



**RICHLAND COUNTY COUNCIL
REGULAR SESSION AGENDA**

**MARCH 4, 2014
6:00 PM**

CALL TO ORDER

THE HONORABLE NORMAN JACKSON

INVOCATION

THE HONORABLE GREG PEARCE

PLEDGE OF ALLEGIANCE

THE HONORABLE GREG PEARCE

Approval Of Minutes

1. Regular Session: February 18, 2014 [PAGES 6-14]
2. Zoning Public Hearing: February 25, 2014 [PAGES 15-20]
3. Regular Session: February 4, 2014 - Appraisal for Huger Street Properties [PAGE 21-22]

Adoption Of The Agenda

Report Of The Attorney For Executive Session Items

4. a. SOB Litigation Update
- b. Economic Development Projects
- c. Transportation Penny Update
- d. Personnel Matters
- e. Election Litigation Update
- f. Elections and Voter Registration Update

Citizen's Input

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

Report Of The County Administrator

6. a. Employee Recognition

Report Of The Clerk Of Council

Report Of The Chairman

7. a. TPAC Request for Non-Voting Members on any selection committee for consultant services for the Transportation Penny
- b. Personnel Matter

Presentations

8. a. Central SC Alliance

Open/Close Public Hearings

9. a. Authorizing Richland County, South Carolina (the "County") to issue, from time to time or at one time, in one or more issues or series, its Refunding Revenue Bonds, in an aggregate principal amount not to exceed \$71,705,000 (the "Bonds"), the proceeds of which will be used to refund the County's \$71,705,000 Environmental Improvement Revenue Refunding Bonds, 2003 Series A (International Paper Company Project) (the "Prior Bonds"), pursuant to Sections 4-29-10 et.seq. of the Code of Laws of South Carolina 1976, as amended; authorizing the execution and delivery of a contract of purchase providing for the issuance, sale and purchase of such bonds; and authorizing the issuance of the bonds and the execution of necessary documents and the taking of any other action necessary to be taken by the County to cause the issuance and sale of such bonds
- b. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain real property located in Richland County; the execution and delivery of a Credit Agreement to provide for Special Source Revenue Credits to [Project Park I]; and other related matters
- c. Ordinance to Amend the Agreement for Designation of the I-77 Corridor Regional Industrial Park dated April 15, 2003 by and between Fairfield and Richland Counties so as to enlarge the Park (Project Compact)
- d. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain real property located in Richland County; the execution and delivery of a Credit Agreement to provide for Special Source Revenue Credits to [Project Park II]; and other related matters

Approval Of Consent Items

10. Authorizing Richland County, South Carolina (the "County") to issue, from time to time or at one time, in one or more issues or series, its Refunding Revenue Bonds, in an aggregate principal amount not to exceed \$71,705,000 (the "Bonds"), the proceeds of which will be used to refund the County's \$71,705,000 Environmental Improvement Revenue Refunding Bonds, 2003 Series A (International Paper Company Project) (the "Prior Bonds"), pursuant to Sections 4-29-10

et.seq. of the Code of Laws of South Carolina 1976, as amended; authorizing the execution and delivery of a contract of purchase providing for the issuance, sale and purchase of such bonds; and authorizing the issuance of the bonds and the execution of necessary documents and the taking of any other action necessary to be taken by the County to cause the issuance and sale of such bonds **[THIRD READING] [PAGES 29-37]**

11. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain real property located in Richland County; the execution and delivery of a Credit Agreement to provide for Special Source Revenue Credits to CD/Park7 Columbia SC Owner LLC; and other related matters **[THIRD READING] [PAGES 38-55]**
12. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain real property located in Richland County; the execution and delivery of a Credit Agreement to provide for Special Source Revenue Credits to [Project Park II]; and other related matters **[SECOND READING] [PAGES 56-75]**
13. An Ordinance Authorizing an Easement to 2T Properties LLC for a sanitary sewer line across land owned by Richland County; specifically a portion of TMS # 14900-01-02 **[SECOND READING] [PAGES 76-78]**
14. Ordinance to Amend the Agreement for designation of the I-77 Corridor Regional Industrial Park dated April 15, 2003 by and between Fairfield and Richland Counties so as to enlarge the Park (Project Compact) **[SECOND READING] [PAGES 79-95]**
15. 14-01MA
E. B. Purcell
PDD Amendment (2.99 Acres)
425 Summit Terrace Court
23000-03-19 **[SECOND READING] [PAGES 96-99]**
16. An Ordinance Amending the "2009 Richland County Comprehensive Plan", by incorporating the "Spring Hill Strategic Community Master Plan" into the plan **[SECOND READING] [PAGES 100-102]**
17. Coroner's Office: Purchase of Replacement Computer Equipment **[PAGES 103-107] [DEFER TO THE BUDGET PROCESS]**
18. Richland County Sheriff's Department ASPCA Foundation Grant/No FTE/No Match **[PAGES 108-110]**
19. Out of Cycle Funding Requests: Accommodations Tax and Hospitality Tax **[PAGES 111-114] [DEFER TO BUDGET PROCESS]**
20. Expanding Richland County's Community Development Staff **[PAGES 115-119] [DEFER TO BUDGET PROCESS]**
21. CASA: Fostering Futures Youth Center **[PAGES 120-123] [DEFER TO BUDGET PROCESS]**
22. Property Acquisition, 0.26 acre parcel **[PAGES 124-128]**

23. EMS Ambulance Purchase [**PAGES 129-132**]
24. Replace Deteriorated Caulk at the Expansion Joints and Windows at the Richland County Administration and Health Department Buildings [**PAGES 133-136**]

Second Reading Items

25. An Ordinance Amending the "2009 Richland County Comprehensive Plan", by incorporating the "Lower Richland Strategic Community Master Plan" into the plan [**SECOND READING**] [**PAGES 137-139**]
26. An Ordinance Amending Section 26-151, Permitted Uses with Special Requirements; so as to remove the distance requirement between bars and places of worship in the GC, M-1, and LI Zoning Districts under certain conditions [**SECOND READING**] [**PAGES 140-142**]

First Reading Items

27. An Ordinance Amending the Fiscal Year 2013-2014 School District One Budget to reduce tax disbursements by the amount owed to the County for election costs [**PAGES 143-145**]

Report Of Development And Services Committee

28. Sewage Sludge Spray Field Applications [**PAGES 146-169**]
29. Quit Claim of Hermes Road [**PAGES 170-179**]
30. Policy for Naming County-owned Facilities [**PAGES 180-187**]

Report Of Administration And Finance Committee

31. Approval of a Family Court Social Worker/Juvenile Mental Health Court Coordinator for the Solicitor's Office and a Senior Application Support Analyst for the Information Technology Department [**PAGES 188-192**] [**DEFER TO BUDGET PROCESS**]
32. 2nd Annual "Relax, It's OK 2 B Single" Valentine's Day Gala Funding Request [**PAGES 193-198**] [**TO DENY**]
33. Policy for Purchase of Property by Elected and Appointed Officials [**PAGES 199-202**]
34. Reclassification and Promotion Handbook Revisions [**PAGES 203-207**]

Report Of Economic Development Committee

35. a. An Ordinance to Amend the Master Agreement Governing the I-77 Corridor Regional Industrial Park to include additional property in Richland County and to authorize a Credit Agreement with University Residences Columbia LLC [**FIRST READING BY TITLE ONLY**]

Other Items

36. A Resolution to Appoint and Commission Dennis Wayne Thomas as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County **[PAGE 210]**
37. Appraisal for Huger Street Properties **[PAGES 211-215]**

Citizen's Input

38. Must Pertain to Items Not on the Agenda

Executive Session

Motion Period

39. a. To have Richland County Council utilize SCDOT grant funding under their Safe Route to Schools Program, availability to put sidewalks from schools to connect to neighborhoods. **[DIXON]**
- b. Revisit the ordinance on having commercial vehicles parked in neighborhoods or residential communities **[JACKSON]**

Adjournment



Special Accommodations and Interpreter Services

Citizens may be present during any of the County's meetings. If requested, the agenda and backup materials will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), as amended and the federal rules and regulations adopted in implementation thereof.

Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the Clerk of Council's office either in person at 2020 Hampton Street, Columbia, SC, by telephone at (803) 576-2061, or TDD at 803-576-2045 no later than 24 hours prior to the scheduled meeting.

Richland County Council Request of Action

Subject

Regular Session: February 18, 2014 [PAGES 6-14]



**MINUTES OF
RICHLAND COUNTY COUNCIL
REGULAR SESSION
FEBRUARY 18, 2014
6:00 PM**

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

MEMBERS PRESENT:

Chair	Norman Jackson
Vice Chair	Joyce Dickerson
Member	Julie-Ann Dixon
Member	Damon Jeter
Member	Paul Livingston
Member	Bill Malinowski
Member	Jim Manning
Member	Greg Pearce
Member	Seth Rose
Member	Torrey Rush
Member	Kelvin E. Washington, Sr.

OTHERS PRESENT – Tony McDonald, Roxanne Ancheta, Sparty Hammett, Warren Harley, Brad Farrar, Beverly Harris, Rob Perry, Sara Salley, Chris Gossett, Nelson Lindsay, Daniel Driggers, Dwight Hanna, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:04 p.m.

INVOCATION

The Invocation was given by the Honorable Norman Jackson

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Norman Jackson

PRESENTATION OF RESOLUTION

Resolution Recognizing February 18th as “Go Red” Day for Richland County and February as Heart Healthy Month [DICKERSON] – Ms. Dickerson and Ms. Dixon presented

the resolution recognizing February 18th as “Go Red” Day and February as Heart Healthy Month in Richland County.

APPROVAL OF MINUTES

Regular Session: February 4, 2014 – Mr. Washington moved, seconded by Ms. Dickerson, to defer the portion of the minutes regarding the “Appraisal for Huger Street Properties” for clarification. The vote in favor was unanimous.

Mr. Washington moved, seconded by Mr. Rush, to approve the minutes as amended. The vote in favor was unanimous.

ADOPTION OF THE AGENDA

Ms. Dickerson moved, seconded by Ms. Dixon, to adopt the agenda as published. The vote in favor was unanimous.

REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION ITEMS

Mr. Farrar stated that the following item was a potential Executive Session Item:

- a. **Northwest Sewer Litigation Update**
- b. **SOB Litigation Update**
- c. **Economic Development Projects**
- d. **Personnel Matters**
- e. **Transportation Penny Update**

EXECUTIVE SESSION

=====
Council went into Executive Session at approximately 6:15 p.m. and came out at approximately 6:45 p.m.
=====

- a. **Northwest Sewer Litigation Update** – Mr. Malinowski moved, seconded by Ms. Dickerson, to proceed with resolution of this case as discussed in Executive Session. The vote in favor was unanimous.

CITIZENS INPUT

No one signed up to speak.

REPORT OF THE COUNTY ADMINISTRATOR

- a. **Work Session re: Audit** – Mr. McDonald reminded Council that a work session will be scheduled to discuss in more detail the audit findings. Council members are to submit proposed dates to the Clerk's Office.
- b. **Richland 101** – Ms. Harris gave a brief overview of the upcoming Richland 101 program. The program will begin Monday, March 3rd and will continue every Monday and Thursday throughout the month of March. Richland 101 Graduation will be held April 1st at 5:30 p.m.
- c. **Inclement Weather Update** – Mr. McDonald thanked staff for their continued support for their assistance with the inclement weather. Chairman Jackson has a motion on the agenda for action that will deal with employee compensation for the days the County was closed due to the inclement weather.

REPORT OF THE CLERK OF COUNCIL

- a. **Councilwoman Julie-Ann Dixon's GSA Forum, February 21st, 8:30 a.m.-12:00 p.m., Richland County Adult Activity Center, 7494 Parklane Road** – Ms. Onley stated Councilwoman Dixon will be hold a GSA Forum on February 21st at the Richland County Adult Activity from 8:30 a.m.-12:00 p.m. Ms. Dixon requested her colleagues attendance and support of the forum.
- b. **Auntie Karen Foundation's VIP Reception and Legends Concert, February 21st; 6:30 p.m.-7:30 p.m. – Reception; 8:00 p.m. – Concert, Koger Center** – Ms. Onley stated the Auntie Karen Foundation Legends Concert and VIP Reception will be held Friday, February 21st. The reception will be held from 6:30 p.m.-7:30 p.m. and the concert will begin at 8:00 p.m. at the Koger Center. Tickets are available for both events.
- c. **The Art of Government and Business Legislative Reception, February 26th, 6:00 p.m.-8:00 p.m., 701 Whaley** – Ms. Onley stated the Art of Government and Business Legislative Reception will be held Wednesday, February 26th, 6:00 p.m.-8:00 p.m. at 701 Whaley.

REPORT OF THE CHAIR

- a. **State of the County Address** – Mr. Jackson stated that he will be conducting a State of the County Address. The address has tentatively been scheduled for the first week of March.
- b. **Economic Development Summit** – Mr. Jackson stated that an Economic Development Summit is planned for mid-May for the Central Midlands to showcase the infrastructure to draw Economic Development to the Midlands.

PRESENTATION

Ray Howard, Sonoco Recycling – Mr. Howard gave a brief overview of Sonoco’s contributions to Richland County.

APPROVAL OF CONSENT ITEMS

- **Authorizing Richland County, South Carolina (the “County”) to issue, from time to time or at one time, in one or more issues or series, its Refunding Revenue Bonds, in an aggregate principal amount not to exceed \$71,705,000 (the “Bonds”), the proceeds of which will be used to refund the County’s \$71,705,000 Environmental Improvement Revenue Refunding Bonds, 2003 Series A (International Paper Company Project) (the “Prior Bonds”), pursuant to Section 4-29-10 et.seq. of the Code of Laws of South Carolina 1976, as amended; authorizing the execution and delivery of a contract of purchase providing for the issuance, sale and purchase of such bonds; and authorizing the issuance of the bonds and the execution of necessary documents and the taking of any other action necessary to be taken by the County to cause the issuance and sale of such bonds [SECOND READING]**
- **Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain real property located in Richland County; the execution and delivery of a Credit Agreement to provide for Special Source Revenue Credits to [Project Park I; and other related matters [SECOND READING]**

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

FIRST READING ITEM

An Ordinance Amending the Fiscal Year 2013-2014 School District One Budget to reduce tax disbursements by the amount owed to the County for election costs – Mr. Pearce moved, seconded by Ms. Dickerson, to approve this item.

Mr. Livingston made a substitute motion, seconded by Mr. Jackson, to defer this item until the March 4th meeting. The vote was in favor.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

- a. **Ordinance to Amend the Agreement for Designation of the I-77 Corridor Regional Industrial Park dated April 15, 2003 by and between Fairfield and Richland Counties so as to enlarge the Park (Project Compact) [FIRST READING]** – Mr. Livingston stated that the Committee recommended approval of this item. The vote in favor was unanimous.

- b. **Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain real property located in Richland County; the execution and delivery of a Credit Agreement to provide for Special Source Revenue Credits to [Project Park II]; 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.
- c. **An Ordinance Authorizing an Easement to 2T Properties LLC for a sanitary sewer line across land owned by Richland County; specifically a portion of TMS # 14900-01-02 [FIRST READING BY TITLE ONLY]** – Mr. Livingston stated that the Committee recommended approval of this item. The vote in favor was unanimous.

OTHER ITEMS

2014 Council Retreat Directives – Mr. Malinowski moved, seconded by Mr. Pearce, to approve this item.

The following amendments were proposed during the discussion of the directives:

- **Financial Operations:**

Administrative Approval for Grants Not Including FTE Positions and Matching Funds:

Allow Administration to approve these grants, and add motion to the Motions List to approve this policy. (Administration would administratively approve, without Council actions, grants that are less than \$100,000; have no positions attached to the grants; are for projects/programs only; have no cash match requirement). This approval process would route through the Department Director, Finance, and Administration.

E-Mail Retention: Staff create a policy for Council's consideration regarding the collection/holding/destruction of data (i.e., emails).

- **Hospitality Tax:**

H-Tax Ordinance Agency Spending in Unincorporated Richland County: Staff will perform on-site audits of the ordinance agencies twice per year (same as the federal government). Staff will review procurement documents for a sampling of purchases made by the agencies. This can be done without additional personnel. This item will be fleshed out and will be brought back to the A&F Committee for review and recommendation before any action is taken.

- **Transportation Penny:**

Dirt Road Paving: Add dirt roads with connectivity to the list of 45 roads that will be paved under the Low Volume Paving Project (including Overlook and swapping out Boylston with Donald). Staff will provide information on these particular roads – Overlook, Bolyston, and Donald to Council.

Refer the allocation of Penny funding between Low Volume and Traditional paving back to the Dirt Road Ad Hoc Committee for further review.

- **Alvin S. Glenn Detention Center:**

Ex-Detainee Drop Off: Staff will present option to Council this Spring. Staff is to ensure that the options are vetted by Legal. Staff is also to consider adding a taxi fee to the per diem that jurisdictions pay.

Ms. Dixon moved, seconded by Mr. Malinowski, to defer the portion of the directives related to the "Transportation Penny: Dirt Road Paving" to the Dirt Road Ad Hoc committee. The vote in favor was unanimous.

Mr. Pearce moved, seconded by Mr. Livingston, to defer action on the portion of the directives related to "Hospitality Tax: HTax Ordinance Agency Procurement" under after the A&F Committee meeting. The vote in favor was unanimous.

Mr. Malinowski moved, seconded by Mr. Livingston, to approve the directives as amended. The vote in favor was unanimous.

Inclement Weather – Ms. Dickerson moved, seconded by Ms. Dixon, to not require non-essential employees to use annual leave for the inclement weather of February 12-14, 2014. The employee will be paid their normal daily rate as if it were a regular business day. Essential personnel, who worked during the inclement weather, will be provided inclement weather comp days that must be used within 90 days. The use of inclement weather comp days beyond 90 days due to extenuating circumstances must be approved by Administration. The employee handbook will be updated to reflect these revisions. A discussion took place.

The vote in favor was unanimous.

POINT OF PERSONAL PRIVILEGE – Ms. Dickerson stated that everyone looked good in their red attire.

CITIZENS' INPUT

No one signed up to speak.

EXECUTIVE SESSION

=====
Council went into Executive Session at approximately 7:31 p.m. and came out at approximately 8:28 p.m.
=====

a. **SOB Litigation Update** – No action was taken.

- b. **Personnel Matters** – No action was taken.
- c. **Transportation Penny Update** – No action was taken.

MOTION PERIOD

- a. **A motion to give discretion to the Administrator to act accordingly and follow State guidelines with Hazardous Weather policy granting leave where employees would not be penalized [JACKSON]** – This motion was taken up under Other Items.
- b. **Council previously approved a motion that will remove any item from the consent agenda if it is referred back to committee or staff must make changes. This does not take care of items that come from committees with “no recommendation”. Based on the above, the following motion is made: Any item that is referred to Council with “no recommendation” will not be placed on the consent agenda, even if it was unanimous in committee. This will eliminate any confusion as to the fact something must be done with the item [MALINOWSKI]** – This item was referred to the D&S Committee.
- c. **All applicants for Richland County Boards and Commissions will be afforded a minimum of one week’s advance notice as to the date and time of their respective interviews. No exceptions will be made to this rule. [PEARCE]** – This item was referred to the Rules & Appointments Committee.

ADJOURNMENT

The meeting adjourned at approximately 8:30 p.m.

Norman Jackson, Chair

Joyce Dickerson, Vice-Chair

Julie-Ann Dixon

Damon Jeter

Paul Livingston

Bill Malinowski

Jim Manning

Greg Pearce

Seth Rose

Torrey Rush

Kelvin E. Washington, Sr.

The minutes were transcribed by Michelle M. Onley

Richland County Council Request of Action

Subject

Zoning Public Hearing: February 25, 2014 [**PAGES 15-20**]

MINUTES OF



RICHLAND COUNTY COUNCIL ZONING PUBLIC HEARING TUESDAY, FEBRUARY 25, 2014 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.

MEMBERS PRESENT:

Chair	Norman Jackson
Vice Chair	Joyce Dickerson
Member	Julie-Ann Dixon
Member	Damon Jeter
Member	Paul Livingston
Member	Bill Malinowski
Member	Jim Manning
Member	Greg Pearce
Member	Seth Rose
Member	Torrey Rush

Absent Kelvin E. Washington, Sr.

OTHERS PRESENT: Amelia Linder, Tracy Hegler, Suzie Haynes, Geo Price, Tommy DeLage, Holland Leger, Sparty Hammett, LaToya Grate, Monique Walters

CALL TO ORDER

The meeting was called to order at approximately 7:03 p.m.

ADDITIONS/DELETIONS TO AGENDA

Ms. Hegler stated that Council was provided with an amended agenda prior to tonight's meeting.

MAP AMENDMENT

13-36MA, Larry Cooke, RU to RS-LD (13 Acres), 1204 Hopewell Church Rd., 02700-05-15

Mr. Jackson opened the floor to the public hearing.

The citizen chose not to speak at this time.

The floor to the public hearing was closed.

Mr. Manning moved, seconded by Mr. Livingston, to defer this item until the March Zoning Public Hearing.

<u>For</u>	<u>Opposed</u>
Pearce	Malinowski
Manning	Rose
Livingston	Dixon
	Dickerson
	Jackson
	Rush
	Jeter

The motion for deferral failed.

Mr. Malinowski moved, seconded by Mr. Rush, to deny the re-zoning request. A discussion took place.

The vote was in favor of denial.

13-37MA, Jimmy Derrick, RS-MD to GC (3.83 Acres), 6405 Monticello Rd., 09401-06-09

Mr. Livingston moved, seconded by Mr. Rush, to accept the applicant's withdrawal. The vote in favor was unanimous.

14-01MA, E. B. Purcell, PDD Amendment (2.99 Acres), 425 Summit Terrace Court, 23000-03-1

Mr. Jackson opened the floor to the public hearing.

Mr. E. B. Purcell spoke in favor of this item.

The floor to the public hearing was closed.

Mr. Manning moved, seconded by Mr. Rose, to approve this item. The vote in favor was unanimous.

MASTER PLANS

An Ordinance Amending the “2009 Richland County Comprehensive Plan”, by incorporating the “Lower Richland Strategic Community Master Plan” into the plan [FIRST READING]

Mr. Jackson opened the floor to the public hearing.

Dr. Yvonne P. Brown and Mr. Linsonell Bellamy, Jr. spoke against this item.

The floor to the public hearing was closed.

Mr. Manning moved, seconded by Mr. Livingston, to approve this item. A discussion took place.

The vote was in favor.

An Ordinance Amending the “2009 Richland County Comprehensive Plan”, by incorporating the “Spring Hill Strategic Community Master Plan” into the plan [FIRST READING]

Mr. Jackson opened the floor to the public hearing.

Mr. Mike Kilpatrick, Ms. Sonja Carnaggio, and Mr. John Grego spoke in favor of this item.

The floor to the public hearing was closed.

Mr. Malinowski moved, seconded by Mr. Livingston, to approve this item. The vote in favor was unanimous.

TEXT AMENDMENTS

An Ordinance Amending Section 26-141, Table of Permitted Used with Special Requirements, and Special Exceptions; “Furniture and Related Products” of Table 26-V-2; and Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; so as to permit “Furniture and Related Products” in the GC General Commercial District, with Special Requirements [SECOND READING]

Mr. Jackson opened the floor to the public hearing.

No one signed up to speak.

The floor to the public hearing was closed.

Ms. Dixon moved, seconded by Mr. Malinowski, to deny the text amendment.

<u>For</u>	<u>Opposed</u>
Pearce	Rose
Malinowski	Livingston
Dixon	Manning
Dickerson	
Jackson	
Rush	
Jeter	

The vote was in favor.

An Ordinance Amending Section 26-151, Permitted Uses with Special Requirements; so as to remove the distance requirement between bars and places of worship in the GC, M-1, and LI Zoning Districts under certain conditions [FIRST READING]

Mr. Jackson opened the floor to the public hearing.

Rev. John Culp, Mr. Larry Umberger, Mr. Thomas Boyd, Ms. Linda Coleman, Mr. Mark Henrick, and Mr. Bob Holmes spoke against this item.

Mr. Norman Harvin spoke in favor of this item.

The floor to the public hearing was closed.

A discussion took place.

Mr. Rose moved, seconded by Mr. Pearce, to deny this item.

<u>For</u>	<u>Opposed</u>
Pearce	Malinowski
Rose	Dixon
Manning	Dickerson
Livingston	Jackson
	Jeter
	Rush

The motion to deny failed.

Ms. Dickerson moved, seconded by Mr. Malinowski, to defer this item.

<u>For</u>	<u>Opposed</u>
Malinowski	Pearce
Dixon	Rose
Dickerson	Livingston
Jackson	Jeter
	Manning
	Rush

The motion for deferral failed.

Mr. Manning moved, seconded by Ms. Dickerson, to add the language in Section I (8)(b): “and shall be no closer than six hundred (600) feet to any lot which contains a place of worship. However, if the place of worship is located in a GC, M-1 or LI Zoning district and is located in a mixed-use shopping center, a mall, or an industrial park the setback does not apply unless the place is of worship was established at that location prior to March 18, 2014.”

<u>For</u>	<u>Opposed</u>
Malinowski	Pearce
Dixon	Rose
Dickerson	Jeter
Jackson	
Livingston	
Rush	
Manning	

The vote was in favor of the amended ordinance language.

ADJOURNMENT

The meeting adjourned at approximately 8:30 p.m.

Submitted respectfully by,

Norman Jackson
Chair

The minutes were transcribed by Michelle M. Onley

Richland County Council Request of Action

Subject

Regular Session: February 4, 2014 - Appraisal for Huger Street Properties [**PAGE 21-22**]

a Grand Opening Preview Party and on February 15th there will be a press conference and ribbon cutting ceremony. Both events will take place at the Woodrow Wilson Family Home.

REPORT OF THE CHAIR

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

APPROVAL OF CONSENT ITEMS

- **Appraisal for Huger Street Properties** *{Approval of this portion of the minutes was deferred until clarification is received by Councilman Rush}*
- **Approval of the Richland County Neighborhood Improvement Program Five-Year Project Plan**
- **Richland County Community Garden Program**

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

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

- a. **Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain real property located in Richland County; the execution and delivery of a Credit Agreement to provide for special source revenue credits [Project Park]; 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.
- b. **Inducement Resolution relating to the refinancing of the County's \$71,705,000 Environmental Improvement Revenue Refunding Bond, 2003 Series A (International Paper Company Project)** – Mr. Livingston stated that the Committee recommended approval of this item. The vote in favor was unanimous.
- c. **Ordinance authorizing the issuance of the County's Refunding Bonds to refinance the County's \$71,705,000 Environmental Improvement Revenue Refunding Bonds, 2003 Series A (International Paper Company Project) [FIRST READING]** – Mr. Livingston stated that the Committee recommended approval of this item. The vote in favor was unanimous.

Richland County Council Request of Action

Subject

- a. SOB Litigation Update
- b. Economic Development Projects
- c. Transportation Penny Update
- d. Personnel Matters
- e. Election Litigation Update
- f. Elections and Voter Registration Update

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. Employee Recognition

Richland County Council Request of Action

Subject

- a. TPAC Request for Non-Voting Members on any selection committee for consultant services for the Transportation Penny
- b. Personnel Matter

Richland County Council Request of Action

Subject

- a. Central SC Alliance

Richland County Council Request of Action

Subject

- a. Authorizing Richland County, South Carolina (the "County") to issue, from time to time or at one time, in one or more issues or series, its Refunding Revenue Bonds, in an aggregate principal amount not to exceed \$71,705,000 (the "Bonds"), the proceeds of which will be used to refund the County's \$71,705,000 Environmental Improvement Revenue Refunding Bonds, 2003 Series A (International Paper Company Project) (the "Prior Bonds"), pursuant to Sections 4-29-10 et.seq. of the Code of Laws of South Carolina 1976, as amended; authorizing the execution and delivery of a contract of purchase providing for the issuance, sale and purchase of such bonds; and authorizing the issuance of the bonds and the execution of necessary documents and the taking of any other action necessary to be taken by the County to cause the issuance and sale of such bonds
- b. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain real property located in Richland County; the execution and delivery of a Credit Agreement to provide for Special Source Revenue Credits to [Project Park I]; and other related matters
- c. Ordinance to Amend the Agreement for Designation of the I-77 Corridor Regional Industrial Park dated April 15, 2003 by and between Fairfield and Richland Counties so as to enlarge the Park (Project Compact)
- d. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain real property located in Richland County; the execution and delivery of a Credit Agreement to provide for Special Source Revenue Credits to [Project Park II]; and other related matters

Richland County Council Request of Action

Subject

Authorizing Richland County, South Carolina (the "County") to issue, from time to time or at one time, in one or more issues or series, its Refunding Revenue Bonds, in an aggregate principal amount not to exceed \$71,705,000 (the "Bonds"), the proceeds of which will be used to refund the County's \$71,705,000 Environmental Improvement Revenue Refunding Bonds, 2003 Series A (International Paper Company Project) (the "Prior Bonds"), pursuant to Sections 4-29-10 et.seq. of the Code of Laws of South Carolina 1976, as amended; authorizing the execution and delivery of a contract of purchase providing for the issuance, sale and purchase of such bonds; and authorizing the issuance of the bonds and the execution of necessary documents and the taking of any other action necessary to be taken by the County to cause the issuance and sale of such bonds **[THIRD READING] [PAGES 29-37]**

Notes

First Reading: February 4, 2014

Second Reading: February 18, 2014

Third Reading:

Public Hearing:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-14HR

AUTHORIZING RICHLAND COUNTY, SOUTH CAROLINA (THE "COUNTY") TO ISSUE, FROM TIME TO TIME OR AT ONE TIME, IN ONE OR MORE ISSUES OR SERIES, ITS REFUNDING REVENUE BONDS, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$71,705,000 (THE "BONDS"), THE PROCEEDS OF WHICH WILL BE USED TO REFUND THE COUNTY'S \$71,705,000 ENVIRONMENTAL IMPROVEMENT REVENUE REFUNDING BONDS, 2003 SERIES A (INTERNATIONAL PAPER COMPANY PROJECT) (THE "PRIOR BONDS"), PURSUANT TO SECTIONS 4-29-10 ET SEQ. OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED; AUTHORIZING THE EXECUTION AND DELIVERY OF A CONTRACT OF PURCHASE PROVIDING FOR THE ISSUANCE, SALE AND PURCHASE OF SUCH BONDS; AND AUTHORIZING THE ISSUANCE OF THE BONDS AND THE EXECUTION OF NECESSARY DOCUMENTS AND THE TAKING OF ANY OTHER ACTION NECESSARY TO BE TAKEN BY THE COUNTY TO CAUSE THE ISSUANCE AND SALE OF SUCH BONDS.

WHEREAS, Richland County, South Carolina (the "County"), pursuant to Sections 4-29-10 et seq. of the Code of Laws of South Carolina 1976, as amended (the "Act"), issued its \$71,705,000 Environmental Improvement Revenue Refunding Bonds, 2003 Series A (International Paper Company Project) (the "Prior Bonds") in order to refinance certain pollution control and/or solid waste disposal facilities (the "Project") located at the Eastover, South Carolina Mill (the "Mill") of International Paper Company, a New York corporation (the "Company"); and

WHEREAS, the County Council of Richland County, South Carolina (the "County Council"), the governing body of the County, pursuant to the Act, did resolve, pursuant to an inducement resolution adopted by the County Council on February 4, 2014 (the "Inducement Resolution"), to submit its petition (the "Petition") to the State Budget and Control Board of South Carolina (the "State Board") seeking the approval of the State Board of an undertaking by the County to issue its refunding revenue bonds in an aggregate principal amount not to exceed \$71,705,000 (the "Bonds") pursuant to the Act, the proceeds of the sale of which will be applied by the Company to refinance the Project by refunding the Prior Bonds; and

WHEREAS, the Company has heretofore requested the County to (a) make the findings required by the Act, (b) subject to the approval by the State Board of the Petition and receipt by the County of appropriate evidence of such approval, authorize the issuance of the Bonds from time to time or at one time, in one or more issues or series, in the aggregate principal amount not to exceed \$71,705,000, such Bonds maturing not later than forty (40) years from the date of issuance of the Bonds, (c) authorize the execution and delivery of all documents necessary to the consummation of the transaction described above containing substantially the terms as contained in the documents to be agreed to by the Company and the Chair, the Vice Chair or such other officer of the County Council (collectively, the “Documents”), and (d) sell the Bonds pursuant to a Contract of Purchase (the “Contract”) to be entered into among the County, the Company and an underwriter or underwriters as shall be designated by the Company; and

WHEREAS, the County Council, pursuant to the Inducement Resolution, has determined to undertake the issuance of the Bonds and authorize the other actions herein described; and

WHEREAS, the County Council, in approving the submission to the State Board of the Petition required by the Act, did consider and make all of the findings required by the Act, and does now desire to confirm and restate such findings.

NOW, THEREFORE, BE IT FOUND, RESOLVED AND ORDAINED BY THE COUNTY COUNCIL ON BEHALF OF RICHLAND COUNTY, SOUTH CAROLINA:

1. The County Council hereby confirms and restates its findings as follows:

A. The refinancing of the Project by refunding the Prior Bonds promotes and subserves the purposes of the Act and benefits the general public welfare of the County, thereby aiding in the retention of employment in the County and the areas adjacent thereto;

B. The refinancing of the Project by refunding the Prior Bonds will give rise to no pecuniary liability of the County, nor will there be any charge against the County's general credit or taxing powers by reason of the issuance of the Bonds or the refinancing of the Project by refunding the Prior Bonds;

C. The documents to be entered into with respect to the Bonds contain covenants obligating the Company each year (a) to pay the principal of and the interest on the Bonds and (b) to pay the cost of maintaining the Project in good repair and the cost of keeping it properly insured. In view of the well established credit of the Company, there continues to be no need to establish and maintain any reserve funds in connection with the issuance of the Bonds;

D. The principal amount of Bonds required to refinance the Project by refunding the Prior Bonds is estimated to be, and will not exceed, \$71,705,000; and

E. The principal and purchase price of, interest and premium, if any, on the Bonds shall be secured by a pledge of the revenues payable to the County pursuant to the Documents and neither the Bonds nor any interest thereon shall ever constitute an indebtedness of the County within the meaning of any State constitutional provision or statutory limitation, nor shall the Bonds ever constitute or give rise to a pecuniary liability of the County or a charge against its general credit or taxing powers.

2. The execution and delivery of the Documents, with such changes as the executing officers shall approve (their execution to be conclusive evidence of such approval) on behalf of the County, are hereby authorized and directed. The Documents shall be executed and delivered on behalf of the County by the Chair of the County Council and attested by the Clerk of the

County Council or, in either of their absences, by such other officers as shall be permitted by rule of the County Council.

3. Upon the execution and delivery of the Documents, and subject further to the approval by the State Board of the Petition and the receipt by the County of appropriate evidence thereof, the Bonds in an aggregate principal amount not to exceed \$71,705,000 are hereby authorized to be issued, from time to time or at one time, in one or more issues or series, and the proceeds of the Bonds shall be used to refinance the Project by refunding the Prior Bonds in the manner and according to the terms of the Documents. The Bonds shall be issued from time to time or at one time, in one or more issues or series, each such issue or series designated alphabetically and by year and such Bonds shall be dated as of a particular day of the month in which such Bond is issued, shall mature not later than forty (40) years from the date of issuance of such Bond, shall bear interest at a fixed or variable rate as provided in the Documents, and shall be subject to redemption or purchase in lieu of redemption as provided in the Documents. The Bonds shall be in one or more forms as are permitted by the Documents, and prior to delivery, shall be authenticated by a trustee as prescribed in the Documents.

4. The sale of the Bonds, upon the request of the Company to such underwriter or underwriters as shall be designated by the Company, in accordance with the Contract to be approved by the Company and submitted to the County, is hereby approved. The Chair of the County Council and its Clerk or, in either of their absences, such other officers as shall be permitted by rule of the County Council, are hereby authorized to execute and deliver the Contract and are fully authorized and empowered to take such further action, to cause the preparation, use and distribution of such appropriate marketing documents, including, but not limited to, a preliminary official statement and an official statement, and to execute and deliver

such closing documents all as may be necessary and proper to effect the marketing, sale, issuance and delivery of the Bonds in accordance with the terms and conditions of the Contract, and the action of such officers or any of them in executing and delivering any of such documents in such forms as the executing officer or officers shall approve is hereby authorized (their execution to be conclusive evidence of such approval).

5. When received, the proceeds of the Bonds shall be paid directly to the trustee appointed in the Documents and thereafter disposed of by such trustee in accordance with the terms and provisions of the Documents.

6. The Chair, the Vice Chair, the Clerk and such other officers, directors, agents and employees of the County Council are hereby authorized, empowered and directed to do all such acts and things and to execute all such documents or certificates as may be necessary to carry out and comply with the provisions of the Documents and are further authorized to take any and all further actions and to execute and deliver any and all other documents or certificates as may be necessary for the issuance of the Bonds, in the execution, delivery and performance of the Documents and in the provision of the financial assistance to the Company. If any officer or employee of the County Council who shall have signed or sealed the Bonds, the Documents or any other documents or certificates as may be necessary to carry out and comply with the provisions of the Documents, or as may be necessary for the issuance of the Bonds, shall cease to be such officer or employee before the delivery of the Bonds, the Documents or such other documents or certificates, the signature or countersignature shall nevertheless be valid and sufficient for all purposes, as if the officer or employee had remained in the office or position until delivery of the Bonds, the Documents or such other documents or certificates.

7. The County Council hereby ratifies and confirms the Inducement Resolution except to the extent modified herein.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

DONE AND RATIFIED AT COLUMBIA, SOUTH CAROLINA this 4th day of March, 2014.

RICHLAND COUNTY,
SOUTH CAROLINA

BY: _____
Norman Jackson, Chair
Richland County Council

ATTEST THIS THE ____ DAY
OF _____, 2014

Michelle M. Onley
Clerk of County Council

First Reading: February 4, 2014
Second Reading: February 18, 2014
Third Reading: March 4, 2014

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

I, the undersigned Clerk of County Council of Richland County, South Carolina, DO
HEREBY CERTIFY:

That the foregoing is a true, correct and verbatim copy of the Ordinance duly adopted by
the County Council on March 4, 2014, which copy has been compared by me with the County
record of such Ordinance, and that said copy is a true, complete and correct copy thereof; and
that the Ordinance therein contained has been duly adopted and has not been altered, rescinded,
amended, or repealed in any way and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and the Seal of the County this
____ day of March, 2014.

(SEAL)

Michelle M. Onley
Clerk of County Council
Richland County, South Carolina

Richland County Council Request of Action

Subject

Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain real property located in Richland County; the execution and delivery of a Credit Agreement to provide for Special Source Revenue Credits to CD/Park7 Columbia SC Owner LLC; and other related matters **[THIRD READING] [PAGES 38-55]**

Notes

First Reading: February 4, 2014

Second Reading: February 18, 2014

Third Reading:

Public Hearing:

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

AUTHORIZING THE EXPANSION OF THE BOUNDARIES OF THE I-77 CORRIDOR REGIONAL INDUSTRIAL PARK JOINTLY DEVELOPED WITH FAIRFIELD COUNTY TO INCLUDE CERTAIN REAL PROPERTY LOCATED IN RICHLAND COUNTY; THE EXECUTION AND DELIVERY OF A CREDIT AGREEMENT TO PROVIDE FOR SPECIAL SOURCE REVENUE CREDITS TO CD/PARK7 COLUMBIA SC OWNER LLC; AND OTHER RELATED MATTERS.

WHEREAS, Richland County (“County”), a public body corporate and politic under the laws of the State of South Carolina, is authorized under Article VIII, Section 13(D) of the South Carolina Constitution and Title 4, Chapter 1 of the Code of Laws of South Carolina, 1976, as amended (collectively, “Act”), to (i) create multi-county industrial parks in partnership with counties having contiguous borders with the County; and (ii) include the property of eligible companies within such multi-county industrial parks, which inclusion under the terms of the Act makes such property exempt from *ad valorem* property taxes, and changes the character of the annual receipts from such property to fees-in-lieu of ad valorem property taxes in an amount equivalent to the *ad valorem* taxes that would have been due and payable but for the location of the property in such multi-county industrial parks (“Fee Payments”);

WHEREAS, the County is further authorized by the Act to grant credits against such Fee Payments (“Credit”) in order to assist a company located in a multi-county industrial park in paying the cost of designing, acquiring, constructing, improving, or expanding (A) the infrastructure serving the County or the property of a company located within such multi-county industrial parks or (B) for improved or unimproved real estate and personal property used in the operation of a commercial enterprise located within such multi county industrial park in order to enhance the economic development of the County (“Infrastructure”);

WHEREAS, the County and Fairfield County, South Carolina have previously developed a multi-county industrial park (“Park”) and entered into the “Master Agreement Governing the I-77 Corridor Regional Industrial Park,” dated April 15, 2003 which governs the operation of the Park (“Park Agreement”);

WHEREAS, CD/Park 7 Columbia SC Owner LLC, a limited liability company organized and existing under the laws of Delaware (“Company”), is making an investment of at least \$40,000,000 in the County, on a site more particularly described on Exhibit A, to establish a student-housing facility in the County (“Facility”);

WHEREAS, the Facility is expected to provide significant economic benefits to the County and surrounding areas;

WHEREAS, at the Company’s request, the County has offered as a reimbursement to the Company for its expenditures on Infrastructure benefitting the County and the Facility, a Credit against the Company’s Fee Payments on the Facility, the terms and conditions of which are more particularly described in the Credit Agreement between the County and the Company, the form of which is attached as Exhibit B; and

WHEREAS, to effect the Credit, the County desires to expand the boundaries of the Park and amend the Master Agreement to include the Facility in the Park.

NOW THEREFORE, THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, ORDAINS:

Section 1. Expansion of Park Boundaries; Inclusion of Facility. There is hereby authorized an expansion of the Park boundaries to include the Facility and an amendment to the Master Agreement. The County Council Chair, or the Vice Chair in the event the Chair is absent, the County Administrator and the Clerk to the County Council are hereby authorized to execute such documents and take such further actions as may be necessary to complete the expansion of the Park boundaries. Pursuant to the terms of the Master Agreement and the Act, the expansion shall be complete on the adoption of (i) a companion ordinance by the Fairfield County Council and (ii) a resolution by the City of Columbia City Council consenting to the inclusion of the of the Facility in the Park.

Section 2. Approval of Credit; Authorization to Execute Credit Agreement. There is hereby authorized a Credit against the Company's Fee Payments on the Facility as a reimbursement to the Company for its qualifying Infrastructure expenditures. The form and terms of the Credit as set forth in the Credit Agreement that is before this meeting are approved and all of the Credit Agreement's terms and conditions are incorporated in this Ordinance by reference as if the Credit Agreement was set out in this Ordinance in its entirety. The County Council Chair, or the Vice-Chair in the event the Chair is absent, is authorized and directed to execute the Credit Agreement, in the name of and on behalf of the County, subject to any revisions as may be approved by the Chair or the County Administrator following receipt of advice from counsel to the County and do not materially affect the obligation and rights of the County under the Credit Agreement, and the Clerk to County Council is authorized and directed to attest the Credit Agreement.

Section 3. Further Assurances. The County Administrator (and his designated appointees) is authorized and directed, in the name of and on behalf of the County, to take whatever further actions and execute whatever further documents as the County Administrator (and his designated appointees) deems to be reasonably necessary and prudent to effect the intent of this Ordinance.

Section 4. Savings Clause. The provisions of this Ordinance are separable. If any part of this Ordinance is, for any reason, unenforceable then the validity of the remainder of this Ordinance is unaffected.

Section 5. General Repealer. Any prior ordinance, resolution or order, the terms of which are in conflict with this Ordinance, is, only to the extent of that conflict, repealed.

This Ordinance is effective after its third reading and public hearing.

RICHLAND COUNTY, SOUTH CAROLINA

Chairman, Richland County Council

(SEAL)
ATTEST:

Clerk to Richland County Council

First Reading: February 4, 2014
Second Reading: February 18, 2014
Public Hearing: March 4, 2014
Third Reading: March 4, 2014

EXHIBIT A
PROPERTY DESCRIPTION

Parcel 1

Beginning at the intersection of the southern right-of-way margin of Blossom Street and the eastern right-of-way margin of Huger Street at a X on conc. (o), this being the POINT OF BEGINNING 1 (POB 1); thence turning and running N 69°56'30" E along the southern right-of-way margin of Blossom Street for a distance of 417.26 feet to a X on conc (o); thence turning and running S 19°53'06" E along the western right-of-way margin of Pulaski Street (unopened) for a distance of 249.33 feet to a 2-3/4" Pipe (o); thence turning and running S 69°59'06" W along property of now or formerly Arnold Realty Company for a distance of 413.24 feet to a 2" Pipe (o) [Reference Iron]; thence turning and running S 69°59'06" W along property of now or formerly Arnold Realty Company for a distance of 1.66 feet to a Calc. point; thence turning and running N 20°25'37" W along the eastern right-of-way margin of Huger Street for a distance of 249.06 feet to a X on conc. (o). this being the POINT OF BEGINNING 1 (POB1).

TMS 08914-16-01

Parcel 2

Beginning at the intersection of the northern right-of-way margin of Wheat Street and the eastern right-of-way margin of Huger Street at a 1" Pipe (o), this being the POINT OF BEGINNING 2 (POB 2); thence turning and running N 20°07'00" W along the eastern right-of-way margin of Huger Street for a distance of 167.86 feet to a Calc. point; thence turning and running N 69°59'06" E along property of now or formerly Arnold Realty Company for a distance of 1.66 feet to a 2" Pipe (o) [Reference Iron]; thence turning and running N 69°59'06" E along property of now or formerly Arnold Realty Company for a distance of 413.24 feet to a 2-3/4" Pipe (o); thence turning and running S 20°04'50" E along the western right-of-way margin of Pulaski Street (unopened) for a distance of 167.12 feet to a 1/2" Rebar (o); thence turning and running S 69°53'02" W along the northern right-of-way margin of Wheat Street for a distance of 414.79 feet to a 1" Pipe (o), the POINT OF BEGINNING 2 (POB 2).

TMS 08914-16-02

EXHIBIT B
FORM OF CREDIT AGREEMENT

CREDIT AGREEMENT

between

RICHLAND COUNTY, SOUTH CAROLINA

and

CD/PARK7 COLUMBIA SC OWNER LLC

March 4, 2014

CREDIT AGREEMENT

This CREDIT AGREEMENT, effective as of March 4, 2014 (“Agreement”), is between RICHLAND COUNTY, SOUTH CAROLINA, a body politic and corporate, and a political subdivision of the State of South Carolina (“County”), and CD/PARK7 COLUMBIA SC OWNER LLC, a limited liability company organized and existing under the laws of the State of Delaware and previously identified as Project Park I (“Company,” with the County, “Parties,” each, a “Party”).

WITNESSETH:

WHEREAS, the County, acting by and through its County Council (“County Council”), is authorized and empowered under and pursuant to the provisions of Article VIII, Section 13(D) of the South Carolina Constitution and the provisions of Title 4, Chapter 1 of the Code of Laws of South Carolina, 1976, as amended (collectively, “Act”), to (i) jointly develop a multi-county industrial park with a county having coterminous borders with the County; and (ii) in the County’s discretion, include within the boundaries of the multi-county industrial park the property of qualifying companies, which inclusion under the terms of the Act makes such property exempt from *ad valorem* property taxes, and changes the character of the annual receipts from such property to fees-in-lieu of *ad valorem* property taxes (“Fee Payments”) in an amount equivalent to the *ad valorem* taxes that would have been due and payable but for the location of the property in such multi-county industrial parks;

WHEREAS, the County is further authorized by the Act, to grant a credit (“Credit”) to a company located in a multi-county industrial park against the company’s Fee Payments as a reimbursement for qualifying expenditures made by the company for the cost of designing, acquiring, constructing, improving or expanding (i) infrastructure serving the company’s project or the County and (ii) improved and unimproved real estate used in the operation of a commercial enterprise in order to enhance the economic development of the County (“Infrastructure”);

WHEREAS, pursuant to the authority provided in the Act, the County and Fairfield County, South Carolina have previously established a multi-county industrial park (“Park”) and entered into the “Master Agreement Governing the I-77 Corridor Regional Industrial Park,” dated April 15, 2003 which governs the operation of the Park (as amended from time to time, “Park Agreement”);

WHEREAS, the Company is making an investment of at least \$40,000,000 in the County, on a site more particularly described on Exhibit A (“Site”), to establish a student-housing facility in the County (“Facility”);

WHEREAS, pursuant to the County’s Ordinance No. [] (“Ordinance”), the County authorized the expansion of the boundaries of the Park and an amendment to the Park Agreement to include the Facility in the Park;

WHEREAS, as required under the provisions of the Act, because the Facility is located in the City of Columbia, the Company has secured the consent of the City to the inclusion of the Site within the boundaries of the Park; and

WHEREAS, pursuant to the Ordinance, the County further authorized the execution and delivery of this Agreement and agreed to provide a Credit against the Company’s Fee Payments on the Facility to reimburse the Company for its expenditures on Infrastructure, subject to the terms and conditions below.

NOW, THEREFORE, in consideration of the respective representations and agreements hereinafter contained, the County and the Company agree as follows:

**ARTICLE I
REPRESENTATIONS**

SECTION 1.01. Representations by the County. The County makes the following representations:

- (a) The County is a body politic and corporate and a political subdivision of the State of South Carolina;
- (b) The County is authorized and empowered by the provisions of the Act to enter into, and carry out its obligations under, this Agreement;
- (c) The County has duly approved this Agreement by adoption of the Ordinance in accordance with the Act and any other applicable state and local law;
- (d) By proper action of the County Council, the County has duly authorized the execution and delivery of this Agreement and any and all actions reasonably necessary and appropriate to consummate the transactions contemplated hereby;
- (e) The County has included the Facility in the Park and shall maintain the Facility within the Park for the duration of this Agreement to facilitate the Company's receipt of the Credits; and
- (f) The County enters into this Agreement for the purpose of promoting the economic development of the County.

SECTION 1.02. Representations by the Company. The Company makes the following representations:

- (a) The Company a limited liability company, duly organized, validly existing, and in good standing, under the laws of the State of Delaware, has power to enter into this Agreement, and by proper corporate action has authorized the officials signing this Agreement to execute and deliver it and take all actions reasonably necessary and appropriate to consummate the transactions contemplated hereby; and
- (b) The Credits provided by the County in the manner set forth in this Agreement have been instrumental in inducing the Company to establish the Facility in the County.

**ARTICLE II
INVESTMENT AND OPERATION OF THE FACILITY**

SECTION 2.01. Investment Commitment. The Company shall invest at least \$40,000,000 in connection with the Facility ("Investment Commitment") by the Certification Date, as defined below. The Company shall certify to the County achievement of the Investment Commitment within 90 days of the dated date of the Certificate of Occupancy for the Facility ("Certification Date"), by providing documentation to the County sufficient to reflect such investment, in form and substance reasonably acceptable to the County. If the Company fails to achieve and certify the Investment Commitment to the County, then the County may terminate this Agreement and, upon any such termination, the Company shall not be entitled to any further benefits hereunder. Notwithstanding anything in this Agreement to the contrary and subject to the Act, investment in connection with the Facility may, but shall not be required to, include, in the aggregate, capital expenditures and costs (including, but not limited to, expenditures and costs incurred for, or in connection with, land acquisition, demolition, building construction, site preparation, site improvements, infrastructure construction, other real property improvements, and

personal property acquisition) and soft costs (including, but not limited to, architectural fees, engineering fees, financing fees, legal fees, studies, developer and general contracting fees, insurance, permits and tap fees, impact fees, renting and marketing costs and project development costs).

SECTION 2.02. Operation of the Facility as a Private Dormitory. The Company shall maintain the Facility in the County and operate the Facility as a private dormitory pursuant to the terms of and in compliance with Section 17-321 of the Code of Ordinances of the City of Columbia, South Carolina (“City Code”) for the Credit Term, as defined below. If the Facility fails to qualify as a private dormitory under the City Code prior to the receipt by the Company of a Certificate of Occupancy for the Facility, then such failure shall be deemed an Event of Default under Section 4.01 hereof and the County shall, subject to the cure provisions of Section 4.01 hereof, have the right to terminate this Agreement and, upon any such termination, the Company shall not be entitled to any further benefits hereunder. If at any time during the Credit Term, the Facility ceases to be operated as a private dormitory or is otherwise found by the City, in its reasonable discretion, to be non-compliant with Section 17-321 of the City Code, then such failure shall be deemed an Event of Default under Section 4.01 hereof and the County shall, subject to the cure provisions in Section 4.01 hereof, have the right to terminate this Agreement and, upon any such termination, the Company shall not be entitled to any further benefits hereunder.

ARTICLE III CREDIT TERMS

SECTION 3.01. Amount and Duration of Credit.

(a) If the Company’s gross Fee Payment (which shall be the Fee Payment before the deduction of any Credit due hereunder) payable in connection with the Facility is greater than or equal to \$750,000, the County shall provide a 50% Credit against the Fee Payments due and owing from the Company to the County in connection with the Facility as provided herein. If the Company’s gross Fee Payment is less than \$750,000, then the County shall provide a Credit against the Fee Payments due and owing from the Company to the County in connection with the Facility sufficient to reduce the Company’s Net Fee Payment (after application of the Credit) to \$400,000. If the Company’s gross Fee Payment is less than \$400,000 for any year during the Credit Term (as defined below), then this Agreement shall terminate prospectively.

(b) The Company is eligible to receive a Credit for a period of 10 consecutive years, beginning with the first full year for which the Company owes a Fee Payment in connection with the Facility following the receipt by the Company of a Certificate of Occupancy for the Facility (“Credit Term”).

(c) For each year of the Credit Term, the County shall prepare and issue the annual Fee Payment bill on the Facility net of the Credit set forth in Section 3.01(a) hereof (“Net Fee Payment”). Following receipt of the Net Fee Payment bill, the Company shall timely remit the Net Fee Payment to the County in accordance with applicable law.

(d) If any portion of this Agreement is found to be invalid by a court of competent jurisdiction, the County agrees to provide the Company with a credit in an amount and for a term that is valid pursuant to such court ruling, but in no event may the value of the valid benefit exceed the value of the invalid benefit offered to the Company under this Agreement.

(e) No breach by the County of this Agreement shall result in the imposition of any pecuniary liability upon the County or any charge upon its general credit or against its taxing power. The liability of the County under this Agreement or for any breach or default by the County of any of the foregoing shall be limited solely and exclusively to the Fee Payments received from the Company. The County shall not be required to provide the Credits except with respect to the Fee Payments received from the Company.

SECTION 3.02. Cumulative Limit on Credit. The cumulative dollar amount expended by the Company on Infrastructure shall equal or exceed the cumulative dollar amount of all the Credits received by the Company.

SECTION 3.03. Termination.

Unless first terminated under any other provision of this Agreement, this Agreement terminates on the expiration of the Credit Term and payment by the Company of any outstanding Net Fee Payment due on the Facility pursuant to the terms of this Agreement.

**ARTICLE IV
DEFAULTS AND REMEDIES**

SECTION 4.01. Events of Default. If any Party fails duly and punctually to perform any material covenant, condition, agreement or provision contained in this Agreement on the part of such Party to be performed, which, except as otherwise provided in this Agreement, failure shall continue for a period of 60 days after written notice by the other Party specifying the failure and requesting that it be remedied is given to the defaulting Party, then such Party is in default under this Agreement (“Event of Default”); provided, however, that if any such failure is not, with due diligence, susceptible of cure within such 60-day period, then such defaulting Party shall have an additional period of time not to exceed 30 days from the date of such written notice by the other Party to remedy such failure, unless such Parties agree in a writing signed by all Parties to an extension of such time prior to its expiration.

SECTION 4.02. Legal Proceedings by Company and County. On the happening of any Event of Default by a Party, then and in every such case the other Party, in its discretion may:

- (a) subject to the cure provisions in Section 4.01 hereof, terminate this Agreement;
- (b) by mandamus, or other suit, action, or proceeding at law or in equity, enforce all of its rights and require the defaulting Party to perform its duties under the Act and this Agreement;
- (c) bring suit upon this Agreement;
- (d) exercise any or all rights and remedies in effect in the State of South Carolina, or other applicable law; or
- (e) by action or suit in equity enjoin any acts or things which may be unlawful or in violation of its rights.

SECTION 4.03. Remedies Not Exclusive. No remedy in this Agreement conferred upon or reserved either to the Company or County is intended to be exclusive of any other remedy or remedies, and each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or now or hereafter existing at law or in equity or by statute.

SECTION 4.04. Nonwaiver. No delay or omission of the Company or County to exercise any right or power accruing upon any default or Event of Default shall impair any such right or power or shall be construed to be a waiver of any such default or Event of Default, or an acquiescence therein; and every power and remedy given by this Article IV to the Company or County may be exercised from time to time and as often as may be deemed expedient.

ARTICLE V

MISCELLANEOUS

SECTION 5.01. Assignment. The Company may assign this Agreement in whole or in part with the prior written consent of the County, which consent will not be unreasonably withheld, conditioned, or delayed, and may be given by resolution of County Council. Any assignment of this Agreement, in whole or in part, to an affiliated entity of the Company is hereby approved without any further action of the County Council. The County's Director of Economic Development must receive notice of any assignment to an affiliated entity of the Company.

SECTION 5.02. Examination of Records; Confidentiality.

(a) The Company agrees that the County and its authorized agents shall have the right at all reasonable times and on prior reasonable notice to enter and examine the Facility and to have access to and examine all the Company's books and records pertaining to the Facility. The Company may prescribe reasonable and necessary terms and conditions of the County's right to examination and inspection of the Facility and the Company's books and records pertaining to the Facility. The terms and conditions of the Company may include, but not be limited to, those necessary to protect the Company's confidentiality and proprietary rights.

(b) The County, and County Council, acknowledges and understands that the Company may have and maintain at the Facility certain confidential and proprietary information, including but not limited to financial, sales or other information concerning the Company's operations ("Confidential Information") and that any disclosure of the Confidential Information would result in substantial harm to the Company and could thereby have a significant detrimental impact on the Company's employees and also upon the County. Therefore, except as required by law, the County, and County Council, agrees to keep confidential, and to cause employees, agents and representatives of the County to keep confidential, the Confidential Information which may be obtained from the Company, its agents or representatives. The County, and County Council, shall not disclose and shall cause all employees, agents and representatives of the County not to disclose the Confidential Information to any person other than in accordance with the terms of this Agreement.

SECTION 5.03. Successors and Assigns. All covenants, stipulations, promises, and agreements contained in this Agreement, by or on behalf of, or for the benefit of, the County or the Company, as the case may be, shall bind or inure to the benefit of the successors of the County or the Company, as the case may be, from time to time and any officer, board, commission, agency, or instrumentality to whom or to which any power or duty of the County, shall be transferred.

SECTION 5.04. Provisions of Agreement for Sole Benefit of County and Company. Except as in this Agreement otherwise specifically provided, nothing in this Agreement expressed or implied is intended or shall be construed to confer upon any person other than the County and the Company any right, remedy, or claim under or by reason of this Agreement, this Agreement being intended to be for the sole and exclusive benefit of the County and the Company.

SECTION 5.05. Severability. In case any one or more of the provisions of this Agreement shall, for any reason, be held to be illegal or invalid, the illegality or invalidity shall not affect any other provision of this Agreement, and this Agreement and the Credits shall be construed and enforced as if the illegal or invalid provisions had not been contained herein or therein.

SECTION 5.06. No Liability for Personnel of County or Company. No covenant or agreement contained in this Agreement is deemed to be a covenant or agreement of any member, agent, or employee of the County or its governing body or the Company or any of its officers, employees, or agents in an individual capacity, and neither the members of the governing body of the County nor any official

executing this Agreement is liable personally on the Credits or the Agreement or subject to any personal liability or accountability by reason of the issuance thereof.

SECTION 5.07. Indemnification Covenant.

(a) Except as provided in paragraph (b) below, the Company shall indemnify and save the County, its employees, elected officials, officers and agents (each, an “Indemnified Party”) harmless against and from all claims by or on behalf of any person arising from the County’s execution of this Agreement, performance of the County’s obligations under this Agreement or the administration of its duties pursuant to this Agreement, or otherwise by virtue of the County having entered into this Agreement. If such a claim is made against any Indemnified Party, then subject to the provisions of (b) below, the Company shall defend the Indemnified Party in any action or proceeding.

(b) Notwithstanding anything herein to the contrary, the Company is not required to indemnify any Indemnified Party against any claim or liability (i) occasioned by the acts of that Indemnified Party, which are unrelated to the execution of this Agreement, performance of the County’s obligations under this Agreement, or the administration of its duties under this Agreement, or otherwise by virtue of the County having entered into this Agreement; or (ii) resulting from that Indemnified Party’s own negligence, bad faith, fraud, deceit, or willful misconduct.

(c) An Indemnified Party may not avail itself of the indemnification provided in this Section unless it provides the Company with prompt notice, reasonable under the circumstances, of the existence or threat of any claim or liability, including, without limitation, copies of any citations, orders, fines, charges, remediation requests, or other claims or threats of claims, in order to afford the Company notice, reasonable under the circumstances, within which to defend or otherwise respond to a claim.

(d) Following this notice, the Company shall resist or defend against any claim or demand, action or proceeding, at its expense, using counsel of its choice. The Company is entitled to manage and control the defense of or response to any claim, charge, lawsuit, regulatory proceeding or other action, for itself and the Indemnified Party; provided the Company is not entitled to settle any matter at the separate expense or liability of any Indemnified Party without the consent of that Indemnified Party. To the extent any Indemnified Party desires to use separate counsel for any reason, other than a conflict of interest, that Indemnified Party is responsible for its independent legal fees.

SECTION 5.08. Notices. All notices, certificates, requests, or other communications under this Agreement are sufficiently given and are deemed given, unless otherwise required by this Agreement, when (i) delivered or (ii) sent by facsimile and confirmed by United States first-class registered mail, postage prepaid, addressed as follows:

- | | |
|---|---|
| (a) if to the County: | Richland County, South Carolina
Attn: Director of Economic Development
2020 Hampton Street (29204)
Post Office Box 192
Columbia, South Carolina 29202 |
| with a copy to
(does not constitute notice): | Parker Poe Adams & Bernstein LLP
Attn: Ray E. Jones
1201 Main Street, Suite 1450 (29201)
Post Office Box 1509
Columbia, South Carolina 29202 |

(b) if to the Company: [To be inserted.]

with a copy to
(does not constitute notice): Nexsen Pruet, LLC
Attn: Burnet R. Maybank, III
Tushar V. Chikhliker
1230 Main Street, Suite 700 (29201)
Post Office Drawer 2426
Columbia, South Carolina 29202

The County and the Company may, by notice given under this Section, designate any further or different addresses to which subsequent notices, certificates, requests or other communications shall be sent.

SECTION 5.09. Administrative Fees.

(a) The Company shall reimburse the County for reasonable expenses, including, reasonable attorneys' fees, related to (i) review and negotiation of this Agreement, or (ii) review and negotiation of any other documents related to the Facility, in an amount not to exceed \$5,000.

SECTION 5.10. Merger. This Agreement constitutes the entire agreement among the parties to it with respect to the matters contemplated in it, and it is understood and agreed that all undertakings, negotiations, representations, promises, inducements and agreements heretofore had among these parties are merged herein.

SECTION 5.11 Agreement to Sign Other Documents. The County agrees that it will from time to time and at the expense of the Company execute and deliver such further instruments and take such further action as may be reasonable and as may be required to carry out the purpose of this Agreement; provided, however, that such instruments or actions shall never create or constitute an indebtedness of the County within the meaning of any state constitutional provision (other than the provisions of Article X, Section 14(10) of the South Carolina Constitution) or statutory limitation and shall never constitute or give rise to a pecuniary liability of the County or a charge against its general credit or taxing power or pledge the credit or taxing power of the State of South Carolina, or any other political subdivision of the State of South Carolina.

SECTION 5.12. Agreement's Construction. The Parties agree that each Party and its counsel have reviewed and revised this Agreement and that any rule of construction to the effect that ambiguities are to be resolved against a drafting party does not apply in the interpretation of this Agreement or any amendments or exhibits to this Agreement.

SECTION 5.13. Applicable Law. South Carolina law, exclusive of its conflicts of law provisions that would refer the governance of this Agreement to the laws of another jurisdiction, governs this Agreement.

SECTION 5.14. Counterparts. This Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original; but such counterparts shall together constitute but one and the same instrument.

SECTION 5.15. Amendments. This Agreement may be amended only by written agreement of the parties hereto.

SECTION 5.16. Waiver. Either Party may waive compliance by the other Party with any term or condition of this Agreement but the waiver is valid only if it is in a writing signed by the waiving Party.

*[TWO SIGNATURE PAGES FOLLOW]
[REMAINDER OF PAGE INTENTIONALLY BLANK]*

IN WITNESS WHEREOF, Richland County, South Carolina, has caused this Agreement to be executed by the appropriate officials of the County and its corporate seal to be hereunto affixed and attested, effective the day and year first above written.

RICHLAND COUNTY, SOUTH CAROLINA

Chair, Richland County Council

(SEAL)
ATTEST:

Clerk to Richland County Council

IN WITNESS WHEREOF, CD/Park 7 Columbia SC Owner LLC has caused this Agreement to be executed by its authorized officers, effective the day and year first above written.

CD/PARK7 COLUMBIA SC OWNER LLC

By: _____
Name: _____
Its: _____

[REMAINDER OF PAGE INTENTIONALLY BLANK]

EXHIBIT A
DESCRIPTION OF SITE

Parcel 1

Beginning at the intersection of the southern right-of-way margin of Blossom Street and the eastern right-of-way margin of Huger Street at a X on conc. (o), this being the POINT OF BEGINNING 1 (POB 1); thence turning and running N 69°56'30" E along the southern right-of-way margin of Blossom Street for a distance of 417.26 feet to a X on conc (o); thence turning and running S 19°53'06" E along the western right-of-way margin of Pulaski Street (unopened) for a distance of 249.33 feet to a 2-3/4" Pipe (o); thence turning and running S 69°59'06" W along property of now or formerly Arnold Realty Company for a distance of 413.24 feet to a 2" Pipe (o) [Reference Iron]; thence turning and running S 69°59'06" W along property of now or formerly Arnold Realty Company for a distance of 1.66 feet to a Calc. point; thence turning and running N 20°25'37" W along the eastern right-of-way margin of Huger Street for a distance of 249.06 feet to a X on conc. (o). this being the POINT OF BEGINNING 1 (POB1).

TMS 08914-16-01

Parcel 2

Beginning at the intersection of the northern right-of-way margin of Wheat Street and the eastern right-of-way margin of Huger Street at a 1" Pipe (o), this being the POINT OF BEGINNING 2 (POB 2); thence turning and running N 20°07'00" W along the eastern right-of-way margin of Huger Street for a distance of 167.86 feet to a Calc. point; thence turning and running N 69°59'06" E along property of now or formerly Arnold Realty Company for a distance of 1.66 feet to a 2" Pipe (o) [Reference Iron]; thence turning and running N 69°59'06" E along property of now or formerly Arnold Realty Company for a distance of 413.24 feet to a 2-3/4" Pipe (o); thence turning and running S 20°04'50" E along the western right-of-way margin of Pulaski Street (unopened) for a distance of 167.12 feet to a 1/2" Rebar (o); thence turning and running S 69°53'02" W along the northern right-of-way margin of Wheat Street for a distance of 414.79 feet to a 1" Pipe (o), the POINT OF BEGINNING 2 (POB 2).

TMS 08914-16-02

Richland County Council Request of Action

Subject

Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain real property located in Richland County; the execution and delivery of a Credit Agreement to provide for Special Source Revenue Credits to [Project Park II]; and other related matters **[SECOND READING] [PAGES 56-75]**

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

AUTHORIZING THE EXPANSION OF THE BOUNDARIES OF THE I-77 CORRIDOR REGIONAL INDUSTRIAL PARK JOINTLY DEVELOPED WITH FAIRFIELD COUNTY TO INCLUDE CERTAIN REAL PROPERTY LOCATED IN RICHLAND COUNTY; THE EXECUTION AND DELIVERY OF A CREDIT AGREEMENT TO PROVIDE FOR SPECIAL SOURCE REVENUE CREDITS TO [PROJECT PARK II]; AND OTHER RELATED MATTERS.

WHEREAS, Richland County (“County”), a public body corporate and politic under the laws of the State of South Carolina, is authorized under Article VIII, Section 13(D) of the South Carolina Constitution and Title 4, Chapter 1 of the Code of Laws of South Carolina, 1976, as amended (collectively, “Act”), to (i) create multi-county industrial parks in partnership with counties having contiguous borders with the County; and (ii) include the property of eligible companies within such multi-county industrial parks, which inclusion under the terms of the Act makes such property exempt from *ad valorem* property taxes, and changes the character of the annual receipts from such property to fees-in-lieu of ad valorem property taxes in an amount equivalent to the *ad valorem* taxes that would have been due and payable but for the location of the property in such multi-county industrial parks (“Fee Payments”);

WHEREAS, the County is further authorized by the Act to grant credits against such Fee Payments (“Credit”) in order to assist a company located in a multi-county industrial park in paying the cost of designing, acquiring, constructing, improving, or expanding (A) the infrastructure serving the County or the property of a company located within such multi-county industrial parks or (B) for improved or unimproved real estate and personal property used in the operation of a commercial enterprise located within such multi county industrial park in order to enhance the economic development of the County (“Infrastructure”);

WHEREAS, the County and Fairfield County, South Carolina have previously developed a multi-county industrial park (“Park”) and entered into the “Master Agreement Governing the I-77 Corridor Regional Industrial Park,” dated April 15, 2003 which governs the operation of the Park (“Park Agreement”);

WHEREAS, [Project Park II], a [] organized and existing under the laws of [] (“Company”), is making an investment of at least \$40,000,000 in the County, on a site more particularly described on Exhibit A, to establish a student-housing facility in the County (“Facility”);

WHEREAS, the Facility is expected to provide significant economic benefits to the County and surrounding areas;

WHEREAS, at the Company’s request, the County has offered as a reimbursement to the Company for its expenditures on Infrastructure benefitting the County and the Facility, a Credit against the Company’s Fee Payments on the Facility, the terms and conditions of which are more particularly described in the Credit Agreement between the County and the Company, the form of which is attached as Exhibit B; and

WHEREAS, to effect the Credit, the County desires to expand the boundaries of the Park and amend the Master Agreement to include the Facility in the Park.

NOW THEREFORE, THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, ORDAINS:

Section 1. Expansion of Park Boundaries; Inclusion of Facility. There is hereby authorized an expansion of the Park boundaries to include the Facility and an amendment to the Master Agreement. The County Council Chair, or the Vice Chair in the event the Chair is absent, the County Administrator and the Clerk to the County Council are hereby authorized to execute such documents and take such further actions as may be necessary to complete the expansion of the Park boundaries. Pursuant to the terms of the Master Agreement and the Act, the expansion shall be complete on the adoption of (i) a companion ordinance by the Fairfield County Council and (ii) a resolution by the City of Columbia City Council consenting to the inclusion of the of the Facility in the Park.

Section 2. Approval of Credit; Authorization to Execute Credit Agreement. There is hereby authorized a Credit against the Company's Fee Payments on the Facility as a reimbursement to the Company for its qualifying Infrastructure expenditures. The form and terms of the Credit as set forth in the Credit Agreement that is before this meeting are approved and all of the Credit Agreement's terms and conditions are incorporated in this Ordinance by reference as if the Credit Agreement was set out in this Ordinance in its entirety. The County Council Chair, or the Vice-Chair in the event the Chair is absent, is authorized and directed to execute the Credit Agreement, in the name of and on behalf of the County, subject to any revisions as may be approved by the Chair or the County Administrator following receipt of advice from counsel to the County and do not materially affect the obligation and rights of the County under the Credit Agreement, and the Clerk to County Council is authorized and directed to attest the Credit Agreement.

Section 3. Further Assurances. The County Administrator (and his designated appointees) is authorized and directed, in the name of and on behalf of the County, to take whatever further actions and execute whatever further documents as the County Administrator (and his designated appointees) deems to be reasonably necessary and prudent to effect the intent of this Ordinance.

Section 4. Savings Clause. The provisions of this Ordinance are separable. If any part of this Ordinance is, for any reason, unenforceable then the validity of the remainder of this Ordinance is unaffected.

Section 5. General Repealer. Any prior ordinance, resolution or order, the terms of which are in conflict with this Ordinance, is, only to the extent of that conflict, repealed.

This Ordinance is effective after its third reading and public hearing.

RICHLAND COUNTY, SOUTH CAROLINA

Chairman, Richland County Council

(SEAL)
ATTEST:

Clerk to Richland County Council

First Reading: February 18, 2014
Second Reading: March 4, 2014
Public Hearing: March 4, 2014
Third Reading:

EXHIBIT A
PROPERTY DESCRIPTION

PROJECT PARK II SITE DESCRIPTION

Parcel 1

All that certain piece, parcel, or tract of land, together with the improvements thereon, situate, lying and being on the Western side of Assembly Street between Senate and Pendleton Streets in the City of Columbia, County of Richland, State of South Carolina, being shown and designated as 1011 Assembly Street and 1013 Pendleton Street on a plat prepared for Bessie Bernstein and Jane Gibbes Edens by William Wingfield, Registered Surveyor, dated October 25, 1957, revised January 3, 1958 and later revised February 24, 1959, and having the following metes and bounds: commencing at a point on said Assembly Street Two Hundred Nine and 75/100 (209.75') feet North of the Northeast corner of Pendleton Street and Assembly Street and running along said Assembly Street South 18 degrees 50 minutes East for a distance of One Hundred Forty (140') feet; thence turning and running South 70 degrees 59 minutes West for a distance of Two Hundred Eight and 25/100 (208.25') feet; and being bounded on the South along said line by property now of Leventis; thence turning and running South 19 degrees no minutes East for distance of Sixty-nine and 75/100 (69.75') feet; thence turning and running along Pendleton Street South 71 degrees seven (7) minutes West for a distance of One Hundred Twelve and 64/100 (112.64') feet; thence turning and running North 18 degrees 52 minutes West for a distance of Twenty-nine (29') feet, and being bounded on the West along said line by property of Rivkin; thence turning and running South 71 degrees 7 minutes West for a distance of Ninety-six (96') feet to Park Street and being bounded on the South along said line by property of Rivkin; thence turning and running North 18 degrees 52 minutes West for a distance of One Hundred Seventy-nine and Eight-tenths (179.8') feet along said Park Street; thence turning and running North 70 degrees 56 minutes East for a distance of Four Hundred Sixteen and Nine-tenths (416.9') feet to the point of commencement, be all measurements a little more or less and being bounded on the North along said line by property of Bookman, Caughman and Sebastian, all of which is shown on said plat.

This being the same 1/8 interest conveyed to the Grantor herein by deed of Bessie Bernstein dated December 29, 1961, and recorded on December 30, 1961 in Deed Book 316, at page 285; And the same 1/24 interest inherited by the Isadore S. Bernstein herein from the Estate of Bessie Bernstein, filed for Probate in the Richland County Probate Court, December 27, 1968; And the same 1/4 interest conveyed to the Grantor herein by deed of Henry H. Edens and Jane G. Edens, dated December 18, 1984, and recorded on January 3, 1985 in Deed Book D724, at page 407.

TMS # 08916-09-08

Parcel 2

All that certain piece, parcel or lot of land, with the improvements thereon, situate, lying and being the northeastern corner of the intersection of Park (formerly Gates) and Pendleton Streets in the City of Columbia, County of Richland, State of South Carolina, measuring 96 feet on its northern and southern sides and 29 feet on its eastern and western sides, and bounded on the north and on the east by property formerly of Mimnaugh and others, now owned by Edens, Bernstein, et al; on the south by Pendleton Street; and on the west by Park Street (formerly Gates).

TMS# 08916-09-09

Property Address: 1000 Park Street, Columbia, SC 29201

Parcel 3

All that certain piece, parcel or lot of land, with the improvements thereon, situate, lying and being on the east side of the 1000 block of Park Street (formerly Gates) in the City of Columbia, County of Richland, State of South Carolina, commencing at a point on the east side of said 1000 block of Park Street where said lot adjoining the property on the south thereof owned by Edens, Bernstein, et. al. and running back therefrom in an easternly direction for a distance of one hundred (100') feet along said property, thence turning and running in a northernly direction for distance of twenty-seven (27') feet along property formerly of Logan, thence turning and running in a westernly direction for a distance of sixty (60') feet, thence turning and running in in a southernly direction for a distance of eight (8') feet five (5'') inches, thence turning and running in a westernly direction for a distance of forty (40') feet to a point along said eastern side of Park Street, thence running along said eastern side of Park Street in a southernly direction for distance of eighteen (18') feet seven (7'') inches to the point of commencement.

TMS# 08916-09-10

Property Address: 1016 Park Street, Columbia, SC 29201

EXHIBIT B
FORM OF CREDIT AGREEMENT

CREDIT AGREEMENT

between

RICHLAND COUNTY, SOUTH CAROLINA

and

[PROJECT PARK II]

[], 2014

CREDIT AGREEMENT

This CREDIT AGREEMENT, effective as of March 4, 2014 (“Agreement”), is between RICHLAND COUNTY, SOUTH CAROLINA, a body politic and corporate, and a political subdivision of the State of South Carolina (“County”), and [PROJECT PARK II], a limited liability company organized and existing under the laws of the State of Delaware (“Company,” with the County, “Parties,” each, a “Party”).

WITNESSETH:

WHEREAS, the County, acting by and through its County Council (“County Council”), is authorized and empowered under and pursuant to the provisions of Article VIII, Section 13(D) of the South Carolina Constitution and the provisions of Title 4, Chapter 1 of the Code of Laws of South Carolina, 1976, as amended (collectively, “Act”), to (i) jointly develop a multi-county industrial park with a county having coterminous borders with the County; and (ii) in the County’s discretion, include within the boundaries of the multi-county industrial park the property of qualifying companies, which inclusion under the terms of the Act makes such property exempt from *ad valorem* property taxes, and changes the character of the annual receipts from such property to fees-in-lieu of *ad valorem* property taxes (“Fee Payments”) in an amount equivalent to the *ad valorem* taxes that would have been due and payable but for the location of the property in such multi-county industrial parks;

WHEREAS, the County is further authorized by the Act, to grant a credit (“Credit”) to a company located in a multi-county industrial park against the company’s Fee Payments as a reimbursement for qualifying expenditures made by the company for the cost of designing, acquiring, constructing, improving or expanding (i) infrastructure serving the company’s project or the County and (ii) improved and unimproved real estate used in the operation of a commercial enterprise in order to enhance the economic development of the County (“Infrastructure”);

WHEREAS, pursuant to the authority provided in the Act, the County and Fairfield County, South Carolina have previously established a multi-county industrial park (“Park”) and entered into the “Master Agreement Governing the I-77 Corridor Regional Industrial Park,” dated April 15, 2003 which governs the operation of the Park (as amended from time to time, “Park Agreement”);

WHEREAS, the Company is making an investment of at least \$40,000,000 in the County, on a site more particularly described on Exhibit A (“Site”), to establish a student-housing facility in the County (“Facility”);

WHEREAS, pursuant to the County’s Ordinance No. [] (“Ordinance”), the County authorized the expansion of the boundaries of the Park and an amendment to the Park Agreement to include the Facility in the Park;

WHEREAS, as required under the provisions of the Act, because the Facility is located in the City of Columbia, the Company has secured the consent of the City to the inclusion of the Site within the boundaries of the Park; and

WHEREAS, pursuant to the Ordinance, the County further authorized the execution and delivery of this Agreement and agreed to provide a Credit against the Company’s Fee Payments on the Facility to reimburse the Company for its expenditures on Infrastructure, subject to the terms and conditions below.

NOW, THEREFORE, in consideration of the respective representations and agreements hereinafter contained, the County and the Company agree as follows:

**ARTICLE I
REPRESENTATIONS**

SECTION 1.01. Representations by the County. The County makes the following representations:

- (a) The County is a body politic and corporate and a political subdivision of the State of South Carolina;
- (b) The County is authorized and empowered by the provisions of the Act to enter into, and carry out its obligations under, this Agreement;
- (c) The County has duly approved this Agreement by adoption of the Ordinance in accordance with the Act and any other applicable state and local law;
- (d) By proper action of the County Council, the County has duly authorized the execution and delivery of this Agreement and any and all actions reasonably necessary and appropriate to consummate the transactions contemplated hereby;
- (e) The County has included the Facility in the Park and shall maintain the Facility within the Park for the duration of this Agreement to facilitate the Company's receipt of the Credits; and
- (f) The County enters into this Agreement for the purpose of promoting the economic development of the County.

SECTION 1.02. Representations by the Company. The Company makes the following representations:

- (a) The Company a limited liability company, duly organized, validly existing, and in good standing, under the laws of the State of Delaware, has power to enter into this Agreement, and by proper corporate action has authorized the officials signing this Agreement to execute and deliver it and take all actions reasonably necessary and appropriate to consummate the transactions contemplated hereby; and
- (b) The Credits provided by the County in the manner set forth in this Agreement have been instrumental in inducing the Company to establish the Facility in the County.

**ARTICLE II
INVESTMENT AND OPERATION OF THE FACILITY**

SECTION 2.01. Investment Commitment. The Company shall invest at least \$40,000,000 in connection with the Facility ("Investment Commitment") by the Certification Date, as defined below. The Company shall certify to the County achievement of the Investment Commitment within 90 days of the dated date of the Certificate of Occupancy for the Facility ("Certification Date"), by providing documentation to the County sufficient to reflect such investment, in form and substance reasonably acceptable to the County. If the Company fails to achieve and certify the Investment Commitment to the County, then the County may terminate this Agreement and, upon any such termination, the Company shall not be entitled to any further benefits hereunder. Notwithstanding anything in this Agreement to the contrary and subject to the Act, investment in connection with the Facility may, but shall not be required to, include, in the aggregate, capital expenditures and costs (including, but not limited to, expenditures and costs incurred for, or in connection with, land acquisition, demolition, building construction, site preparation, site improvements, infrastructure construction, other real property improvements, and personal property acquisition) and soft costs (including, but not limited to, architectural fees, engineering fees, financing fees, legal fees, studies, developer and general contracting fees, insurance, permits and tap

fees, impact fees, renting and marketing costs and project development costs).

SECTION 2.02. Operation of the Facility as a Private Dormitory. The Company shall maintain the Facility in the County and operate the Facility as a private dormitory pursuant to the terms of and in compliance with Section 17-321 of the Code of Ordinances of the City of Columbia, South Carolina (“City Code”) for the Credit Term, as defined below. If the Facility fails to qualify as a private dormitory under the City Code prior to the receipt by the Company of a Certificate of Occupancy for the Facility, then such failure shall be deemed an Event of Default under Section 4.01 hereof and the County shall, subject to the cure provisions of Section 4.01 hereof, have the right to terminate this Agreement and, upon any such termination, the Company shall not be entitled to any further benefits hereunder. If at any time during the Credit Term, the Facility ceases to be operated as a private dormitory or is otherwise found by the City, in its reasonable discretion, to be non-compliant with Section 17-321 of the City Code, then such failure shall be deemed an Event of Default under Section 4.01 hereof and the County shall, subject to the cure provisions in Section 4.01 hereof, have the right to terminate this Agreement and, upon any such termination, the Company shall not be entitled to any further benefits hereunder.

ARTICLE III CREDIT TERMS

SECTION 3.01. Amount and Duration of Credit.

(a) If the Company’s gross Fee Payment (which shall be the Fee Payment before the deduction of any Credit due hereunder) payable in connection with the Facility is greater than or equal to \$750,000, the County shall provide a 50% Credit against the Fee Payments due and owing from the Company to the County in connection with the Facility as provided herein. If the Company’s gross Fee Payment is less than \$750,000, then the County shall provide a Credit against the Fee Payments due and owing from the Company to the County in connection with the Facility sufficient to reduce the Company’s Net Fee Payment (after application of the Credit) to \$400,000. If the Company’s gross Fee Payment is less than \$400,000 for any year during the Credit Term (as defined below), then this Agreement shall terminate prospectively.

(b) The Company is eligible to receive a Credit for a period of 10 consecutive years, beginning with the first full year for which the Company owes a Fee Payment in connection with the Facility following the receipt by the Company of a Certificate of Occupancy for the Facility (“Credit Term”).

(c) For each year of the Credit Term, the County shall prepare and issue the annual Fee Payment bill on the Facility net of the Credit set forth in Section 3.01(a) hereof (“Net Fee Payment”). Following receipt of the Net Fee Payment bill, the Company shall timely remit the Net Fee Payment to the County in accordance with applicable law.

(d) If any portion of this Agreement is found to be invalid by a court of competent jurisdiction, the County agrees to provide the Company with a credit in an amount and for a term that is valid pursuant to such court ruling, but in no event may the value of the valid benefit exceed the value of the invalid benefit offered to the Company under this Agreement.

(e) No breach by the County of this Agreement shall result in the imposition of any pecuniary liability upon the County or any charge upon its general credit or against its taxing power. The liability of the County under this Agreement or for any breach or default by the County of any of the foregoing shall be limited solely and exclusively to the Fee Payments received from the Company. The County shall not be required to provide the Credits except with respect to the Fee Payments received from the Company.

SECTION 3.02. Cumulative Limit on Credit. The cumulative dollar amount expended by the

Company on Infrastructure shall equal or exceed the cumulative dollar amount of all the Credits received by the Company.

SECTION 3.03. Termination.

Unless first terminated under any other provision of this Agreement, this Agreement terminates on the expiration of the Credit Term and payment by the Company of any outstanding Net Fee Payment due on the Facility pursuant to the terms of this Agreement.

**ARTICLE IV
DEFAULTS AND REMEDIES**

SECTION 4.01. Events of Default. If any Party fails duly and punctually to perform any material covenant, condition, agreement or provision contained in this Agreement on the part of such Party to be performed, which, except as otherwise provided in this Agreement, failure shall continue for a period of 60 days after written notice by the other Party specifying the failure and requesting that it be remedied is given to the defaulting Party, then such Party is in default under this Agreement (“Event of Default”); provided, however, that if any such failure is not, with due diligence, susceptible of cure within such 60-day period, then such defaulting Party shall have an additional period of time not to exceed 30 days from the date of such written notice by the other Party to remedy such failure, unless such Parties agree in a writing signed by all Parties to an extension of such time prior to its expiration.

SECTION 4.02. Legal Proceedings by Company and County. On the happening of any Event of Default by a Party, then and in every such case the other Party, in its discretion may:

- (a) subject to the cure provisions in Section 4.01 hereof, terminate this Agreement;
- (b) by mandamus, or other suit, action, or proceeding at law or in equity, enforce all of its rights and require the defaulting Party to perform its duties under the Act and this Agreement;
- (c) bring suit upon this Agreement;
- (d) exercise any or all rights and remedies in effect in the State of South Carolina, or other applicable law; or
- (e) by action or suit in equity enjoin any acts or things which may be unlawful or in violation of its rights.

SECTION 4.03. Remedies Not Exclusive. No remedy in this Agreement conferred upon or reserved either to the Company or County is intended to be exclusive of any other remedy or remedies, and each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or now or hereafter existing at law or in equity or by statute.

SECTION 4.04. Nonwaiver. No delay or omission of the Company or County to exercise any right or power accruing upon any default or Event of Default shall impair any such right or power or shall be construed to be a waiver of any such default or Event of Default, or an acquiescence therein; and every power and remedy given by this Article IV to the Company or County may be exercised from time to time and as often as may be deemed expedient.

**ARTICLE V
MISCELLANEOUS**

SECTION 5.01. Assignment. The Company may assign this Agreement in whole or in part with the prior written consent of the County, which consent will not be unreasonably withheld, conditioned, or delayed, and may be given by resolution of County Council. Any assignment of this Agreement, in whole or in part, to an affiliated entity of the Company is hereby approved without any further action of the County Council. The County's Director of Economic Development must receive notice of any assignment to an affiliated entity of the Company.

SECTION 5.02. Examination of Records; Confidentiality.

(a) The Company agrees that the County and its authorized agents shall have the right at all reasonable times and on prior reasonable notice to enter and examine the Facility and to have access to and examine all the Company's books and records pertaining to the Facility. The Company may prescribe reasonable and necessary terms and conditions of the County's right to examination and inspection of the Facility and the Company's books and records pertaining to the Facility. The terms and conditions of the Company may include, but not be limited to, those necessary to protect the Company's confidentiality and proprietary rights.

(b) The County, and County Council, acknowledges and understands that the Company may have and maintain at the Facility certain confidential and proprietary information, including but not limited to financial, sales or other information concerning the Company's operations ("Confidential Information") and that any disclosure of the Confidential Information would result in substantial harm to the Company and could thereby have a significant detrimental impact on the Company's employees and also upon the County. Therefore, except as required by law, the County, and County Council, agrees to keep confidential, and to cause employees, agents and representatives of the County to keep confidential, the Confidential Information which may be obtained from the Company, its agents or representatives. The County, and County Council, shall not disclose and shall cause all employees, agents and representatives of the County not to disclose the Confidential Information to any person other than in accordance with the terms of this Agreement.

SECTION 5.03. Successors and Assigns. All covenants, stipulations, promises, and agreements contained in this Agreement, by or on behalf of, or for the benefit of, the County or the Company, as the case may be, shall bind or inure to the benefit of the successors of the County or the Company, as the case may be, from time to time and any officer, board, commission, agency, or instrumentality to whom or to which any power or duty of the County, shall be transferred.

SECTION 5.04. Provisions of Agreement for Sole Benefit of County and Company. Except as in this Agreement otherwise specifically provided, nothing in this Agreement expressed or implied is intended or shall be construed to confer upon any person other than the County and the Company any right, remedy, or claim under or by reason of this Agreement, this Agreement being intended to be for the sole and exclusive benefit of the County and the Company.

SECTION 5.05. Severability. In case any one or more of the provisions of this Agreement shall, for any reason, be held to be illegal or invalid, the illegality or invalidity shall not affect any other provision of this Agreement, and this Agreement and the Credits shall be construed and enforced as if the illegal or invalid provisions had not been contained herein or therein.

SECTION 5.06. No Liability for Personnel of County or Company. No covenant or agreement contained in this Agreement is deemed to be a covenant or agreement of any member, agent, or employee of the County or its governing body or the Company or any of its officers, employees, or agents in an individual capacity, and neither the members of the governing body of the County nor any official executing this Agreement is liable personally on the Credits or the Agreement or subject to any personal liability or accountability by reason of the issuance thereof.

with a copy to
(does not constitute notice): Nexsen Pruet, LLC
Attn: Burnet R. Maybank, III
Tushar V. Chikhliker
1230 Main Street, Suite 700 (29201)
Post Office Drawer 2426
Columbia, South Carolina 29202

The County and the Company may, by notice given under this Section, designate any further or different addresses to which subsequent notices, certificates, requests or other communications shall be sent.

SECTION 5.09. Administrative Fees.

(a) The Company shall reimburse the County for reasonable expenses, including, reasonable attorneys' fees, related to (i) review and negotiation of this Agreement, or (ii) review and negotiation of any other documents related to the Facility, in an amount not to exceed \$5,000.

SECTION 5.10. Merger. This Agreement constitutes the entire agreement among the parties to it with respect to the matters contemplated in it, and it is understood and agreed that all undertakings, negotiations, representations, promises, inducements and agreements heretofore had among these parties are merged herein.

SECTION 5.11 Agreement to Sign Other Documents. The County agrees that it will from time to time and at the expense of the Company execute and deliver such further instruments and take such further action as may be reasonable and as may be required to carry out the purpose of this Agreement; provided, however, that such instruments or actions shall never create or constitute an indebtedness of the County within the meaning of any state constitutional provision (other than the provisions of Article X, Section 14(10) of the South Carolina Constitution) or statutory limitation and shall never constitute or give rise to a pecuniary liability of the County or a charge against its general credit or taxing power or pledge the credit or taxing power of the State of South Carolina, or any other political subdivision of the State of South Carolina.

SECTION 5.12. Agreement's Construction. The Parties agree that each Party and its counsel have reviewed and revised this Agreement and that any rule of construction to the effect that ambiguities are to be resolved against a drafting party does not apply in the interpretation of this Agreement or any amendments or exhibits to this Agreement.

SECTION 5.13. Applicable Law. South Carolina law, exclusive of its conflicts of law provisions that would refer the governance of this Agreement to the laws of another jurisdiction, governs this Agreement.

SECTION 5.14. Counterparts. This Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original; but such counterparts shall together constitute but one and the same instrument.

SECTION 5.15. Amendments. This Agreement may be amended only by written agreement of the parties hereto.

SECTION 5.16. Waiver. Either Party may waive compliance by the other Party with any term or condition of this Agreement but the waiver is valid only if it is in a writing signed by the waiving Party.

*[TWO SIGNATURE PAGES FOLLOW]
[REMAINDER OF PAGE INTENTIONALLY BLANK]*

IN WITNESS WHEREOF, Richland County, South Carolina, has caused this Agreement to be executed by the appropriate officials of the County and its corporate seal to be hereunto affixed and attested, effective the day and year first above written.

RICHLAND COUNTY, SOUTH CAROLINA

Chair, Richland County Council

(SEAL)
ATTEST:

Clerk to Richland County Council

IN WITNESS WHEREOF, [Project Park II] has caused this Agreement to be executed by its authorized officers, effective the day and year first above written.

[PROJECT PARK II]

By: _____
Name: _____
Its: _____

[REMAINDER OF PAGE INTENTIONALLY BLANK]

EXHIBIT A
DESCRIPTION OF SITE

Parcel 1

All that certain piece, parcel, or tract of land, together with the improvements thereon, situate, lying and being on the Western side of Assembly Street between Senate and Pendleton Streets in the City of Columbia, County of Richland, State of South Carolina, being shown and designated as 1011 Assembly Street and 1013 Pendleton Street on a plat prepared for Bessie Bernstein and Jane Gibbes Edens by William Wingfield, Registered Surveyor, dated October 25, 1957, revised January 3, 1958 and later revised February 24, 1959, and having the following metes and bounds: commencing at a point on said Assembly Street Two Hundred Nine and 75/100 (209.75') feet North of the Northeast corner of Pendleton Street and Assembly Street and running along said Assembly Street South 18 degrees 50 minutes East for a distance of One Hundred Forty (140') feet; thence turning and running South 70 degrees 59 minutes West for a distance of Two Hundred Eight and 25/100 (208.25') feet; and being bounded on the South along said line by property now of Leventis; thence turning and running South 19 degrees no minutes East for distance of Sixty-nine and 75/100 (69.75') feet; thence turning and running along Pendleton Street South 71 degrees seven (7) minutes West for a distance of One Hundred Twelve and 64/100 (112.64') feet; thence turning and running North 18 degrees 52 minutes West for a distance of Twenty-nine (29') feet, and being bounded on the West along said line by property of Rivkin; thence turning and running South 71 degrees 7 minutes West for a distance of Ninety-six (96') feet to Park Street and being bounded on the South along said line by property of Rivkin; thence turning and running North 18 degrees 52 minutes West for a distance of One Hundred Seventy-nine and Eight-tenths (179.8') feet along said Park Street; thence turning and running North 70 degrees 56 minutes East for a distance of Four Hundred Sixteen and Nine-tenths (416.9') feet to the point of commencement, be all measurements a little more or less and being bounded on the North along said line by property of Bookman, Caughman and Sebastian, all of which is shown on said plat.

This being the same 1/8 interest conveyed to the Grantor herein by deed of Bessie Bernstein dated December 29, 1961, and recorded on December 30, 1961 in Deed Book 316, at page 285; And the same 1/24 interest inherited by the Isadore S. Bernstein herein from the Estate of Bessie Bernstein, filed for Probate in the Richland County Probate Court, December 27, 1968; And the same 1/4 interest conveyed to the Grantor herein by deed of Henry H. Edens and Jane G. Edens, dated December 18, 1984, and recorded on January 3, 1985 in Deed Book D724, at page 407.

TMS # 08916-09-08

Parcel 2

All that certain piece, parcel or lot of land, with the improvements thereon, situate, lying and being the northeastern corner of the intersection of Park (formerly Gates) and Pendleton Streets in the City of Columbia, County of Richland, State of South Carolina, measuring 96 feet on its northern and southern sides and 29 feet on its eastern and western sides, and bounded on the north and on the east by property formerly of Mimnaugh and others, now owned by Edens, Bernstein, et al; on the south by Pendleton Street; and on the west by Park Street (formerly Gates).

TMS# 08916-09-09

Property Address: 1000 Park Street, Columbia, SC 29201

Parcel 3

All that certain piece, parcel or lot of land, with the improvements thereon, situate, lying and being on the east side of the 1000 block of Park Street (formerly Gates) in the City of Columbia, County of Richland, State of South Carolina, commencing at a point on the east side of said 1000 block of Park Street where said lot adjoining the property on the south thereof owned by Edens, Bernstein, et. al. and running back therefrom in an easternly direction for a distance of one hundred (100') feet along said property, thence turning and running in a northernly direction for distance of twenty-seven (27') feet along property formerly of Logan, thence turning and running in a westernly direction for a distance of sixty (60') feet, thence turning and running in in a southernly direction for a distance of eight (8') feet five (5'') inches, thence turning and running in a westernly direction for a distance of forty (40') feet to a point along said eastern side of Park Street, thence running along said eastern side of Park Street in a southernly direction for distance of eighteen (18') feet seven (7'') inches to the point of commencement.

TMS# 08916-09-10

Property Address: 1016 Park Street, Columbia, SC 29201

Richland County Council Request of Action

Subject

An Ordinance Authorizing an Easement to 2T Properties LLC for a sanitary sewer line across land owned by Richland County; specifically a portion of TMS # 14900-01-02 [**SECOND READING**] [**PAGES 76-78**]

Notes

First Reading: February 18, 2014

Second Reading:

Third Reading:

Public Hearing:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. _____-14HR

AN ORDINANCE AUTHORIZING AN EASEMENT TO 2T PROPERTIES
LLC FOR A SANITARY SEWER LINE ACROSS LAND OWNED BY
RICHLAND COUNTY; SPECIFICALLY A PORTION OF TMS # 14900-01-02.

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 an easement for a sanitary sewer line to 2T Properties, LLC across a portion of Richland County TMS #14900-01-02, as specifically described in the Sanitary Sewer Easement, which is attached hereto and incorporated herein.

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

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

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

RICHLAND COUNTY COUNCIL

By: _____
Norman Jackson, Chair

Attest this _____ day of
_____, 2014.

Michelle Onley
Interim 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:

N/F
 RICHLAND COUNTY
 REMAINDER OF TMS 14900-01-02
 DB R1479, PG 1098
 PB X, PG 2373 &
 PB 51, PG 9706

88+/- ACRES

SSMH-1 (EXISTING)
 STA 0+00
 RIM 402.6
 INVERT IN 394.05
 INVERT IN 394.03 EX
 INVERT OUT 393.95 EX

15' EXISTING CITY OF
 COLUMBIA SEWER
 EASEMENT

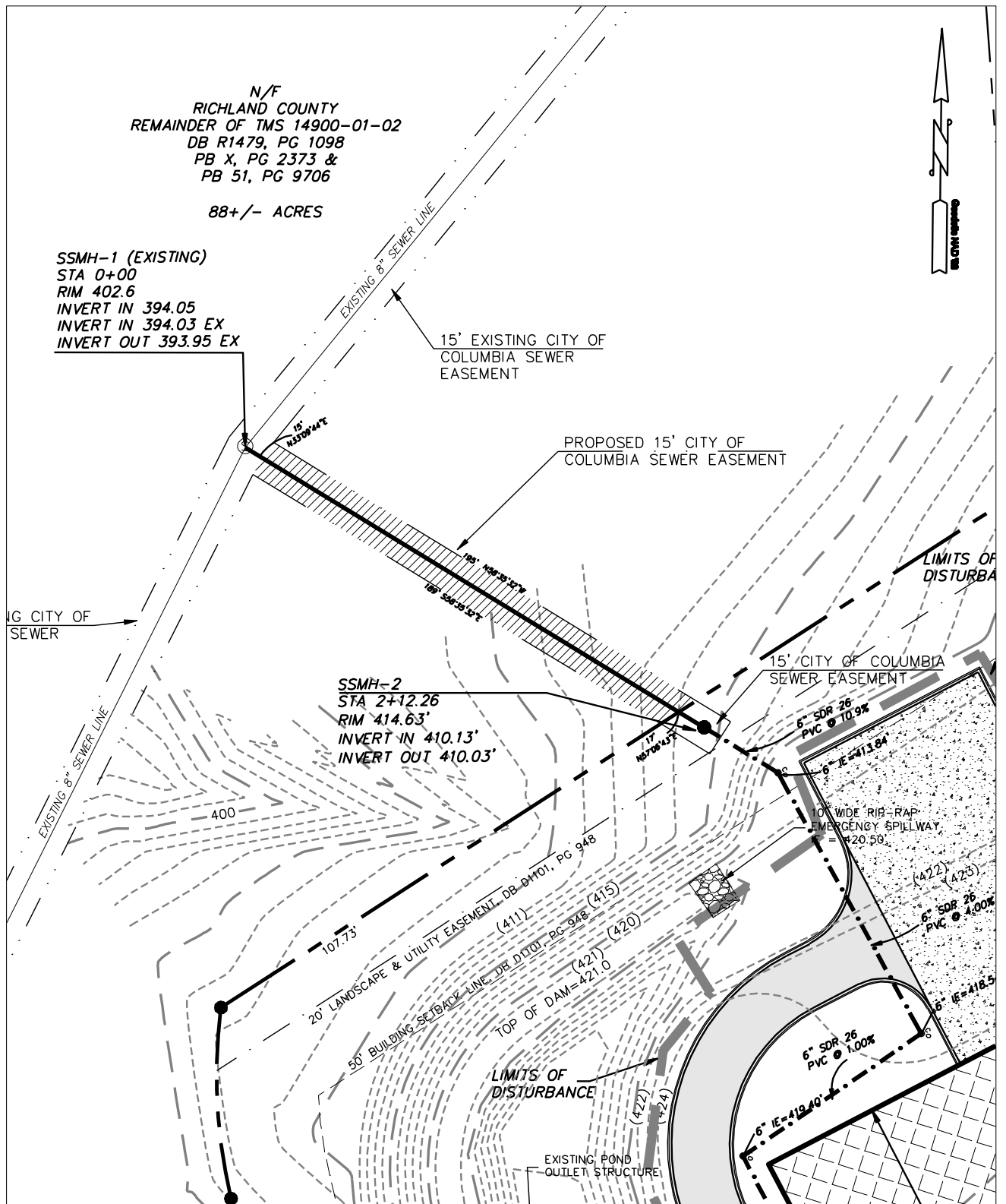
PROPOSED 15' CITY OF
 COLUMBIA SEWER EASEMENT

EXISTING CITY OF
 SEWER

SSMH-2
 STA 2+12.26
 RIM 414.63'
 INVERT IN 410.13'
 INVERT OUT 410.03'

15' CITY OF COLUMBIA
 SEWER EASEMENT

LIMITS OF
 DISTURBA



PREPARED BY
POWER ENGINEERING COMPANY, INC.
 ENGINEERS - PLANNERS - SURVEYORS
 COLUMBIA, SC CHARLOTTE, NC

REFERENCE:
PROJECT NAME: 2T PROPERTIES WAREHOUSE
PROJECT NUMBER: 3554
DATE: 02-12-2014
DRAWN BY: JTS
CHECKED BY: JTS

Civil Sketch 1
SCALE: 1:30
SEWER EASEMENT

Richland County Council Request of Action

Subject

Ordinance to Amend the Agreement for designation of the I-77 Corridor Regional Industrial Park dated April 15, 2003 by and between Fairfield and Richland Counties so as to enlarge the Park (Project Compact) **[SECOND READING]**
[PAGES 79-95]

Notes

First Reading: February 18, 2014

Second Reading:

Third Reading:

Public Hearing:

EXHIBIT A
PARK AGREEMENT

**MASTER AGREEMENT
GOVERNING THE
I-77 CORRIDOR REGIONAL INDUSTRIAL PARK**

BETWEEN

RICHLAND COUNTY, SOUTH CAROLINA

AND

FAIRFIELD COUNTY, SOUTH CAROLINA

DATED AS OF APRIL 15, 2003

PREPARED BY:

**PAIDGER POE ADAMS & BERNSTEIN LLP
COLUMBIA, SOUTH CAROLINA
803-253-8917**

INSTRUCTIONS FOR COUNTY AUDITOR AND COUNTY TREASURER

THE TAX STATUS OF THE REAL AND PERSONAL PROPERTY LOCATED WITHIN THIS MULTI-COUNTY INDUSTRIAL PARK WILL BE EXEMPT FROM AD VALOREM TAXES AND WILL BE SUBJECT INSTEAD, UNDER THE TERMS OF THE STATE CONSTITUTION, TO A FEE-IN-LIEU OF AD VALOREM TAXES EQUAL TO WHAT THE TAXES WOULD HAVE BEEN. NOTE, THAT THE FEE-IN-LIEU PAYMENTS MAY BE REDUCED BELOW NORMAL AD VALOREM TAX RATES IN THE EVENT THE PROPERTY IS ALSO SUBJECT TO A NEGOTIATED FEE-IN-LIEU OF TAXES ("FILOT") ARRANGEMENT WITH EITHER RICHLAND OR FAIRFIELD COUNTY. THEREFORE, WHEN PREPARING THE FEE BILLS FOR THE REAL AND PERSONAL PROPERTY LOCATED IN THE PARK, PLEASE REFERENCE YOUR FILOT RECORDS TO ENSURE YOU ARE USING THE CORRECT MILLAGE RATE AND ASSESSMENT RATIO.

ONCE A FEE BILL HAS BEEN PAID, THE PROVISIONS OF THIS AGREEMENT WILL GOVERN HOW THE FEES RECEIVED ARE TO BE DISTRIBUTED AMONG THE VARIOUS TAXING ENTITIES WITHIN THE COUNTY. BY LAW, THE COUNTIES MAY UNDER THE TERMS OF THIS AGREEMENT ALTER THE CUSTOMARY DISTRIBUTION OF REVENUES.

QUICK REFERENCE GUIDE

TOPIC	PAGE NUMBER
EXPENSE SHARING	3
REVENUE SHARING	3
REVENUE DISTRIBUTION	3
ANNUAL REPORT DISBURSEMENT OF REVENUES	3
RECORD KEEPING	4

TABLE OF CONTENTS

	<u>Page</u>
Recitals	1
ARTICLE I PARK BOUNDARIES	
Section 1.01. Phase I of the Park	1
Section 1.02. Phase II of the Park	2
Section 1.03. Modification of Park Boundaries	2
ARTICLE II TAX STATUS OF PROPERTIES LOCATED IN THE PARK	
Section 2.01. Constitutional Exemption from Taxation	2
Section 2.02. Fee-in-Lieu of Taxes	2
Section 2.03. Negotiated Fee-in-Lieu of Taxes	2
ARTICLE III SHARING OF REVENUES AND EXPENSES OF THE PARK	
Section 3.01. Expense Sharing	3
Section 3.02. Revenue Sharing	3
Section 3.03. Revenue Distribution Within Each County	3
Section 3.04. Annual Report and Disbursement	3
ARTICLE IV MISCELLANEOUS	
Section 4.01. Jobs Tax Credit Enhancement	3
Section 4.02. Assessed Valuation	3
Section 4.03. Non-Qualifying Use	4
Section 4.04. Records	4
Section 4.05. Applicable Law	4
Section 4.06. Law Enforcement	4
Section 4.07. Binding Effect of Agreement	4
Section 4.08. Severability	4
Section 4.09. Complete Agreement: Amendment	4
Section 4.10. Counterpart Execution	4
Section 4.11. Termination	4
EXHIBIT A – 95/5 Properties	A-1
EXHIBIT B – 99/1 Properties	B-1

THIS AGREEMENT, made and entered into as of the 15th day of April 2003 by and between Richland County, a political subdivision of the State of South Carolina ("Richland"); and Fairfield County, a political subdivision of the State of South Carolina ("Fairfield") ("Richland" and "Fairfield" referred to collectively herein as the "Counties"), pursuant to Article VIII, Section 13(D) of the South Carolina Constitution, as amended, and Title 4, Chapter 1, Section 170 of the Code of Laws of South Carolina, 1976, as amended (the "Act").

RECITALS:

WHEREAS, in order to promote the economic welfare of their citizens, the Counties created the I-77 Corridor Regional Industrial Park (the "Park"); and,

WHEREAS, in response to requests from companies seeking to invest in either Richland or Fairfield, the Counties have heretofore expanded the boundaries of the Park to include additional property, which inclusion has afforded the requesting companies additional tax benefits under South Carolina law; and

WHEREAS, the Counties have entered into separate agreements to reflect each new phase of expansion of the Park ("Phase Agreements"); and

WHEREAS, in accordance with the Act, the Counties have provided for the sharing of expenses and revenues from the Park (hereafter, "Expenses" and "Revenues") in each of the Phase Agreements. The Counties initially established the revenue sharing ratio to allow the host county to retain 95% of the Revenues, with the partner county receiving 5% of the Revenues (this arrangement is hereafter referred to as "95/5"). The Counties later amended the revenue sharing ratio to allow the host county to retain 99%, with the partner county receiving 1% of the Revenues (this arrangement is hereafter referred to as "99/1"); and

WHEREAS, the Counties desire to preserve the revenue sharing scheme such that the 95/5 revenue sharing ratio is preserved on those properties to which it applies and the 99/1 revenue sharing ratio is likewise preserved and employed to any future expansions of the Park; and

WHEREAS, on September 4, 2001, the South Carolina Supreme Court issued an opinion in the case of *Horry County School District v. Horry County and the City of Myrtle Beach*, which provided guidance regarding provisions of the Act and established new requirements for the contents of multi-county park agreements; and

WHEREAS, in order to ensure compliance with the *Horry County School District* decision, the Counties now desire to adopt this Master Agreement (hereafter "Agreement"), which shall replace all of the Phase Agreements and serve as the governing document for the Park moving forward from the date hereof.

NOW, THEREFORE, on the basis of the premises and mutual covenants herein contained, the sufficiency of which consideration is acknowledged, the parties agree as set forth below:

ARTICLE I PARK BOUNDARIES

Section 1.01. *Phase I of the Park.* Phase I of the Park ("Phase I") shall consist of those properties to which the Counties have historically applied a 95/5 revenue sharing arrangement. These properties are identified by tax map number on the attached "Exhibit A: 95/5 Properties." The Counties do not intend that there will be any future expansion of Phase I.

Section 1.02. Phase II of the Park. Phase II of the Park ("Phase II") shall consist of those properties to which the Counties have historically applied a 99/1 revenue sharing arrangement. These properties are identified by tax map number on the attached "Exhibit B: 99/1 Properties." The Counties intend that only Phase II will be subject to future expansion.

Section 1.03. Modification of Park Boundaries.

(a) The boundaries of the Park may be enlarged, to include additional properties in one or both Counties, or diminished from time to time, as authorized by ordinances adopted by the County Councils of both Counties.

(b) In the event of any enlargement or diminution of the boundaries of the Park, this Agreement shall be deemed amended and the attached Exhibit B shall be revised accordingly to reflect the addition of property to the Park or the removal of property from the Park. Each County shall file in its respective ordinance books either a copy or an original (depending on County practice) of the ordinance adopted by the County Council of such County pursuant to which such enlargement or diminution was authorized.

(c) Prior to the adoption by the Richland County Council and the Fairfield County Council of ordinances authorizing the diminution of the boundaries of the Park, a public hearing shall first be held by the respective County Council of the County in which the area proposed for deletion is located. Notice of such public hearing shall be published in a newspaper of general circulation in that County at least once and not less than 15 days prior to such hearing.

(d) Notwithstanding the foregoing, for a period of 30 years commencing with the later of the effective date of this Agreement or the effective date of the expansion of the boundaries of the Park to include such parcel, the boundaries of the Park shall not be diminished so as to exclude therefrom any parcel of real estate without the consent of the owner and the Counties and, if applicable, lessee of such parcel; and this sentence of this Agreement may not be modified or deleted herefrom for a period of thirty (30) years commencing with the effective date hereof, except as provided below.

**ARTICLE II
TAX STATUS OF PROPERTIES LOCATED IN THE PARK**

Section 2.01. Constitutional Exemption from Taxation. The Counties acknowledge that under the provisions of Article VIII, Section 13(D) of the South Carolina Constitution, all real and personal property located in the Park shall be exempt from all *ad valorem* taxation.

Section 2.02. Fee-In-Lieu of Taxes. Property located in the Park shall be exempt from *ad valorem* taxation only during the term of this Agreement. The owners or lessees of any property situated in the Park shall pay in accordance with and during the term of this Agreement an amount equivalent to the *ad valorem* property taxes or other in lieu of payments that would have been due and payable but for the location of such property within the Park.

Section 2.03. Negotiated Fee-In-Lieu of Taxes. The amount of the annual payments due from the owner or lessee may be reduced if the owner or lessee has negotiated a FILOT incentive with either Richland or Fairfield pursuant to the provisions of Sections 12-44-10, *et seq.*, 4-12-30, or 4-29-67 of the Code of Laws of South Carolina 1976, as amended, or any successor provisions thereto as may be provided under South Carolina law. In such case, the terms of the executed FILOT agreement between the company and the applicable county shall govern the calculation of the annual FILOT payment.

ARTICLE III
SHARING OF REVENUES AND EXPENSES OF THE PARK

Section 3.01. Expense Sharing. The Counties shall share Expenses including, but not limited to, development, operations, maintenance and promotion of the Park. If the property is located in Fairfield, then Fairfield shall bear 100% of such expenses. If the property is located in Richland, then Richland shall bear 100% of such expenses. The Counties reserve the right to negotiate on a case-by-case basis the sharing of any additional expenditures that may be approved by both the Richland County Council and the Fairfield County Council.

Section 3.02. Revenue Sharing.

(a) Revenues generated within the Park from sources other than fees in lieu of *ad valorem* taxes shall be distributed directly to Fairfield and Richland according to the proportions established in this Section 3.02 herein to be expended in any manner as the County Council of each County deems appropriate.

(b) The Counties shall share all of the Revenues received in lieu of *ad valorem* taxes from properties located in the Park.

With respect to Phase I of the Park, if Revenues are generated by properties located in Fairfield, then Fairfield shall, after reimbursing itself for expenditures made to attract a particular investment and/or making any reductions required by law or other agreement, retain 95% of such Revenues and transmit 5% of such Revenues to Richland. Likewise, if Revenues are generated by properties located in Richland, then Richland shall, after reimbursing itself for expenditures made to attract a particular investment and/or making any reductions required by law or other agreement, retain 95% of such Revenues and transmit 5% of such Revenues to Fairfield.

With respect to Phase II of the Park, if Revenues are generated by properties located in Fairfield, then Fairfield shall, after reimbursing itself for expenditures made to attract a particular investment and/or making any reductions required by law or other agreement, retain 99% of such Revenues and transmit 1% of such Revenues to Richland. Likewise, if Revenues are generated by properties located in Richland, then Richland shall, after reimbursing itself for expenditures made to attract a particular investment and/or making any reductions required by law or other agreement, retain 99% of such Revenues and transmit 1% of such Revenues to Fairfield.

Section 3.03. Revenue Distribution Within Each County.

(a) In accordance with the provisions of the *Horry County School District* case, the Counties acknowledge they are required to set forth herein the scheme for distribution of Revenues received from the Park to other taxing entities within each of the Counties. Fairfield hereby elects to retain all of the Revenues from the Park. If Revenues are generated by properties located in Richland, then Richland shall retain a portion as may be necessary to reimburse it for any investments made in relation to attracting each new tenant in the Park. The Richland County Council reserves the right to determine the reimbursement amount on a case by case basis. Revenues remaining after such reimbursement shall be distributed on a pro-rata basis to the entities that would otherwise levy tax millage on the properties located in the Richland portion of the Park, if such properties were not located in the Park. Any school districts receiving a distribution of Revenues, shall divide the Revenues on a pro rata basis between operational and debt service expenditures in accordance with the amount of operating and debt service millage levied by such school district or collected on behalf of such school district.

(b) Either County may unilaterally amend the distribution scheme applicable to such County and set forth in section (a) above. Such amendment must be accomplished by passage of an ordinance.

Section 3.04. Annual Report and Disbursement. Not later than July 15 of each year, starting July 15, 2004, each of the Counties shall prepare and submit to the other County a report detailing the Revenues owed to the other County under the terms of this Agreement. A check for the amount reflected in the report shall be delivered at the same time.

**ARTICLE IV
MISCELLANEOUS**

Section 4.01. Jobs Tax Credit Enhancement. Business enterprises locating in the Park shall be entitled to such enhancement of the regular jobs tax credits authorized by Section 12-6-3360 of the Code of Laws of South Carolina 1976, as amended, or any successive provisions, as may be provided under South Carolina law.

Section 4.02. Assessed Valuation. For the purpose of bonded indebtedness limitation and for the purpose of computing the index of taxpaying ability pursuant to Section 59-20-20(3) of the Code of Laws of South Carolina 1976, as amended, allocation of the assessed value of property within the Park to the counties which are party to this Agreement must be identical to the percentage of total fee-in-lieu of *ad valorem* tax revenues retained and received by each such County in the preceding fiscal year.

Section 4.03. Non-Qualifying Use. In the event that a tract or site of land located in the Park is purchased and developed by a business enterprise which locates employees within the Park and which employees, because of the nature of their employment, do not qualify for the corporate income tax credit provided in South Carolina Code of Laws, 1976, as amended, Section 12-6-3360 (the "Non-Qualifying Site"), the Counties may remove, by ordinance, the Non-Qualifying Site from the Park pursuant to the provisions of Section 1.03(c) hereof.

Section 4.04. Records. The Counties covenant and agree that, upon the request of either, the other will provide to the requesting party copies of the records of the annual tax levy and copies of the actual fee-in-lieu of tax bills, for parcels of property encompassed by this Agreement, and will further provide copies of the County Treasurer's collection records for the fees-in-lieu of taxes so imposed, all as such records become available in the normal course of County procedures.

Section 4.05. Applicable Law. In order to avoid any conflict of laws or ordinances between the Counties, the County ordinances of the County in which a parcel of Park property is located will be the reference for such regulations or laws in connection with that part of the Park. Nothing herein shall be taken to supersede any state or federal law or regulation. The County in which Park property is located is specifically authorized to adopt restrictive covenants and land use requirements for that part of the Park at that County's sole discretion. This Agreement has been entered into in the State of South Carolina and shall be governed by, and construed in accordance with South Carolina law.

Section 4.06. Law Enforcement. The Sheriff's Department for each respective County will have initial jurisdiction to make arrests and exercise all authority and power within the boundaries of the Park located in that County and fire, sewer, water and EMS service for that part of the Park will be provided by the applicable service district or other political unit within that County.

Section 4.07. *Binding Effect of Agreement.* This Agreement serves as a written instrument, which is binding upon the signatory parties.

Section 4.08. *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 4.09. *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. Except for the amendment provided for in Section 3.03(b) above, this Agreement may be amended upon the adoption of an ordinance by both of the respective County Councils of Richland and Fairfield.

Section 4.10. *Counterpart Execution.* This Agreement may be executed in multiple counterparts.

Section 4.11. *Termination.* Notwithstanding any provision of this Agreement to the contrary, Fairfield and Richland agree that this Agreement may not be terminated by either party for a period of 30 years commencing with the effective date hereof.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement the day and the year first above written.

Witness:

Ashley Bloom
T. Cary McSwain

RICHLAND COUNTY, SOUTH CAROLINA

By: Samuel H. Scott
Council Chair

Attest: Michelle R. Brown-Dricks
Clerk to County Council

Witness:

Reba S. Clousey
Travis Richardson

FAIRFIELD COUNTY, SOUTH CAROLINA

By: [Signature]
Council Chair

Attest: [Signature]
Clerk to County Council

EXHIBIT A
95/5 PROPERTIES
(As of December 2013)
RICHLAND COUNTY

COMPANY NAME	TAX MAP NUMBER	COUNTY
1091 Carolina Pines (Lamson & Sessions/Quatro Mid-Atlantic)	17600-01-17	Richland
American Italian Pasta Company	19000-05-03, 19000-05-04, 19000-05-09, 19000-05-10	Richland
APAC	07403-04-07	Richland
Arum Composites, LLC	15000-02-27	Richland
Belk, Inc. & CK Columbia #1 (2000)	17600-01-22	Richland
Blue Cross/Blue Shield (1999)	19809-01-01, 19708-03-01	Richland
Boozer Lumber Company (1997)	16305-02-01 (original site)	Richland
Bose Corporation (1994 & 1996)	17500-02-11, 17500-02-12, 17500-02-13, 17500-02-17, 17600-01-10	Richland
Caribbits Incorporated (1996)	25800-07-06	Richland
Carolina Ceramics (1999)	22804-05-06	Richland
Consolidated Systems, Inc. (STAGE II)	11100-01-01; 11100-01-03	Richland
Constantia Hueck Foils, Inc.	14900-00-26	Richland
Dayton Rogers of South Carolina, LLC LBE Two, LLC	13512-03-01	Richland
Exeter Property Group, L.P.	17600-02-38; 17600-01-21	Richland
FinnChem USA Inc. (Huron Technology Corporation)	40900-01-07, 40900-01-08	Richland
Holopak International Corporation	17200-02-20	Richland
IKON / Computer Group (1996)	17200-02-21	Richland
Indus Utility Systems Inc. (SCT Utilities (1999))	17200-02-11	Richland
Koyo Corporation of USA (1994)	14900-01-16	Richland
KPR Holdings (1996) (Iowa Beef Products, Inc)	13602-02-03, 13602-02-02	Richland
Lamson & Sessions (Quatro Mid-Atlantic)	17600-01-17	Richland
Mars Petcare US, Inc.	16200-06-01, 19000-05-07	Richland
Modine Manufacturing (1995)	14900-01-23	Richland
Navistar/ Pure Power Technologies LLC	14900-01-29; 14900-01-30; 14500-03-06	Richland
Natural Balance Pet Food (Imagepoint, Inc.)	19000-05-06	Richland
PMSC/Mynd	14900-02-01	Richland
Richland County	14900-01-02	Richland
Select Comfort (1997)	04000-05-18	Richland
SMI-Owen Steel Company (1999)	13605-01-01,	Richland
Spirax Sarco Inc.	14900-01-27, 14900-01-32	Richland
The State Newspaper (1998)	11213-02-02	Richland
Unumprovident (UNUM/Colonial Life)	07303-04-029A	Richland
Woodbridge Investments LP	14900-01-01	Richland

**95/5 PROPERTIES
(As of December 2013)**

FAIRFIELD COUNTY

COMPANY NAME	TAX MAP NUMBER	COUNTY
Baldwin	200-00-00-006-000	Fairfield
(Natural Area)*	214-00-00-033-000	Fairfield
(Vacant tract)	200-00-00-007-000	Fairfield
Gividi USA Inc.	200-00-00-073-000	Fairfield
Lang-Mekra North America LLC	200-00-00-063-000	Fairfield
Makat USA	200-00-00-009-000	Fairfield
Mars Laminate Systems Corp.	214-00-00-032-000	Fairfield
Metal & Wire Products	200-00-00-065-000	Fairfield
Michelin North America Inc.	151-00-00-015-000	Fairfield

EXHIBIT B

**99/1 PROPERTIES
(As of December 2013)**

RICHLAND COUNTY

COMPANY NAME	TAX MAP NUMBER	COUNTY
Spirax Sarco, Inc. (ALD Thermal Treatment, Inc.)	17600-01-25	Richland
Affiliated Computer Services	14900-02-18	Richland
American Spiralweld Pipe Company	19000-05-08	Richland
Blue Cross/Blue Shield (2000)	19809-01-01, 19708-03-01	Richland
Browning Office Investment, LP	06031-01-02	Richland
Celco Partnership & VW12 Columbia SC LLC (Verizon)	25700-05-01	Richland
East Richland County Public Service District (Farmer's Market Site)	16100-02-20	Richland
Forest Hills Partners, LP	25800-01-07	Richland
Garner's Ferry Development Co. (Farmer's Market Site)	18900-01-01	Richland
Gerald L. Stimple	25800-01-01	Richland
International Paper, Inc.	41300-01-03	Richland
John R. Jordan and Cecily J. Cobb (Farmer's Market Site)	16200-03-02	Richland
Kirco Carolina Pines, Inc.	17600-01-34; 17600-01-33	Richland
Longbranch Farm, Inc. (Farmer's Market Site)	16100-02-02; 16100-02-04	Richland
McEntire Limited Partnership, McEntire Produce, R.C. McEntire Trucking, Inc.	19000-05-05	Richland
Metso Mineral	22910-01-02	Richland
Midlands Technical College	14500-02-24	Richland
Pineview 48	16200-06-03	Richland
Recreation Property (name of Richland County)	17300-02-10; 17300-02-33	Richland
Richland County (Farmer's Market Site)	16200-03-20; 16200-01-01;	Richland
Sensor Electronic Technology, Inc.	16306-07-03	Richland
South Carolina Research Authority (Farmer's Market Site)	16200-03-01	Richland
South Pills, LLC	17200-02-24	Richland
SYSCO Food Services	19000-01-01	Richland
Trane U.S., Inc. (American Standard, Inc.)	17400-09-13; 17400-09-14	Richland
Verizon Wireless (Bell Atlantic Mobile) (1999)	09016-13-08	Richland
Vulcan Construction Materials, L.P.	08814-01-07;	Richland
Westinghouse Electric Company, LLC	18600-01-02	Richland
WNS Global Services, Inc. (State Record Company, Inc.)	11209-02-12	Richland
Woodbridge Investments LP	14900-01-33	Richland

**99/1 PROPERTIES
(As of December 2013)**

FAIRFIELD COUNTY

COMPANY NAME	TAX MAP NUMBER	COUNTY
Elite ES, LLC	184-00-00-071-000 (portion)	Fairfield
Guardian Fiberglass, Inc.	164-00-00-002-000	Fairfield
Primesouth, Inc.	184-00-00-071-000 (portion)	Fairfield
Wilburn Enterprises, LLC	077-00-00-002	Fairfield

EXHIBIT B

**PROPERTY ADDED TO FAIRFIELD COUNTY PORTION OF
I-77 CORRIDOR REGIONAL INDUSTRIAL PARK (PHASE II)**

All that certain piece, parcel or tract of land together with improvements thereon, if any, situate, lying and being in the State of South Carolina, County of Fairfield, and being designated as 35.01 acres on a survey prepared for BOMAG Americas, Inc. by Glenn Associates Surveying, Inc., dated January 28, 2014, recorded in Plat Book 605, at Page 2373 in the office of the Clerk of Court for Fairfield County, South Carolina. Aforesaid plat is specifically incorporated herein and reference is made thereto for a more complete and accurate description, with all measurements being a little more or less.

Together with an ingress and egress easement over the “Paved Industrial Park Access Drive” identified on aforesaid plat.

Said property is a portion of the property conveyed to Fairfield County, South Carolina by (i) deed of Dill Investments, LLC, recorded February 4, 2011, in the Office of the Clerk of Court for Fairfield County, South Carolina in Deed Book 1021, Page 10; (ii) deed of Plum Creek Timberlands, L.P., recorded January 28, 2010, in the Office of the Clerk of Court for Fairfield County, South Carolina in Deed Book 981, at Page 10; and (iii) deed of David J. Baptiste and Kathleen M. Baptiste recorded February 25, 2010, in the Office of the Clerk of Court for Fairfield County, South Carolina in Deed Book 984, at Page 104.

TMS Nos.: Portion of each 184-00-00-060 and 184-00-00-096.

Richland County Council Request of Action

Subject

14-01MA
E. B. Purcell
PDD Amendment (2.99 Acres)
425 Summit Terrace Court
23000-03-19 [**SECOND READING**] [**PAGES 96-99**]

Notes

First Reading: February 25, 2014
Second Reading:
Third Reading:
Public Hearing: February 25, 2014

STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ____-14HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE LAND USES WITHIN THE PDD (PLANNED DEVELOPMENT DISTRICT) ZONING DISTRICT FOR THE REAL PROPERTY DESCRIBED AS TMS # 23000-03-19; 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 land uses within the PDD (Planned Development District) zoning district for TMS # 23000-03-19, as 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 _____, 2014.

RICHLAND COUNTY COUNCIL

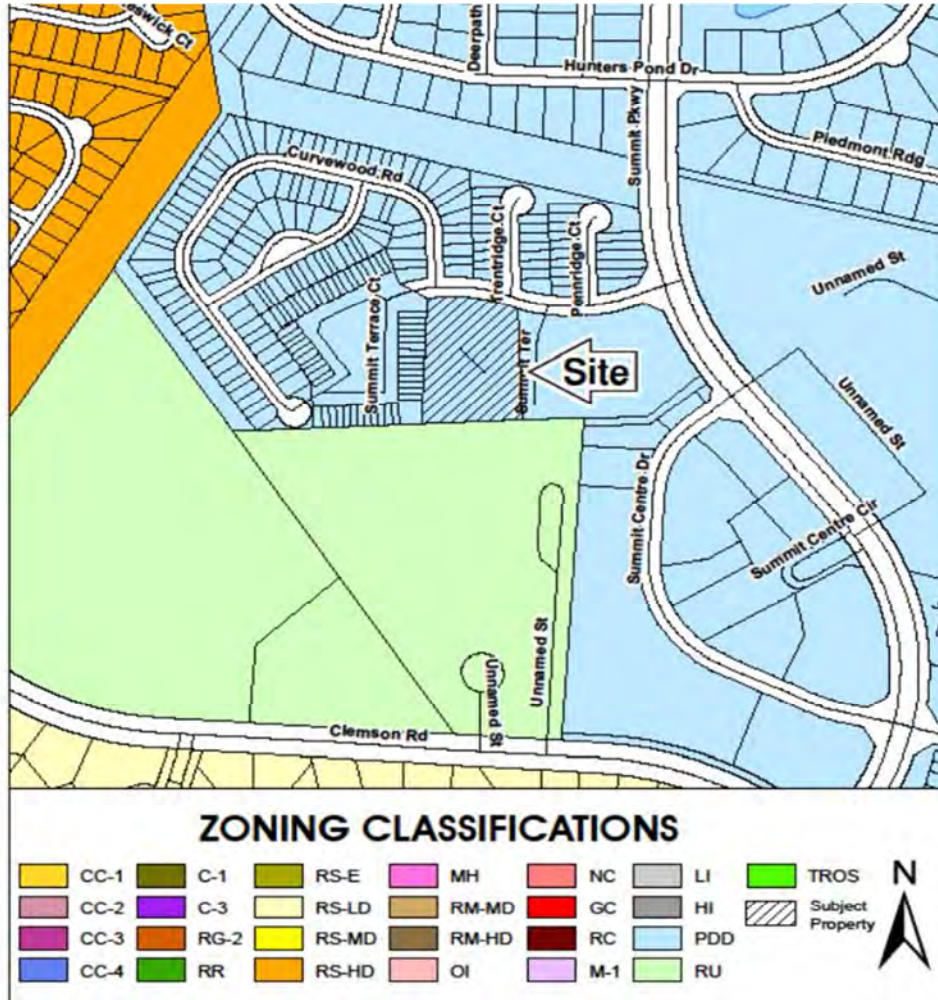
By: _____
Norman Jackson, Chair

Attest this _____ day of _____, 2014.

Michelle Onley
Clerk of Council

Public Hearing: February 25, 2014
First Reading: February 25, 2014
Second Reading: March 4, 2014 (tentative)
Third Reading:

Exhibit A



The subject parcel is a 2.99 acre part of the Summit PDD, which consists of a total of 1693.5 acres, and is designated for office uses as defined in the PDD.

The following land uses are hereinafter permitted under the “O” or Office land use designation for the subject parcel:

1. Accessory uses to the permitted uses and structures.
2. Animal Hospitals and kennels.
3. Banks or financial institutions (without drive thru or ATMs).
4. Barber and beauty shops.
5. Cluster housing development containing only single-family detached dwellings, subject to the provisions of Section 26-87 of the Richland County Code of Ordinances, or its relevant successor regulations, provided, however, that modular building units shall not be permitted.

6. Common Zero lot line dwelling units and developments, subject to the provisions of Section 26-90 of the Richland County Code of Ordinances, or its relevant successor regulations, with density not to exceed 9 units per acre.
7. Computer Systems and Design and Related Services.
8. Courts.
9. Day Care Centers (adult & child).
10. Day nurseries/kindergartens, subject to Section 26-84 of the Richland County Code of Ordinances, or its relevant successor regulations.
11. Dry Cleaning and laundries; pick-up and delivery stations only.
12. Electronic Shopping and Mail Order Houses.
13. General Offices.
14. Government Offices.
15. Individual family Services.
16. Laboratories; Testing and research.
17. Libraries.
18. Management-Scientific & Technical Consulting Services.
19. Medical, dental, and related medical services.
20. Museums and Galleries.
21. Nursing homes, assisted care facilities, long-term facilities.
22. Parallel zero lot line dwelling units and developments, subject to the provisions of Section 26-90 of the Richland County Code of Ordinances, or its relevant successor regulations, with density not to exceed 9 units per acre.
23. Places of Worship.
24. Police Substations.
25. Post offices.
26. Print shops.
27. Professional-Scientific & Technical Services.
28. Rehabilitation centers with lot area of at least 10,000 square feet
29. Schools-Administrative Facilities.
30. Schools-Business, Computer Management Training.
31. Schools-Fine Arts Instruction.
32. Schools-Junior Colleges.
33. Schools-Technical and Trade (except Truck Driving).

Richland County Council Request of Action

Subject

An Ordinance Amending the "2009 Richland County Comprehensive Plan", by incorporating the "Spring Hill Strategic Community Master Plan" into the plan [**SECOND READING**] [**PAGES 100-102**]

Notes

First Reading: February 25, 2014

Second Reading:

Third Reading:

Public Hearing: February 25, 2014

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-14HR

AN ORDINANCE AMENDING THE “2009 RICHLAND COUNTY COMPREHENSIVE PLAN”, ADOPTED ON DECEMBER 15, 2009, BY INCORPORATING THE “SPRING HILL STRATEGIC COMMUNITY MASTER PLAN” INTO THE PLAN.

WHEREAS, on December 15, 2009, Richland County Council adopted the “2009 Richland County Comprehensive Plan” pursuant to S.C. Code Section 6-29-310, et al. (Ordinance No. 076-09HR); and

WHEREAS, Section 6-29-520 (B) of the South Carolina Code of Ordinances 1976, as amended (South Carolina Local Government Comprehensive Planning and Enabling Act of 1994, as amended), requires that recommendations for amendments to the Comprehensive Plan must be by Resolution of the Planning Commission; and

WHEREAS, the Richland County Planning Commission has unanimously approved a Resolution recommending that County Council adopt the “Spring Hill Strategic Community Master Plan”, dated December 2013; and

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 as follows:

SECTION I. The “2009 Richland County Comprehensive Plan” is hereby amended by the incorporation of the “Spring Hill Strategic Community Master Plan”, dated December 2013, and which is on file in the Planning and Development Services Department, into the Plan.

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 _____, 2014.

RICHLAND COUNTY COUNCIL

BY: _____
Norman Jackson, Chair

ATTEST THIS THE ____ DAY
OF _____, 2014.

Michelle Onley
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: February 25, 2014
First Reading: February 25, 2014
Second Reading: March 4, 2014 (tentative)
Third Reading:

Richland County Council Request of Action

Subject

Coroner's Office: Purchase of Replacement Computer Equipment [**PAGES 103-107**] [**DEFER TO THE BUDGET PROCESS**]

Notes

February 25, 2014 - The Committee recommended that this item be forwarded to the FY15 budget process.

Richland County Council Request of Action

Subject: Coroner's Office: Purchase of Replacement Computer Equipment

A. Purpose

County Council is requested to approve a budget amendment for the Coroner's Office in the amount of \$24,216.22 for the purpose of purchasing computer equipment to replace and/or upgrade the computer equipment that is currently being used in the Coroner's Office.

B. Background / Discussion

The majority of the current computer equipment that is being used in the Coroner's Office is very old and worn out. The IT Department has repaired, reworked and "limped" this equipment along as much as they can. We requested that the IT Department take an inventory of our equipment and make recommendations as to what our next step should be. They provided the attached chart listing all of our equipment and the current condition of each computer. Our request for funds for upgrading or replacing this equipment is based on the recommendations made by the IT Department. As you will notice, the attached information quotes an estimated total replacement/upgrade cost of \$31,842.30. This amount includes the cost of replacing laptops at an estimated cost of \$1,835.69 each. This department has chosen to replace the laptops with Surface Tablets at an estimated cost of \$1,400.00 each. The difference in our request versus the estimated cost of \$31,842.30 is an estimated savings of \$7,626.08 to the county.

C. Legislative / Chronological History

This is the first request for computer replacement funding therefore there is no history.

D. Financial Impact

The cost to the county is based on figures provided to the Coroner's Office by the IT Department and is listed in the chart below:

Surface Tablets (11@\$1,400.00)	\$15,400.00
Desk Top Towers (3@\$1,010.66)	\$3,031.98
Upgrades (7@\$300.00)	\$2,100.00
Docking Stations for Surface Tablets (7@\$300.00)	\$2,100.00
Tax	<u>\$1,584.24</u>
Total	\$24,216.22

Upon approval by Council, the requested amount of \$24,216.22 should be placed into line item 529600 Computers and Equipment in the Coroner's Budget (1100240000) for use for the purchase of stated equipment.

E. Alternatives

1. Approve the Coroner’s request to provide funding to replace and/or upgrade the existing computer equipment in the Coroner’s Office to provide the Coroner and his employees the updated equipment they need to document and store the information that is collected in the performance of their duties as required by law.
2. Do not approve the Coroner’s request for funding to replace and/or upgrade the existing computer equipment in the Coroner’s Office and within a very short period of time the existing equipment will be totally inoperable and the Coroner and his employees will not have the equipment needed to document and store the information that is collected in the performance of their duties as required by law.

F. Recommendation

It is recommended that Council approve the request to provide funding to replace the existing computer equipment in the Coroner’s Office to provide the Coroner and his employees the updated equipment they need to document and store the information that is collected in the performance of their duties as required by law.

Recommended by: Gary Watts

Department: Coroner

Date: 01/02/2014

G. Reviews

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

Finance

Reviewed by: Daniel Driggers

Date: 1/12/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Information Technology

Reviewed by: Janet Claggett

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

The RCIT Department has reviewed and supports the purchase of the equipment specified by the Coroner. As for the timing as a budget amendment or instead for FY15, the RCIT Department defers to Council discretion.

Procurement

Reviewed by: Rodolfo Callwood

Date: 1/12/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Elizabeth McLean

Date: 1/13/14

Recommend Council approval

Recommend Council denial

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

Administration

Reviewed by Warren Harley:

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Administration's recommendation is based on the timing of the request being outside of budget cycle and not the validity of the request. RCIT is in agreement that the need is valid. However, absent any urgency to replace equipment that immediately puts the Coroner's work in jeopardy Administration would recommend moving this item to the next fiscal year. At this point in the fiscal year the request would not finish the approval process until March 2014. **As an alternative council could agree to partially fund half or some portion of this request replacing equipment based on the most urgent need and then look to fund the remainder of the request in the normal budget cycle.**

CORNER EQUIPMENT INVENTORY AND RECOMMENDATIONS - 12/30/13
SUBMITTED BY RC IT DEPARTMENT

User's Computers and Contact Information		Last updated 12/04/2013											
Users	Phone	Cell	Computer	Description	Windows	RAM	IE	Crystal Reports Updated	Under Maintenance Contract	Upgrade Course of Action	Estimated Replacement/Upgrade Cost	Tech Review	
Ann Joe	576-1797	309-6144	postcomancy	Desktop	XP	1GB	8	Yes	No	Replace	\$1,010.66		
Ann Neeley	576-3364	518-8798	BVNZHH1	Laptop	XP	1GB	8	Yes	No	Replace	\$1,835.69		
Cathy Rawls	576-1792	600-2978	01696231453	Surface	8	4GB	10	Yes	Yes	None	\$300.00	FAX Solution	
			JSGJJS1	Desktop	7	4GB	9	Yes	Yes	Upgrade	\$1,835.69	Review/Updater/Cleanup	
			1VNZHH1	Laptop	XP	1GB	8	Yes	No	Replace	\$1,835.69		
Charles "Chuck" Wesley	576-3366	529-0737	COR17037331453	Surface	8	4GB	10	Yes	Yes	None	\$1,835.69	FAX Solution	
Charlie Benton	576-3362	521-0824	7FJMB2B1	Laptop	XP	1GB	8	Yes	No	Replace	\$1,835.69		
Christine Benson	576-1796	309-3048	BVF5W91	Laptop	XP	1GB	8	Yes	No	Replace	\$300.00		
			8X2N1R1	Desktop	7	3GB	9	Yes	Yes	Upgrade	\$300.00	Review/Updater/Cleanup	
David Burns	576-3374	513-7985	LTH8SPH1	Desktop	XP	1GB	8	Yes	No	Replace	\$1,835.69		
David Escalante	576-3362	309-8979	3ZFCXK1	Laptop	XP	2GB	7	Yes	No	Replace	\$1,835.69		
Debbie Phillips	576-1795	600-2974	9DOVHQ1	Desktop	7	4GB	9	Yes	Yes	Upgrade	\$300.00	Review/Updater/Cleanup	
Gary Watts	576-1795	600-2974	1N86GK1	Desktop	XP	2GB	8	Yes	Yes	Upgrade	\$300.00	Review/Updater/Cleanup	
			TVNZHH1	Laptop	XP	2GB	7	Yes	No	Replace	\$1,835.69		
James "Jim" Potash	576-1784	521-0929	CS028878831253	Surface	8	4GB	10	Yes	Yes	None	\$300.00	FAX Solution	
Jane Powell	576-1794	309-5821	45PZCP1	Desktop	XP	3GB	7	Yes	Yes	Upgrade	\$300.00	Review/Updater/Cleanup	
			6PBKVV1	Desktop	7	4GB	10	Yes	Yes	Upgrade	\$300.00	Review/Updater/Cleanup	
			0016822231453	Surface	8	4GB	10	Yes	Yes	None	\$300.00	FAX Solution	
Kimberly Simpson	576-3365	518-6034	5VNZHH1	Laptop	XP	1GB	8	Yes	No	Replace	\$1,835.69		
Leonard Bradley		227-9752	2ZFCXK1	Desktop	XP	2GB	7	Yes	No	Replace	\$1,835.69		
			23ZXV21	Desktop	XP	3GB	8	Yes	No	Replace	\$1,010.66		
			GVNZHH1	Laptop	XP	1GB	8	Yes	No	Replace	\$1,835.69		
			017286431453	Surface	8	4GB	10	Yes	Yes	None	\$300.00	FAX Solution	
Nell Mauney	767-1544	518-6032	6ZFCXK1-LAP	Netbook	XP	2GB	7	Yes	No	Replace	\$1,835.69		
Robert Dean	791-5280	600-2980	5ZFCXK1	Netbook	XP	2GB	8	Yes	No	Replace	\$1,835.69		
Ted Powell	576-1790	600-2985	4ZFCXK1	Netbook	XP	2GB	8	Yes	No	Replace	\$1,835.69		
Veronica Sullivan	576-1793	600-2985	8X2Q1R1	Desktop	7	3GB	10	Yes	Yes	Upgrade	\$300.00	Review/Updater/Cleanup	
William "Bill" Stevens		206-9816	5J6N191	Desktop	XP	1GB	7	Yes	No	Replace	\$1,010.66		
- Central Work Area			5M81W61	Desktop	XP	1GB	7	Yes	No	Replace	\$1,335.69		
- Dr. Dee Gilledge				Laptop	XP	1GB	7	Yes	No	Replace	\$1,335.69		
Hardware requirement: RC Standard (4GB-RAM)(WONDOWS7)											Total Estimated Replacement/Upgrade Cost	\$31,842.30	
We have 18 computers to replace: 4 Desktops, 9 Laptops and 5 Netbooks.													
Do we want to replace the Desktops with Desktops or Laptops?													
Are we replacing the Netbooks with Laptops?													

Richland County Council Request of Action

Subject

Richland County Sheriff's Department ASPCA Foundation Grant/No FTE/No Match **[PAGES 108-110]**

Notes

February 25, 2014 - The Committee recommended that Council approve the grant to provide funding for equipment to implement an Animal Cruelty Response Unit. Any costs to maintain the equipment will be absorbed by the Richland County Sheriff's Department budget.

Richland County Council Request of Action

Subject: Richland County Sheriff's Department ASPCA Foundation Grant/No FTE/No Match

A. Purpose

County Council is requested to approve a grant application that was not included in the Grant Budget Request for FY 2014.

B. Background / Discussion

The Richland County Sheriff's Department has applied for a grant to provide funding for equipment to implement an Animal Cruelty Response Unit. The application is for funding through the American Society for the Prevention of Cruelty to Animals Foundation. The equipment requested will allow for RCSD investigators to more efficiently and effectively respond to cases of suspected animal abuse and mistreatment. Any costs to maintain the equipment will be absorbed by the Richland County Sheriff's Department budget.

C. Legislative / Chronological History

None

D. Financial Impact

There is no financial impact as this grant does not require matching funds.

Animal Cruelty Investigative Equipment (Grantor 100%)	\$50,240
--	-----------------

E. Alternatives

1. Approve the request for funding to provide the Animal Cruelty investigative equipment for RCSD.
2. Do not approve, forfeit funds, and decrease likelihood for future funding.

F. Recommendation

It is recommended that Council approve the request for the Animal Cruelty Investigative equipment.

Recommended by: Stephen Birnie, Deputy Chief Department: Sheriff Date: 12/13/13

G. Reviews

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

Finance

Reviewed by: Daniel Driggers

Date: 1/12/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Recommendation based the grant having no financial impact to County or recurring cost associated with the grant.

Procurement

Reviewed by: Rodolfo Callwood

Date: 1/13/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Grants

Reviewed by: Sara Salley

Date: 1/13/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Elizabeth McLean

Date: 1/13/14

Recommend Council approval

Recommend Council denial

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

There are no grant documents attached, so Legal cannot comment on the actual grant or its requirements.

Administration

Reviewed by: Warren Harley:

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Recommendation based the grant having no financial impact.

Richland County Council Request of Action

Subject

Out of Cycle Funding Requests: Accommodations Tax and Hospitality Tax [**PAGES 111-114**] [**DEFER TO BUDGET PROCESS**]

Notes

February 25, 2014 - The Committee recommended that this item be forwarded to the FY15 budget process.

Richland County Council Request of Action

Subject: Out of Cycle Funding Requests: Accommodations Tax and Hospitality Tax

A. Purpose

County Council is requested to create a policy where all out-of-cycle Accommodations and Hospitality Tax requests be referred to the appropriate staff so that they may provide the requesting organizations with the request procedures and timeline.

B. Background / Discussion

At the December 3, 2013 Council meeting, Councilman Malinowski made the following motion:

All requests for Hospitality and/or Accommodations taxes after the budget process will be referred to the staff person who handles such requests. That staff person will provide a response to the requesting person/entity the Richland County process to request such funds and when the submission period is. The purpose of this motion is to eliminate the constant out of cycle requests for funds that have already been obligated.

Mr. Malinowski brought forward this motion as a result of an increase in funding requests being made by organizations outside of the grant and budget process.

The application period for Accommodations and Hospitality Tax grants is January – February of each year for funding that would be in place the following fiscal year (July 1 – June 30). The committees for each program present funding recommendations to Council during the budget process and awards for the fiscal year are announced each June.

Currently out-of-cycle funding requests are mostly received by County Council members who make motions during the Motion Period to full Council for funding. These motions are then forwarded to the Committee process (usually A&F) and on to full Council for a vote. Required paperwork for the processing of a funding award is handled by staff once the funding request is approved by full Council.

By routing the out-of-cycle request to the Grants Manager, staff can reach out to the requesting organization and educate them on the grant and budget procedures and timelines in hopes to reduce future out-of-cycle requests.

Please note: If this motion is approved, out-of-cycle budget requests will be stopped at this point (ie, staff reaching out to the requestor and educating them on the procedures and timelines); meaning, the out-of-cycle funding request will *not* be forwarded to a Committee (usually A&F) and on to Council for review and a vote because it is outside of the normal budget process.

C. Legislative / Chronological History

This motion was presented at the December 3, 2013 Council meeting.

D. Financial Impact

There is no financial impact for implementing this process, though the result may yield a reduction in the amount of Accommodations and Hospitality Tax budget amendments outside the budget process.

E. Alternatives

1. Approve the motion to route all out-of-cycle Accommodations and Hospitality Tax funding requests to the appropriate staff so they can provide procedures and timeline information to the requesting entity. These out-of-cycle funding requests will *not* be forwarded to a Committee (usually A&F) and on to Council for review and a vote because it is outside of the normal budget process.
2. Do not approve the motion to route all out-of-cycle Accommodations and Hospitality Tax funding requests to the appropriate staff so they can provide procedures and timeline information to the requesting entity. Come up with a different solution.
3. Do nothing. This means that the current process (funding request [primarily] received by a Council Member; Council Member makes a motion; motion goes to Committee; Committee recommendation goes to Council for a vote) will stay in place, and that out-of-cycle funding requests will continue to be considered by Council.

F. Recommendation

This recommendation was made by Mr. Malinowski. This is a policy decision for Council.

Recommended by: Bill Malinowski Department: County Council Date: 12/3/13

G. Reviews

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

Finance

Reviewed by: Daniel Driggers Date: 1/13/14
 Recommend Council approval Recommend Council denial
 Comments regarding recommendation:

Grants

Reviewed by: Sara Salley Date: 1/14/14
 Recommend Council approval Recommend Council denial
 Comments regarding recommendation:

Legal

Reviewed by: Elizabeth McLean Date: 1/14/14
 Recommend Council approval Recommend Council denial
 Comments regarding recommendation: Policy decision left to Council’s discretion.

Administration

Reviewed by: Roxanne Ancheta Date:
 Recommend Council approval Recommend Council denial

Comments regarding recommendation: While this is a policy decision of Council, it is recommended that Council approve the motion to route all out-of-cycle Accommodations and Hospitality Tax funding requests to the appropriate staff so they can provide procedures and timeline information to the requesting entity. These out-of-cycle funding requests will **not** be forwarded to a Committee (usually A&F) and on to Council for review and a vote because it is outside of the normal budget process.

In doing so, this allows the grants application / review / award process to be more fair and equitable, as the majority of all other organizations comply with this process. Those organizations that apply timely must complete a grants application (which Council has approved), and then have those applications vetted by the respective ATax and HTax Committees. The Committee recommendations then go on to Council for a vote during the budget process.

Out-of-cycle HTax and ATax requests do not go through these same steps, thereby circumventing the application and vetting portion of the process.

Furthermore, Council may wish to consider applying this new process to not only ATax and HTax out-of-cycle requests, but also all other out-of-cycle requests (ie, table purchases).

Richland County Council Request of Action

Subject

Expanding Richland County's Community Development Staff [**PAGES 115-119**] [**DEFER TO BUDGET PROCESS**]

Notes

February 25, 2014 - The Committee recommended that this item be forwarded to the FY15 budget process.

Richland County Council Request of Action

Subject: Expanding Richland County's Community Development Staff

A. Purpose

County Council is requested to approve one additional FTE staff position for Community Development beginning FY 13-14. The purpose is to expand and upgrade the current Richland County Community Development Department staff a staff of 6 to be in keeping with other Community Development offices around the state. Adding one additional FTE will create more positive change and increased implementation of various projects and programs throughout Richland County.

B. Background / Discussion

The following motion was made by Councilman Norman Jackson at the December 3, 2013 Council meeting:

Establishing and Increasing Richland County Community Development's staff size to be more in keeping with other South Carolina Community Development Departments. No other action has been taken by Council to date.

Currently, Richland County Community Development has 5 FTE positions to cover the implementation of the CDBG and HOME grants (\$1.72 million dollars). These funds are leveraged with other partner's funding resources and program income, which for FY 12-13 totaled an additional \$1.2 million. Of this \$2.9 million, 91% of these funds were placed back into the community for programmatic need and only \$284,663 or 9% went to staff/administrative costs (per the CAPER report submitted to HUD on 12/30/13).

The Community Development Department was created in 2002 when the primary activities were infrastructure projects that utilized the bulk of the CDBG funds and the HOME funds were used for required 15% set-aside to non-profits and some direct assistance to owner-occupied units and down payment assistance. Since 2008, the department has grown programmatically and now has a more geographical project distribution to include the above and newer projects such as Hopkins Medical Facility Construction, Sloan Place Affordable Apartments Up fitting, Decker Blvd. Facade Improvements, Crane Creek Park (Acquisition and Design), Monticello Road Streetscape, Job Training with Columbia Housing Authority and homeless needs such as Transitions and Sistercare. In 2014, the drafted annual action plan will include projects like these in addition to a mobile home park demolition and a public infrastructure project.

The combined factors of current staff reduction from 7 to 5 members; HUD demands growing and not diminishing; workload levels remaining the same regardless of funding; and increased federal compliance since 2009 has created the need for one additional staff person, at a minimum. The overall workload for both CDBG and HOME required by HUD is the same, regardless of staff size and this administrative work includes more compliance, more regulations overview and more accountability as HUD begins to add major broad sweeping changes.

While the workload and federal HUD mandates have grown, the department size has witnessed changes since 2002. The department actually decreased by two, when an employee retired in 2010 and one left through voluntary termination in 2012. Other SC Community Development Departments have larger staff to implement its programs.

Community Development Staff Operations and Funding of other counties in FY 12-13:

County Name	Staff Size	HUD CDBG/HOME Awards
Richland County	5 FT members	\$1.27 mil/\$451K
Lexington County	6 FT members	\$1.43 mil/\$480K
Spartanburg County	7 FT members	\$1.31 mil/379K
Charleston County	9 FT members	\$1.66 mil/\$547K
Greenville County	14 FT/2 PT members	\$2.47 mil/\$837K

The average staff size using the above counties numbers would be 9 positions. Richland County is the 2nd largest County in South Carolina and houses the state's capital.

HUD funds are not awarded competitively to these counties; they are based upon a federal formula. Also, please note overall, both CDBG and HOME funds have been cut over the past 5 years; with HOME being reduced by 58% nationwide on average in FY 2012. Comparing statewide numbers above, the largest reduction was Charleston County by 17% in CDBG and 37% in HOME. Richland was cut by 7.2% in CDBG and 19% in HOME funds.

With the exception of Richland County, all of the above Community Development Departments are partially funded administratively with general county funding. Many of these counties cover the director's salary and possibly 1-2 others given CDBG and HOME programs have 20% and 10% admin cost caps. This allows the funding of the departments at the staff levels seen above.

Programs such as Richland County's Down Payment Assistance (RCHAP) and Owner-Occupied Rehabilitation have been in frozen status and can be linked to the low number of staff members as well, when coupled with reductions in federal funding and increased response to need. The new position's responsibilities would include administration and compliance for existing and new CDBG projects along with intake and processing of direct assistance housing applications, and monitoring and compliance of contractual partners. Funding of \$50,000 from General Funds will allow the department to hire an additional staff member who will assist the entire department to provide the enhanced compliance and oversight of the growing number of programs that benefit the County on a whole.

The current staff is paid with federal funds from CDBG and HOME at 100%, but due to administrative costs caps the department can no longer add any additional positions from this federal funding source. The HOME program requires a 25% match, and while those funds do come from the County, they cannot be and are not used towards administrative costs.

C. Legislative / Chronological History

This item comes from a motion made by Councilman Norman Jackson at the December 13, 2013 Council Meeting.

D. Financial Impact

The financial impact associated with this request is \$50,000 of general funds to obtain an entry level compliance position to provide the wage compensation of salary, fringe and benefits. This position funds would come from the General County Fund beginning in FY 13-14.

E. Alternatives

1. Approve the request to increase the department by one additional FTE staff member and fund the position at the level of \$50,000 which will cover the full compensation package. The programs and projects will operate much better and more effectively and have a higher level of compliance.
2. Do not approve the request to increase the department by one additional FTE staff member and fund the position at the level of \$50,000 which will cover the full compensation package. The programs and projects will operate the same or less effectively and have a lowered level of compliance.

F. Recommendation

This recommendation was made by Councilman Jackson. This is a policy decision for Council.

Recommended by: Norman Jackson Department: County Council Date: 1/4/14

G. Reviews

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

Finance

Reviewed by: Daniel Driggers Date: 1/13/14
 Recommend Council approval Recommend Council denial
 Recommend Council approval
 Comments regarding recommendation:

This is a policy decision for Council on the level of funding from the County to be invested in the program. If approved mid-year it would require a budget amendment and identification of a funding source therefore Council may consider approving with an effective date of 7/1/14 which would allow it to be incorporated into the FY15 budget process.

Community Development

Reviewed by: Valeria Jackson Date:
 Recommend Council approval Recommend Council denial
 Comments regarding recommendation:

This is a policy decision for Council. I would recommend approval for it to be incorporated into the FY15 Budget Process with effective date of 7/1/14. If granted approval, the position would be used and beneficial to the department and the community.

Human Resources

Reviewed by: Dwight Hanna Date:
 Recommend Council approval Recommend Council denial
 Comments regarding recommendation: This is a policy and budget decision for Council.

Grants

Reviewed by: Sara Salley Date: 1/21/14
 Recommend Council approval Recommend Council denial
 Comments regarding recommendation:

This is a policy decision for Council. From the grant standpoint, and additional staffing would need to be covered through the general fund as the County is using the maximum amount allowed by HUD for program administration.

Legal

Reviewed by: Elizabeth McLean

Date: 1/12/14

Recommend Council approval

Recommend Council denial

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

Administration

Reviewed by: Sparty Hammett

Date: 1/24/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

The decision is left to Council's discretion.

Richland County Council Request of Action

Subject

CASA: Fostering Futures Youth Center **[PAGES 120-123] [DEFER TO BUDGET PROCESS]**

Notes

February 25, 2014 - The Committee recommended that this item be forwarded to the FY15 budget process.

Richland County Council Request of Action

Subject: CASA: Fostering Futures Youth Center”

A. Purpose

County Council is asked to approve the concept of creating the Fostering Futures Youth Center. If County Council approves the concept it would also direct county staff to explore and evaluate the feasibility and cost of the Fostering Futures Youth Center. Staff would also develop a plan and identify possible funding to be considered by County Council as part of its normal budget process.

B. Background / Discussion

In Richland County, SC, youth exiting foster care as adults are ill prepared for independence. These youth have traditionally been denied preparation for adulthood; denied assistance on improving their life skills; many are failing scholastically and/or quit school; most have not developed positive study and/or work skills and have limited social skills. Creating the Fostering Futures Youth Center will allow Richland County to expand existing services currently provided by RCCASA. The Center will be specifically designed for Richland County youth in foster care. The Fostering Futures Youth Center will improve the life skills of our most vulnerable youth to better prepare them for independence upon exiting state care; enhance visitation between youth in foster care and their families; and to create a training academy for RCCASA volunteers, youth, and their families.

Richland County Fostering Futures Youth Center will be a unique, unmatched facility that will serve as a model for youth advocacy organizations throughout the country. In addition to the above noted heightened services for children, families, and guardian’s ad litem, the Fostering Futures Youth Center will serve as an inclusive facility that offers expansion possibilities for sharing facility space with RC Sheriff’s Department, RC Department of Social Services, and school resource personnel.

Once established, the Fostering Futures Youth Center will draw potential resource possibilities. Supervised visitation is an entitled service to children in foster care and is a reimbursable service through Federal IV-E funds. This opportunity reflects the same components that current exists between RCCASA and SCDSS on our existing Training Grant. The RCCASA Foundation Board of Directors is very committed to the success of the Fostering Futures Youth Center will support the center as they currently do the CASA organization. At present, the RCCASA Foundation supports the RCCASA with an augmented budget of approximately \$200,000 annually. Through the Foundation, the Fostering Futures Youth Center has great possibilities of further resource cultivation through grants and other partner foundations such as the Wal-Mart Foundation. National CASA wholeheartedly embraces Fostering Futures and RCCASA, Inc. is one of 11 in the nation to receive a \$40,000 grant in FY 2013 for this initiative. It is anticipated that National CASA will continue to lend their support and resources for successful programs implementing Fostering Futures for at-risk youth.

C. Legislative / Chronological History

- o 1983 ~ Richland County CASA established as the sole Guardian ad Litem program to provide advocacy services to children in Richland County whose interests were before the court for abuse & neglect actions.

- o July 1, 2010 ~ S0980 Bill statutorily requires Richland County CASA to provide a volunteer Guardian ad Litem for every child (100%) whose interests are before the Richland County Family Court for abuse and neglect actions.

D. Financial Impact

There would be no financial impact for Richland County staff to explore the concept of creating the Fostering Futures Youth Center.

E. Alternatives

1. Approve the concept of the Fostering Futures Youth Center and direct Richland County staff to explore the feasibility of this concept and identify possible funding sources and bring back to Richland County Council for consideration.
2. Do not approve concept of Fostering Futures Youth Center.

F. Recommendation

It is recommended that Council approve the concept of the Fostering Futures Youth Center and direct Richland County Staff to explore a plan and identify possible funding sources and bring back to Richland County Council for consideration.

Recommended by: Paige Green Department: CASA Date: 02/18/14

G. Reviews

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

Please be specific in your recommendation. While “Council Discretion” may be appropriate at times, it is recommended that Staff provide Council with a professional recommendation of approval or denial, and justification for that recommendation, as often as possible.

Finance

Reviewed by: Daniel Driggers Date: 2/18/14
 Recommend Council approval Recommend Council denial
 Recommend Council discretion
Comments regarding recommendation:

The ROA request is for Council to approve the concept of a Youth Center and explore funding options therefore approval is at Council’s discretion.

If the cost is considered to be a major influence of the project decision, it may be beneficial to have the initial one-time cost investment and any recurring costs along with funding options provided in conjunction with the approval.

Legal

Reviewed by: Elizabeth McLean Date: 2/19/14
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: Policy decision left to Council’s discretion.

Administration

Reviewed by: Warren Harley

Recommend Council approval

Comments regarding recommendation:

Date:

Recommend Council denial

Richland County Council Request of Action

Subject

Property Acquisition, 0.26 acre parcel [**PAGES 124-128**]

Notes

February 25, 2014 - The Committee recommended that Council approve the acquisition of a 0.26 acre parcel immediately adjacent to the Jim Hamilton-LB Owens Airport in the amount of \$150.

Richland County Council Request of Action

Subject: Property Acquisition, 0.26 acre parcel

A. Purpose

To recommend to the Richland County Council to acquire a 0.26 acre parcel immediately adjacent to the Jim Hamilton – LB Owens Airport (CUB).

B. Background / Discussion

An airport capital improvement project (CIP) to extend Taxiway ‘A’ at the Jim Hamilton – LB Owens Airport is currently under design. This project will provide a significant safety enhancement to the intersection of Taxiway ‘A’ and Runway 13 – 31. An Environmental Assessment (EA) has been completed and approved by the staff of the Federal Aviation Administration (FAA). Contracts for the professional services for preparation of the EA, the design of the project, as well as the land acquisition services were previously approved by the Richland County Council.

This small parcel will be subdivided from the larger parcel (R13705-16-02) where the Columbia Gardens Apartments are located. It is necessary to obtain this 0.26 acre parcel in order to positively control the Taxiway Safety Area (TSA) which is required by FAA regulations. A survey of the parcel to be acquired is included as Attachment ‘A’ to this ROA.

Ninety-five percent (95%) of the purchase price will be funded through a previously-awarded Airport Improvement Program (AIP) grant from the FAA. The remaining 5% will be funded through local matching funds which were previously approved by the Richland County Council. The appraised / fair market value of the parcel is \$3,000 and the owner is a willing seller. Finally, the Richland County Airport Commission recommends the purchase of this parcel.

C. Legislative / Chronological History

Richland County Council has previously approved other activities which have led up to the purchase of this parcel:

- Acceptance of the AIP Grant for the purchase of this property (AIP 3-45-0017-017-2011) – September 9, 2011
- Approval of the professional services contract for the acquisition of this parcel (LPA Inc, Work Authorization 29) – December 6, 2011
- Approval of the professional services contract for the design on this project (WK Dickson, Work Authorization 1) – December 18, 2012

D. Financial Impact

The \$3,000 parcel purchase cost will be paid for as shown:

FAA	AIP 3-045-0017-017-2011	\$2,850	95%
RC	Local match (already appropriated)	\$ 150	5%

The South Carolina Aeronautics Commission does not participate in land purchase costs.

E. Alternatives

The alternatives available to County Council follow:

1. Approve the 0.26 acre land purchase.
2. Do not approve the 0.26 acre land purchase.

F. Recommendation

It is recommended that Council approve the request to purchase the 0.26 acre parcel.

Recommended by: Christopher S. Eversmann, PE, AAE Department: Airport Date: February 6, 2014

G. Reviews

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

Finance

Reviewed by: Daniel Driggers Date: 2/11/14
✓ Recommend Council approval Recommend Council denial
Comments regarding recommendation:

Procurement

Reviewed by: Rodolfo Callwood Date: 2/11/14
 Recommend Council approval
Recommend Council denial
Comments regarding recommendation:

Grants

Reviewed by: Sara Salley Date: 2/11/14
 Recommend Council approval Recommend Council denial
Comments regarding recommendation:

Legal

Reviewed by: Elizabeth McLean Date: 2/11/14

Attachment A

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council's discretion. As there is only a plat provided, I cannot give a complete analysis of the purchase, but I would recommend Council avail itself of a title search, environmental study, etc., as it deems necessary in this instance.

Administration

Reviewed by: Sparty Hammett

Date: 2-11-14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

DRAFT

Richland County Council Request of Action

Subject

EMS Ambulance Purchase **[PAGES 129-132]**

Notes

February 25, 2014 - The Committee recommended that Council approve the purchase to remount 19 ambulance vehicles from Taylor Made Ambulance Company for a cost of \$1,500,886 with the funds coming from the EMS Bond account.

Richland County Council Request of Action

Subject: EMS Ambulance Purchase *ESD02042014*

A. Purpose

The purpose of this report is to obtain Council approval to award a purchase order to remount nineteen (19) ambulances. This is a sole-source procurement. Funding is available in the EMS (bond) budget. No other funds are needed.

B. Background / Discussion

EMS has ambulances that have exceeded the end of their life cycle. Over fourteen years ago EMS began to replace ambulances using the same manufacturer to establish continuity and standardization in the fleet. Standardization provides benefits in parts acquisition, maintenance, service, training and familiarization of equipment locations for Paramedics. The ambulances we have are “modular” which means the large patient compartment can be removed from the chassis, refurbished and remounted on a new chassis. That saves about \$30,000 per ambulance. The EMS ambulance fleet is manufactured by Taylor Made Ambulances. Sending the old ambulances back to the Taylor Made Factory for remounting will insure the vehicles are returned to “new” condition with a new warranty. The following ambulances will be remounted:

Unit	Year	Vin
201	2010	09140
204	2008	24630
206	2008	00781
207	2008	00785
212	2008	00784
213	2010	09141
214	2010	09142
216	2011	12445
217	2008	24627
219	2009	31985
220	2009	31986
226	2008	31612
227	2008	85401
228	2008	85402
229	2008	85403
230	2011	12446
233	2011	86637
235	2011	91777
238	2008	85400

C. Legislative / Chronological History

This is a staff-initiated request. Therefore, there is no legislative history.

D. Financial Impact

There is a significant cost savings for remounting an existing modular patient compartment on a new chassis. Also, there is a significant expense to continue to repair vehicles that are old and “out of contract.” “Out of contract” means that because of the age of the vehicle, it is no longer supported under the First Vehicles regular contract. Costs associated with repairs must be paid out of regular budget funds as the repairs are made. Removing nineteen vehicles that are “out of contract” will reduce repair costs.

The remount cost per vehicle is as follows:

New Chassis and Remount/Refurbish	\$ 78,694
Sales Tax	300

Cost Per Vehicle	\$ 78,994
Cost for 19 Vehicles	\$1,500,886

The ambulance remount expenditure is budgeted and is available in the EMS Bond account: 1307995000 / 10700000 in the amount of \$1,500,886

E. Recommendation

It is recommended that Council approve the purchase to remount 19 ambulance vehicles from Taylor Made Ambulance Company for a cost of \$1,500,886 with the funds coming from the EMS Bond account.

Recommended by: Michael A. Byrd Department: Emergency Services Date 02-04-14

F. Reviews

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

Please be specific in your recommendation. While “Council Discretion” may be appropriate at times, it is recommended that Staff provide Council with a professional recommendation of approval or denial, and justification for that recommendation, as often as possible.

Finance

Reviewed by: Daniel Driggers

Date: 2/11/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Procurement

Reviewed by: Rodolfo Callwood
 Recommend Council approval
Comments regarding recommendation:

Date: 2/11/14
 Recommend Council denial

Legal

Reviewed by: Elizabeth McLean
 Recommend Council approval
Comments regarding recommendation: Policy decision left to Council's discretion.

Date: 2/18/14
 Recommend Council denial

Administration

Reviewed by: Warren Harley
 Recommend Council approval
Comments regarding recommendation:

Date: 2/19/14
 Recommend Council denial

Richland County Council Request of Action

Subject

Replace Deteriorated Caulk at the Expansion Joints and Windows at the Richland County Administration and Health Department Buildings [**PAGES 133-136**]

Notes

February 25, 2014 - The Committee recommended that Council approve the Procurement Department Director to enter into and award a contract with Strickland Waterproofing Company, Inc., who has been determined to be the most responsive responder complying materially with the specifications as advertised.

Richland County Council Request of Action

Subject: Replace Deteriorated Caulk at the Expansion Joints and Windows at the Richland County Administration and Health Department Buildings

A. Purpose

Council is requested to authorize the expenditure of approved budgeted funds for the Department of Support Services to replace the deteriorating caulk at the expansion joints and surrounding storefront windows throughout the Richland County Administration and Health Department Buildings located at 2020 and 2000 Hampton St., respectively.

B. Background / Discussion

The Richland County Administration and Health Department buildings have existing, urethane caulk that was installed during the facilities' initial construction in 1992. The installed caulking material has reached its end of life cycle, which is typically 10 to 15 years for urethane caulk, and has begun to fail at the joints between the brick and windows, and at the expansion joints within the brick fields.

The deterioration of the caulk is leading to water infiltration points which have become cost prohibitive to repair and maintain. Water infiltration can lead to the development of mold infestation, thus creating a health hazard, although the facilities maintenance division has been able to prevent this, to date, by quick reactive maintenance to dry all intrusion points before adverse environmental concerns were created.

Richland County Government requested properly licensed contractors specializing in caulking and waterproofing work to provide best value bids that would remove the existing caulk joints and backer rods, clean the joints and replace them with a silicone based caulk and new backer rods. The life expectancy for the replacement material is 20 years.

The Department of Support Services is requesting the expenditure of approved budgeted funds to have the old caulking removed and replaced, thus preventing water intrusion.

Five contractors submitted Best Value Bids consisting of Roofco Inc., NEO Corp., Exterior Diagnostics, Strickland Waterproofing Inc., I&E Specialties. The contractor recommended for approval is Strickland Waterproofing Company, Inc. as they submitted the most responsive, responsible, and advantageous bid to the County. This was determined through the normal Best Value Bid evaluation process.

C. Legislative / Chronological History

This item is a staff-initiated request. Therefore, there is no legislative history for this project except for the funding for this project being approved in the current FY 13-14 yearly budget process.

D. Financial Impact

The total cost for this project is a contract amount of \$109,000.00 plus a 25% contingency. The contingency is requested to address any Window Extrusion Gasket deterioration that cannot be identified until accessing equipment (a swing stage or boom lift) is in place to access areas that

cannot be seen from the ground. Including contingency, a total of \$136,250.00 is being requested for approval from Council. Council has already approved the project concept by approving funding during the FY 14 budget process. There are no additional funds requested for this project, and as per our standard operating procedure (SOP), any expenditure of contingency funds requires a formal request that will be vetted by the project management staff before approval or denial of the work. Current funding is identified in the department's budget GL – 1100317002.532900 that is sufficient to support the entire requested amount.

E. Alternatives

1. Authorize Procurement Department Director to enter into and award a contract with Strickland Waterproofing Company, Inc., who has been determined to be the most responsive responder complying materially with the specifications as advertised.
2. Do not approve the expenditure of the funds and leave the facility in its current condition with the existing caulking throughout the facility. However this option will foster increased maintenance costs due to caulking failures that could affect the wellbeing and operational condition of the facility.
3. Award the contract to one of the other responders.

F. Recommendation

It is recommended that Council authorize alternative 1.

Recommended by: John Hixon Department: Support Services Date: 2/11/14

G. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 2/12/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Recommend approval based on ROA alternative one to award to complete the project for \$136k.

The FY 14 Support Services budget includes \$277k for this project. Because the actual project cost is \$136k, it is recommended that the \$141k balance be “frozen” in the department's budget. If these funds are needed for unforeseen projects (ie, inclement weather event activities, emergency purchases, etc.), the department must request the use of these funds. Otherwise, the \$141k will not be available for rollover, and will revert to the County's General Fund Fund Balance at the end of the fiscal year. Further, this process will be replicated countywide moving forward, with this being the first step towards achieving Council's directives at Retreat to rely less heavily on fund balance, while also beginning the process of restoring the fund balance.

Procurement

Reviewed by: Rodolfo Callwood

Date: 2/12/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend alternative one.

The solicitation does not account for any structural issues that may have been precipitated by the constant train movement for over twenty-five years to include several earthquakes. Structural damages may only be known once work as started on windows.

Legal

Reviewed by: Elizabeth McLean

Date: 2/18/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Policy decision left to Council's discretion.

Administration

Reviewed by: Roxanne Ancheta

Date: February 19, 2014

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend Council authorize the Procurement Director to enter into and award a contract with Strickland Waterproofing Company, Inc., which has been determined to be the most responsive responder complying materially with the specifications as advertised.

Further, Administration has consulted with the Finance Director regarding the proposal in his recommendation (ie, freezing the balance of the funds appropriated in the department's budget for this specific project), and supports this initiative for this particular project, as well as other projects moving forward.

As for Procurement's comment, structural issues were not requested to be taken into consideration in the solicitation, as none of the components are structural components. This is strictly a water proofing necessity project that is a high priority at this time. Further, we have no reason to believe there are any structural issues, since during the initial parking garage improvement project several years ago, the structural integrity of that facility was evaluated by a structural engineer with no issues found.

Richland County Council Request of Action

Subject

An Ordinance Amending the "2009 Richland County Comprehensive Plan", by incorporating the "Lower Richland Strategic Community Master Plan" into the plan [**SECOND READING**] [**PAGES 137-139**]

Notes

First Reading: February 25, 2014

Second Reading:

Third Reading:

Public Hearing: February 25, 2014

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-14HR

AN ORDINANCE AMENDING THE “2009 RICHLAND COUNTY COMPREHENSIVE PLAN”, ADOPTED ON DECEMBER 15, 2009, BY INCORPORATING THE “LOWER RICHLAND STRATEGIC COMMUNITY MASTER PLAN” INTO THE PLAN.

WHEREAS, on December 15, 2009, Richland County Council adopted the “2009 Richland County Comprehensive Plan” pursuant to S.C. Code Section 6-29-310, et al. (Ordinance No. 076-09HR); and

WHEREAS, Section 6-29-520 (B) of the South Carolina Code of Ordinances 1976, as amended (South Carolina Local Government Comprehensive Planning and Enabling Act of 1994, as amended), requires that recommendations for amendments to the Comprehensive Plan must be by Resolution of the Planning Commission; and

WHEREAS, the Richland County Planning Commission has unanimously approved a Resolution recommending that County Council adopt the “Lower Richland Strategic Community Master Plan”, dated December 2013; and

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 as follows:

SECTION I. The “2009 Richland County Comprehensive Plan” is hereby amended by the incorporation of the “Lower Richland Strategic Community Master Plan”, dated December 2013, and which is on file in the Planning and Development Services Department, into the Plan.

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 _____, 2014.

RICHLAND COUNTY COUNCIL

BY: _____
Norman Jackson, Chair

ATTEST THIS THE ____ DAY
OF _____, 2014.

Michelle Onley
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: February 25, 2014
First Reading: February 25, 2014
Second Reading: March 4, 2014 (tentative)
Third Reading:

Richland County Council Request of Action

Subject

An Ordinance Amending Section 26-151, Permitted Uses with Special Requirements; so as to remove the distance requirement between bars and places of worship in the GC, M-1, and LI Zoning Districts under certain conditions
[SECOND READING] [PAGES 140-142]

Notes

First Reading: February 25, 2014

Second Reading:

Third Reading:

Public Hearing: February 25, 2014

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-14HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; ARTICLE V, ZONING DISTRICTS AND DISTRICT STANDARDS; SECTION 26-151, PERMITTED USES WITH SPECIAL REQUIREMENTS; SUBSECTION (C), STANDARDS; PARAGRAPH (8), BARS AND OTHER DRINKING PLACES; SO AS TO REMOVE THE DISTANCE REQUIREMENT BETWEEN BARS AND PLACES OF WORSHIP IN THE GC, M-1, AND LI ZONING DISTRICTS UNDER CERTAIN CONDITIONS.

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 V, Zoning Districts and District Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (c), Standards; Paragraph (8), Bars and Other Drinking Places; is hereby amended to read as follows:

- (8) *Bars and other drinking places.*
- a. Use districts: Rural Commercial; General Commercial; M-1 and LI Light Industrial.
 - b. Lots used for drinking places shall be located no closer than four hundred (400) feet from any other lot used as a drinking place, and shall be no closer than six hundred (600) feet to any lot which contains a school (public or private), and shall be no closer than six hundred (600) feet to any lot which contains ~~or~~ a place of worship. However, if the place of worship is located in a GC, M-1, or LI zoning district and is located in a mixed-use shopping center, a mall, or an industrial park, the setback does not apply, unless the place of worship was established at that location prior to March 18, 2014.
 - c. Bars and other drinking places shall provide adequate off-street parking at a rate of twelve (12) spaces for each one thousand (1,000) square feet of gross floor area.
 - d. Parking areas related to the establishment of a bar or other drinking place shall be located no closer than thirty (30) feet to the property line of residentially zoned or used property.
 - e. A minimum six (6) foot high opaque fence shall be erected adjacent to the property line of abutting residentially zoned or used property.

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 _____, 2014.

RICHLAND COUNTY COUNCIL

BY: _____
Norman Jackson, Chair

ATTEST THIS THE _____ DAY

OF _____, 2014

Michelle Onley
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: February 25, 2014
First Reading: February 25, 2014
Second Reading: March 4, 2014 (tentative)
Third Reading:

Richland County Council Request of Action

Subject

An Ordinance Amending the Fiscal Year 2013-2014 School District One Budget to reduce tax disbursements by the amount owed to the County for election costs **[PAGES 143-145]**

Notes

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

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. MA_01

AN ORDINANCE AMENDING THE FISCAL YEAR 2013-2014 SCHOOL DISTRICT ONE BUDGET TO REDUCE TAX DISBURSEMENTS BY THE AMOUNT OWED TO THE COUNTY FOR ELECTION COSTS.

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 ninety two thousand four hundred and four dollars (\$92,404) be reduced in the School District One Fund. Therefore, the Fiscal Year 2013-2014 School District One Budget is hereby amended as follows:

SCHOOL DISTRICT ONE - EXPENDITURES

Expenditures appropriated July 1, 2013 as amended:	\$193,951,316
Reduction in Tax Disbursements for Nonpayment of Elections Costs:	(\$92,404)
Increase to Transfer Out to County for Reimbursement	<u> \$92,404</u>
Total School District One Expenditures as Amended:	\$193,951,316

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

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

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

RICHLAND COUNTY COUNCIL

BY: _____
Kelvin Washington, Chair

ATTEST THIS THE ____ DAY

OF _____, 2013

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

Sewage Sludge Spray Field Applications [**PAGES 146-169**]

Notes

February 25, 2014 - The Committee recommended that staff work with the Conservation Commission and its staff to develop an ordinance related to sewage sludge spray fields that will protect County waterways.

Richland County Council Request of Action

Subject: Sewage Sludge Spray Field Applications

A. Purpose

County Council is requested consider prohibiting sewage sludge spray field applications in Richland County.

B. Background / Discussion

During the October 1, 2013, Councilman Washington made the following motion:

“I move to prohibit sewage sludge spray field applications in Richland County.”
This motion was forwarded to the D&S Committee for further consideration.

C. Legislative / Chronological History

This motion was referred to the D&S Committee during the October 1, 2013 Council meeting.

D. Financial Impact

The financial impact of prohibiting sewer spray fields in general is not available. Each wastewater treatment facility would compare the cost and benefit of constructing a spray field or a sewage sludge disposal process and site as part of the DHEC permitting process.

E. Alternatives

1. Approve the request to prohibit sewage sludge spray field applications in Richland County.
2. Do not approve the request to prohibit sewage sludge spray field applications in Richland County.

F. Recommendation

It is recommended that Council approve the request to prohibit sewage sludge spray field applications in Richland County.

Recommended by: Hon. Kelvin Washington Department: County Council Date: 10/30/13

G. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 11/1/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

No recommendation

Utilities

Reviewed by: Andy H. Metts

Date: 11/4/13

Recommend Council approval

Recommend Council denial

Council discretion.

Comments regarding recommendation: Sewer spray fields are an alternative wastewater disposal method to that of a surface water discharge. With spray fields, treated effluent from a wastewater treatment facility is sprayed on land which has been determined to have sufficient water absorbing capacity. SC DHEC requires alternative disposal methods, such as spray fields, be evaluated before a surface water discharge permit will be issued.

Sludge disposal sites are sites permitted by DHEC which allow waste disposal operations to land apply sludge after various levels of treatment. Depending on the level of treatment and the pathogen reduction method, wastewater sludge may be used as a soil enhancement product for the agricultural industry.

Both spray fields and sludge disposal sites are permitted and monitored by DHEC.

Legal

Reviewed by: Brad Farrar

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision of Council, subject to the compliance with state laws and regulations, and the oversight of SC DHEC in this area as noted by Utilities Director. Also, compliance with any federal laws or regulations must be observed.

Administration

Reviewed by: Sparty Hammett

Date: 11/19/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This a policy decision for Council. As indicated by the Utilities Director, sewer spray fields are permitted by SC DHEC.



REPORT TO COUNTY COUNCIL

ADDITIONAL INFORMATION

LAND APPLICATION OF SLUDGES INCLUDING SPRAY FIELDS

DECEMBER 12, 2013

County Council is considering the prohibition of sewage sludge spray field applications in Richland County. During the October 1, 2013, Council meeting Chairman Washington made the following motion:

“I move to prohibit sewage sludge spray field applications in Richland County.”
This motion was forwarded to the D&S Committee for further consideration.

At the November 26, 2013 D&S Committee, Utilities Director Andy Metts, provided a brief overview of spray field applications. During the discussion, Chairman Washington requested additional information pertaining to monitoring and Councilman Malinowski requested information on the impact a prohibition might have. In follow-up discussion with the Chairman for clarification, Chairman Washington indicated the motion applied to a general prohibition of all land applications.

Subsequently, within the time available, a limited review of literature from the South Carolina Department of Health and Environmental Control (SCDHEC) and the US Environmental Protection Agency (EPA) was conducted using available website information from these agencies. SCDHEC and EPA are the primary agencies responsible for the regulation of land-applied sludges in South Carolina. The regulations in general under both agencies refer to Part 503 for typical domestic sludges and Part 504 for industrial sludges.

It is important to note what spray fields are and what land application is, along with related terms, in order to have a better understanding of the potential impact a ban would have on land application. Essentially, land application can include all tile fields, spray fields, subsurface injection, rapid infiltration beds, etc. of either treated sewage effluent or treated sewage sludges, but might also be expanded to include wastes from animal operations and the beneficial reuse of treated solid sludges typically referred to as biosolids. Biosolids are often used as a low-grade fertilizer and/or soil amendment for poor soils, and can include dried and/or pelletized sludges treated by heat or mixed with

lime to destroy pathogens before applying. Biosolids can also include composting operations and tillage of treated sludge.

Facilities that typically land-apply their treated effluent (not necessarily solids) in lieu of discharging to a water body typically receive a No-Discharge Permit. The following excerpts on land application were obtained:

SCDHEC Bureau of Water Web Page (excerpts)

Land Application: Permit Program Definitions

"Spray field" means a specified area where properly treated wastes, treated effluent from process, agricultural or domestic wastewater, sewage sludge, industrial sludge or other sources is applied to the land. The terms "application area", "application site", or "spray disposal area" may also be used.

"Land Application" means use and/or disposal of treated wastewater, sewage sludge, industrial sludge, septage, or additional sources (see R.61-9.505.1(b)(2)) to the land.

"ND" or "No Discharge" means land application. The terms "ND permit" or "No Discharge permit" may be used for "Land Application permit".

R.61-9.503.11(h) "Land application" is the spraying or spreading of sewage sludge onto the land surface; the injection of sewage sludge below the land surface; or the incorporation of sewage sludge into the soil so that the sewage sludge can either condition the soil or fertilize crops or vegetation grown in the soil.

Permitting

SCDHEC, and in a few cases EPA, issue ND permits and sludge permits in South Carolina. For those facilities falling under Part 503 regulations for the disposal of sludges, an annual report must also be submitted directly to the EPA:

505.1(b) Scope of the Land Application permit and State permit requirement.

(1) The Land Application permit and State permit program requires permits for the discharge of pollutants from any source directly or indirectly into groundwaters of the State and to the land of the State. The terms "Land Application permit," "State permit," "pollutant," "source," "groundwaters of the State," and the "land of the State" are defined in section 505.2.

(2) The following are additional sources that may require Land Application permits or State permits for discharges:

(i) Recirculated Process Wastewater. The submission and information requirements shall be determined by the Department.

(ii) Wastewater Evaporation Systems for Process Wastewater. The submission and information requirements shall be determined by the Department.

(iii) Agricultural Waste Facilities, except those regulated under South Carolina R.61-43. The submission and information requirements shall be determined by the Department.

Land Application Permit Program (Also Known As the No Discharge Permit Program)

Early Program. Land application of effluent from wastewater treatment facilities began in South Carolina in the early 1970s. Over the years the program evolved to include the permitting of sludge and [septage](#) land application. At first, a wastewater construction permit was the only permit required for a land application system. In 1985, SC Regulation 61-68, Water Classifications and Standards, was amended to include [ground water](#) as waters of the State. Also, standards for the quality of ground water were established at that time.



In accordance with Section 48-1-100 of the SC Pollution Control Act and Section 67.300 of SC Regulation 61-67, Standards for Wastewater Facility Construction, a proposed wastewater treatment facility with effluent disposal by land application is required to obtain a discharge permit before a construction permit can be issued to build the facility. The ground water discharge permit is the State [Land Application permit](#). These permits are also known as [ND](#) permits since there is no direct discharge (ND) to surface waters.



Today's Program. The Land Application Permit Program addresses land application of wastewater treatment plant effluent, non hazardous sludge, and septage. The Bureau of Water is responsible for the permitting, compliance, monitoring, and enforcement activities of the program. Sludge that is characterized as hazardous is regulated by DHEC's Bureau of Land and Waste

Management.

Persons with discharges to ground water are required to have State Land Application Permits. Typical effluent land application systems include:

- [spray fields](#),
- [tile fields](#),
- rapid infiltration basins,
- [percolation ponds](#), and
- [evaporation basins](#).



If a wastewater facility that generates waste sludge discharges to surface waters, the method of sludge disposal or use is normally

addressed in the [NPDES](#) permit rather than a separate Land Application Permit. Facilities that land apply both their effluent and sludge are normally issued one Land Application Permit for both activities. For more information on the use or disposal of sludge from wastewater treatment facilities with surface or ground water discharges, please visit our [Sludge Program](#) WEB page.

Industrial pretreatment facilities that land apply waste sludge are required to have State Land Application Permits for the sludge land disposal. These facilities must receive a State Land Application Permit for sludge disposal before a construction permit can be issued on the wastewater pretreatment system.



Agricultural facilities land apply manure and litter as fertilizer for growing crops. However, agricultural facilities are not permitted under the Land Application Permit Program. Rather, they are regulated under the State Agricultural Permit Program. For information on agricultural facilities, please visit our WEB page on the [Agricultural Program](#).

Also, all facilities that use injection for emplacement of fluid into the subsurface or groundwater by means of a well are regulated by the Underground Injection Control (UIC) Program rather than the Land Application Permit Program. The UIC program issues Permits to Construct and Permits to Operate to these facilities. For more information on the UIC Program, please visit our WEB page on the "[Underground Injection Control Program](#)."

While General Permits are allowed under this program, presently no Land Application General Permits have been issued. Ground water dischargers are, therefore, issued individual Land Application permits. All draft permits are public noticed. When there is sufficient public interest or significant issues, a public hearing will be held prior to a final permit decision. SC has about 170 active individual Land Application Permits.

To ensure protection of water quality, Land Application permits may contain:

The "Water Facilities Permitting Division " is responsible for issuing Land Application Permits for industrial facilities, federal facilities, municipalities, state owned facilities, commercial facilities, and private non-industrial systems including septage facilities. The Land Application System Permit Program, [Wastewater Construction Permit Program](#), the [NPDES Permit Program](#), the [Pretreatment Program](#), the [Satellite Sewer System Program](#), and the [Sludge Program](#) are integrated into a comprehensive water pollution control program on transportation, treatment, and disposal or use of wastewater and sludge.

Wastewater facilities and land application sites are routinely monitored by the [EQC Regional Offices](#) for compliance with their Land Application permits. Dischargers are assisted by the Bureau and EQC Regional Offices in achieving and maintaining compliance with their permits. Enforcement actions are used by the Bureau when necessary to attain compliance with permits, water quality standards, and State and Federal Laws and Regulations.

Bureau and Regional Staff are available to give talks and presentations on the different aspects of the Land Application Permit Program. Please send an E-mail to one of the [contacts](#) if you are interested in arranging a presentation for a group or class.

Land Application: Public Notice **Requirements**

Overview. Proposed decisions to issue, modify, reissue, deny, or terminate an ND permit must be public noticed prior to the Bureau making the final decision except for minor modifications. If there are significant issues or sufficient public interest in a proposed decision, the Bureau must hold a public hearing. Public hearings must also be public noticed. The notice for a public hearing may be combined with the notice of the proposed permit decision when the Bureau is aware that a hearing is necessary.

Final permit decisions do not have to be public noticed. Instead, the final determination must be mailed to every person who submitted written comments or requested notice of the final decision. If a public hearing was held, every person who signed in at the hearing is mailed a copy of the final permit decision and, even though it is not required, the final decision may also be placed in a newspaper of general circulation in the area of the discharge.

All public notices except public hearing notices, must be mailed to the following persons, unless they have asked not to receive public notices:

- the applicant;
- State and Federal Agencies agencies with jurisdiction over fish, shellfish, and wildlife resources and over coastal zone management plans, the Advisory Council on Historic Preservation, the State Historic Preservation Officer, including affecting States. In SC, this includes the SC Department of Natural Resource, the SC Department of Archives and History, DHEC's Office of Ocean and Coastal Resource Management, and as appropriate, the States of Georgia or North Carolina;
- the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, National Marine Fisheries Service, and the appropriate Council of Governments;
- Persons on the Bureau's [Mailing Lists](#);

In addition to mailing public notices to the above persons, the Bureau also uses any other method of notice calculated to give actual notice. This includes posting the public notices: on the Bureau's WEB page on Public Notices and in public places, such as post offices, county court house, and town halls.

Public notices on proposed permit issuances, reissuances, modifications, and terminations must include:

- the name and address of the Division in the Bureau of Water that is processing the permit action,
- name and address of the permittee,
- a brief description of the business conducted at the facility,
- the name, address, and telephone phone number of the permit writer,
- a brief description of the comment procedures,
- a brief description of the each existing or proposed discharge point and the name of the receiving water, and
- any other information necessary to explain the action being noticed.

If a public notice is for a proposed modification, the proposed permit modifications must be briefly explained. If the public notice is for a public hearing, the notice must give:

- the date of previous public notices related to the permit;
- the date, time, and place of the hearing; and
- a brief description of the of the nature and purpose of the hearing.

New or Expanding Discharge. Public notices for new or expanding discharges are mailed to the persons listed in Item I. Also, public notices for new or expanding discharges are placed in newspapers of general circulation in the areas of the discharges. Additionally, for new discharges, the Department posts the notices in locations in the areas of the facilities and/or application sites.

Modification Other Than Expansion. Public notices on proposed modifications, except minor modifications, are mailed to the persons listed in Item I. Also, public notices for major modifications are posted in the County Court Houses of the counties where the facilities are located and the Post Offices and Town Halls of the towns nearest the discharges. Please note that minor modifications do not have to be public noticed. For more information on modifications, please visit our ND WEB page on [Permit Modifications](#).

Reissuance. All public notices on reissuances of ND permits are mailed to the persons listed in Item I. Public notices on reissuance of ND permits are posted in the County Court Houses of the counties where the facilities are located and the Post Offices and Town Halls of the towns nearest the facilities. For more information on renewals, please visit our ND WEB page on [Permit Renewal Information](#).

Termination. All public notices of termination of ND permits are mailed to the persons listed in Item I. Public notices on termination of ND permits are posted in the County Court Houses of the counties where the facilities are located and the Post Offices and Town Halls of the towns nearest the discharges. For more information on terminations, please visit our ND WEB page on [Cancellations and Terminations](#).

Public Hearings. Public notices on public hearings are placed in newspapers of general circulation in the areas of the discharges. Additionally, if a previous public notice was issued on the proposed permit decision, the public notice of the hearing will be mailed to every person who sent written comments to the Bureau.

Sludge Program

Background. Sludge is a by-product of water and wastewater treatment operations. Sludge from biological treatment operations is sometimes referred to as wastewater biosolids. Before sludge can be disposed, it needs to be treated to a certain degree. The type of treatment needed depends on the disposal method proposed. The two most common disposal methods are landfilling and land application. DHEC regulates the disposal of sludge via its various permitting programs.

Programs. Dewatered sludge can be landfilled in a municipal landfill if it is not a hazardous waste and if it has been properly dewatered. When a wastewater operation wants to landfill its sludge, the applicable Bureau of Water permit for the treatment plant (e.g., NPDES) identifies the specific landfill as a permit condition. Outside of landfilling, land application of sludge is regulated under R.61-9.503 (Domestic Sewage Sludge) and R.61-9.504 (Industrial Sludge) by the Bureau of Water. Permitting sites for land application of sludge normally is governed by the application of sludge on the land for beneficial use (i.e., agronomic rate for nitrogen). The application rate, though typically governed by nitrogen, is set by evaluating a variety of relevant pollutants and setting a conservative application rate.

Beneficial use of sludge. The beneficial use of sludge can be carried out on private farmland as well as dedicated sites owned by the owner of the wastewater treatment facility.

Septage. Septage is the material removed from septic tanks and grease traps. By regulatory definition septage is a type of sewage sludge. Land application of septage is regulated by R.61-9.503. Persons wanting to land-apply septage must receive a land application permit (and possibly a wastewater construction permit depending on the application and handling processes proposed).

Regulation details. All publicly owned and privately owned treatment facilities treating domestic wastewater are regulated by federal regulations 40 CFR 503. 40 CFR 503 deals with use and disposal of domestic sludge. The Bureau has developed a state regulation (R61-9.503) based on the key elements of the federal regulation. The industrial sludge regulations are in Section 504 of Regulation 61-9 and there are no comparable federal regulations.

NPDES/ND Facilities For a new wastewater treatment facility or an expansion of an existing wastewater treatment facility, a report on the method of sludge disposal is part of the NPDES or ND permit application that is included in a preliminary engineering report (PER) submittal package. The sludge report must address the applicable criteria contained in Sections 503 and 504 of Regulation 61-9.

The method of sludge disposal is reviewed with the PER on the wastewater treatment facility. After approval of the PER, the NPDES or ND permit will be drafted with the method of sludge disposal contained in it. Therefore, the procedures for processing a new wastewater treatment facility or an expansion of an existing wastewater treatment facility will include sludge handling for the wastewater treatment facility. Contact Brenda Green for permitting assistance at greenba@dhec.sc.gov.

Industrial Pretreatment Facilities. For new or expanding industries with pretreatment systems that generate sludge, a report on the method of sludge disposal is included with the wastewater construction permit application on the pretreatment facility. When the method of sludge disposal is land application, a separate state land application system permit for the disposal of the sludge disposal must be issued before the state wastewater construction permit can be issued. When the method of sludge disposal is transporting to a landfill or other wastewater treatment facility, a letter of acceptance from the owner of the receiving facility must be included with the wastewater construction permit application package.

Ag Program

South Carolina started regulating agricultural facilities in the 1960s. The Agricultural Program is administered by several Divisions within the Bureau of Water which oversee permitting, compliance, monitoring, and enforcement activities for agricultural facilities. State Law and Regulations require owners/operators of most commercial animal growing operations to obtain permits for the handling, storage, treatment (if necessary), and disposal of the manure, litter, and dead animals generated at their facilities. In addition to the state permit, animal operations that are Concentrated Animal Feeding Operations (CAFOs) are now required to have a National Pollutant Discharge Elimination System Permit if they have a discharge to surface water. Other agricultural activities such as peach packing, stock yards, slaughter houses, and meat markets may also be required to have agricultural permits depending upon their specific situation. The history of this program is given on our AG Program page.

The Bureau of Water's Stormwater, Construction, and Agricultural Permitting Division is responsible for issuing agricultural facility permits. Permitted facilities are routinely inspected by field staff for compliance. Owners of agricultural facilities are assisted by Bureau and field staff in achieving and maintaining compliance with their permits. Enforcement actions are used by the Bureau when necessary to attain compliance with permits, water quality standards, and State Laws and Regulations.

Contact

- Program Manager -- Agricultural and Dams Permitting Section
[Bill Chaplin](#) - (803) 898-3532
- [Henry Gibson](#) - (803) 898-4230
- Compliance
[Tonya O'Cain](#) - (803) 898-4225

NPDES Permitting **Sludge Disposal and Use**

All publicly owned and privately owned treatment facilities treating domestic wastewater are regulated by federal regulations 40 CFR 503 deals with use and disposal of domestic sludge. This federal regulation has been adopted by the Bureau and is included in Regulation 61-9 under Section 503. Also, the Bureau has state regulations for use and disposal of industrial sludge not regulated either under R.61-9.503 or as a hazardous waste. The industrial sludge regulations are in Section 504 of Regulation 61-9.

For a new wastewater treatment facility or an expansion of an existing wastewater treatment facility, a report on the method of sludge disposal is part of the NPDES or ND permit application that is included in a preliminary engineering report (PER) submittal package. The sludge report must address the applicable criteria and conditions contained in Sections 503 and 504 of Regulation 61-9.

For a new facility, the method of sludge disposal is reviewed with the PER on the wastewater treatment facility. After approval of the PER, the NPDES or ND permit will be drafted with the method of sludge disposal contained in it. Therefore, the procedures for processing a new wastewater treatment facility or an expansion of an existing wastewater treatment facility will include sludge handling for the wastewater treatment facility. This involves a public notice with the opportunity for a public hearing and any appeals.

Monitoring, Sampling and Limitations

Depending on the land application or sludge disposal methods, SCDHEC will establish within the permit the sampling and monitoring frequency requirements for each facility.

61-9.503.8 Sampling and analysis.

(a) Sampling. Representative samples of sewage sludge that is applied to the land, placed on a surface disposal site, or fired in a sewage sludge incinerator shall be collected and analyzed. The Department may establish minimum requirements in permits for the proper method of sampling and analysis of sewage sludge.

61-9.503.12(o)

(2) Sludge analysis information shall be included as follows:

(i) Test results or rationale that demonstrates the non-hazardous nature of the sludge to the satisfaction of the Department.

(ii) Name, address, lab certification number, and telephone number of the laboratory conducting the analyses.

(iii) Sludge shall be analyzed for:

(A) Total solids (mg/l) and volatile solids (mg/kg).

(B) Nutrients (on a dry weight basis).

(1) Total Kjeldahl Nitrogen (mg/kg).

(2) Total inorganic nitrogen (mg/kg).

(3) Total ammonia nitrogen (mg/kg) and Total nitrate nitrogen (mg/kg).

(4) Total phosphorus (mg/kg).

- (5) Total potassium (mg/kg).
- (6) Calcium Carbonate Equivalency (if sewage sludge is alkaline stabilized).
- (C) Pollutants (on a dry weight basis).
 - (1) Arsenic (mg/kg).
 - (2) Cadmium (mg/kg).
 - (3) Copper (mg/kg).
 - (4) Lead (mg/kg).
 - (5) Mercury (mg/kg).
 - (6) Molybdenum (mg/kg).
 - (7) Nickel (mg/kg).
 - (8) Selenium (mg/kg).
 - (9) Zinc (mg/kg).
 - (10) Other compounds required by the permit or any pollutant required for monitoring under effluent guidelines (40 CFR Part 136; Subchapter N (40 CFR Parts 400 through 402 and 404 through 471)) may be required to be monitored for in the sewage sludge (if applicable).

- (vi) Site Monitoring Plan information shall be included as follows (when required):
 - (A) Groundwater monitoring information (if applicable).
 - (B) Soil monitoring methods and locations (if applicable).
 - (C) Surface water sampling methods and locations (if applicable).
 - (D) Metals testing, if required, due to previous application(s) (if applicable).
 - (E) Method to insure that the soil pH will remain within agronomic ranges during the life of the site (e.g. alkaline stabilized sludge projects).

61-9.503.13 (b) Pollutant concentrations and loading rates - sewage sludge.

- (1) Ceiling concentrations.

TABLE 1 OF SECTION 503.13 -- CEILING CONCENTRATIONS

Ceiling Concentration
(milligrams per kilogram)
Pollutant Dry weight basis

Arsenic	75
Cadmium	85
Copper	4300
Lead	840
Mercury	57
Molybdenum	75
Nickel	420
Selenium	100
Zinc	7500

- (2) Cumulative pollutant loading rates.

TABLE 2 OF SECTION 503.13 -- CUMULATIVE POLLUTANT LOADING RATES

Cumulative Pollutant Loading Rate
Pollutant (kilograms per hectare)

Arsenic	41
Cadmium	39

Copper	1500
Lead	300
Mercury	17
Nickel	420
Selenium	100
Zinc	2800

(4) Annual pollutant loading rates.

TABLE 4 OF SECTION 503.13 -- ANNUAL POLLUTANT LOADING RATES

Annual Pollutant Loading Rate

Pollutant (kilograms per hectare per 365 day period)

Arsenic	2.0
Cadmium	1.9
Copper	75
Lead	15
Mercury	0.85
Nickel	21
Selenium	5.0
Zinc	140

(c) Domestic septage. The annual application rate for domestic septage applied to agricultural land, forest, or a reclamation site shall not exceed the annual application rate calculated using equation (1), or the agronomic rate.

$$AAR = 0.0026N$$

(Equation 1)

Where :

AAR = Annual application rate in gallons per acre per 365 day period.

N = Amount of nitrogen in pounds per acre per 365 day period needed by the crop or vegetation grown on the land.

(d) Additional parameters may be required, from the application information or subsequent monitoring in a permit thereafter, but such needs will be assessed on an individual project basis. Any pollutant required for monitoring under effluent guidelines (40 CFR 136; Subchapter N (40 CFR Part 400 through 402 and 404 through 471)) may be required (in a permit) to be monitored for in the sewage sludge.

503.16 Frequency of monitoring.

(a) Sewage sludge.

(1) The frequency of monitoring for the pollutants listed in Table 1, Table 2, Table 3 and Table 4 of section 503.13; the pathogen density requirements in section 503.32(a) and section 503.32(b)(2) and the vector attraction reduction requirements in section 503.33(b)(1) through (b)(4) and sections 503.33(b)(7) and (b)(8) shall be the frequency in Table 1 of section 503.16. Facilities which generate less than 290 metric tons of sludge per year and dispose of the sludge once per year or less, may request a reduction in monitoring to a frequency of once per year. The Department will review these requests on a case-by-case basis.

TABLE 1 OF SECTION 503.16 - FREQUENCY OF MONITORING - LAND APPLICATION

Amount of Sewage Sludge:

(metric tons per 365-day period)

Frequency

Greater than zero but less than 1,500 Once per quarter (four times per year)

Equal to or greater than 1,500 but less than 15,000 Once per 60 days (six times per year)

Equal to or greater than 15,000. Once per month (12 times per year)

Regulations

In addition to monitoring requirements SCDHEC provides numerous regulations governing the land application of effluents and sludges. They are primarily covered, within the Water program under Parts 503-505 of R.61-9. Other regulations may fall under DHEC's Bureau of Land and Waste as well other programs. The following is very general language as an overview for covering the requirement for permitting and managing such activities:

61-9.503.12(l) The Department may establish in permits the application buffer setbacks for property boundaries, roadways, residential developments, dwellings, water wells, drainageways, and surface water as deemed necessary to protect public health and the environment. Factors taken into consideration in the establishment of setbacks would indicate sludge application method, adjacent land usage, public access, aerosols, runoff prevention, and adjacent groundwater usage.

(m) The Department may establish permit conditions to require that sludge application remain consistent with the lime and fertilizer requirements for the cover, feed, food, and fiber crops based on published lime and fertilizer recommendations (such as "Nutrient Management for South Carolina", Cooperative Extension Service, Clemson University, EC 476).

(n) The Department may establish minimum requirements in permits for soil and/or groundwater monitoring, for bulk application sites, to verify compliance with this Regulation. Factors taken into consideration in the establishment of soil and groundwater monitoring will include groundwater depth, operation flexibility, application frequency, type of sludge, size of application area, and loading rate.

503.14 Management practices.

(a) Bulk sewage sludge shall not be applied to the land if it is likely to adversely affect a threatened or endangered species listed under section 4 of the Endangered Species Act or its designated critical habitat.

(b) Bulk sewage sludge shall not be applied to agricultural land, forest, a public contact site, or a reclamation site that is flooded, frozen, or snow-covered so that the bulk sewage sludge enters a wetland or other waters of the State, as defined in R.61-9.122.2, except as provided in a permit issued pursuant to section 402 or 404 of the CWA.

(c) Bulk sewage sludge shall not be applied to agricultural land, forest, or a reclamation site that is 10 meters or less from waters of the State, as defined in R.61-9.122.2, unless otherwise specified by the Department.

(d) Bulk sewage sludge shall be applied to agricultural land, forest, a public contact site, or a reclamation site at a whole sludge application rate that is equal to or less than the agronomic rate for the bulk sewage sludge, unless, in the case of a reclamation site, otherwise specified by the Department.

Benefits and Impacts

The following may be helpful in addressing general concerns about land application of sludges:

USEPA Water: Sewage Sludge (Biosolids)

You are here: [Water](#) » [Pollution Prevention & Control](#) » [Wastewater Programs](#) » [Treatment](#) » [Sewage Sludge \(Biosolids\)](#) » Frequently Asked Questions

Frequently Asked Questions

1) What are Biosolids?

They are nutrient-rich organic materials resulting from the treatment of domestic sewage in a treatment facility. When treated and processed, these residuals can be recycled and applied as fertilizer to improve and maintain productive soils and stimulate plant growth.

2) What is the difference between biosolids and sludge?

Biosolids are treated sewage sludge. Biosolids are carefully treated and monitored and must be used in accordance with regulatory requirements.

3) Why do we have biosolids?

We have biosolids as a result of the wastewater treatment process. Water treatment technology has made our water safer for recreation and seafood harvesting. Thirty years ago, thousands of American cities dumped their raw sewage directly into the nation's rivers, lakes, and bays. Through regulation of this dumping, local governments now required to treat wastewater and to make the decision whether to recycle biosolids as fertilizer, incinerate it, or bury it in a landfill.

4) How are biosolids generated and processed?

Biosolids are created through the treatment of domestic wastewater generated from sewage treatment facilities. The treatment of biosolids can actually begin before the wastewater reaches the sewage treatment plant. In many larger wastewater treatment systems, pre-treatment regulations require that industrial facilities pre-treat their wastewater to remove many hazardous contaminants before it is sent to a wastewater treatment plant. Wastewater treatment facilities monitor incoming wastewater streams to ensure their recyclability and compatibility with the treatment plant process.

Once the wastewater reaches the plant, the sewage goes through physical, chemical and biological processes which clean the wastewater and remove the solids. If necessary, the solids are then treated with lime to raise the pH level to eliminate objectionable odors. The wastewater treatment processes sanitize wastewater solids to control pathogens (disease-causing organisms, such as certain bacteria, viruses and parasites) and other organisms capable of transporting disease.

5) How are biosolids used?

After treatment and processing, biosolids can be recycled and applied as fertilizer to improve and maintain productive soils and stimulate plant growth. The controlled land application of biosolids completes a natural cycle in the environment. By treating sewage sludge, it becomes biosolids which can be used as valuable fertilizer, instead of taking up space in a landfill or other disposal facility.

6) Where are biosolids used?

Farmers and gardeners have been recycling biosolids for ages. Biosolids recycling is the process of beneficially using treated residuals from wastewater treatment to promote the growth of agricultural crops, fertilize gardens and parks and reclaim mining sites. Land application of biosolids takes place in all 50 states.

7) Why are biosolids used on farms?

The application of biosolids reduces the need for chemical fertilizers. As more wastewater plants become capable of producing high quality biosolids, there is an even greater opportunity to make use of this valuable resource.

8) What percentage of biosolids are recycled and how many farms use biosolids?

About 50% of all biosolids are being recycled to land. These biosolids are used on less than one percent of the nation's agricultural land.

9) Are biosolids safe?

The National Academy of Sciences has reviewed current practices, public health concerns and regulator standards, and has concluded that "the use of these materials in the production of crops for human consumption when practiced in accordance with existing federal guidelines and regulations, presents negligible risk to the consumer, to crop production and to the environment."

10) Do biosolids smell?

Biosolids may have their own distinctive odor depending on the type of treatment it has been through. Some biosolids may have only a slight musty, ammonia odor. Others have a stronger odor that may be offensive to some people. Much of the odor is caused by compounds containing sulfur and ammonia, both of which are plant nutrients.

11) Are there regulations for the land application of biosolids?

The federal biosolids rule is contained in 40 CFR Part 503. Biosolids that are to be land applied must meet these strict regulations and quality standards. The Part 503 rule governing the use and disposal of biosolids contain numerical limits, for metals in biosolids, pathogen reduction standards, site restriction, crop harvesting restrictions and monitoring, record keeping and reporting requirements for land applied biosolids as well as similar requirements for biosolids that are surface disposed or incinerated. Most recently, standards have been proposed to include requirements in the Part 503 Rule that limit the concentration of dioxin and dioxin like compounds in biosolids to ensure safe land application.

12) Where can I find out more about the regulations?

The biosolids rule is described in the EPA publication, [A Plain English Guide to the EPA Part 503 Biosolids Rule](#) . This guide states and interprets the Part 503 rule for the general reader. This guide is also available in hard copy. In addition to the Plain English Guide, EPA has prepared [A Guide to the Biosolids Risk Assessments for the EPA Part 503 Rule](#) which shows the many steps followed to develop the scientifically defensible, safe set of rules (also available from EPA in hard copy.)

13) How are biosolids used for agriculture?

Biosolids are used to fertilize fields for raising crops. Agricultural use of biosolids, that meet strict quality criteria and application rates, have been shown to produce significant improvements in crop growth and yield. Nutrients found in biosolids, such as nitrogen, phosphorus and potassium and trace elements such as calcium, copper, iron, magnesium, manganese, sulfur and zinc, are necessary for crop production and growth. The use of biosolids reduces the farmer's production costs and replenishes the organic matter that has been depleted over time. The organic matter improves soil structure by increasing the soil's ability to absorb and store moisture.

The organic nitrogen and phosphorous found in biosolids are used very efficiently by crops because these plant nutrients are released slowly throughout the growing season. This enables the crop to absorb these nutrients as the crop grows. This efficiency lessens the likelihood of groundwater pollution of nitrogen and phosphorous.

14) Can biosolids be used for mine reclamation?

Biosolids have been used successfully at mine sites to establish sustainable vegetation. Not only does the organic matter, inorganic matrix and nutrients present in the biosolids reduce the bioavailability of toxic substances often found in highly disturbed mine soils, but also regenerate the soil layer. This regeneration is very important for reclaiming abandoned mine sites with little or no topsoil. The biosolids application rate for mine reclamation is generally higher than the agronomic rate which cannot be exceeded for use of agricultural soils.

15) How are biosolids used for forestry?

Biosolids have been found to promote rapid timber growth, allowing quicker and more efficient harvest of an important natural resource.

16) Can biosolids be used for composting?

Yes, biosolids may be composted and sold or distributed for use on lawns and home gardens. Most biosolids composts, are highly desirable products that are easy to store, transport and use.

17) Are there rules about where biosolids can be applied?

To determine whether biosolids can be applied to a particular farm site, an evaluation of the site's suitability is generally performed by the land applier. The evaluation examines water supplies, soil characteristics, slopes, vegetation, crop needs and the distances to surface and groundwater.

There are different rules for different classes of biosolids. Class A biosolids contain no detectible levels of pathogens. Class A biosolids that meet strict vector attraction reduction requirements and low levels metals contents, only have to apply for permits to ensure that these very tough standards have been met. Class B biosolids are treated but still contain detectible levels of pathogens. There are buffer requirements, public access, and crop harvesting restrictions for virtually all forms of Class B biosolids.

Nutrient management planning ensures that the appropriate quantity and quality of biosolids are land applied to the farmland. The biosolids application is specifically calculated to match the nutrient uptake requirements of the particular crop. Nutrient management technicians work with the farm community to assure proper land application and nutrient control.

18) Are there buffer requirements or restrictions on public access to sites with biosolids?

In general, exceptional quality (Class A) biosolids used in small quantities by general public have no buffer requirements, crop type, crop harvesting or site access restrictions. Exceptional Quality biosolids is the name given to treated residuals that contain low levels of metals and do not attract vectors. When used in bulk, Class A biosolids are subject to buffer requirements, but not to crop harvesting restrictions. In general, there are buffer requirements, public access, and crop harvesting restrictions for virtually all forms of Class B biosolids (treated but still containing detectible levels of pathogens).

19) Can anyone apply biosolids to land?

Anyone who wants to use biosolids for land application must comply with all relevant federal and state regulations. In some cases a permit may be required.

20) What will it mean for a wastewater treatment plant, biosolids manager or land applier to agree to follow an Environmental Management System (EMS) for Biosolids?

A voluntary EMS is now being developed for biosolids by the National Biosolids Partnership (NBP). The NBP consists of members from the Association of Metropolitan Sewerage Agency, the Water Environment Federation, the U.S. Environmental Protection Agency (EPA) and other stakeholders including the general public. Those facilities who pledge to follow the EMS are agreeing to follow community-friendly practices in addition to being in compliance with applicable state and Federal regulations. Community friendly practices refer to the control of odor, traffic, noise, and dust as well as the management of nutrients. Those who pledge to follow the EMS will be subjected to audit by impartial independent third parties.

U.S. Environmental Protection Agency Office of Research and Development (ORD), National Risk Management Research Laboratory (NRMRL) Land Remediation and Pollution Control Division (LRPCD) 1

Study Examines the Fate of Multiple Contaminants when Biosolids are Applied to Agricultural Land

Background:

Biosolids are solid residues produced by wastewater that are treated to meet federal and state regulations for land application. About 60% of biosolids are applied to land as an agricultural amendment in the United States. Communities in all 50 states reuse their biosolids, many for the nutrient-rich benefits.

Anything that can be flushed down a toilet, go down a drain in a home or industrial facility, or enter a storm sewer can potentially end up in wastewater. Chemicals such as pharmaceuticals and cleaning products often used in homes are being detected in wastewater. Domestic wastewater also contains bacteria and other microbes from the digestive tracts of humans. Appropriate wastewater treatment methods are designed to remove pathogens in biosolids to safe levels. Many chemicals are monitored in biosolids before land application.



In 1993 under the Clean Water Act, the U.S. Environmental Protection Agency (EPA) issued regulations governing land application of biosolids, commonly referred to as the Part 503 Rule. In the years since the regulations were issued, however, wastewater treatment technologies and practices have changed and public concerns about the land application of biosolids have grown.

In 2002, the National Research Council (NRC) of the National Academy of Science issued a report entitled: "Biosolids Applied to Land: Advancing Standards and Practices" (NRC, 2002) recommending additional research to reduce uncertainties about the potential for adverse human health effects from exposure to biosolids.

Motivated by this report and other research questions, a collaborative research team under the leadership of the EPA's Office of Research and Development was assembled. A field-scale land application study was undertaken to evaluate sampling methods and analytical techniques.

Research Details:

A major objective of the Biosolids study was to screen many of the available methods for applicability. The study included four environmental matrices (air, airborne particles, soil, and biosolids), 35 analyte groups, and 13 sampling methods.

The multimedia approach and numerous analyte-matrix combinations used in this study were unique in comparison with other projects in this area of study. Many studies focus narrowly on a class of analytes such as pathogens or chemicals, or an environmental matrix such as air or soil.

Conducting Bioaerosol Sampling Behind Biosolids Applicator

The sewage sludge used in this study was anaerobically digested, dewatered by centrifugation, and treated with lime. Polymer was added during sludge treatment. This type of sludge treatment is commonly used in wastewater treatment plants and is likely to produce biosolids with detectable odors and aerosolized particulates. These biosolids were applied at typical rates using a commercial spreader to a field at the Piedmont Research Station of the North Carolina Department of Agriculture and Consumer Services. **2 EPA / 600 / F-12 / 625 National Risk Management Research Laboratory December 2012 Land Remediation and Pollution Control Division www.epa.gov/nrmrl** In this study, microbial and chemical concentrations were measured in the air and soil around the applied biosolids. Microbial analyses of air samples included indicator organisms, bacterial pathogens, viruses, and bacterial endotoxins. Air samples were also analyzed for odors, volatile compounds, ammonia, and hydrogen sulfide before, during and after application. Microbial and chemical concentrations were determined for soil samples before and after biosolids application.



Some of the results of the research, while not definitive, were encouraging in terms of public health impact. While in some cases microbes were detected, no bacterial pathogens or viruses were detected in the air samples collected. This study was not able to determine whether this result was because microbes were absent, or present and not detected. Approximately 20% of the soil samples contained detectable concentrations of enteric viruses, *Salmonella* spp. and viable helminth ova. Odors were detected in the air after biosolids application, but dissipated after 4 days.

Collection of Biosolids Sample for Headspace Analysis of Volatile Organic Compounds

Outcomes and Impacts:

By obtaining data on the concentrations of airborne and soil-bound contaminants during the application of biosolids on land, this research along with the research of others may lead to the development of protocols that can be used in future studies to protect public health. Data gained from this project constitute a landmark set of simultaneous multimedia information associated with the application of biosolids on land. These data will be used to assist in the development of method protocols for sampling at other land sites where biosolids are applied. This information can also be used by risk managers, such as those at EPA program offices and regions, to evaluate the benefits and potential concerns with land application of biosolids.

LAND RESEARCH PROGRAM WEB SITE: www.epa.gov/nrmrl/lrpcd

CONTACTS

Richard Brenner, *Technical Inquiries*. 513-569-7657, EPA/ ORD/ LRPCD/SSMB brenner.richard@epa.gov.
Carolyn Acheson, *Technical Inquiries*. 513-569-7190, EPA/ ORD/ LRPCD/SSMB acheson.carolyn@epa.gov
Roger Yeardley, *Communications*. 513-569-7548. EPA/ ORD/ LRPCD yeardley.roger@epa.gov

REFERENCES

Foote, E. A., C. M. Acheson, E. F. Barth, R. F. Herrmann, R. C. Brenner, D. B. Harris, S. J. Naber, R. H. Forbes, Jr., L. L. McConnell, and P. D. Millner. Multimedia Sampling During the Application of Biosolids on a Land Test Site. EPA/600/R-11/020, U.S. Environmental Protection Agency, Washington, DC. 2011

Barth, E. F., R. F. Herrmann, T. Dahling, R. C. Brenner, S. Wright, and P. Clarke. Evaluation of Airborne Endotoxin Concentrations Associated with Management of a Crop Grown on Applied Biosolids. P. Brent Duncan (ed.), *Journal of Residuals Science and Technology*. DEStech Publications, Inc, Lancaster, PA, 6(2):61-65, (2009).

Acheson, C. M., R. F. Herrmann, E. Foote, S. Naber, R. C. Brenner, T. Dahling, M. Graves, J. Heckman, T. Strock, S. J. Stoll, J. Tompkins, S. Vonderhaar, S. Wright, and L. Zintek. A Study of Land Application of Anaerobically Digested Biosolids. Presented at the 10th Annual National Biosolids Conference/Workshop, Potomac, MD, June 16, 2008.

National Research Council (NRC). *Biosolids Applied to Land — Advancing Standards and Practices*, The National Academies Press, Washington, DC. 2002.

Concerns over land application of treated sewage effluents and sludges

- Land application may have a negative perception by the public unless educated about the benefits of land application.
- During the actual land applying there may be some odor depending on the type of application and treatment method, the temperature, the type of sludge, and proximity to neighbors.
- Spray fields and rapid infiltration beds for treated sewage effluent can become saturated over time to the extent nitrates may leach into the groundwater or nearby surface waters. This greatly depends on the local soil conditions, the volume of water applied and the frequency of application.
- The integrity of reporting and accurate application of sludges, including animal wastes such as cow manure and chicken litter is dependent on the farmer or landowner.
- There may be reduced sampling compared to surface water disposal due to the use of the ground layers acting as filters to remove particulates and pathogens.

Benefits of land application of treated sewage effluents and sludges

- A well managed land application program will provide for odor abatement, proper site selection, safe frequency of application, public education, and good community relations.
- Land application of treated effluents can provide for a viable alternative when a surface water body is not available.
- Biosolids applied to the land is a good way to condition poor soils and provide a low-cost, low grade fertilizer. Farmers have been land-applying animal wastes for centuries.
- Biosolids is a beneficial use of a waste that would otherwise be placed in landfills. They can improve soil conditions.
- Land application can reduce costs for wastewater treatment facilities and farmers.
- Class “A” compost and other biosolids can be used for landscaping, golf courses, parks, agriculture, and other general use by the public.

Impacts of a prohibition

Information provided by SCDHEC shows there are 170 “No-discharge” facilities in South Carolina. This is in addition to many biosolids sites throughout the State. Within Richland County there are 4 No-discharge facilities:

Manchester Farms, Hopkins
Ni America/Palmetto Utilities Spears Creek WWTF, Elgin
Sandy Haven Realty, Elgin
Linde Gas, Blythewood

In addition to the above facilities who have some type of treated effluent spray field or rapid infiltration beds, there are probably several wastewater treatment facilities that have a biosolids program, including our own Broad River WWTF. The Broad River plant is currently waiting on SCDHEC to issue a final biosolids permit to allow for selling or giving away its biosolids. Currently the County has temporary approval from SCDHEC to use the biosolids as a cover material and top-dressing for soil erosion control at the County's C&D landfill which reduces disposal cost for the Utilities Department and helps the Solid Waste Department with their soil conditions.

If the ban on all land application were to include existing sites then the above four facilities would have to find alternative means for effluent disposal. If the prohibition were to extend to all land application methods, then additional facilities would be impacted including the Broad River WWTF. This would increase costs and also eliminate the beneficial reuse of treated wastes from wastewater facilities and possibly animal facilities forcing them to landfill all sludges. Whether perceived as good or not, there are an estimated 50-60 animal "Ag" facilities with manure management plans in Richland County, primarily in the Hopkins/Eastover area and some in Blythewood.

In Summary

- SCDHEC and USEPA are the primary agencies regulating all land application of treated effluent and sludges. The Part 503 Program has been in existence since the 1980's. These programs are intended for non-hazardous materials. Hazardous substances are managed by DHEC's Bureau of Land & Waste. Although these agencies are responsible for regulating land application it did not appear that a local governing body would not be allowed to establish stricter requirements.
- SCDHEC and EPA establish permitting and monitoring requirements for land application sites, including public notices and site approvals.
- "Spray fields" include more than spreading "sludge" on the ground. They may include use of treated effluent on golf courses and other public places as well as subsurface injection of treated solids, semi-solids, tillage, composting or top-dressing depending on the treatment and application method.
- Permit limits are established to control toxic metals, application rates, nitrogen, and pathogens.
- Biosolids is a proven alternative to recycle natural wastes for beneficial use that would otherwise go to landfills.
- The success of a spray field or other biosolids program is dependent on good public education and community relations, reliable monitoring and reporting, rotation of application sites, and proper site selection.

- Prohibition will potentially limit or eliminate existing facilities and prevent future facilities from land-applying.
- Disposal at septage sites would no longer be available and would most likely require disposal at a public wastewater treatment facility capable of handling septage.
- SCDHEC is currently updating their policies on land application to include greater accountability and include all sources of nitrogen at application sites. For example, a farmer who receives biosolids from a wastewater treatment facility and also applies chicken manure from his own farm will have to report both sources of nitrogen. This is intended to mitigate high levels of nitrogen in the soil and groundwater as well as address run-off to nearby water bodies. The final Broad River WWTF biosolids permit has been delayed while waiting on DHEC policy revisions.
- A prohibition, if approved should define the types of application methods and effluents or sludges that would be prohibited along with the type of sites prohibited. It should also determine if it would include existing facilities.
- Staff have asked for a meeting with SCDHEC to discuss land-application in general and also the impact of new policies on the Broad River WWTF biosolids program. If Council members wish to be included in this meeting staff will try to schedule a suitable time with SCDHEC.



Richland County Council Request of Action

Subject

Quit Claim of Hermes Road [**PAGES 170-179**]

Notes

February 25, 2014 - The Committee forwarded the item without a recommendation, and requested the following information be provided: (1) land value (2) additional tax revenues that will be provided by putting the property back on the tax roll.

Richland County Council Request of Action

Subject Quit Claim of Hermes Road

A. Purpose

Richland County Council is requested to approve a Quit Claim of Hermes Road to Daniel H. & Deborah B. Bouknight, the adjoining property owners.

B. Background / Discussion

Hermes Road is a county owned dirt road in the northwestern part of Richland County which runs off Coogler Road, approximately 1200 feet southwest of its intersection with Kennerly Road. Hermes Road is approximately 300 feet long and 50 feet wide (See Exhibit "A")

Hermes Road was deeded to Richland County on February 17, 1978 by H. C. Bouknight, father of the claimant. (See Exhibit "B")

Attached is a letter by which claimant makes the request for Hermes Road to be quit claimed back to the adjoining property owners. A Quit Claim is a transfer of all one's interest, as in a parcel of real estate, especially without a warranty of title. (See Exhibit "C")

The Quit Claimant owns the adjoining property on three sides Hermes Road. The fourth side is a state road.

The road supervisor who works this area has no record of maintaining this road over the last four years, the length of time he has been supervisor in the Irmo/Ballentine area. It is currently ranked 18th out of 110 roads in District 1 on the paving list. There has been no request to have Hermes Road paved.

C. Legislative / Chronological History

Hermes Road was deeded to Richland County on February 17, 1978

D. Financial Impact

The financial impact will benefit the county two fold.

One, this acreage will go back on the tax rolls as taxable property.

Two, this road will come off the road maintenance inventory. Even though it has not been maintained in several years, a request could come in anytime. Also, at this time a request could be made to have the road paved.

E. Alternatives

1. Approve the request to quit claim this road back to the adjoining property owners.
If this request is approved, a Quit Claim Deed is attached for the Chairman of The Richland County Council to sign.
2. Do not approve the request.

F. Recommendation

It is recommended that this Quit Claim request be granted:

Recommended by: David Hoops P. E. Department: Public Works Date: 2/7/14

G. Reviews

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

Please be specific in your recommendation. While “Council Discretion” may be appropriate at times, it is recommended that Staff provide Council with a professional recommendation of approval or denial, and justification for that recommendation, as often as possible.

Finance

Reviewed by: Daniel Driggers

Date: 2/11/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Planning and Development Services

Reviewed by: Tracy Hegler

Date: 2/21/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Elizabeth McLean

Date: 2/19/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Richland County ordinance 21-14(c) allows for such a transfer if such a road has been unused/unopened. I have been unable to ascertain from Public Works whether the above road is unused/unopened. Thus, such an inquiry

should be made. If the road has been opened/used as a County road, then the petitioners would need to file an action with the Court to have the road closed and deeded to them.

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

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

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

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

Administration

Reviewed by: Sparty Hammett

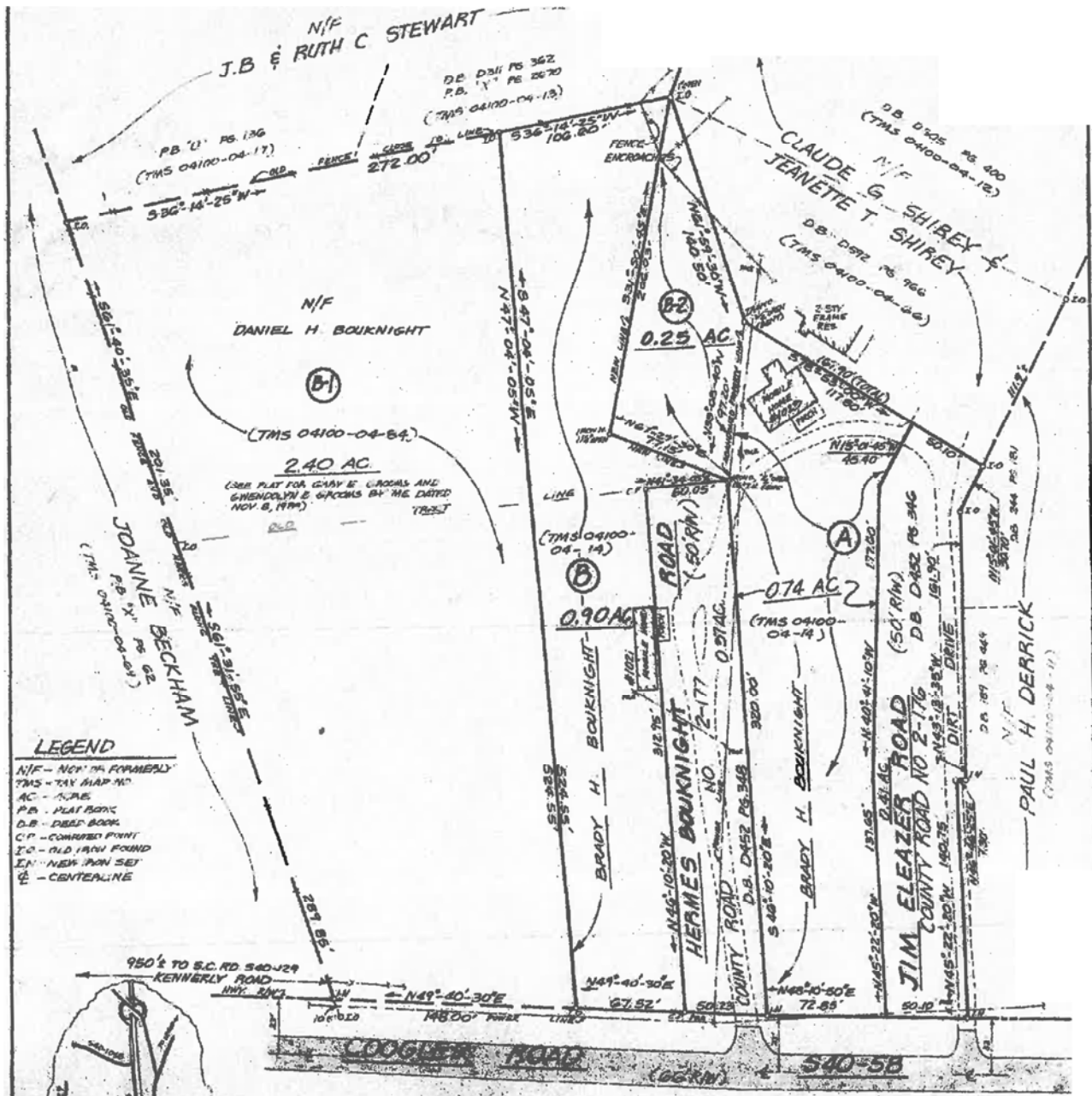
✓ Recommend Council approval

Comments regarding recommendation:

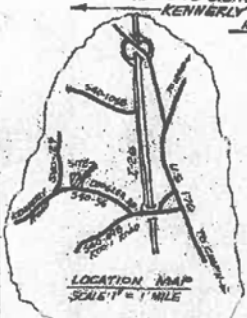
Date: 2/21/14

Recommend Council denial

EXHIBIT A



LEGEND
 N/F - NOT IN FORMERLY
 TMS - TAX MAP NO.
 AC - ACRE
 P.B. - PLAT BOOK
 D.B. - DEED BOOK
 C.P. - CORNER POINT
 I.O. - IRON PIN FOUND
 E.N. - NEW IRON SET
 C - CENTERLINE



**COMPILED PLAT FOR
 BRADY H. BOUK**

IN RICHLAND COUNTY, NEAR IRMO, S.C.

NOTES: THE ABOVE SHOWS THE REMAINING PORTION OF TRACT NO. 1 SHOWN ON PLAT OF THE ESTATE OF MINNIE E. ELEANER BY KARL E. SHULER, SURVEYOR, JAN 28, 1942 AND RECORDED IN PLAT BOOK 'K' AT PAGE 112.
 1. PLAT TO BE SHOWN, THIS PLAT (ENTER AUG. 10, 1987) WAS RECORDED IN PLAT BOOK '51' AT PAGE 0795.
 2. PLAT REVISED FEB. 13, 1997, TO SHOW 'B' AFTER 'B-1' WAS CUT OUT AND 'B' ADDED, AND ADDITION OF 'B-1' (REVERSELY) TO 'B' PORTION OF 'B' TO 'A' (NOW 0.74 AC.) TO MAKE A NEW TOTAL FOR 'A' (TMS 04100-04-81) OF 0.90 AC.
 SCALE: 1" = 40'

Signature
 Surveyor

AUGUST 6, 1987
 REVISED FEB. 13, 1997, REVISED APRIL 5, 2002.
NOTES CONT'D:
 4. UPON ACCEPTANCE OF THIS PLAT, 'B-2' (0.25 AC.) WILL BECOME AN UNDIVIDED PORTION OF 'A' (0.90 AC.) THIS 04100-04-81, THAT MAKING A NEW TOTAL OF 0.99 AC. FOR THIS 04100-04-81, AND A NEW TOTAL OF 0.90 AC. FOR THIS 04100-04-81.
 5. ONLY 'B-1' WAS REVISED FEB. 13, 1997.
 6. PLAT REVISED APRIL 5, 2002, TO SHOW NAME CHANGE RE: DEED IN BOOK # 00627 PG. 0397, WITH NO FIELD WORK THIS DATE.

Exhibit B

November 20,2013

To whom it may concern:

We are requesting that County Road #2-177 be deeded back to the landowners Daniel Bouknight and Deborah Bouknight. Thank you for taking the time to consider our request.

Sincerely,



Daniel Bouknight



Deborah Bouknight

Exhibit C

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND) QUIT CLAIM DEED

THIS QUIT-CLAIM DEED, executed this _____ day of _____, 20__ by Richland County, (hereinafter “Grantor”), to Daniel H. Bouknight and Deborah B. Bouknight, (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:

Description:

See Attached Exhibit “D”

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 _____ in the
_____ year of our lord.

WITNESSES:GRANTOR

_____ By _____
(Witness #1) Councilperson Norman Jackson
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 _____

Exhibit D

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 0.57 acre, having the county designation of dirt road 2-177, Hermes Road and having the following metes and bounds:

Beginning at the existing right of way of Coogler Road (S-40-58) at the North Corner of Hermes Road and going along bearing N46° 10' 20"W for a distance of 312.95 feet, then going along bearing N41° 34' 05"E for 50.05 feet, then along bearing S46° 10' 20"E for a distance of 320.00 feet, then along the existing right of way of Coogler Road along bearing S49° 37' 26" W for a distance of 50.23 feet to the Point of Beginning.

This road is being further shown on the attached Exhibit "B"

This being that same parcel deeded to County Council of Richland County dated Jan. 12, 1978 and recorded in the Richland County ROD on February 17, 1978 in Deed Book D452-Page 348.

This being a part of the existing road system, there is no Tax Map Sheet Number.

Richland County Council Request of Action

Subject

Policy for Naming County-owned Facilities [**PAGES 180-187**]

Notes

February 25, 2014 - The Committee recommended that Council approve a naming policy that is prospective. Staff will work with Legal on an ordinance amendment, and will forward the item to Council for action once available.

Richland County Council Request of Action

Subject: Policy for Naming County-owned Facilities

A. Purpose

The purpose of this policy is to establish a systematic and consistent approach for the official naming of County-owned structures and facilities in municipalities or unincorporated communities. (This policy only addresses geographic location names and does not apply to the labeling of facilities in memory or in honor of a person, organization or group.)

B. Background/Discussion

The County has no formal policy to guide staff and County Council in the naming of public facilities, such as buildings, parks, water towers or other structures.

The issue came to the fore in 2013 with the request to add “Hopkins, SC” to an existing water tower in the Lower Richland community. The County-owned water tower in Hopkins currently features the County slogan “Uniquely Urban, Uniquely Rural” and the Richland Utilities Department logo. The current labeling was presented and approved by County Council before it was originally painted.

At the Council meeting on October 15, Councilman Kelvin Washington Sr. made a motion to Council to add “Hopkins, SC” to the elevated water storage tank. This motion was forwarded to the D&S Committee for further consideration.

The issue was sent to the Richland Utilities Department (RUD) for input. Before obtaining an estimate on the additional painting, RUD sought assistance from the Public Information Office (PIO) to determine an acceptable location for the additional wording. RUD asked the PIO to augment photographs to show whether placing “Hopkins, SC” on the water tower with the existing graphics was a feasible option. With the use of photo modification software, several proposed logo modifications were developed to add “Hopkins SC” to the existing water tank. (See photos below.) PIO thought adding the name to the existing logo created both an aesthetic concern and readability issue. RUD expressed concern about the cost – ranging from \$10,130 to \$13,290 – because no funding source has been identified.

D&S Committee referred the issue to PIO to research and draft a uniform policy of labeling County facilities that also would address the Hopkins water tower issue.

According to the staff at the South Carolina Association of Counties, there are no similar situations in the state regarding the addition of the name of a municipality or unincorporated area on existing County-owned property; therefore, the decision on the Hopkins water tank tower could serve as the model for other counties.

Although the County has no formal policy for naming facilities, there are precedents. Magistrates’ offices already conform to a labeling policy by including the name of the area – municipality (i.e., Blythewood) or community (i.e., Dentsville) in which the office is located. The same is true for area parks, such as the new park scheduled to open in April bearing the

name of the Crane Creek community. (Please note that the Richland County Recreation Commission chooses the names for its facilities. Richland County Government has no input or approval authority of these names.) However, these examples do not apply to augmenting the name of an existing facility.

Going forward, it is incumbent upon to County to set standards on this issue. The development of a policy to guide the naming of County facilities is intended to enable the process of labeling facilities – whether they are magistrates’ offices, parks or water towers – to be conducted in an equitable, objective and consistent manner to address new and existing facilities alike.

Therefore, it is recommended:

In addition to Richland County identification, County facilities also may be labeled, when possible, with the name of their geographic location within the County such as a municipality, neighborhood, unincorporated community or designations based on common usage by residents of an area, such as topographical features or historical plat names. The addition of the name should be incorporated at the outset or added when it is financially feasible to do so, such as the regularly scheduled re-painting of a building or replacement of a sign. The labeling would be approved by County Council.

C. Legislative / Chronological History

- This is a Council-initiated request.
- The motion was referred to the D&S Committee on December 3, 2013.
- Richland Utilities Department submitted an ROA.
- The D&S Committee in December referred the issue to the Public Information Office for additional information on December 17, 2013.

D. Financial Impact

The financial impact of including the name of an area on a County-owned facility would depend on the project and whether the name is painted onto a facility, structure, or as in the case of many parks, part of a standalone sign.

In the case of the Hopkins water tower, adding “Hopkins, SC” to the existing logo could cost between \$10,130 and \$13,290. It could cost in excess of \$50,000 to repaint the entire tower, according to RUD.

To save on costs, the addition of community names on existing facilities and structures should occur when they are due for regularly scheduled re-painting or replacement, or at the outset of the new construction. In the case of the Hopkins water tower, however, the name could be added now if funding is identified because of the heightened interest in this issue. The tank was just painted within the last two years and its regularly scheduled re-painting will not occur for many years to come, as a paint job of this type could last 15 years or more.

E. Alternatives

1. **Approve a retroactive naming policy.** This would allow for the addition “Hopkins, SC” to the water tower now. While Richland County’s ownership and branding of the County on the existing water tower is already in place, if this alternative is chosen, adding “Hopkins,

SC” would serve to create community pride and make the presence of the Hopkins community more visible to visitors.

2. **Do not approve a naming policy.** Continue the unofficial practice currently in place realizing that place names on County facilities often occur organically, as illustrated in the case of the Crane Creek park. Additionally, in the Hopkins case, adding the area’s name would come at a considerable expense and have implications for other existing County-owned owned facilities. This precedent would be compounded because funds for the project would need to be identified, which could result in additional requests and the need to identify more funds to accommodate them.
3. **Approve a prospective naming policy.** This will set the tone for the future and ensure a policy is in place for the next regularly scheduled painting of the water tower, at which time “Hopkins, SC” would be incorporated into the overall design of the logo from the outset.

F. Recommendation

It is recommended that Council approve a naming policy that is prospective, as outlined in Alternative No. 3.

Recommended by: Beverly Harris Department: PIO Date: Feb. 7, 2014

G. Reviews

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

Please be specific in your recommendation. While “Council Discretion” may be appropriate at times, it is recommended that Staff provide Council with a professional recommendation of approval or denial, and justification for that recommendation, as often as possible.

Finance

Reviewed by: Daniel Driggers Date: 2/10/14
✓ Recommend Council approval Recommend Council denial
Comments regarding recommendation:

Capital Projects

Reviewed by: Chad Fosnight Date: 2/21/14
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: To alleviate any perceived bias, a County facility naming standard is ideal and recommended for any future facilities. Existing facilities can be addressed as needed and as funds become available.

Support Services

Reviewed by: John Hixon Date:
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: Recommend approval of alternative # 3 per the POI office recommendation. When the Decker project was created, Council voted on the name of the facility “Decker Center” to correlate with the geographic location/community identity. The concern with a policy that includes retroactive naming

without doing so during normal major exterior maintenance/renovation or identifying a fund source specifically for the project could be very cost inhibitive. It would be beneficial to have a formal policy on determining the naming of our facilities as we move forward with new construction and improvements to existing facilities.

Legal

Reviewed by: Elizabeth McLean

Date: 2/21/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council's discretion; however Richland County already has an ordinance addressing the naming of County buildings/properties (Sec 1-15). That ordinance does not address the issue outlined in the ROA; thus I would suggest that if Council approves the plan, that Legal work with PIO to draft an ordinance amendment to be brought to Council for first reading.

Sec. 1-15. Naming of buildings.

(a) The county council shall have the authority to name all county-built, county-financed or county- owned public buildings or properties.

(b) Such county-built, county-financed and/or county-owned public buildings or properties may be named in honor of any organization or deceased or living individual, at the discretion of County Council.

(c) When a county-built, county-financed and/or county-owned public building or property is to be named to honor an individual or organization, the following procedure shall be used.

(1) Appropriate persons likely to be interested in the name of the facility shall be contacted and encouraged to submit one (1) or more suitable names. These persons may be parties who donated land for the facility in question or who made some other similar contribution.

(2) Once appropriate county staff persons are satisfied that all relevant sources of input have been exhausted, they will submit all such information to the county administrator with a staff recommendation as to what the facility should be named.

(3) Upon receipt of the staff's recommendation, the county administrator shall review it and submit the list to the chairman of the appropriate committee of the county council for inclusion on the agenda of the next available county council meeting.

(4) Such committee shall review the staff recommendation and forward a recommendation of its own to the full county council.

(5) Upon receipt of the committee's recommendation, county council shall give the facility such name as it deems to be in the best interest of the community as a whole and of its citizens, and one which reflects the community's history, geography, leaders, and/or culture.

Administration

Reviewed by: Roxanne Ancheta

Date: February 21, 2014

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend that Council approve a naming policy that is prospective, as outlined in Alternative No. 3. Staff will work with Legal on an ordinance amendment based on Council's recommendation.

Photographs

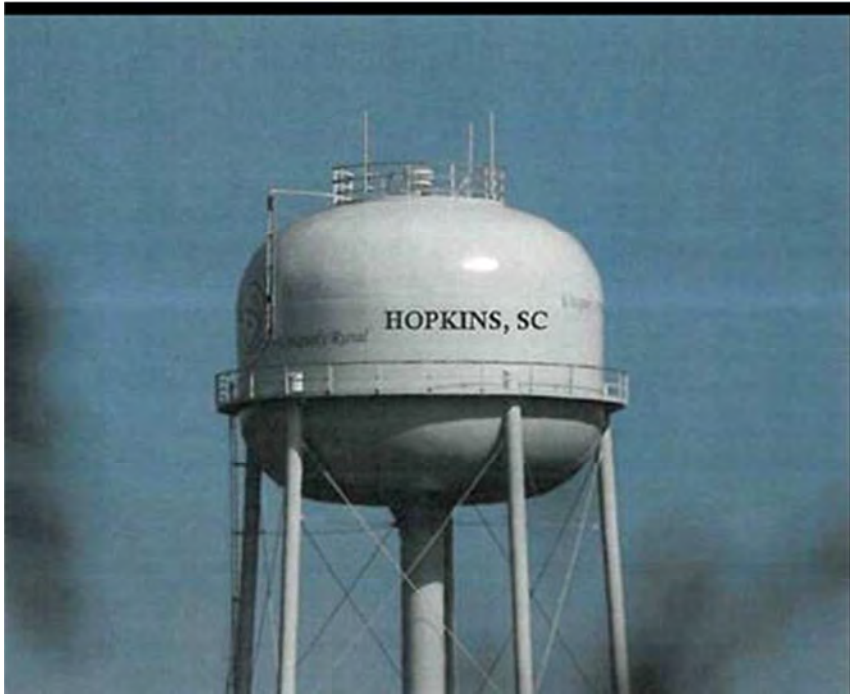
Photo #1: The existing logo with no modifications

Photo #2: Addition of “Hopkins SC” in location facing Hopkins Middle School

Photo #3: Addition of “Hopkins SC” in location facing Clarkson Road

Photo #4: Addition of “Hopkins SC” on curved portion tank which may distort lettering





Richland County Council Request of Action

Subject

Approval of a Family Court Social Worker/Juvenile Mental Health Court Coordinator for the Solicitor's Office and a Senior Application Support Analyst for the Information Technology Department **[PAGES 188-192] [DEFER TO BUDGET PROCESS]**

Notes

February 25, 2014 - The Committee recommended that this item be forwarded to the FY15 budget process.

Richland County Council Request of Action

Subject: Approval of a Family Court Social Worker/Juvenile Mental Health Court Coordinator for the Solicitor's Office and a Senior Application Support Analyst for the Information Technology Department

A. Purpose

County Council is requested to approve a budget amendment to the Solicitor's Office budget in the amount of \$81,735 for the purpose of hiring a Family Court Social Worker/Juvenile Mental Health Court Coordinator and a budget amendment to the Information Technology Department's budget in the amount of \$79,953 for a Senior Business Application Analyst.

B. Background / Discussion

The first requested position will devote 50% of their time serving as a Family Court Social Worker and 50% of their time as a Juvenile Mental Health Court Coordinator. The Family Court Social Worker will assist the Juvenile Division of the Solicitor's Office pursuant to the Compulsory School Attendance Act. Specifically, the Family Court Social Worker will work with the Family Court, the schools, parents and children to address the increasing problem of school non-attendance and other status offenses. During calendar year 2012, the Juvenile Division of the Solicitor's Office disposed of one hundred ninety seven (197) non-attendance petitions. Year-To-Date, for calendar year 2013, there has been one hundred ninety eight (198) such dispositions. Currently, five percent (5%) of the contempt hearings, result in the family member (parent) being incarcerated for failure to require the child to attend school. The Family Court Social Worker will intervene to determine the root causes of absences and recommend corrective measures to the Solicitor's Office and the families. This intervention will assist the Juvenile Division by decreasing the number of non-attendance petitions filed in the Family Court. Family Court Petitions are the statements of charges filed against the juvenile (juvenile warrants).

This position will also serve as the Juvenile Mental Health Court Coordinator who will work with the newly created Juvenile Mental Health Court (JMHC) which is housed in the Richland County Probate Court. According to the 2011 Mental Health National Outcome Measures (NOMS) for South Carolina, 25,488 juveniles, aged 0-17, were served by South Carolina Department of Mental Health-DMH. In addition, ninety two percent (92%) met the Federal definition for a serious emotional disturbance (SED) and three percent (3%) had co-occurring mental health and alcohol and other disorders. A National Survey of U.S. Juvenile Mental Health Courts documented that sixty five to seventy percent (65% to 70%) of the youth in the juvenile justice system experience mental disorders and that their treatment needs are serious and complex. Additionally, the survey found that twenty eight percent (28%) of the youth in their study required significant and immediate mental health treatment: eighty percent (80%) met criteria for two or more disorders, and sixty one percent (61%) had a co-occurring substance use disorder. There are over 500 juvenile probation cases in Richland County and at least fifty percent (50%) of them have a diagnosed mental disorder. Studies show that about fifteen to forty five percent (15% to 45%) of girls and fourteen to forty three percent (15% to 43%) of boys go through a least one trauma. Of these children and teens who have had a trauma, three to fifteen percent (3% to 15%) of girls and one to six percent (1% to 6%) of boys develop Post Traumatic Stress Disorder. The JMHC Coordinator will handle the day to day activities of the Court to include case management, docketing, maintaining a JMHC database, coordinating and collaborating with both Mental Health and Alcohol and Drug Abuse Providers on

treatment plans, communicating with families, community visits as well as disseminating information on the JMHC. The JMHC Coordinator will: 1) Ensure that needed treatment or other services are received and monitor participant’s progress, 2) Act as Liaison between treatment community and courts, 3) Attend, coordinate and schedule all court hearings and present evidence or recommendations to the Court, participate in meetings and case conferences with treatment professionals and community service providers, 4) Assist with collection and review of mental health utilization data to determine effectiveness of programs and services, identify trends and make recommendations.

The second requested position is the Senior Application Support Analyst (IT Professional) within the Information Technology Department who will provide comprehensive and wide-ranging support to software and hardware applications used by the Richland County Solicitor’s Office and other departments. The Analyst will proactively anticipate and coordinate necessary updates, upgrades, and training for the Solicitor’s Office software and hardware applications. Time is of the essence for the employment of this much needed position. Currently, the Solicitor’s Office is awaiting critical upgrades to its criminal case management system. The number of criminal arrest warrants is increasing at a rate of one hundred (100) additional warrants per week. Over the remainder of FY 2013-2014, the Office will increase its current caseload in excess of twenty-six hundred (2,600) warrants. The criminal justice system is rapidly moving and requires continuous technological assistance. This employee will ensure that the Solicitor’s Office mission critical software applications are running smoothly and without problems. The Analyst will work as the project manager in the planning and implementation of new systems and major system upgrades; will be instrumental in the deployment of new software applications that improve operational efficiency, effectiveness, and excellence and conducts post-implementation reviews with management and end users. The Analyst will also identify and configure the appropriate software application security for each group of software users to prevent unauthorized access to restricted data.

The Solicitor’s Office currently has sufficient one time funding for the Family Court Social Worker/Juvenile Mental Health Court Coordinator for the remainder of FY 2013-2014. As a result of an extended medical leave of an employee, the Office can fund this new position through June 30, 2014 with existing resources. Therefore, there would be zero fiscal impact in this area for FY 2013-2014. Beyond FY 2013-2104, Richland County would need to fund this position. In essence, we are requesting only the (FTE) full-time employee position.

C. Legislative/Chronological History

None

D. Financial Impact

This request is for two new positions for the remainder of FY 2013-2014:

<p>Family Court Social Worker/Juvenile Mental Health Court Coordinator 0% Base Salary (\$60,000) and Fringe Benefits</p>	<p>\$0</p>
<p>Senior Application Support Analyst 50% Base Salary (\$58,500) and Fringe Benefits</p>	<p>\$39,976</p>

Total	\$39,976
--------------	-----------------

This request is for two new positions for FY 2014-2015:

Family Court Social Worker/Juvenile Mental Health Court Coordinator Base Salary (\$60,000) and Fringe Benefits	\$81,735
Senior Application Support Analyst Base Salary (\$58,500) and Fringe Benefits	\$79,953
Total	\$161,688

E. Alternatives

1. Approval would provide funds for two new critical positions that will address backlog of juvenile status offense cases, assist juveniles with mental health issues and increase office productivity regarding information technology systems.

2. Non-approval would result in delaying the implementation of the new Juvenile Mental Health Court and a continued backlog of non-attendance and other status offense petitions in the Richland County Family Court. In addition, non-approval of the Senior Application Support Analyst will result in critical technology processes not being addressed in a timely fashion leading to a decrease in office productivity.

F. Recommendation

It is recommended that these two budget amendments be approved for the remainder of FY 2013-2014 and for fiscal years thereafter. These two positions are time sensitive and are necessary prior to FY 2014-2015. They are time sensitive due to the increased number of Family Court Petitions, the newly created Juvenile Mental Health Court and the backlog of IT projects within the Solicitor’s Office.

Recommended by: Dan Johnson Department: Solicitor Date: 11-27-13

G. Reviews

Finance

Reviewed by: Daniel Driggers Date: 12/6/13
 Recommend Council approval ✓ Recommend Council denial
 Council Discretion (please explain if checked)
Comments regarding recommendation:

Recommendation is based on the request being outside of the budget cycle and not the merits of the request. Approval as requested will require a budget amendment and the identification of funding source for the current year of approximately \$40k and will require the annualized amount of \$162k to be absorbed with the FY15 budget. Since the request is for personnel which is recurring cost for the County we would encourage

approval include the identification of recurring revenue of \$162k or similar cost reduction to cover the increase.

Human Resources

Reviewed by: Dwight Hanna

Date:

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Human Resources has neither been involved with development of this request nor has additional information about this request beyond the contents of this ROA.

Legal

Reviewed by: Brad Farrar

Date: 12/10/13

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Policy decision of Council.

Administration

Reviewed by: Warren Harley

Date:

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

Administration's recommendation like Finance is based on request being outside of the budget cycle and not the merits of the request. It is also important to note that approval as requested will require a budget amendment and at this point the process to achieve the request would not be completed rather late in the current fiscal year. It would be our recommendation that council consider this request in the normal budget cycle which would give time to identify an available funding source for the \$162k that is needed to fund this request in the FY15 budget.

Richland County Council Request of Action

Subject

2nd Annual "Relax, It's OK 2 B Single" Valentine's Day Gala Funding Request [**PAGES 193-198**] [**TO DENY**]

Notes

February 25, 2014 - The Committee recommended that Council deny funding for this item.

Richland County Council Request of Action

Subject: 2nd Annual “Relax, It’s OK 2 B Single” Valentine’s Day Gala Funding Request

A. Purpose

County Council is requested to fund the 2nd Annual “Relax, It’s OK 2 B Single” Valentine’s Day Gala in the amount of \$50,000.

B. Background / Discussion

On December 17, 2013, Council member Washington brought forth the following motion:

**I move that Richland County fund the “Relax It’s OK 2 B Single”
Valentine’s Day Gala at \$50,000.**

This is an annual event aimed at promoting personal and professional growth for attendees to enhance their lives and communities. The event will include panel discussions during the day, and a social event in the evening.

The inaugural event in 2013 attracted over 300 people, and the 2014 event will be promoted in the Columbia, Charleston and Greenville areas of the state, as well as Jacksonville, Florida. This event partners with other events such as the Black Pages’ Black Expo and the Auntie Karen Foundation.

This organization is requesting \$50,000, and did not apply for County funding in FY14.

Please find attached information regarding the funding request.

C. Legislative / Chronological History

- Tre’ Tailor gave a presentation at the December 10, 2013 Council Meeting regarding this item.

- Motion by Kelvin Washington on December 17, 2013.

D. Financial Impact

Allocating \$50,000 to this organization will cause a financial impact, and will require a budget amendment. A source of funding will need to be identified.

E. Alternatives

1. Approve the motion to fund the 2nd Annual “Relax, It’s OK 2 B Single” Valentine’s Day Gala in the amount of \$50,000.
2. Do not approve the motion to fund the 2nd Annual “Relax, It’s OK 2 B Single” Valentine’s Day Gala in the amount of \$50,000.
3. Approve a funding amount other than \$50,000 for the 2nd Annual “Relax, It’s OK 2 B Single” Valentine’s Day Gala.

F. Recommendation

The motion is to fund the 2nd Annual “Relax, It’s OK 2 B Single” Valentine’s Day Gala in the amount of \$50,000.

Recommended by: Kelvin Washington Department: County Council Date: 12/17/13

G. Reviews

Finance

Reviewed by: Daniel Driggers Date: 1/12/14
 Recommend Council approval Recommend Council denial
Comments regarding recommendation:

Recommendation is based on the background section that the organization did not apply for County funding for FY14 and the current request is being made outside of the budget cycle. If approved, an appropriate funding source for the event will need to be identified and will require a budget amendment. Based on timing of the request it is unlikely final approval can be accomplished prior to the event date.

Grants

Reviewed by: Sara Salley Date: 1/13/14
 Recommend Council approval Recommend Council denial
Comments regarding recommendation:

Recommendation for denial is due to the timing of the request. They did not apply for funds in the FY14 grant cycle. This is an out of cycle request. The organization has been notified of the FY15 grant procedure timeline.

Legal

Reviewed by: Elizabeth McLean Date: 1/13/14
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: Policy decision left to Council’s discretion.

Administration

Reviewed by: Roxanne Ancheta Date: January 13, 2014
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: Recommend denial of this request as it is an out-of-cycle funding request. Hospitality Tax and Accommodations Tax FY 14 grant applications were not submitted for this event via the normal grants process. The organization has been notified of the FY15 grant procedure timeline.

To: Richland County Council
From: Tre' Tailor, Relax, its ok 2b Single

Thank you for the opportunity to make a presentation for the 2nd Annual Relax, its ok 2b Single Valentine's Day Gala. The event is February 14-16, in Columbia SC at a location yet to be confirmed.

Last year the inaugural event held at the Brookland Banquet and Conference Center, featured food, live music, a panel discussion on "Are you ok being single" and attracted some 300 single men and women between the ages of 21-89! Next year, the plans are to expand the event to focus on the panel discussion. Two simultaneous and separate male/ female panels anchored by a notable author/speaker/public figure will be held. The panels would convene separately then come together for a joint session after lunch. The weekend would also feature a social event that evening (Feb 15), with live music, food and a battle of the sexes game and since Valentine's Day is Friday Feb 14, a drop in is also being planned that evening.

Relax, its ok 2b Single is completing its 2nd year of existence and partners with other area groups to promote and facilitate events, including Black Expo, The Auntie Karen Foundation and last year's Parenting Solo Conference, where the Relax session was the most attended. During the 4 city 2 state Black Expo, Relax hosts popular seminars focusing on the Healing, Connection, Communication theme of the organization, and also collects data from attendees at this massive event. Relax has comprised a mailing list of some 2500 In Columbia, Charleston and Upstate, SC and Jacksonville Florida, and regularly corresponds with these singles via eblast . We plan to utilize this list, the over 6000 social media connections and traditional media to promote the event.

The Relax, its ok 2b Single Valentine's Day Weekend will be an annual event aimed at promoting personal and professional growth for attendees to enhance their lives and communities. Relax will also expand the efforts done during the May Black Expo weekend by bringing in a speaker for the seminar, hosting an evening event and implementing additional media promotion.

This is the first time I am requesting funding from the County and/or City or any entity other than personal friends, as I wanted to make certain this was a viable venture. In two short years Relax has garnered tremendous support and created a sizable buzz in the region as an incredible venture that creates positive results. While I've been informed this is out of cycle, I would appreciate Council seriously considering funding this effort that will positively affect the lives of singles of all ages, races, genders and religions! I am requesting \$50,000 for the bi annual events which will be held in Feb/May 2014 and also propose receiving the funding over a one year period especially since the two events are 3-4 months apart. I appreciate your time and consideration and look forward to working with you to assist our Singles Heal, Connect and Communicate!

S. Tre' Tailor



Relax its ok 2B Single Valentine’s Day Gala 2014 Budget

Guest Hotel Accommodations:	\$1000
Celebrity Guests (including transportation):	\$25,000
Ground Transportation:	\$500
Food:	\$5000
Entertainment:	\$2000
Venue:	\$3000
Advertising:	
Radio:	5,000 (includes out of market)
Print:	500.00
Promotional Materials:	500.00
Social Media/Internet:	500.00
Total: _____	\$50,000

- Food and Venue costs based on 500 people



Relax, It's Ok 2b Single!

Introduction

Everyone can relate to being single, regardless of his or her current relationship status, because everyone has been single at one time or another. There are millions of single adult men and women searching for a compatible mate, as proven by the popularity of hundreds of online dating sites. There are sites for Christian singles, young singles, seasoned singles, never married singles, divorced singles, and more. Despite monthly subscription rates ranging from \$10 to \$100, these dating websites are among the most popular ways to meet potential mates. However, the number of meaningful connections is small compared to the number of subscribers using the sites. The missing link is communication-- deep, solid, meaningful communication.

Singles are not talking to each other about the issues and problems they face on a daily basis. Singles are not talking about the inherent differences between the sexes when it comes to dating and building solid relationships. Without meaningful adult communication, no boundaries will be broken and no unions will be forged. *Relax, It's Ok 2b Single* will change that!

Overview

Popular media personality Tre' Taylor has launched *Relax, It's Ok 2b Single* as an innovative effort focused on three important things: Healing, Communication, and Connection.

Healing—Too often, singles seek companionship without first becoming viable companions, themselves. Unresolved and, sometimes, unacknowledged issues from childhood or past relationships can prevent people from coming together in healthy unions. Instead of taking time to get over their issues, people look to potential mates to fill an empty void.

Communication—Singles must promote open, honest, respectful communication between each other, regardless of age or race. *Relax, It's Ok 2b Single* will foster an environment of meaningful communication through several avenues including social media, blogging, podcasting, radio, television and more!

Connection—*Relax, It's Ok 2b Single* will host live events to encourage singles to network, socialize and share ideas. The ultimate goal is providing single men and women with a variety of tools they can use to make meaningful connections in hopes of building wholesome, lasting, fulfilling relationships.

Summary

Relax, It's Ok 2b Single will bring together a diverse cross-section of singles to heal wounds of the past, facilitate meaningful communication, and make solid connections to build relationships and impact the community.

Relax, It's Ok 2b Join Us!

Phone: 803-386-7114

Facebook: [Facebook.com/RelaxItsOk](https://www.facebook.com/RelaxItsOk)

Twitter: @RelaxItsOk

© Relax, It's Ok 2b Single
All Rights Reserved

Richland County Council Request of Action

Subject

Policy for Purchase of Property by Elected and Appointed Officials [**PAGES 199-202**]

Notes

February 25, 2014 - The Committee forwarded the item to Council without a recommendation.

Richland County Council Request of Action

Subject: Policy for Purchase of Property by Elected and Appointed Officials

A. Purpose

Council is requested to approve the proposed policy regarding property acquisition by elected and appointed officials.

B. Background / Discussion

At the October 1, 2013 Council Meeting, Councilman Bill Malinowski made the following motion:

No elected official is allowed to make outside inquiries about the purchase of property but must submit their request to staff. It will be placed on the appropriate committee agenda for review and action (possibly as an Executive Session item). Elected officials seeking property without the assistance of staff can tend to pay more once it is learned the “government” is seeking to purchase the property. Many of the properties are also in need of repair/remodeling to fit the needs of the particular official and such outside actions can tend to elevate the prices by not going through the approved bid process.

The item was forwarded to the November 26, 2013 A&F Committee Meeting. The Committee unanimously recommended that staff create this policy, and that the title be amended as follows: “Policy for Purchase of Property by Elected and Appointed Officials.” This recommendation was unanimously approved by Council at the December 3, 2013 Council Meeting.

At this time, staff submits the following policy language for review and approval:

To protect the County’s negotiation position and to minimize the possibility of creating false expectations or incomplete understanding among potential sellers, in cases where any Richland County official or personnel is interested in potential property acquisition, such interest should be directed confidentially to the County Administrator or his/her designee (which may include Facilities or other acquisition personnel or agents acting on behalf of the County), with notice to the full Council for its information and consideration.

This policy is adopted by County Council and shall be enforced thereby.

It is at this time that staff requests Council’s approval of the proposed policy.

C. Legislative / Chronological History

- October 1, 2013 Motion by Councilman Bill Malinowski

- November 26, 2013 A&F Committee
- December 3, 2013 Council Meeting

D. Financial Impact

There is no financial impact associated with the adoption of this policy.

Adoption of this policy may lead to cost savings on future property purchases.

E. Alternatives

1. Approve the policy as proposed.
2. Approve an amended version of the policy.
3. Do not approve a policy on this matter.

F. Recommendation

It is recommended that Council approve the policy as proposed.

Recommended by: Councilman Bill Malinowski Date: October 1, 2013

G. Reviews

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

Please be specific in your recommendation. While “Council Discretion” may be appropriate at times, it is recommended that Staff provide Council with a professional recommendation of approval or denial, and justification for that recommendation, as often as possible.

Finance

Reviewed by Daniel Driggers: Date: 1/12/14
 Recommend Council approval Recommend Council denial
 Comments regarding recommendation:

Support Services

Reviewed by John Hixon: Date:
 Recommend Council approval Recommend Council denial
 Comments regarding recommendation: If this policy is approved it would allow preliminary assessment of property and structures, noting any major positive or negative aspects of the property, prior to initiating the formal purchase process.

Capital Projects

Reviewed by Chad Fosnight: Date:
 Recommend Council approval Recommend Council denial
 Comments regarding recommendation: This policy would protect the County’s best interest prior to committing to a property purchase. Staff would have the ability to determine potential environmental impacts as well as ensure the site is compatible with the need for the property.

Legal

Reviewed by Elizabeth McLean:

Date: 1/14/14

Recommend Council approval

Recommend Council denial

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

Administration

Reviewed by Roxanne Ancheta:

Date: January 14, 2014

X Recommend Council approval

Recommend Council denial

Comments regarding recommendation: While this is a policy decision of Council, it is recommended that Council approve the proposed language regarding property acquisition.

As previously stated by prior reviewers, this policy language will protect the County's interest prior to committing to a property purchase. Preliminary property assessments could also be undertaken to determine if the property is feasible for the proposed / intended use. Further, purchase costs may be lowered if staff is allowed to work through a process to maintain the buyer's confidentiality, etc.

Richland County Council Request of Action

Subject

Reclassification and Promotion Handbook Revisions [**PAGES 203-207**]

Notes

February 25, 2014 - The Committee forwarded this item to Council without a recommendation. They requested staff to provide Council with financial information regarding the number of reclassifications per year for the past 4 years, to include the impact on benefits associated with the reclassification.

Richland County Council Request of Action

Subject: Reclassification and Promotion Handbook Revisions

A. Purpose

The purpose of this request is to revise the policies on reclassification and promotion.

B. Background / Discussion

The County's current reclassification policy does not authorize a pay increase for an incumbent in a job approved for reclassification unless the employee's pay rate is below the minimum of the new pay range, despite the fact that an employee is taking on additional duties and responsibilities, which sometimes cause the job to be reclassified 5 or more pay grades higher. Revisions to the reclassification policy will authorize pay increases for incumbents based on percentage increases per grade change.

Please note that a proposed job description for a reclassification is reviewed and assigned a pay grade by our outside Human Resources consultant, Buck. Buck reviews the increased / decreased responsibilities, per the proposed job description, and assigns it a pay grade based on the increased / decreased responsibilities.

Revisions are being requested to the promotion policy to mirror that of the reclassification policy.

Reclassifications

Current Policy:

Reclassification – The reassignment of an existing position from one classification to another based on job content such as duty, kind of work, level of difficulty, required skill and education, and accountability for work being performed. Reclassification may result in an increased (if the employee is below the minimum of the new pay grade), decreased or maintained pay rate.

Proposed Policy:

Reclassification - The major objective of the reclassification process is to place jobs in an appropriate grade/salary range that reflect both the job's market value and a proper internal relationship to other jobs at Richland County. This process includes determining the most appropriate pay grade, as well as reviewing essential compliance with the Fair Labor Standards Act as it pertains to exempt or non-exempt status and the Americans with Disabilities Act relating to identification of and documentation of essential functions.

Richland County Government supports equal opportunity for all employees. Therefore, whenever possible, promotion opportunities should be published to all employees. Reclassification of a position to a higher pay grade and/or increase in the pay rate of an incumbent employee in a reclassified position is considered a non-competitive promotion. Planned promotion of an employee within an established career path is also considered a non-competitive promotion; however, such promotions should consider equity and consistency with peer employees. Reclassification pay increases can range from 10% to 20% depending on several factors. Reclassifications are documented, significant, and permanent change in the duties and responsibilities of the position that include a change in duties/responsibilities, skills, knowledge, and abilities as a result of reorganization, program changes, new technologies, and/or other events that impact the nature of work to be performed. Reclassification can result in the pay grade of a job increasing, decreasing or remaining the same.

Increase in Pay Grade	Percentage Increase
1-2	10%
3-4	15%
5 or more	20%

As previously stated, a proposed job description for a reclassification is reviewed and assigned a pay grade by our outside Human Resources consultant, Buck. Buck reviews the increased / decreased responsibilities, per the proposed job description, and assigns it a pay grade based on the increased / decreased responsibilities.

Promotions

Current policy:

Promotion – The movement of an employee from one position to a different position with increased duties and responsibilities and/or a higher pay grade. Promotions generally result in an increase in an employee’s pay. Promotion increases can range from 5% to 15% depending on several factors.

Proposed Policy:

Promotion – The movement of an employee from one position to a different position with increased duties and responsibilities and/or a higher pay grade. Promotions generally result in an increase in an employee’s pay. Promotion increases can range from 10% to 20% depending on several factors.

C. Legislative / Chronological History

This is a staff-initiated request.

D. Financial Impact

It is undetermined if departments will request additional reclassifications / promotions due to this change. Again, however, departments / HR cannot make unilateral decisions for reclassifications / assigning new pay grades to positions. Reclassifications are reviewed and recommendations are made by the outside consultant, Buck.

E. Alternatives

1. Approve the handbook changes as proposed.
2. Modify and approve the handbook changes.
3. Do not approve the handbook changes.

F. Recommendation

Staff recommends Council approve the handbook changes as proposed.

Recommended by: T. Dwight Hanna Dept: Human Resources Date: January 10, 2014.

G. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 1/21/14

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

While the recommended policy would be employee-centric, it is also important that the County evaluate the fiscal sustainability of the policy over time. I would recommend that the County require some level of regressive analysis to the policy change to determine the potential financial impact prior to approving and establish internal controls to be utilized prospectively. Therefore the recommendation is based on the financial impact of the decision being undetermined and not the merits of the proposal.

Legal

Reviewed by: Elizabeth McLean

Date: 1/22/14

Recommend Council approval

Recommend Council denial

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

Administration

Reviewed by: Roxanne Ancheta

Date: February 20, 2014

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: It is recommended that Council approve the concepts as presented, and allow staff to evaluate the fiscal sustainability of this policy over time, as recommended by the Finance Director. The results of this study will be presented to Council at an upcoming Council meeting for review and action.

Richland County Council Request of Action

Subject

a. An Ordinance to Amend the Master Agreement Governing the I-77 Corridor Regional Industrial Park to include additional property in Richland County and to authorize a Credit Agreement with University Residences Columbia LLC
[FIRST READING BY TITLE ONLY]

Richland County Council Request of Action

Subject

A Resolution to Appoint and Commission Dennis Wayne Thomas as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County **[PAGE 210]**

Richland County Council Request of Action

Subject

Appraisal for Huger Street Properties [**PAGES 211-215**]

Richland County Council Request of Action

Subject: Appraisal for Huger Street Properties

A. Purpose

Council is requested to provide direction to staff with regards to Mr. Pearce's motion to have an appraisal completed for the Huger Street Central Court and Sheriff's Department properties.

B. Background / Discussion

At the November 19, 2013 Council Meeting, Mr. Pearce made the following motion:

Due to active interest from several commercial real estate firms in the Huger Street Central Court and Sheriff's Department properties, I move that the Administrator move forward to secure an appraisal of the property as a preliminary step in disposing of said property once the Decker Center project is completed in early 2015.

A map of the property, which is located at 1400 Huger Street, is attached.

An appraisal will cost approximately \$3,500 - \$5,000.

C. Legislative / Chronological History

Mr. Pearce made the motion at the November 19, 2013 Council Meeting.

D. Financial Impact

An appraisal will cost approximately \$3,500 - \$5,000.

E. Alternatives

1. Approve staff to proceed with an appraisal of the property.
2. Approve an appraisal of the property, but at a later (to be determined) date, as the appraisal may not be valid and/or current when it is needed.

F. Recommendation

Secure an appraisal for the subject property.

Recommended by: Councilman Greg Pearce Date: November 19, 2013 Council Meeting

G. Reviews

Finance

Reviewed by (Finance Director): Daniel Driggers Date: 12/13/13

Recommend Council approval Recommend Council denial

Comments regarding recommendation:

It is understood that an appraisal of the property was obtained as a part of the decision to approve the Decker Center which provides an estimated value as of that date therefore the benefit of an additional appraisal at this point would have a limited value for the

County. Additionally no funding source is identified for the estimated \$3,500 - \$5,000 cost of the appraisal therefore it may be beneficial for the County to determine if the timing of a new appraisal will achieve a benefit to cover the cost.

Based on the information provided and that the Decker Center is not planned for use until 2015, I would recommend alternative two as stated above to obtain an updated appraisal at a later date once Decker Center is completed to a point that the County is prepared for a more formal action to occupy the property

Legal

Reviewed by: Brad Farrar

Date: 12/13/13

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision of Council.

Administration

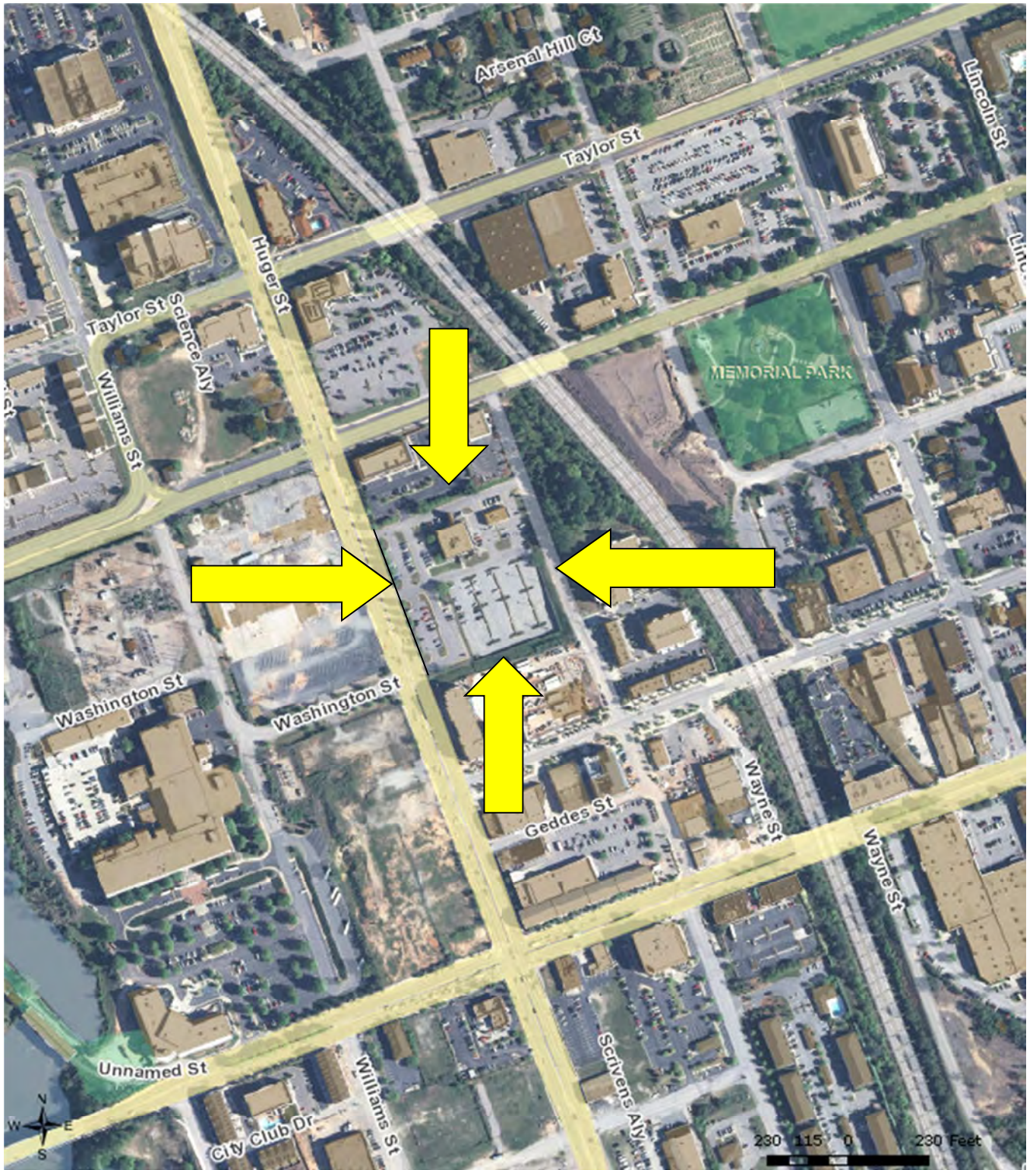
Reviewed by: Roxanne Ancheta

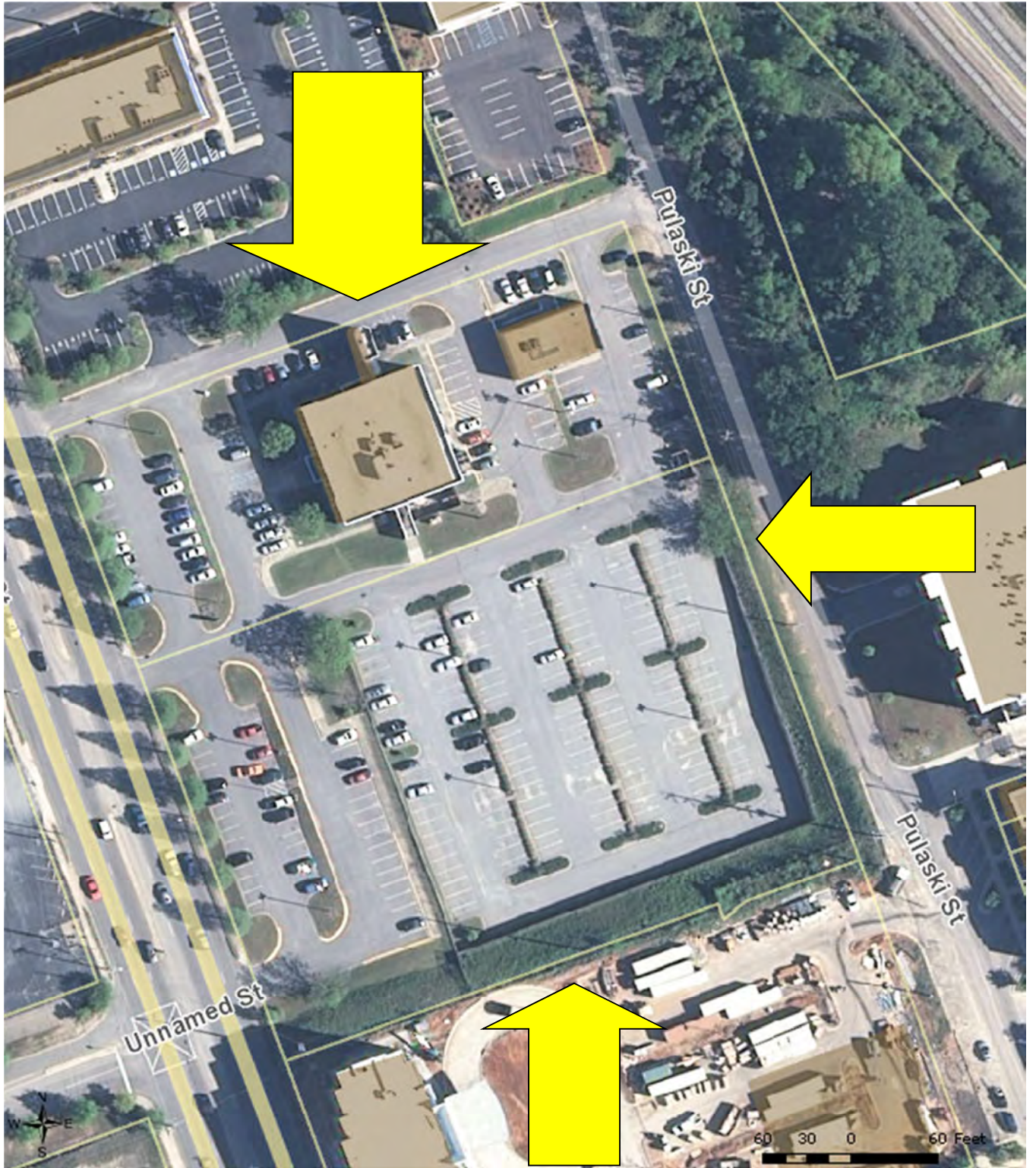
Date: 12/13/13

X Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend Alternative Two, approve an appraisal of the property, but at a later (to be determined) date, as the appraisal may not be valid and/or current when it is needed. Once the Decker Center is close to completion, this item will be revisited.





Richland County Council Request of Action

Subject

- a. To have Richland County Council utilize SCDOT grant funding under their Safe Route to Schools Program, availability to put sidewalks from schools to connect to neighborhoods. **[DIXON]**
- b. Revisit the ordinance on having commercial vehicles parked in neighborhoods or residential communities **[JACKSON]**

Richland County Council Request of Action

Subject

Must Pertain to Items Not on the Agenda