Modifications to rights of Bond holders, if material;
- (viii) Bond calls, if material, and tender offers;
- (ix) Defeasances;
- (x) Release, substitution, or sale of property securing repayment of the Bonds, if material;
- (xi) Rating changes;
- (xii) Bankruptcy, insolvency, receivership or similar event of the Obligated Person;

**Note to subsection (a)(xii) of this Section 4:** For the purposes of the event described in subsection (a)(xii) of this Section 4, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for an Obligated Person in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the Obligated Person, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the Obligated Person.

(xiii) The consummation of a merger, consolidation, or acquisition involving an Obligated Person or the sale of all or substantially all of the assets of the Obligated Person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and

(xiv) Appointment of a successor or additional trustee or the change of name of a trustee, if material.

The Issuer shall, in a timely manner not in excess of ten business days after its occurrence, notify the Disclosure Dissemination Agent in writing of the occurrence of a Notice Event. Such notice shall instruct the Disclosure Dissemination Agent to report the occurrence pursuant to subsection (c) and shall be accompanied by a Certification. Such notice or Certification shall identify the Notice Event that has occurred (which shall be any of the categories set forth in Section 2(e)(iv) of this Disclosure Agreement), include the text of the disclosure that the Issuer desires to make, contain the written authorization of the



Issuer for the Disclosure Dissemination Agent to disseminate such information, and identify the date the Issuer desires for the Disclosure Dissemination Agent to disseminate the information (provided that such date is not later than the tenth business day after the occurrence of the Notice Event).

(b) The Disclosure Dissemination Agent is under no obligation to notify the Issuer or the Disclosure Representative of an event that may constitute a Notice Event. In the event the Disclosure Dissemination Agent so notifies the Disclosure Representative, the Disclosure Representative will within two business days of receipt of such notice (but in any event not later than the tenth business day after the occurrence of the Notice Event, if the Issuer determines that a Notice Event has occurred), instruct the Disclosure Dissemination Agent that (i) a Notice Event has not occurred and no filing is to be made or (ii) a Notice Event has occurred and the Disclosure Dissemination Agent is to report the occurrence pursuant to subsection (c) of this Section 4, together with a Certification. Such Certification shall identify the Notice Event that has occurred (which shall be any of the categories set forth in Section 2(e)(iv) of this Disclosure Agreement), include the text of the disclosure that the Issuer desires to make, contain the written authorization of the Issuer for the Disclosure Dissemination Agent to disseminate such information, and identify the date the Issuer desires for the Disclosure Dissemination Agent to disseminate the information (provided that such date is not later than the tenth business day after the occurrence of the Notice Event).

(c) If the Disclosure Dissemination Agent has been instructed by the Issuer as prescribed in subsection (a) or (b)(ii) of this Section 4 to report the occurrence of a Notice Event, the Disclosure Dissemination Agent shall promptly file a notice of such occurrence with MSRB in accordance with Section 2 (e)(iv) hereof. This notice will be filed with a cover sheet completed by the Disclosure Dissemination Agent in the form set forth in Exhibit C-1.

SECTION 5. CUSIP Numbers. Whenever providing information to the Disclosure Dissemination Agent, including but not limited to Annual Reports, documents incorporated by reference to the Annual Reports, Audited Financial Statements, Notice Event notices, Failure to File Event notices, Voluntary Event Disclosures and Voluntary Financial Disclosures, the Issuer shall indicate the full name of the Bonds and the 9-digit CUSIP numbers for the Bonds as to which the provided information relates.

SECTION 6. Additional Disclosure Obligations. The Issuer acknowledges and understands that other state and federal laws, including but not limited to the Securities Act of 1933 and Rule 10b-5 promulgated under the Securities Exchange Act of 1934, may apply to the Issuer, and that the duties and responsibilities of the Disclosure Dissemination Agent under this Disclosure Agreement do not extend to providing legal advice regarding such laws. The Issuer acknowledges and understands that the duties of the Disclosure Dissemination Agent relate exclusively to execution of the mechanical tasks of disseminating information as described in this Disclosure Agreement.

SECTION 7. Voluntary Filing.

(a) The Issuer may instruct the Disclosure Dissemination Agent to file a Voluntary Event Disclosure with the MSRB from time to time pursuant to a Certification of the Disclosure Representative. Such Certification shall identify the Voluntary Event Disclosure (which shall be any of the categories set forth in Section 2(e)(vi) of this Disclosure Agreement), include the text of the disclosure that the Issuer desires to make, contain the written authorization of the Issuer for the Disclosure Dissemination Agent to disseminate such information, and identify the date the Issuer desires for the Disclosure Dissemination Agent to disseminate the information. If the Disclosure Dissemination Agent has been instructed by the Issuer as prescribed in this Section 7(a) to file a Voluntary Event Disclosure, the Disclosure Dissemination Agent shall promptly file such Voluntary Event Disclosure with the MSRB in accordance with Section 2(e)(vi) hereof. This notice will be filed with a cover sheet completed by the Disclosure Dissemination Agent in the form set forth in Exhibit C-2.

(b) The Issuer may instruct the Disclosure Dissemination Agent to file a Voluntary Financial Disclosure with the MSRB from time to time pursuant to a Certification of the Disclosure Representative. Such Certification shall identify the Voluntary Financial Disclosure (which shall be any of the categories set forth in Section 2(e)(vii) of this Disclosure Agreement), include the text of the disclosure that the Issuer desires to make, contain the written authorization of the Issuer for the Disclosure Dissemination Agent to disseminate such information, and identify the date the Issuer desires for the Disclosure Dissemination Agent to disseminate the information. If the Disclosure Dissemination Agent has been instructed by the Issuer as prescribed in this Section 7(b) to file a Voluntary Financial Disclosure, the Disclosure Dissemination Agent shall promptly file such Voluntary Financial Disclosure with the MSRB in accordance with Section 2(e)(vii) hereof. This notice will be filed with a cover sheet completed by the Disclosure Dissemination Agent in the form set forth in Exhibit C-2.

(c) The parties hereto acknowledge that the Issuer is not obligated pursuant to the terms of this Disclosure Agreement to file any Voluntary Event Disclosure pursuant to Section 7(a) hereof or any Voluntary Financial Disclosure pursuant to Section 7(b) hereof.

(d) Nothing in this Disclosure Agreement shall be deemed to prevent the Issuer from disseminating any other information through the Disclosure Dissemination Agent using the means of dissemination set forth in this Disclosure Agreement or including any other information in any Annual Report, Audited Financial Statements, Notice Event notice, Failure to File Event notice, Voluntary Event Disclosure or Voluntary Financial Disclosure, in addition to that required by this Disclosure Agreement. If the Issuer chooses to include any information in any Annual Report, Audited Financial Statements, Notice Event notice, Failure to File Event notice, Voluntary Event Disclosure or Voluntary Financial Disclosure in addition to that which is specifically required by this Disclosure Agreement, the Issuer shall have no obligation under this Disclosure Agreement to update such information or include it in any future Annual Report, Audited Financial Statements, Notice Event notice, Failure to File Event notice, Voluntary Event Disclosure or Voluntary Financial Disclosure.

SECTION 8. Termination of Reporting Obligation. The obligations of the Issuer and the Disclosure Dissemination Agent under this Disclosure Agreement shall terminate with respect to a series of the Bonds upon the legal defeasance, prior redemption or payment in full of all of the Bonds of such series, when the Issuer is no longer an obligated person with respect to the Bonds, or upon delivery by the Disclosure Representative to the Disclosure Dissemination Agent of an opinion of counsel expert in federal securities laws to the effect that continuing disclosure is no longer required.

SECTION 9. Disclosure Dissemination Agent. The Issuer has appointed Digital Assurance Certification, L.L.C. as exclusive Disclosure Dissemination Agent under this Disclosure Agreement. The Issuer may, upon thirty days written notice to the Disclosure Dissemination Agent and the Trustee, replace or appoint a successor Disclosure Dissemination Agent. Upon termination of DAC's services as Disclosure Dissemination Agent, whether by notice of the Issuer or DAC, the Issuer agrees to appoint a successor Disclosure Dissemination Agent or, alternately, agrees to assume all responsibilities of Disclosure Dissemination Agent under this Disclosure Agreement for the benefit of the Holders of the Bonds. Notwithstanding any replacement or appointment of a successor, the Issuer shall remain liable until payment in full for any and all sums owed and payable to the Disclosure Dissemination Agent. The Disclosure Dissemination Agent may resign at any time by providing thirty days' prior written notice to the Issuer.

SECTION 10. Remedies in Event of Default. In the event of a failure of the Issuer or the Disclosure Dissemination Agent to comply with any provision of this Disclosure Agreement, the Holders' rights to enforce the provisions of this Agreement shall be limited solely to a right, by action in mandamus or for specific performance, to compel performance of the parties' 'obligation under this

Disclosure Agreement. Any failure by a party to perform in accordance with this Disclosure Agreement shall not constitute a default on the Bonds or under any other document relating to the Bonds, and all rights and remedies shall be limited to those expressly stated herein.

SECTION 11. Duties, Immunities and Liabilities of Disclosure Dissemination Agent.

(a) The Disclosure Dissemination Agent shall have only such duties as are specifically set forth in this Disclosure Agreement. The Disclosure Dissemination Agent's obligation to deliver the information at the times and with the contents described herein shall be limited to the extent the Issuer has provided such information to the Disclosure Dissemination Agent as required by this Disclosure Agreement. The Disclosure Dissemination Agent shall have no duty with respect to the content of any disclosures or notice made pursuant to the terms hereof. The Disclosure Dissemination Agent shall have no duty or obligation to review or verify any Information or any other information, disclosures or notices provided to it by the Issuer and shall not be deemed to be acting in any fiduciary capacity for the Issuer, the Holders of the Bonds or any other party. The Disclosure Dissemination Agent shall have no responsibility for the Issuer's failure to report to the Disclosure Dissemination Agent a Notice Event or a duty to determine the materiality thereof. The Disclosure Dissemination Agent shall have no duty to determine, or liability for failing to determine, whether the Issuer has complied with this Disclosure Agreement. The Disclosure Dissemination Agent may conclusively rely upon Certifications of the Issuer at all times.

The obligations of the Issuer under this Section shall survive resignation or removal of the Disclosure Dissemination Agent and defeasance, redemption or payment of the Bonds.

(b) The Disclosure Dissemination Agent may, from time to time, consult with legal counsel (either in-house or external) of its own choosing in the event of any disagreement or controversy, or question or doubt as to the construction of any of the provisions hereof or its respective duties hereunder, and shall not incur any liability and shall be fully protected in acting in good faith upon the advice of such legal counsel. The reasonable fees and expenses of such counsel shall be payable by the Issuer.

(c) All documents, reports, notices, statements, information and other materials provided to the MSRB under this Agreement shall be provided in an electronic format and accompanied by identifying information as prescribed by the MSRB.

SECTION 12. Amendment; Waiver. Notwithstanding any other provision of this Disclosure Agreement, the Issuer and the Disclosure Dissemination Agent may amend this Disclosure Agreement and any provision of this Disclosure Agreement may be waived, if such amendment or waiver is supported by an opinion of counsel expert in federal securities laws acceptable to both the Issuer and the Disclosure Dissemination Agent to the effect that such amendment or waiver does not materially impair the interests of Holders of the Bonds and would not, in and of itself, cause the undertakings herein to violate the Rule if such amendment or waiver had been effective on the date hereof but taking into account any subsequent change in or official interpretation of the Rule; provided neither the Issuer or the Disclosure Dissemination Agent shall be obligated to agree to any amendment modifying their respective duties or obligations without their consent thereto.

Notwithstanding the preceding paragraph, the Disclosure Dissemination Agent shall have the right to adopt amendments to this Disclosure Agreement necessary to comply with modifications to and interpretations of the provisions of the Rule as announced by the SEC from time to time by giving not less than 20 days written notice of the intent to do so together with a copy of the proposed amendment to the Issuer. No such amendment shall become effective if the Issuer shall, within 10 days following the giving of such notice, send a notice to the Disclosure Dissemination Agent in writing that it objects to such amendment.

SECTION 13. Beneficiaries. This Disclosure Agreement shall inure solely to the benefit of the Issuer, the Trustee of the Bonds, the Disclosure Dissemination Agent, the underwriter, and the Holders from time to time of the Bonds, and shall create no rights in any other person or entity.

SECTION 14. Governing Law. This Disclosure Agreement shall be governed by the laws of the State of South Carolina (other than with respect to conflicts of laws).

SECTION 15. Counterparts. This Disclosure Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

The Disclosure Dissemination Agent and the Issuer have caused this Disclosure Dissemination Agent Agreement to be executed, on the date first written above, by their respective officers duly authorized.

DIGITAL ASSURANCE CERTIFICATION, L.L.C.,  
as Disclosure Dissemination Agent

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

RICHLAND COUNTY, SOUTH CAROLINA,  
as Issuer

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**EXHIBIT A**

**NAME AND CUSIP NUMBERS OF BONDS**

Name of Issuer: Richland County, South Carolina  
Obligated Person(s):  
Name of Bond Issue:  
Date of Official Statement:

**EXHIBIT B**  
**NOTICE TO MSRB OF FAILURE TO FILE ANNUAL REPORT**

Name of Issuer: Richland County, South Carolina  
Obligated Person(s):  
Name of Bond Issue:  
Date of Issuance:  
Date of Official Statement:  
CUSIP Number:

NOTICE IS HEREBY GIVEN that the Issuer has not provided an Annual Report with respect to the named Bonds as required by the Disclosure Agreement between the Issuer and Digital Assurance Certification, L.L.C., as Disclosure Dissemination Agent. The Issuer has notified the Disclosure Dissemination Agent that it anticipates that the Annual Report will be filed by:

\_\_\_\_\_

Dated: \_\_\_\_\_

Digital Assurance Certification, L.L.C.,  
as Disclosure Dissemination Agent,  
on behalf of the Issuer

\_\_\_\_\_

cc: [Disclosure Representative]

**EXHIBIT C-1  
EVENT NOTICE COVER SHEET**

This cover sheet and accompanying "event notice" will be sent to the MSRB, pursuant to Securities and Exchange Commission Rule 15c2-12(b)(5)(i)(C) and (D).

Issuer's and/or Other Obligated Person's Name:

Issuer's Six-Digit CUSIP Number:

[or Nine-Digit CUSIP Number(s) of the bonds to which this event notice relates:]

Number of pages attached: \_\_\_\_\_

\_\_\_\_\_ Description of Notice Events (Check One):

1. \_\_\_\_\_ "Principal and interest payment delinquencies";
2. \_\_\_\_\_ "Non-Payment related defaults, if material";
3. \_\_\_\_\_ "Unscheduled draws on debt service reserves reflecting financial difficulties";
4. \_\_\_\_\_ "Unscheduled draws on credit enhancements reflecting financial difficulties";
5. \_\_\_\_\_ "Substitution of credit or liquidity providers, or their failure to perform";
6. \_\_\_\_\_ "Adverse tax opinions, IRS notices or events affecting the tax status of the security";
7. \_\_\_\_\_ "Modifications to rights of securities holders, if material";
8. \_\_\_\_\_ "Bond calls, if material";
9. \_\_\_\_\_ "Defeasances";
10. \_\_\_\_\_ "Release, substitution, or sale of property securing repayment of the securities, if material";
11. \_\_\_\_\_ "Rating changes";
12. \_\_\_\_\_ "Tender offers";
13. \_\_\_\_\_ "Bankruptcy, insolvency, receivership or similar event of the obligated person";
14. \_\_\_\_\_ "Merger, consolidation, or acquisition of the obligated person, if material"; and
15. \_\_\_\_\_ "Appointment of a successor or additional trustee, or the change of name of a trustee, if material."

\_\_\_\_\_ Failure to provide annual financial information as required.

I hereby represent that I am authorized by the issuer or its agent to distribute this information publicly:

Signature:

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

Digital Assurance Certification, L.L.C.  
390 N. Orange Avenue  
Suite 1750  
Orlando, FL 32801  
407-515-1100

Date: \_\_\_\_\_

**EXHIBIT C-2  
VOLUNTARY EVENT DISCLOSURE COVER SHEET**

This cover sheet and accompanying "voluntary event disclosure" will be sent to the MSRB, pursuant to the Disclosure Dissemination Agent Agreement dated, \_\_\_\_\_, 2012, between the Issuer and DAC.

Issuer's and/or Other Obligated Person's Name:

Issuer's Six-Digit CUSIP Number:

[or Nine-Digit CUSIP Number(s) of the bonds to which this notice relates:]

Number of pages attached: \_\_\_\_\_

\_\_\_\_\_ Description of Voluntary Event Disclosure (Check One):

1. \_\_\_\_\_ "amendment to continuing disclosure undertaking";
2. \_\_\_\_\_ "change in obligated person";
3. \_\_\_\_\_ "notice to investors pursuant to bond documents";
4. \_\_\_\_\_ "certain communications from the Internal Revenue Service";
5. \_\_\_\_\_ "secondary market purchases";
6. \_\_\_\_\_ "bid for auction rate or other securities";
7. \_\_\_\_\_ "capital or other financing plan";
8. \_\_\_\_\_ "litigation/enforcement action";
9. \_\_\_\_\_ "change of tender agent, remarketing agent, or other on-going party";
10. \_\_\_\_\_ "derivative or other similar transaction"; and
11. \_\_\_\_\_ "other event-based disclosures."

I hereby represent that I am authorized by the issuer or its agent to distribute this information publicly:

Signature:

\_\_\_\_\_

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

Digital Assurance Certification, L.L.C.  
390 N. Orange Avenue  
Suite 1750  
Orlando, FL 32801  
407-515-1100



**EXHIBIT C-3**

**VOLUNTARY FINANCIAL DISCLOSURE COVER SHEET**

This cover sheet and accompanying "voluntary financial disclosure" will be sent to the MSRB, pursuant to the Disclosure Dissemination Agent Agreement dated \_\_\_\_\_, 2012, between the Issuer and DAC.

Issuer's and/or Other Obligated Person's Name:

Issuer's Six-Digit CUSIP Number:

[or Nine-Digit CUSIP Number(s) of the bonds to which this notice relates:]

Number of pages attached: \_\_\_\_\_

\_\_\_\_\_ Description of Voluntary Financial Disclosure (Check One):

1. \_\_\_\_\_ "quarterly/monthly financial information";
2. \_\_\_\_\_ "change in fiscal year/timing of annual disclosure";
3. \_\_\_\_\_ "change in accounting standard";
4. \_\_\_\_\_ "interim/additional financial information/operating data";
5. \_\_\_\_\_ "budget";
6. \_\_\_\_\_ "investment/debt/financial policy";
7. \_\_\_\_\_ "information provided to rating agency, credit/liquidity provider or other third party";
8. \_\_\_\_\_ "consultant reports"; and
9. \_\_\_\_\_ "other financial/operating data."

I hereby represent that I am authorized by the issuer or its agent to distribute this information publicly:

Signature:

\_\_\_\_\_

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

Digital Assurance Certification, L.L.C.  
390 N. Orange Avenue  
Suite 1750  
Orlando, FL 32801  
407-515-1100

Date: \_\_\_\_\_

FORM OF NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the County Council of Richland County, South Carolina (the "County"), in County Council chambers located at 2020 Hampton Street, Columbia, South Carolina, at 6:00 p.m. on \_\_\_\_\_, 2012, or at such other location as proper notice on the main entrance to the said building might specify.

The purpose of the public hearing is to consider an Ordinance providing for the issuance and sale of Fire Protection General Obligation Bonds of Richland County, South Carolina (the "Bonds") in the aggregate principal amount of not to exceed \$\_\_\_\_\_, the proceeds of which will be used to provide funds for the acquisition of firefighting equipment including but not limited to purchase emergency vehicles, fire apparatus, portable and fixed equipment and to pay costs of issuance of the Bonds.

At the public hearing all taxpayers and residents of the County and any other interested persons who appear will be given an opportunity to express their views for or against the Ordinance and the issuance of the Bonds.

COUNTY COUNCIL OF RICHLAND COUNTY,  
SOUTH CAROLINA

s/\_\_\_\_\_  
Chair, County Council

## **RICHLAND COUNTY, SOUTH CAROLINA**

### **WRITTEN PROCEDURES Related to Tax-Exempt Debt**

The Internal Revenue Code of 1986, as amended (the “Code”) and the regulations promulgated thereunder (the “Regulations”) impose certain requirements on tax-exempt bonds, including but not limited to, restrictions on the use of bond proceeds and bond-financed property, arbitrage yield restrictions, and the arbitrage rebate requirement. These requirements are generally applicable throughout the period that the bonds remain outstanding.

The September 2011 revision to the Form 8038-G, Information Return for Tax Exempt Governmental Obligations (“Form 8038-G”) requires the issuer to represent whether it has established written procedures to (a) monitor the requirements of Section 148 of the Code, including, but not limited to, the arbitrage rebate and arbitrage yield restriction requirements; and (b) ensure that any nonqualified bonds (within the meaning of Section 1.148-12(j) of the Regulations) are remediated in accordance with the Code and the Regulations.

In addition to the above-described Form 8038-G representations, Richland County, South Carolina (the “County”) has been advised that additional procedures are recommended in order for the County to document compliance with the applicable federal tax requirements. Actions pursuant to these procedures (collectively referred to as post-issuance tax compliance) are intended to assist the County in documenting compliance with the applicable federal tax requirements. Post-issuance tax compliance begins with the debt issuance process itself and includes a continuing focus on investments of bond proceeds and use of bond-financed property. Post issuance tax compliance requires identifying the responsible people and the applicable procedures.

References herein to a “bond” or to “bonds” shall apply to all forms of tax-exempt obligations including, but not limited to, lease/purchase agreements, bond anticipation notes, and tax anticipation notes.

#### **Procedures**

The County’s Finance Director (“CFO”) is designated as being responsible for post-issuance tax compliance. The CFO may delegate to his staff or contract with independent contractors (such as an arbitrage/rebate consultant or a consulting engineer) responsibility for different aspects of post-issuance tax compliance. For example, coordinating and documenting the expenditure of bond proceeds on projects may be delegated to the consulting engineer. However, the CFO will be ultimately responsible for implementing the procedures described herein.

The County recognizes that that the County has issued tax-exempt debt prior to the adoption of these procedures. With respect to this prior issued debt, the CFO will take reasonable steps to collect and maintain appropriate documentation of compliance with these procedures. However, the County recognizes that such documentation may not exist with respect to some of the items enumerated in these procedures.

#### **Issuance – The CFO will:**

- (a) Confirm the filing of the Form 8038 or Form 8038-G (or applicable successor form) with Internal Revenue Service (“IRS”). Filing of the applicable Form 8038 is usually overseen by bond counsel at or soon after the closing of a bond issue.
- (b) Obtain and store the Transcript of Proceedings prepared by bond counsel (which typically includes the applicable Form 8038 and the Federal Tax Certificate containing the County’s expectations as of the date of issuance of the bond issue).

**Recordkeeping – The CFO will:**

- (a) Establish a plan for keeping relevant books and records as to the investment and the expenditure of bond proceeds.
- (b) Keep accurate records including:
  - Basic records relating to the bond transactions (including the trust indenture, loan agreements, and bond counsel opinion; see Transcript of Proceeding, above);
  - Documentation evidencing the expenditure of bond proceeds;
  - Documentation evidencing use of bond-financed property by public and private users (i.e., copies of management contracts, material power purchase contracts);
  - Documentation evidencing all sources of payment or security for the bonds; and
  - Documentation pertaining to any investment of bond proceeds (including the purchase and sale of securities, SLGS subscriptions, yield calculations for each class of investments, actual investment income received from the investment of proceeds, guaranteed investment contracts, and rebate calculations).
- (c) Keep all records in a manner that ensures their complete access to the IRS so long as they are material. While this is typically accomplished through the maintenance of hard copies, records may be kept in an electronic format if certain requirements are satisfied, in accordance with the guidelines in Revenue Procedure 97-22, 1997-1 C.B. 652.
- (d) Keep the relevant records for each issue of bonds for as long as such issue of bonds is outstanding (including any bonds issued to refund such issue of bonds) plus three years after the final redemption date of the bonds.

**Arbitrage Rebate and Arbitrage Yield Restriction – The CFO will:**

- (a) Engage the services of an arbitrage/rebate consultant for assistance in compliance with arbitrage related issues. As of the date of the adoption of these procedures, the County has retained AMTEC Compliance as its arbitrage/rebate consultant.
- (b) Work with the County’s bond counsel, financial advisor and/or arbitrage/rebate consultant to monitor compliance with “temporary period exceptions” for expenditure of bond proceeds, typically three years for new money bonds, and provide for yield restriction of investments or “yield reduction payments” if exceptions are not satisfied.
- (c) Work with the County’s bond counsel and financial advisor to ensure investments acquired with bond proceeds are purchased at fair market value. This may include use of bidding procedures under the regulatory safe harbor (Section 1.148-5(d) of the Regulations).
- (d) Consult with the County’s bond counsel prior to the creation of funds which would reasonably be expected to be used to pay debt service on tax-exempt bonds to determine in advance whether such funds must be invested at a restricted yield (i.e., yield restricted).
- (e) Consult with the County’s bond counsel and financial advisor before engaging in post-issuance credit enhancement transactions (e.g., bond insurance, letter of credit) or hedging transactions (e.g., interest rate swap, cap).
- (f) Consult with the County’s bond counsel, financial advisor, and/or arbitrage/rebate consultant to identify situations in which compliance with applicable yield restrictions depends upon subsequent investments (e.g., purchase of 0% SLGS from U.S. Treasury) and monitor implementation.

- (g) Work with the County's arbitrage/rebate consultant to arrange for timely computation of rebate/yield reduction payment liability and, if an amount is payable, for timely filing of Form 8038-T, Arbitrage Rebate, Yield Reduction and Penalty in Lieu of Arbitrage Rebate (or applicable successor form), and payment of such liability. Rebate/Yield Reduction payments are ordinarily due at 5-year intervals.

**Private Use of Bond-Financed Facilities - The CFO will:**

- (a) Create and maintain records of which proceeds of bond issues were used to finance which facilities. These records shall incorporate the refunding or partial refunding of any bond issues.
- (b) Record the allocation of bond proceeds to expenditures, including reimbursements. These records will be consistent with the expenditures used for arbitrage purposes.
- (c) Record the allocation of bond proceeds and funds from other sources in connection with any bond funded project. Review expenditure of bond proceeds with bond counsel and/or consulting engineer to ensure bond proceeds are used for qualifying costs.
- (d) Review with bond counsel prior to the sale or lease of a bond-financed facility, or the granting of a license or management contract, or any other arrangement allowing private use of a bond financed facility, the terms of such arrangement.
- (e) Keep records of private use, if any, of bond-financed facilities to monitor the amount of private use of bond-financed facilities. Relevant to the County, private use generally includes: use of the proceeds of bonds or bond-financed facilities in any activity by a person or organization that is not (a) a state or local government; or (b) a natural person. Notwithstanding the preceding sentence, private business use generally does not include: (a) use as a member of the general public pursuant to arrangements with a term of less than 200 days; and (b) use by a nongovernmental person pursuant to an arrangement with a term of less than 50 days that is a result of arms-length negotiations and compensation payable under the arrangement is not less than fair market value.
- (f) Private use of bond-financed facilities shall be reviewed once a year (in connection with the preparation of the annual financial statements). If private use occurs, bond counsel will be consulted to determine if remedial action is necessary (including but not included to, the remediation of all non-qualified bonds in accordance with Section 1.14-12 of the Regulations).

**Reissuance – The CFO will:**

- (a) Consult with bond counsel to identify any post-issuance modification to the terms of bonds which could be treated as a current refunding of “old” bonds by “new” bonds, often referred to as a “reissuance.”
- (b) Consult with bond counsel to determine whether any “remedial action” (see item (f) under “Private Use of Bond-Financed Facilities” above) in connection with private use must be treated as a “reissuance.”

Attached is a list of Richland County's fire trucks and a listing of trucks by station.

Out of 84 trucks, 47 are over 15 years old and 36 of those are over 20 years old. Our only ladder truck will soon be 15 years old.

We are conducting a review to determine which trucks should be replaced. This information will be coordinated with Chief Jenkins to determine a final replacement schedule by station. After a preliminary review, available funds will allow us to replace somewhere between 21 and 35 total vehicles depending on how many of each type of truck we replace.

The fire truck purchase ranges are:

- 1 - 1 Ladder Truck
- 7 - 10 Pumpers
- 7 - 10 Tankers
- 3 - 4 Rescue Trucks
- 3 - 10 Brush Trucks

Chief Jenkins is reviewing options for staffing the Spring Hill station that currently has volunteers assigned to it and will make a recommendation at a later date.

<u>Veh #</u>	<u>State</u>	<u>Year</u>	<u>Make/Model</u>	<u>VIN</u>
001	SC	92	INTERNATIONAL/TANKER	1HTSDPBR6NH398876
002	SC	92	INTERNATIONAL/PUMPER	1HTSDPBRXNH393003
003	SC	95	CHEV/BRUSH TRUCK	1GBGK24K6SE113414
004	SC	96	FORD F250/PICKUP	1FTHF25H4TEB05448
005	SC	92	INTERNATIONAL/PUMPER	1HTSDPBR3NH393005
006	SC	92	INTL/PUMPER	1HTSDPCR8NH440365
007	SC	92	INTL/TANKER	1HTSDPCR1NH440367
008	SC	92	INTERNATIONAL/TANKER	1HTSDPBR1NH398879
009	SC	92	INTERNATIONAL/TANKER	1HTSDPBR4NH398875
010	SC	91	CHEV/BRUSH TRUCK	1GCGK24K1ME175950
011	SC	91	CHEV/BRUSH TRUCK	1GCGK24K6ME175930
012	SC	92	INTL/PUMPER	1HTSDPBR8NH393002
013	SC	91	CHEV/BRUSH TRUCK	1GCGK24K1ME176693
014	SC	92	INTERNATIONAL/PUMPER	1HTSDPBR5NH393006
015	SC	83	FORD/PUMPER	1FDXDB4N7DVA16384
016	SC	95	INTL/TANKER	1HTSDADR9TH239003
017	SC	92	INTERNATIONAL/TANKER	1HTSDPBRXNH398878
018	SC	91	GM/BRUSH TRUCK	1GCGK24K2ME176685
019	SC	85	FMC/PUMPER	1GBP7D1G2GV102575
020	SC	85	FMC/TANKER	1GBP7D1GXGV101688
021	SC	91	CHEV/BRUSH TRUCK	1GCGK24K6ME175538
022	SC	92	INTL/PUMPER	1HTSDPBR4NH393000
023	SC	91	CHEV/BRUSH TRUCK	1GCGK24K6ME176723
024	SC	92	INTERNATIONAL/PUMPER	1HTSDPBR6NH393001
025	SC	92	INTERNATIONAL/TANKER	1HTSDPCR3NH440368
026	SC	92	INTL/TANKER	1HTSDPBR2NH398874
027	SC	91	CHEV/BRUSH TRUCK	1GCGK24K9ME175968
028	SC	92	INTERNATIONAL/PUMPER	1HTSDPBR1NH393004
029	SC	91	CHEV/BRUSH TRUCK	1GCGK24K1ME175236
030	SC	85	SEAGRAVE/PUMPER	1F9ED28H5FCST2054
031	SC	92	INTERNATIONAL/TANKER	1HTSDPBR8NH398877
032	SC	85	AMERICAN LAFRANCE/TANK	1AFAL1R2F1A18194
033	SC	90	CHEV/BRUSH TRUCK	1GCGK24K1L176255
034	SC	85	SEAGRAVE/PUMPER	1F9ED28H5FCST2053
035	SC	85	AMERICAN LAFRANCE/TANK	1AFAF1183F1A18195
036	SC	90	CHEV/BRUSH TRUCK	1GCGK24K8LE176897
037	SC	92	INTL/PUMPER	1HTSDPBR3NH392999
038	SC	92	INTL/TANKER	1HTSDPBR0NH398873
039	SC	95	INTL/TANKER	1HTSDADR0TH239004
040	SC	92	INTERNATIONAL/TANKER	1HTSDPCRXNH440366
041	SC	95	CHEV/BRUSH TRUCK	1GBGK24K3SE115167
042	SC	95	INTERNATIONAL/PUMPER	1HTSDADN9TH239001
043	SC	96	FORD/CROWN VIC POLICE	2FALP71W4TX138740
044	SC	96	FORD 3/4 TON TRUCK	1FDKF37F7TEB05415
045	SC	97	INTERNATIONAL/PUMPER	1HTSDADR1VH448660
046	SC	97	INTERNATIONAL/PUMPER	1HTSDADROVH448665
047	SC	97	FORD/TANKER	1FDYF80EXWVA07119
048	SC	98	LAFRANCE/LADDER TRUCK	4Z3ZESEB8WR966510
049	SC	99	DODGE/BRUSH TRUCK	3B7KF2663XM575652
050	SC	00	CHEV/RESCUE	1GBKC34F5YF439207
051	SC	00	FORD/CROWN VIC POLICE	2FAPP71W9YX152198

052	SC	00	DODGE/4X4 BRUSH TRUCK	3B7KF26651M278048
053	SC	00	DODGE/4X4 BRUSH TRUCK	3B7KF26671M278049
054	SC	00	DODGE/4X4 BRUSH TRUCK	3B7KF26631M278047
055	SC	00	DODGE/4X4 BRUSH TRUCK	3B7KF26651M278051
056	SC	00	DODGE/4X4 BRUSH TRUCK	3B7KF26631M278050
057	SC	00	DODGE/4X4 BRUSH TRUCK	3B7KF26601M270665
058	SC	00	CHEV/RESCUE VAN	1GBJG31F31128022
059	SC	00	INTERNATIONAL/PUMPER	1HTSDADRXYH291778
060	SC	00	INTERNATIONAL/TANKER	1HTSDAARKYH282843
061	SC	00	CHEV/RESCUE	1GBKC34F9YF439307
062	SC	00	CHEV/RESCUE	1GBKC34F3YF441229
063	SC	01	PIERCE/PUMPER	4PICT02U51A001197
064	SC	01	PIERCE/PUMPER	4P1CT02U12A001943
065	SC	01	LAFRANCE/TANKER	1FVABXBS7LHJ29494
066	SC	01	CHEV/PICKUP	1GCEC14V11Z234167
067	SC	02	FORD/CROWN VICTORIA	2FAPP71W62X148990
068	SC	03	PIERCE/CONTENDER PUMPE	4P1CT02UX3AA00336
069	SC	03	PIERCE/CONTENDER PUMPE	4P1CT02U13A003337
070	SC	03	PIERCE/CONTENDER PUMPE	4P1CT02U93A003358
071	SC	95	INTL/PUMPER	1HTSDADR95SH23900
072	SC	05	FORD/PICKUP	1FDWX36P05EC36598
073	SC	06	CHEVROLET/IMPALA POLIC	2G1WS551469329438
074	SC	06	FORD/F-450 1 TON PU	1FDXW46P76EC23717
075	SC	07	PIERCE/PUMPER	4PICC01M97A0070000
076	SC	07	PIERCE/CONTENDER	4PICC01M87A007528
077	SC	07	PIERCE/CONTENDER	4PICC01MX7A007524
078	SC	08	FORD/172 CREW CAB	1FTXW42R58ED50710
079	SC	07	PIERCE/CONTENDER	4PICC01M87A006999
080	SC	07	GMC/5500 CREW CAB	1GDE5E1297F402154
081	SC	07	GMC/5500 CREW CAB	1GDE5E1217F402648
082	SC	09	PIERCE/CUSTOM CONTENDE	4P1CC01A99A009418
083	SC	09	PIERCE/CONTENDER	4P1CC01A79A009840
084	SC	09	PIERCE/CONTENDER	4P1CC01A09A009811



Unit #	Alt. #	Dept. #	Department	Year	Make	Model	Tag #	FAID	Serial #
ing Dept: 2082306 - County Fire Administration									
1762	KT272	2082306	County Fire Administration	1985	AMER	1800			1AFAF1182F1A18195
1763	KT073	2082306	County Fire Administration	1985	AMER	1800			1AFAF1183F1A18195
1770	FI001	2082306	County Fire Administration	1990	CHEV	CK20903	CG59457		1GCGK24K8LE176897
1771	BT081	2082306	County Fire Administration	1990	CHEV	GM4GK2	CG59458		1GCGK24K1LE176255
1109	BT019	2082306	County Fire Administration	1991	CHEV	CK20903	CG59459		1GCGK24K1ME175236
1209	HER63	2082306	County Fire Administration	1992	INTL	4900			1HTSDPBR4NH393000
1237	HER64	2082306	County Fire Administration	1992	INTL	4900			1HTSDPBR6NH393001
1245	HER70	2082306	County Fire Administration	1992	INTL	4900			1HTSDPBRXNH393003
1258	HER68	2082306	County Fire Administration	1992	INTL	4900			1HTSDPBR1NH393004
1348	AO098	2082306	County Fire Administration	2000	N/A	N/A			13348
1844	FF007	2082306	County Fire Administration	1996	FORD	F350	CG59468		1FDKF37F7TEB05415
1395	HER66	2082306	County Fire Administration	1997	INTL	DT4900			1HTSDADR1VH448660
1573	FF009	2082306	County Fire Administration	2000	CHEV	CC31403	CG59472		1GBKC34F9YF439307
1574	FF010	2082306	County Fire Administration	2000	CHEV	CC31403	CG59473		1GBKC34F3YF441229
1549	FF011	2082306	County Fire Administration	2005	FORD	F-350	CG59454		1FDWX36P05EC36598
1858	FF001	2082306	County Fire Administration	2006	FORD	W465	CG59455	F004606	1FDXW46P76EC23717
271	FF002	2082306	County Fire Administration	2008	FORD	F450	CG63895	F005431	1FTXW42R58ED50710
439	GR003	2082306	County Fire Administration	2007	GMC	5500		F006160	1GD5E1297F402154
442	GR004	2082306	County Fire Administration	2007	GMC	5500		F006161	1GDE5E1217F402648
791	HE030	2082306	County Fire Administration	2009	PIER	CONTENDE		F006339	4P1CC01A79A009840
ing Dept: 2082314 - Dentsville Station 14									
784	AO003	2082314	Dentsville Station 14	1971	GILB	N/A			EZ605
812	ZL014	2082314	Dentsville Station 14	1998	AMER	LA15050A			4Z3ZESEB8WR966510
951	HE014	2082314	Dentsville Station 14	2003	PIER	CONTENDE			4P1CT02UX3A003336
ing Dept: 2082315 - Cedar Creek Station 15									
363	KT015	2082315	Cedar Creek Station 15	1992	INTL	4900			1HTSDPCRNXNH440366
242	FI017	2082315	Cedar Creek Station 15	1995	CHEV	CK20903	CG40421		1GBGK24K3SE115167
ing Dept: 2082317 - Upper Richland Station 17									
195	HE015	2082317	Upper Richland Station 17	1992	INTL	4900			1HTSDPBR3NH392999
203	KT017	2082317	Upper Richland Station 17	1992	INTL	4900			1HTSDPBR0NH398873
690	FF014	2082317	Upper Richland Station 17	2000	DODG	2500	CG47891		3B7KF26651M278051
943	HE017	2082317	Upper Richland Station 17	2007	PIER	CONTENDE			4P1CC01M87A007528
ing Dept: 2082318 - Crane Creek Station 18									
103	BT018	2082318	Crane Creek Station 18	1991	CHEV	CK20903	CG59465		1GCGK24K2ME176685
275	KT018	2082318	Crane Creek Station 18	1992	INTL	31-MAY			1HTSDPBRXNH398878
396	HE018	2082318	Crane Creek Station 18	1997	INTL	DT4900			1HTSDADROVH448665
ing Dept: 2082319 - Gadsden Station 19									
208	KT019	2082319	Gadsden Station 19	1992	INTL	4600			1HTSDPBR2NH398874
944	HE019	2082319	Gadsden Station 19	2007	PIER	CONTENDE			4P1CC01MX7A007524
ing Dept: 2082320 - Ballentine Station 20									
239	KT020	2082320	Ballentine Station 20	1992	INTL	4900			1HTSDPBR6NH398876
609	KT234	2082320	Ballentine Station 20	1995	INTL	4900			1HTSDADR9SH239002
850	FI001	2082320	Ballentine Station 20	1996	FORD	F250	CG59467		1FTHF25H4TEB05448
639	FV021	2082320	Ballentine Station 20	2000	CHEV	CG31803	CG59471		1GBJG31F3Y1128022
691	FF020	2082320	Ballentine Station 20	2000	DODG	2500	CG43430		3B7KF26631M278050
596	HE020	2082320	Ballentine Station 20	2007	PIER	CONTENDE			4P1CC01M87A006999

Unit #	Alt. #	Dept. #	Department	Year	Make	Model	Tag #	FAID	Serial #
376	KT021	2082321	White Rock Station 21	1992	INTL	4900			1HTSDPCR1NH440367
464	HE021	2082321	White Rock Station 21	1992	INTL	4900			1HTSDPCR8NH440365
589	BT001	2082321	White Rock Station 21	2000	DODG	BR7L62	CG59476		3B7KF26601M270665
ing Dept: 2082322 - Lower Richland Station 22									
689	BT022	2082322	Lower Richland Station 22	2000	DODG	2500	CG43429		3B7KF26671M278049
264	KT022	2082322	Lower Richland Station 22	2001	AMER	FL80			1FVABXBS71HJ29494
952	HE022	2082322	Lower Richland Station 22	2003	PIER	CONTENDE			4P1CT02U13A003337
ing Dept: 2082323 - Hopkins Station 23									
106	BT023	2082323	Hopkins Station 23	1991	CHEV	CK20903	CG59464		1GCGK24K9ME175968
384	KT023	2082323	Hopkins Station 23	1992	INTL	4900			1HTSDPCR3NH440368
ing Dept: 2082324 - Sandhill Station 24									
111	FI019	2082324	Sandhill Station 24	1991	CHEV	CK20903	CG59463		1GCGK24K6ME176723
794	HE024	2082324	Sandhill Station 24	2009	PIER	CONTENDE		F006338	4P1CC01A09A009811
ing Dept: 2082325 - Bear Creek Crossing Station 25									
108	BT025	2082325	Bear Creek Crossing Station 25	1991	CHEV	CK20903	CG59466		1GCGK24K6ME175930
286	KT025	2082325	Bear Creek Crossing Station 25	1992	INTL	4900			1HTSDPBR1NH398879
287	HE025	2082325	Bear Creek Crossing Station 25	1992	INTL	4900			1HTSDPBR3NH393005
ing Dept: 2082326 - Blythewood Station 26									
107	FI026	2082326	Blythewood Station 26	1991	CHEV	CK20903	CG59461		1GCGK24K1ME175950
238	HE026	2082326	Blythewood Station 26	1992	INTL	4900			1HTSDPBR8NH393002
246	KT026	2082326	Blythewood Station 26	1992	INTL	4900			1HTSDPBR4NH398875
ing Dept: 2082327 - Killian Station 27									
247	KT027	2082327	Killian Station 27	1992	INTL	4900			1HTSDPBR8NH398877
680	FI027	2082327	Killian Station 27	2000	DODG	2500	CG43431		3B7KF26631M278047
597	HE027	2082327	Killian Station 27	2007	PIER	CONTENDE			4P1CC01M97A007000
ing Dept: 2082328 - Eastover Station 28									
102	BT028	2082328	Eastover Station 28	1991	CHEV	CK20903	CG59460		1GCGK24K6ME175538
397	KT028	2082328	Eastover Station 28	1997	FORD	E-ONE			1FDYF8OEXWVA07119
526	HE028	2082328	Eastover Station 28	2000	INTL	CSYCX125			1HTSDADRXHYH291778
ing Dept: 2082329 - Millwood/Congaree Run 29									
315	HE029	2082329	Millwood/Congaree Run 29	1992	INTL	4900			1HTSDPBR5NH393006
340	KT029	2082329	Millwood/Congaree Run 29	1995	INTL	4900			1HTSDADR9TH239003
388	FF012	2082329	Millwood/Congaree Run 29	2000	DODG	2500	CG47892		3B7KF26651M278048
ing Dept: 2082330 - Capital View Station Sta 30									
207	BT030	2082330	Capital View Station Sta 30	1999	DODG	2500	CG43388		3B7KF2663XM575652
578	KT030	2082330	Capital View Station Sta 30	2000	INTL	4900 4X2			1HTSDAARXYH282843
ing Dept: 2082331 - Leesburg Station 31									
112	BT031	2082331	Leesburg Station 31	1991	CHEV	CK20903	CG59462		1GCGK24K1ME176693
508	HE023	2082331	Leesburg Station 31	1995	INTL	4900			1HTSDADN9TH239001
341	KT031	2082331	Leesburg Station 31	1995	INTL	4900			1HTSDADR0TH239004
384	HE031	2082331	Leesburg Station 31	2001	PIER	CONTENDE			4P1CT02U51A001197
ing Dept: 2082332 - Spring Valley Station 32									
18954	HE032	2082332	Spring Valley Station 32	2003	PIER	CONTENDE			4P1CT02U93A003358
ing Dept: 2082333 - Gills Creek Station 33									
265	HE033	2082333	Gills Creek Station 33	2001	PIER	CONTENDE			4P1CT02U12A001943
795	AO001	2082333	Gills Creek Station 33	2012	CRAF	316.794000			1D262DF1140
ing Dept: 2082334 - Elders Pond Station 34									
399	HE034	2082334	Elders Pond Station 34	2009	PIER	CONTENDE		F006303	4P1CC01A99A009418
304	AO001	2082334	Elders Pond Station 34	2012	CRAF	316.711190			1G102GH1488

# Richland County Council Request of Action

## **Subject**

An Ordinance Amending the Fiscal Year 2012-2013 General Fund Annual Budget to appropriate \$11,830 of General Fund Unassigned Fund Balance for the Legal Department for salary adjustments [**PAGES 283-290**]

## **Notes**

September 25, 2012 - The committee forwarded this item to Council without a recommendation and directed the Clerk of Council to add this to the October 2, 2012 Council agenda as an executive session item. The vote in favor was unanimous.

First Reading: October 2, 2012

Second Reading: October 16, 2012

Third Reading:

Public Hearing:

## Richland County Council Request for Action

Subject: Motion to Increase the Legal Department General Fund Annual Budget

### A. Purpose

This request is, per Mr. Washington's July 24, 2012 motion, to increase the Legal Department's general fund annual budget.

### B. Background / Discussion

During the Motion Period of the July 24, 2012, County Council meeting, Mr. Washington made the following motion:

I move that we give first reading by title only to the following ordinance:

AN ORDINANCE AMENDING THE FISCAL YEAR 2012-2013  
GENERAL FUND ANNUAL BUDGET TO APPROPRIATE \$77,256.20  
OF GENERAL FUND UNDESIGNATED FUND BALANCE TO THE  
LEGAL DEPARTMENT FOR SALARY ADJUSTMENTS

The item was forwarded to the A&F Committee. Council is requested to consider the budget request; however, the new adjusted total requested has been reduced to \$75,177.89. The Legal Department believes that the requested funds would make their salaries comparable to Counties of similar size and responsibilities. Additionally, the funds would promote salary equity within the Department.

The requested amount includes the salary money plus 18.25% for FICA and retirement costs (fringe costs), as well as the money needed to fully fund the vacant attorney position at \$65,000. Council attempted to fully fund that position at third reading of the budget, but because of the 18.25% fringe costs, the position was not funded at the full amount. While we did receive the full \$65,000, only \$55,061 was allocated to the salary for the position, with the remainder going to pay the requisite fringe costs.

Please see the attached ordinance by title only.

### C. Financial Impact

Approval of this ordinance would appropriate \$75,177.89 of general fund dollars for this fiscal year and would require a funding source for subsequent years.

### D. Alternatives

1. Approve the ordinance.
2. Amend the ordinance and approve.
3. Do not approve the ordinance.

**E. Recommendation**

It is recommended that Council approve the ordinance.

Recommended by: Elizabeth A. McLean      Department: Legal      Date: 9/11/12

**F. Reviews**

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

**Finance**

Reviewed by: Daniel Driggers      Date: 9/17/12  
 Recommend Council approval       Recommend Council denial  
 Council Discretion (please explain if checked)  
Comments regarding recommendation:

This is a funding request for Council. Approval of the request would require the identification of budget funds.

The County has recently engaged a consulting firm to conduct some position comparisons and market rate analysis for most County positions inclusive of the Legal Department. Therefore, Council may want to consider the request within the comparisons and recommendations provided in the study. Alternatively, rather than considering request on a department-by-department basis, Council may consider having the consultant complete the comparison above for all county positions to determine a total impact for aligning county salaries with other Counties of similar size and responsibilities

**Human Resources**

Reviewed by: Dwight Hanna      Date:  
 Recommend Council approval       Recommend Council denial  
 Council Discretion (please explain if checked)

Comments regarding recommendation: This request was initiated by Council and within the authority of County Council to approve. Therefore, Human Resources designated “Council Discretion”.

Human Resources did not review the confidential memo and did not conduct or participate in the survey research. Consequently, Human Resources can’t speak to the detail specifics presented but will make a few general points on the bigger picture topics of employees’ perception of equity, external equity, internal equity, and the Classification & Compensation Study. Regardless, Human Resources fully supports external equity and internal equity for the employees of the Legal Department and all County departments.

The comments below are made more from a global or corporate perspective and should not be taken to relate solely or specifically to the Legal Department:

There are many factors, other than compensation, that can strongly influence an employee's perception of equity. Research shows that workers often rank job security, working conditions, advancement opportunities, management appreciation, relations with co-workers, and flexibility of work hours or job assignments ahead of pay.

Generally the focus on external equity enables an organization to develop compensation structures and programs that are competitive with other companies in appropriate labor markets. External equity exists when an employer pays a wage rate commensurate with the wages prevailing in appropriate (i.e. organization size, industry, geographical, etc.) external labor markets.

For example, large organizations tend to pay more, sometimes significantly more than small organizations. It is not uncommon for private sector organizations to pay more than the public sector for comparable jobs. Assessing external equity requires measuring these labor markets. It is important to define the appropriate labor market(s) to assure accurate external wage comparisons. The power of a wage or salary to attract employees is often based solely on external equity considerations. The retention power of a wage or salary can be heavily influenced by external equity considerations, as well.

Internal equity exists when an employer pay wages commensurate with the relative internal value of each job. Focusing only on external equity may detract from important internal equity considerations because individuals tend to compare their pay with that of other people within the organization.

Because external and internal equity operate independently, the wage suggested by the external labor market can differ dramatically from the wage dictated by internal equity considerations. Therefore, it is important to consider both internal equity and external equity because they both can have serious consequences for the organization.

The scope of the Classification & Compensation Study focused more on making sure jobs were competitive with the appropriate labor markets. And the scope did not include addressing specific market competitive employee wages. Therefore, the Classification & Compensation Study does not address matters of internal equity or external equity specifically as it relates to employee compensation. Buck Consultants reported that Richland County employee average salary was 83% of the survey median (a.k.a midpoint or competitive target) for the SCAC Survey Group. This means that Richland County's average pay is about 17% below the average market (competitive) pay rate reflected in the SCAC Survey Group. It is likely that the Legal Department wages would follow the average of the County. However, keep in mind this percentage (17%) is an average for Richland County, inclusive of the Legal Department, but not only the Legal Department. If private sector labor market sources are considered the wage variance for the Legal Department could be even greater than the average reported by Buck Consultants and/or funding requested by Legal.

In summary, it is a common best practice for organizations to consider a two-pronged approach to setting wage levels considering both external equity data and internal equity.

Selecting the appropriate labor market(s) is essential to getting proper comparisons. Also, it is beneficial to note that relating to equity perception employees usually consider many other factors in addition to compensation. Finally, the findings reported by Buck Consultants show Richland County employees' actual average wages are significantly below (17%) the SCAC Survey Group median or target market rate.

### **Legal**

Reviewed by: Brad Farrar

Date:

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

### **Administration**

Reviewed by: Tony McDonald

Date: 9/21/12

Recommend Council approval as outlined in the comments below.

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: I concur with the HR Director's position that it is desirable to have the Legal Department's salaries established at a level that is both internally and externally equitable. The following factors, however, should be considered before rendering a decision on this request:

- This request was made previously during the FY 13 budget adoption process, and while the Council approved the addition of a new Staff Attorney position for the Legal Department, at a salary of \$65,000, and additional training funds in the amount of \$15,970, the Council elected to refer the salary increases for the Legal Department staff to the Classification & Compensation Study rather than funding the requested increases independent of that Study.
- As a result of the Classification & Compensation Study, County employees, including the Legal Department staff, received a 4 percent increase as part of the Phase I implementation.
- Phase II of the Classification & Compensation Study will be incorporated into the FY 14 budget.

Considering the above factors, it is recommended that the Legal Department salaries be adjusted as part of Phase II of the Classification & Compensation Study as opposed to addressing the salary issue independent of the Study. There are two primary reasons for this recommendation:

- If addressed as part of the Classification & Compensation Study, the Legal Department's salaries would be addressed consistent with the salaries of all other County departments.

- To address the Legal Department salaries independent of the Study may render results that are not consistent with the Study results.

To conclude, I would recommend that the fringe benefits request of 18.25 percent, or \$11,830, be approved, but that the individual salary increases be addressed in Phase II of the Classification & Compensation Study.



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

AN ORDINANCE AMENDING THE FISCAL YEAR 2012-2013 GENERAL FUND ANNUAL BUDGET TO APPROPRIATE \$11,830 OF GENERAL FUND UNASSIGNED FUND BALANCE FOR THE LEGAL DEPARTMENT FOR SALARY ADJUSTMENTS.

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. That the amount of eleven thousand eight hundred thirty dollars (\$11,830) be appropriated for Legal Department Salary Adjustments. Therefore, the Fiscal Year 2012-2013 General Fund Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2012 as amended:	\$147,352,730
Appropriation of General Fund unassigned fund balance	<u>11,830</u>
Total General Fund Revenue as Amended:	\$147,364,560

EXPENDITURES

Expenditures appropriated July 1, 2012 as amended:	\$147,352,730
Increase to Legal Department	<u>11,830</u>
Total General Fund Expenditures as Amended:	\$147,364,560

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 \_\_\_\_\_, 2012.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Kelvin Washington, Chair

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

OF \_\_\_\_\_, 2012

\_\_\_\_\_  
Clerk of Council

RICHLANDCOUNTYATTORNEY'S OFFICE

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

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

# Richland County Council Request of Action

## **Subject**

- a. A Resolution Authorizing the exercise of the option pursuant to the Option Agreement between the County and VB Blythewood Properties LLC and other matters related thereto **[PAGES 292-293]**
- b. Authorizing the execution and delivery of an agreement between the County and [Project Resolve] to provide for the conveyance of certain property from the County to [Project Resolve] and other matters related thereto **[FIRST READING BY TITLE ONLY] [PAGE 294]**
- c. A Resolution Authorizing (1) the execution and delivery of a fee in lieu of tax and incentive agreement (the "incentive agreement") between Richland County, South Carolina (the "County") and Constantia Hueck Foils L.L.C., acting for itself, and one or more affiliates or other project sponsors (the "Company"), whereby, under certain conditions, the County shall grant incentives to the Company in connection with the expansion of certain manufacturing facilities in the County (the "Expansion Project"), in which agreement the County will covenant to accept certain negotiated fees in lieu of Ad Valorem taxes with respect to the Expansion Project; (2) Certain special source credits in connection with the Expansion Project; (3) the benefits of a Multi-County Industrial or Business Park to be made available to the Company; and (4) other matters relating thereto **[PAGES 295-299]**
- d. An Ordinance Authorizing (1) the execution and delivery of a fee in lieu of tax and incentive agreement (the "Incentive Agreement") between Richland County, South Carolina (the "County") and Constantia Hueck Foils L.L.C., acting for itself, and one or more affiliates or other project sponsors (the "Company"), whereby, under certain conditions, the County shall grant incentives to the Company in connection with the expansion of certain manufacturing facilities in the County (the "Expansion Project"), in which agreement the County will covenant to accept certain negotiated fees in lieu of Ad Valorem taxes with respect to the Expansion Project; (2) Certain special source credits in connection with the Expansion Project; (3) the benefits of a Multi-County Industrial or Business Park to be made available to the Company; and (4) other matters relating thereto **[FIRST READING BY TITLE ONLY] [PAGE 300]**
- e. Bailey Bill Ordinance **[PAGES 301-306]**

**A RESOLUTION AUTHORIZING THE EXERCISE OF THE  
OPTION PURSUANT TO THE OPTION AGREEMENT BETWEEN  
THE COUNTY AND VB BLYTHEWOOD PROPERTIES LLC AND  
OTHER MATTERS RELATED THERETO**

WHEREAS, Richland County, South Carolina (“County”), acting by and through its County Council (“County Council”) is authorized and empowered under and pursuant to the provisions of Title 4, Chapter 9, Code of Laws of South Carolina, 1976, as amended, to make and execute contracts;

WHEREAS, for the purpose of attracting a company known as Project Resolve (“Company”) and a potential, significant investment by the Company (“Investment”) to the County, the County entered into an Option Agreement dated July 19, 2012 with VB Blythewood Properties, LLC (“Agreement”) pursuant to which the County was granted the option to purchase certain property in the County, and as more particularly described in the Agreement (“Property”);

WHEREAS, the County, through the County Economic Development Director and County Administrator, are prepared to exercise the option in the Agreement and purchase the Property following the public announcement by the Company of the Investment; and

WHEREAS, the County’s exercise of the option is conditioned on the public announcement by the Company of the Investment.

NOW, THEREFORE, BE IT RESOLVED by the County Council in meeting duly assembled:

1. In the name of and on behalf of the County, the Economic Development Director and the County Administrator (“Administrator”) is authorized and directed to exercise the option in the Agreement on behalf of the County in accordance with the conditions of this Resolution.

2. The County Council and the duly elected or appointed officials of the County shall take any and all further action as may be reasonably necessary to effect the option and the actions contemplated by this Resolution.

3. All resolutions, and parts thereof in conflict with this Resolution are, to the extent of such conflict, hereby repealed.

4. Should any part, provision, or term of this Resolution be deemed unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such finding or determination shall not affect the rest and remainder of the Resolution or any part, provision or term thereof, all of which is hereby deemed separable.

DONE AND PASSED this 13<sup>th</sup> day of November, 2012.

RICHLAND COUNTY, SOUTH CAROLINA

By: \_\_\_\_\_  
Kelvin Washington  
Chairman, Richland County Council

ATTEST:

\_\_\_\_\_  
Michelle Onley  
Clerk, Richland County Council

**AUTHORIZING THE EXECUTION AND DELIVERY OF AN AGREEMENT BETWEEN THE COUNTY AND [PROJECT RESOLVE] TO PROVIDE FOR THE CONVEYANCE OF CERTAIN PROPERTY FROM THE COUNTY TO [PROJECT RESOLVE] AND OTHER MATTERS RELATED THERETO**

**RICHLAND COUNTY  
RESOLUTION**

A RESOLUTION AUTHORIZING (1) THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT (THE "INCENTIVE AGREEMENT") BETWEEN RICHLAND COUNTY, SOUTH CAROLINA (THE "COUNTY") AND CONSTANTIA HUECK FOILS L.L.C., ACTING FOR ITSELF, AND ONE OR MORE AFFILIATES OR OTHER PROJECT SPONSORS (THE "COMPANY"), WHEREBY, UNDER CERTAIN CONDITIONS, THE COUNTY SHALL GRANT INCENTIVES TO THE COMPANY IN CONNECTION WITH THE EXPANSION OF CERTAIN MANUFACTURING FACILITIES IN THE COUNTY (THE "EXPANSION PROJECT"), IN WHICH AGREEMENT THE COUNTY WILL COVENANT TO ACCEPT CERTAIN NEGOTIATED FEES IN LIEU OF *AD VALOREM* TAXES WITH RESPECT TO THE EXPANSION PROJECT; (2) CERTAIN SPECIAL SOURCE CREDITS IN CONNECTION WITH THE EXPANSION PROJECT; (3) THE BENEFITS OF A MULTI-COUNTY INDUSTRIAL OR BUSINESS PARK TO BE MADE AVAILABLE TO THE COMPANY; AND (4) OTHER MATTERS RELATING THERETO.

WHEREAS, Richland County, South Carolina (the "County"), acting by and through its County Council (the "Council"), is authorized and empowered under and pursuant to the provisions of the Code of Laws of South Carolina 1976, as amended through the date hereof (the "Code"), particularly Title 12, Chapter 44 of the Code (the "Negotiated FILOT Act") and Title 4, Chapter 1 of the Code (the "Multi-County Park Act" or, Section 4-1-175 thereof, and, by incorporation Section 4-29-68 of the Code, the "Special Source Act") (collectively, the "Act") and by Article VIII, Section 13 of the South Carolina Constitution: (i) to enter into agreements with certain investors to construct, operate, maintain, and improve certain projects through which the economic development of the State of South Carolina (the "State") will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate and remain in the State and thus utilize and employ the manpower, agricultural products, and natural resources of the State; (ii) to covenant with such investors to accept certain fee in lieu of *ad valorem* tax ("FILOT") payments, including, without limitation, negotiated FILOT payments made pursuant to the Negotiated FILOT Act, with respect to a project; (iii) to permit investors to claim special source credits against their FILOT payments ("Special Source Credits") to reimburse such investors for expenditures in connection with infrastructure serving the County and improved or unimproved real estate and personal property, used in the operation of a manufacturing or commercial enterprise in order to enhance the economic development of the County ("Special Source Property"); and (iv) to create, in conjunction with one or more other counties, a multi-county industrial or business park in order to afford certain enhanced income tax credits to such investors and to facilitate the grant of Special Source Credits; and

WHEREAS, Constantia Hueck Foils L.L.C., a limited liability company organized and existing under the laws of the State of Delaware, acting for itself, and one or more affiliates or

other project sponsors, (the “Company”) proposes to invest in, or cause others to invest in, the expansion of its existing facilities in the County (the “Expansion Project”); and

WHEREAS, the Company anticipates that, should its plans proceed as expected, it will invest or cause to be invested not less than \$12,000,000 in the Expansion Project and create or cause to be created 15 jobs within the County and surrounding areas; and

WHEREAS, on the basis of the information supplied to it by the Company, the County has determined, *inter alia*, that the Expansion Project would subserve the purposes of the Act and would be directly and substantially beneficial to the County, the taxing entities of the County and the citizens and residents of the County due to the investment and jobs anticipated to be created, or caused to be created, by the Company, which contribute to the tax base and the economic welfare of the County, and, accordingly, the County wishes to induce the Company to undertake the Expansion Project by offering the incentives set forth herein to be documented in a fee in lieu of tax and incentive agreement between the County and the Company (the “Incentive Agreement”); and

NOW, THEREFORE, BE IT RESOLVED by the Council, as follows:

Section 1. As contemplated by Section 12-44-40(I) of the Code, the County makes the following findings and determinations:

- (a) The Expansion Project will constitute a “project” within the meaning of the Negotiated FILOT Act; and
- (b) The Expansion Project, and the County’s actions herein, will subserve the purposes of the Negotiated FILOT Act; and
- (c) The Expansion Project is anticipated to benefit the general public welfare of the State and the County by providing services, employment, recreation, or other public benefits not otherwise adequately provided locally; and
- (d) The Expansion Project gives rise to no pecuniary liability of the County or incorporated municipality or a charge against its general credit or taxing power; and
- (e) The purposes to be accomplished by the Expansion Project are proper governmental and public purposes; and
- (f) The benefits of the Expansion Project are greater than the costs; and
- (g) The Expansion Project will have a substantial public benefit.

Section 2.

(a) The County hereby agrees to enter the Incentive Agreement with the Company, whereby the Company will agree to create, or cause to be created, at least 15 jobs new jobs and to invest, or cause to be invested, and an amount not less than \$12,000,000 at the Expansion Project (the “Minimum Contractual Requirements”) during



the period commencing with the date of the initial expenditure with respect to the Expansion Project, whether before or after the date of this Resolution, and ending on the fifth anniversary of the end of the property tax year in which the Company places in service the initial assets comprising the Expansion Project (the “Compliance Period”), and the County, under certain conditions to be set forth in the Expansion Incentive Agreement, will agree to accept negotiated fee in lieu of *ad valorem* tax (“Negotiated FILOT”) payments with respect to the Expansion Project.

(b) Subject to the provisions of the provisions of the Negotiated FILOT Act, the annual Negotiated FILOT payments shall commence with respect to the property tax year in which the first property comprising a part of the Project is placed in service and shall continue for a period of 20 years thereafter; provided that, if the Project is placed in service during more than one year, each year’s investment during the Compliance Period, or if such period is extended as set forth in **Section 2(a)** hereof, during the Investment Period, shall be subject to the Negotiated FILOT for a period of 20 years.

(c) The Expansion Project FILOT shall be determined using: (1) an assessment ratio of 6%, (2) the lowest millage rate allowed with respect to the Expansion Project pursuant to Section 12-44-50(A)(1)(d) of the Negotiated FILOT Act, which millage rate shall be fixed pursuant to Section 12-44-50(A)(1)(b)(i) of the Negotiated FILOT Act for the full term of the Expansion Project FILOT; (3) the fair market value of the Expansion Project determined in accordance with the Negotiated FILOT Act; and (4) and such other terms and conditions as are specified in the Incentive Agreement.

Section 3. As an additional incentive to induce the Company to locate the Expansion Project within the county, and as reimbursement for the Company’s investment in Special Source Property and subject to the requirements of the Special Source Act, the Council does hereby agree that, if the investment in the Expansion Project increases to \$20,000,000 by the end of the Compliance Period, the Company shall be entitled to claim and receive Special Source Credits in an amount equal to twenty-five (25%) percent of each FILOT payment made with respect to the Expansion Project for a period of five (5) years. In accordance with the Special Source Act, the Special Source Credits authorized herein shall not, in the aggregate, exceed the aggregate cost of Special Source Property funded from time to time by the Company in connection with the Expansion Project.

Section 4. The County will take all acts to insure that the Expansion Project will be included, if not already included, and will remain, within the boundaries of a multi-county industrial or business park pursuant to the provisions of the Multi-County Park Act and Article VIII, Section 13 of the Constitution of the State on terms which provide for all jobs created at the Expansion Project through the end of the Compliance Period, or if such period is extended as set forth in **Section 2(a)** hereof, through the end of the Investment Period, any additional jobs creation tax credits afforded by the laws of the State for projects located within multi-county industrial or business parks and which facilitate the Special Source Credits described in **Section 3** hereof.

Section 5. The provisions, terms, and conditions of the Incentive Agreement shall be subject to approval by subsequent Ordinance of the Council. The Incentive Agreement is to be

in substantially the form customarily used by the County for similar transactions with such changes therein as shall be approved by said Ordinance.

Section 6. The Chairman of the Council, and the Clerk to Council, for and on behalf of the County, are hereby each authorized, empowered, and directed to do any and all things necessary or proper to effect the performance of all obligations of the County under and pursuant to this Resolution.

Section 7. The execution and delivery of the Incentive Agreement is subject to enactment by the Council of an ordinance authorizing the same and, in conjunction therewith, compliance with the provisions of the Home Rule Act regarding the procedural requirements for adopting ordinances.

Section 8. All orders, resolutions, and parts thereof in conflict herewith are to the extent of such conflict hereby repealed. This Resolution shall take effect and be in full force upon adoption by the Council.

[End of Resolution]

Done in meeting duly assembled November 6, 2012.

RICHLAND COUNTY, SOUTH CAROLINA

By: \_\_\_\_\_  
Kelvin E. Washington, Sr., Chairman, County Council  
Richland County, South Carolina

[SEAL]

ATTEST:

By: \_\_\_\_\_  
Michelle Onley, Clerk to County Council  
Richland County, South Carolina

**STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE AUTHORIZING (1) THE EXECUTION AND DELIVERY OF A FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT (THE "INCENTIVE AGREEMENT") BETWEEN RICHLAND COUNTY, SOUTH CAROLINA (THE "COUNTY") AND CONSTANTIA HUECK FOILS L.L.C., ACTING FOR ITSELF, AND ONE OR MORE AFFILIATES OR OTHER PROJECT SPONSORS (THE "COMPANY"), WHEREBY, UNDER CERTAIN CONDITIONS, THE COUNTY SHALL GRANT INCENTIVES TO THE COMPANY IN CONNECTION WITH THE EXPANSION OF CERTAIN MANUFACTURING FACILITIES IN THE COUNTY (THE "EXPANSION PROJECT"), IN WHICH AGREEMENT THE COUNTY WILL COVENANT TO ACCEPT CERTAIN NEGOTIATED FEES IN LIEU OF *AD VALOREM* TAXES WITH RESPECT TO THE EXPANSION PROJECT; (2) CERTAIN SPECIAL SOURCE CREDITS IN CONNECTION WITH THE EXPANSION PROJECT; (3) THE BENEFITS OF A MULTI-COUNTY INDUSTRIAL OR BUSINESS PARK TO BE MADE AVAILABLE TO THE COMPANY; AND (4) OTHER MATTERS RELATING THERETO.

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. 047-08

AN ORDINANCE TO REPEAL ORDINANCE NUMBER 025-96HR, ENTITLED "AN ORDINANCE ADOPTING A POLICY WITH RESPECT TO SPECIAL PROPERTY TAX ASSESSMENTS FOR REHABILITATED HISTORIC PROPERTIES", AND TO AMEND THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 23, TAXATION, ARTICLE V, REHABILITATED HISTORIC PROPERTIES, SO AS TO REFLECT THE 2004 AMENDMENTS MADE TO SECTION 4-9-195 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, AS AMENDED.

FILED  
S.C.

WHEREAS, pursuant to Section 4-9-195 of the S. C. Code of Laws, 1976, as amended, Richland County Council enacted Ordinance Number 025-96HR, "An Ordinance Adopting a Policy with Respect to Special Property Tax Assessments for Rehabilitated Historic Properties" on May 21, 1996, which was subsequently codified as Article V of Chapter 25 in the Richland County Code of Ordinances; and

WHEREAS, Section 4-9-195 of the S. C. Code of Laws, 1976, as amended, was recently amended by the South Carolina General Assembly through the enactment of Act No. 292, effective August 16, 2004; and

WHEREAS, Richland County Council now desires to repeal Ordinance Number 025-96HR and to amend the Richland County Code of Ordinances, Chapter 23, Taxation, Article V, Rehabilitated Historic Properties, to reflect the 2004 amendments made to Section 4-9-195 of the South Carolina Code of Laws, 1976, as amended;

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

SECTION I. Ordinance Number 025-96HR, entitled "An Ordinance Adopting a Policy with Respect to Special Property Tax Assessments for Rehabilitated Historic Properties", and enacted on May 21, 1996, is hereby repealed in its entirety.

SECTION II. The Richland County Code of Ordinances; Chapter 23, Taxation; Article V, Rehabilitated Historic Properties; is hereby amended by the deletion of the language contained therein and the substitution of the following language:

**ARTICLE V. REHABILITATED HISTORIC PROPERTIES**

**Sec. 23-60. Special tax assessment created.**

A special tax assessment is created for eligible rehabilitated historic properties for a period of ten years equal to the assessed value of the property at the time of Preliminary Certification.

**Sec. 23-61. Purpose.**

It is the purpose of this Article to:

- (1) Encourage the rehabilitation of historic properties;
- (2) Promote community development and redevelopment;
- (3) Encourage sound community planning; and
- (4) Promote the general health, safety, and welfare of the community.

**Sec. 23-62. Eligible Properties.**

(a) *Certification.* In order to be eligible for the special tax assessment, historic properties must receive preliminary and final certification.

(1) *Preliminary Certification.* To receive Preliminary Certification a property must meet the following conditions:

- a. The property meets the requirements for historic designation as established in this section.
- b. The proposed rehabilitation work receives a recommendation of approval from the appropriate architectural reviewing authority (hereinafter "reviewing authority") and is consistent with the rehabilitation standards as set forth in this article. The reviewing authority shall review all improvements associated with the rehabilitation and make a recommendation to the county regarding the project's eligibility. For the purpose of this article, the reviewing authority shall be defined as follows:
  1. In any municipality that has an architectural review board, the municipal board shall serve as the reviewing authority.
  2. In the unincorporated areas of the county, and within any municipality that does not have an architectural review board, the South Carolina Department of Archives and History shall serve as the reviewing authority.
- c. Be a project that commenced by or after August 17, 2004 to the date of the adoption of this ordinance and work was permitted to have begun prior to receiving Preliminary Certification, or
- d. Be a project that commences on or after the date of the adoption of this ordinance.

(2) *Final Certification.* To be eligible for Final Certification, a property must have met the following conditions:

- a. The property has received Preliminary Certification.
- b. The minimum expenditures for rehabilitation as set forth in this article have been incurred and paid.
- c. The completed rehabilitation receives a recommendation for approval from the reviewing authority as being consistent with the plans approved by the reviewing authority during Preliminary Certification.
- d. All application fees have been paid in full by the applicant.
- e. The property has met all other requirements of this article.

(b) *Historic Designation.* In order to be eligible for the special tax assessment, the property must meet one of the following criteria:

- (1) The property must be listed on the National Register of Historic Places, or
- (2) The property must be located within an historic district that is listed on the National Register of Historic Places and the primary structure to be rehabilitated must be at least fifty years old.

**Sec. 23-63. Eligible rehabilitation.**

(a) *Standards for rehabilitation.* To be eligible for the special tax assessment, historic rehabilitations must be conducted according to the following standards:

- (1) The historic character of a property shall be retained and preserved. The removal of historic materials or alterations or of features and spaces that characterize each property shall be avoided.
  - (2) Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development shall not be undertaken.
  - (3) Most properties change over time. Those changes that have acquired historic significance in their own right shall be retained and preserved.
  - (4) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property should be preserved.
  - (5) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new should match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.
  - (6) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the most gentle means possible.
  - (7) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the historic property and its environment.
  - (8) New additions and adjacent new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
- (b) *Work to be reviewed.* The following work will be reviewed according to the standards set forth above:
- (1) Repairs to the exterior of the designated building.
  - (2) Alterations to the exterior of the designated building.
  - (3) New construction on the property on which the building is located, including site work.
  - (4) Alterations to interior primary public spaces, as defined by the reviewing authority.
  - (5) Any remaining work where the expenditures for such work are being used to satisfy the minimum expenditures for rehabilitation, including, but not limited to, alterations made to mechanical, plumbing and electrical systems.

(c) *Minimum expenditures for rehabilitation.* To be eligible for the special property tax assessment, the owner or the owner's estate must meet the minimum expenditures for rehabilitation:

- (1) For owner-occupied, non-income producing properties, the minimum investment shall be fifty percent (50%) of the fair market value of the property.
- (2) For income-producing or non-owner occupied properties, the minimum investment shall be one hundred percent (100%) of the fair market value of the property.

Fair market value means the appraised value as certified to the county by a real estate appraiser licensed by the State of South Carolina, the sales price as delineated in a bona

fide contract of sale within twelve months of the time it is submitted, or the most recent appraised value published by the Richland County Tax Assessor.

(d) *Expenditures for Rehabilitation* means the actual cost of rehabilitation relating to one or more of the following:

- (1) Improvements located on or within the historic building as designated.
- (2) Improvements outside of but directly attached to the historic building which are necessary to make the building fully useable (such as vertical circulation) but shall not include rentable/habitable floorspace attributable to new construction.
- (3) Architectural and engineering services attributable to the design of the improvements.
- (4) Costs necessary to maintain the historic character or integrity of the building.

(e) *Scope*. The special tax assessment may apply to the following:

- (1) Structure(s) rehabilitated;
- (2) Real property on which the building is located.

(f) *Time limits*. To be eligible for the special tax assessment, rehabilitations must be completed within two (2) years of the date of Preliminary Certification. If the project is not complete after two years, but the minimum expenditures for rehabilitation have been incurred, the property continues to receive the special assessment until the project is completed or until the end of the special assessment period, whichever shall occur first.

**Sec. 23-64. Process.**

(a) *Fee required*. There is a fee required for the review of rehabilitation work during the Final Certification process. Final Certification of the property will not be given until the fee has been paid in full by the applicant. Fees shall be made payable to Richland County. The amount of the fee shall be as follows:

- (1) For owner-occupied, non-income producing properties, the fee shall be one hundred and fifty dollars (\$150.00).
- (2) For income-producing or non-owner occupied properties, the fee shall be three hundred dollars (\$300.00).

(b) *Plan required*. Owners of property seeking approval of rehabilitation work must submit a completed Rehabilitation of Historic Property Application with supporting documentation to the county administrator or his designee prior to beginning work. Rehabilitation work conducted prior to approval of the application is done so at the risk of the property owner.

(c) *Preliminary Certification*. Upon receipt of the completed application, the county administrator or his designee shall submit the plan to the reviewing authority for a recommendation as to whether the project is consistent with the standards for rehabilitation. Upon receipt of the reviewing authority's recommendation, the county administrator or his designee shall notify the owner in writing. Upon receipt of this determination, the property owner may:

- (1) If the application is approved, begin rehabilitation;
- (2) If the application is not approved, he/she may revise such application in accordance with comments provided by reviewing authority.

(d) *Substantive changes*. Once Preliminary Certification is granted to an application, substantive changes must be approved in writing by the county administrator or his designee. Any substantive changes made to the property during rehabilitation that are not approved by



county administrator or his designee, upon review and recommendation of the reviewing authority, are conducted at the risk of the property owner and may disqualify the project from eligibility during the Final Certification process.

(e) *Final Certification.* Upon completion of the project, the property must receive Final Certification in order to be eligible for the special assessment. The reviewing authority shall inspect completed projects to determine if the work is consistent with the approval recommended by the reviewing authority and granted by the county during Preliminary Certification. The review process for Final Certification shall be established by the reviewing authority and may include a physical inspection of the property. The reviewing authority shall notify the applicant in writing of its recommendation. If the applicant wishes to appeal the reviewing authority's recommendation, the appeal must follow the reviewing authority's appeals process. The county administrator or his designee may grant Final Certification only if the following conditions have been met:

- (1) The completed work meets the standards for rehabilitation as established in this article;
- (2) Verification is made that the minimum expenditures have been have been incurred in accordance with the provisions of this article; and
- (3) Any fee(s) shall be paid in full.

Upon receiving Final Certification, the property will be assessed for the remainder of the special assessment period on the fair market value of the property at the time the Preliminary Certification was made or the Final Certification was made, whichever occurred earlier.

(f) *Additional work.* For the remainder of the special assessment period after Final Certification, the property owner shall notify the county administrator or his designee of any additional work, other than ordinary maintenance, prior to the work beginning. The reviewing authority shall review the work and make a recommendation to the county administrator or his designee whether the overall project is consistent with the standards for rehabilitation. The county administrator or his designee shall notify the property owner in writing if the overall project is consistent with the standards for rehabilitation. If the additional work is found to be inconsistent by the reviewing authority, the county administrator or his designee shall notify the owner in writing within thirty (30) days of its decision to rescind approval. The property owner may withdraw his/her request and cancel or revise the proposed additional work.

(g) *Notification.* Upon Final Certification of a rehabilitated historic property, the Richland County Assessor, Auditor, and Treasurer shall be notified by the county administrator or his designee that such property has been duly certified and is eligible for the special tax assessment.

(h) *Application.* Once the Final Certification has been granted, the owner of the property shall make application to the Richland County Auditor for the special assessment provided for herein. The special assessment shall remain in effect for the length of the special assessment period, unless the property shall become decertified under the provisions of this section.

(i) *Date effective.* If an application for preliminary or final certification is filed by May first or the Preliminary or Final Certification is approved by August first, the special assessment authorized herein is effective for that year. Otherwise, it is effective beginning with the following year. The special assessment only begins in the current or future tax years as provided for in this section. The special assessment period shall not exceed ten (10) years in length, and in no instance may the special assessment be applied retroactively.

(j) *Previously certified properties.* A property certified to receive the special property tax assessment under the existing law continues to receive the special assessment in effect at the time certification was made.

(k) *Decertification.* Once the property has received Final Certification and assessed as rehabilitated historic property, it remains so certified and must be granted the special assessment until the property becomes disqualified by any one of the following:


- (1) Written notice from the owner to the Richland County Auditor requesting removal of the special assessment;
- (2) Sale or transfer of ownership, including the sale or transfer of one or more portions of the property, during the special assessment period, other than in the course of probate proceedings;
- (3) Removal of the historic designation by the National Register of Historic Places; or
- (4) Rescission of the approval of rehabilitation by the county, at the recommendation of the reviewing authority, because of alterations or renovation by the owner or the owner's estate which causes the property to no longer possess the qualities and features which made it eligible for Final Certification. Notification of any change affecting eligibility must be given immediately to the Richland County Assessor, Auditor, and Treasurer.

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

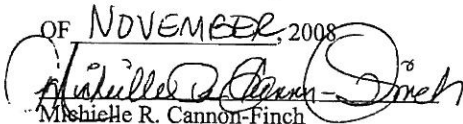
SECTION IV. Conflicting Ordinances Repealed. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION V. Effective Date. This ordinance shall be enforced from and after September 9, 2008.

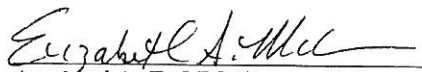
RICHLAND COUNTY COUNCIL

BY:   
Joseph McEachern, Chair

ATTEST THIS THE 21<sup>ST</sup> DAY  
OF NOVEMBER, 2008

  
Michelle R. Cannon-Finch  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: September 9, 2008  
First Reading: July 15, 2008  
Second Reading: July 22, 2008  
Third Reading: September 9, 2008

# Richland County Council Request of Action

**Subject**

Airport Commission-1; there will be one upcoming vacancy on this commission:  
Peter Mayers, December 16, 2012\*

# Richland County Council Request of Action

**Subject**

Board of Zoning Appeals-1; there is one vacancy on this board:  
Torrey Rush, November 1, 2014

# Richland County Council Request of Action

**Subject**

Richland Memorial Hospital Board-3; there will be three vacancies on this board:

Wendi J. Nance, December 31, 2012

Candy Y Waites, December 31, 2012

Harry Cushman Ward, December 31, 2012

# Richland County Council Request of Action

## **Subject**

Appearance Commission: **[MALINOWSKI] [PAGES 310-315]**

- a. Determine what constitutes a quorum for the Appearance Commission and have the Ordinance reflect that.
- b. Require all Council members appoint a representative to the Appearance Commission by the July 31, 2012 Council meeting.

## Sec. 2-332. Boards, commissions and committees created.

The following boards, commissions and committees are hereby established and recognized:

(i) *Richland County Appearance Commission.*

(1) *Creation.* There is hereby created a Richland County Appearance Commission, which shall be a permanent county commission, appointed in whole by the county council.

(2) *Membership.* The Richland County Appearance Commission shall consist of ~~at least 11 members who are individually appointed by the representing councilperson to represent each council district. Additionally, two members shall be appointed at large by majority vote of the full council, for a maximum number of 13 commission members. At least one member of the commission must be a landscape architect and one member must be a horticulturist; and the other members being interested citizens residing in Richland County. Appropriate representatives from the South Carolina Department of Transportation, City of Columbia, and the county will serve as ex-officio members.~~ appointed by county council. While any interested citizen residing in Richland County at the time of his or her appointment and remaining a citizen of Richland County during the tenure of his or her appointment is eligible to be a member, special consideration may be given to applicants with specialized knowledge of or proficiency in landscape architecture, horticulture or master gardening.

(3) *Purpose.* The Richland County Appearance Commission will seek to improve and enhance the overall appearance of Richland County. Responsibilities include:

a. To identify and work with municipalities, state agencies, and interested organizations to coordinate and collaborate in improving the appearance of Richland County.

b. To make a recommendation to the county council, no later than June 1, 1999, as to the implementation of the Landscaping Investment and Major Boulevards Plan (LIMB) approved by county council.

c. To undertake the development and implementation of a five-year overall beautification plan to complement and expand upon the LIMB Plan. This five-year plan will address long-term efforts to improve the appearance and natural beauty of the county and will include appearance standards and principles.

d. To develop a maintenance plan for the above LIMB Plan and five-year plan.

e. To identify outside public and/or private funding sources for beautification and recommend to council grant opportunities and if needed, county funding, for the beautification efforts.

(4) *Terms of members; election of officers; and meetings.*

a. ~~An at-large A commission member shall serve a term of four years or until his or her successor is appointed. The term of a member of the Commission individually appointed by a Council member shall be coterminous with the term of the appointing Council member. Provided, however, that if a vacancy shall occur on Council, the member of the Commission appointed by the vacating Council member shall complete his or her term.~~

b. The commission shall elect a chairman, vice-chairman, secretary and treasurer.

c. The commission shall meet at such times and places as determined by the chairman, but shall hold at least one meeting each quarter. The county administrator shall assign staff to assist the

commission in making its recommendations to county council. All meetings of the commission shall be conducted in compliance with the South Carolina Freedom of Information Act.

(5) *By-laws.* The commission ~~shall~~ may adopt by-laws and rules of procedure by which meetings and activities of the commission will be conducted. ~~Such by-laws shall not conflict with Robert's Rules of Order, the general and permanent statutes of the State of South Carolina, and Richland County ordinances.~~ Any matter not addressed under the by-laws or rules of procedure the commission adopts shall be governed by Robert's Rules of Order, most recent edition.

(6) *Quorum.* A quorum of appointed members (*i.e.*, a majority of the appointed members), and not of the "fixed membership" of the commission, must be present for the commission to conduct business. [For example, if the commission has only five (5) appointed members at the time, notwithstanding the "fixed membership" described in subsection (2), a quorum of the "appointed members" would be three (3)].



## APPEARANCE COMMISSION

The Richland County Appearance Commission will seek to improve and enhance the overall appearance of Richland County. The Commission, appointed in whole by Council, shall consist of at least eleven (11) members; at least one member who is a landscape architect and one member who is a horticulturist; and the other members being interested citizens residing in the county. Members shall serve a term of four (4) years or until his or her successor is appointed. Appropriate representatives from the South Carolina Department of Transportation, City of Columbia and Richland County will serve as an ex-officio member.

	<u>District</u>	<u>Member</u>	<u>Expiration</u>
1	Malinowski	Kim Murphy	Concurrent
2	Dickerson		*
3	Jeter		*
4	Livingston		*
5	Rose	Carla Lewis Moore	*
6	Pearce	Alan D. Roblee	*
7	Kennedy	Jim Davis	*
8	Manning	Lee Phippen	*
9	Hutchinson	Mary Jane Henderson	*
10	Washington	Jimmie Dinkins	*
11	Jackson	Angela Geiger	*

Other Members:

Horticulturist: Alan D. Roblee

Landscape Architect: Kenneth B. Simmons

## APPEARANCE COMMISSION

The Richland County Appearance Commission will seek to improve and enhance the overall appearance of Richland County. The Commission, appointed in whole by Council, shall consist of at least eleven (11) members: at least one member who is a landscape architect and one member who is a horticulturist; and the other members being interested citizens residing in the county. Members shall serve a term of four (4) years or until his or her successor is appointed. Appropriate representatives from the South Carolina Department of Transportation, City of Columbia, and Richland County will serve as an ex-officio member.

### District 1

Kim Murphy, *Chair*  
154 Old Laurel Lane  
Chapin, SC 29036  
345-8855 (H)  
12/31/14

### District 2 (Vacant)

Betty Robinson  
1916 Spotswood  
Columbia, SC 29210  
(H)  
12/31/08

### District 3 (Vacant)

William A. Niblock  
4011 Highland Park Drive  
Columbia, SC 29204  
754-4429  
12/31/08

### District 4 (Vacant)

Betsy L. Boozer  
2304 Lincoln Street  
Columbia, SC 29201  
779-7595 (H)  
Retired (O)  
12/31/14

### District 5

Carla Lewis Moore  
2300 Wilmot Ave  
Columbia, SC 29205  
(H) 770-0124  
c-l-moore@att.net  
12/31/14

### District 6 (Vacant)

Ms. Arney Love  
# 3 Cedarwood Lane  
Columbia, SC 29205  
256-1196  
12/31/10

### District 7

Jim Davis  
120 Swandale Dr.  
Columbia, SC 29203  
(C) 318-1136  
4/10/12

### District 8

Lee Phippen  
4230 Sandwood Drive  
Columbia, SC 29205  
(H) 738-0865  
npippen@sc.rr.com  
12/31/12

District 9  
Mary Jane Henderson  
19 Stagbriar Court  
Columbia, SC 29229  
736-0176  
917-8670

District 10 (Vacant)  
Susan R. Harris  
2509 Flamingo Drive  
Columbia, SC 29209  
783-0130  
12/31/12

District 11  
Angela Geiger  
405 N. Maney Ct.  
Hopkins, SC 29061  
776-6436 (H)  
333-6104 (O)  
12/31/14

Contact: James “Buddy” Atkins  
RC Conservation Department  
576-2080

Council Liaison:

Others Members:  
James E. Storzier, Horticulturist (Resigned)  
315 Kilbourne Rd. (Dist 5)  
Columbia, SC 29205  
(H) (706) 621-9947  
(O) 978-1048  
[jstorzier@riverbanks.org](mailto:jstorzier@riverbanks.org)  
4/6/10-4/6/13

Landscape Architect  
(Vacant)

**Citizen Liaisons:**

# Richland County Council Request of Action

**Subject**

A Resolution to appoint and commission Andrew Sly Thompson as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County **[PAGES 316-317]**

STATE OF SOUTH CAROLINA )  
  )  
COUNTY OF RICHLAND          )

**A RESOLUTION OF THE  
RICHLAND COUNTY COUNCIL**

**A RESOLUTION TO APPOINT AND COMMISSION ANDREW SLY THOMPSON AS A  
CODE ENFORCEMENT OFFICER FOR THE PROPER SECURITY, GENERAL  
WELFARE, AND CONVENIENCE OF RICHLAND COUNTY.**

**WHEREAS**, the Richland County Council, in the exercise of its general police power, is empowered to protect the health and safety of the residents of Richland County; and

**WHEREAS**, the Richland County Council is further authorized by Section 4-9-145 of the Code of Laws of South Carolina 1976, as amended, to appoint and commission as many code enforcement officers as may be necessary for the proper security, general welfare, and convenience of the County;

**NOW, THEREFORE, BE IT RESOLVED THAT** Andrew Sly Thompson is hereby appointed and commissioned a Code Enforcement Officer of Richland County for the purpose of providing for the proper security, general welfare, and convenience of the County, replete with all the powers and duties conferred by law upon constables, in addition to such duties as may be imposed upon him by the governing body of this County, including the enforcement of the County’s refuse and litter regulations and the use of an ordinance summons, and with all the powers and duties conferred pursuant to the provisions of Section 4-9-145 of the Code of Laws of South Carolina 1976, as amended. Provided, however, Andrew Sly Thompson shall not perform any custodial arrests in the exercise of his duties as a code enforcement officer. This appointment shall remain in effect only until such time as Andrew Sly Thompson is no longer employed by Richland County to enforce the County’s refuse and litter regulations.

**ADOPTED THIS THE 13th DAY OF NOVEMBER, 2012.**

\_\_\_\_\_  
Kelvin E. Washington, Chair  
Richland County Council

Attest: \_\_\_\_\_  
Michelle Onley  
Clerk of Council

# Richland County Council Request of Action

**Subject**

REPORT OF THE REGIONAL RECREATION COMPLEX AD HOC COMMITTEE:

- a. Update on RFQ Response: Operations/Management of Complex **[PAGE 319]**

<b>CONSOLIDATED EVALUATION REPORT</b>  <b>Request For Qualifications #: RC- 006-Q -1213 Sports Complex Public/Private Partnership</b>		<b>MAXIMUM POINTS</b>	<b>COLUMBIA UNITED</b>	<b>GLOBAL SPECTRUM</b>	<b>SPORTPLEX USA</b>	<b>SPORTS FACILITIES ADVISOR</b>
<b>TOTAL POINTS</b>	<b>500</b>					
			<b>95</b>	<b>90</b>	<b>40</b>	<b>60</b>
			<b>100</b>	<b>89</b>	<b>94</b>	<b>96</b>
			<b>65</b>	<b>50</b>	<b>78</b>	<b>50</b>
			<b>92</b>	<b>91</b>	<b>47</b>	<b>83</b>
			<b>78</b>	<b>81</b>	<b>83</b>	<b>84</b>
			<b>430</b>	<b>401</b>	<b>342</b>	<b>373</b>

# Richland County Council Request of Action

## **Subject**

- a. I move that Richland County request the City of Columbia to enter into a Tax Increment Financing (TIF) zone on Broad River Road from Sunset Drive to Piney Grove Road **[MALINOWSKI]**
- b. That Richland County Fire Service pursue entering into an automatic aid agreement with neighboring counties and municipalities **[MALINOWSKI & KENNEDY]**
- c. Work with the Voter's Registration/Election Commission to identify inadequate precincts in each district and recommend replacement sites. Preferable a park, gym or school to accommodate a large crowd inside. REASON: Based on the new census each district has increased immensely and some facilities cannot accommodate the crowd. Citizens should not have to be waiting on the road facing traffic and endangering their lives. **[JACKSON]**
- d. Richland County Council develop a report from the Legislative Delegation's hearing including a course of action to support resolving the unfortunate Election Day problems **[JACKSON]**
- e. Properly staff the PR Office and start broadcasting the D&S Committee, A&F Committee and Zoning Public Hearing meetings. REASON: To many times citizens see the live broadcast and do not have a clue on how or what discussions took place to make some decisions. As for Zoning, it allows the citizens to see what is proposed for all areas **[JACKSON]**



# Richland County Council Request of Action

**Subject**

Must Pertain to Items Not on the Agenda