

RICHLAND COUNTY
COUNTY COUNCIL AGENDA

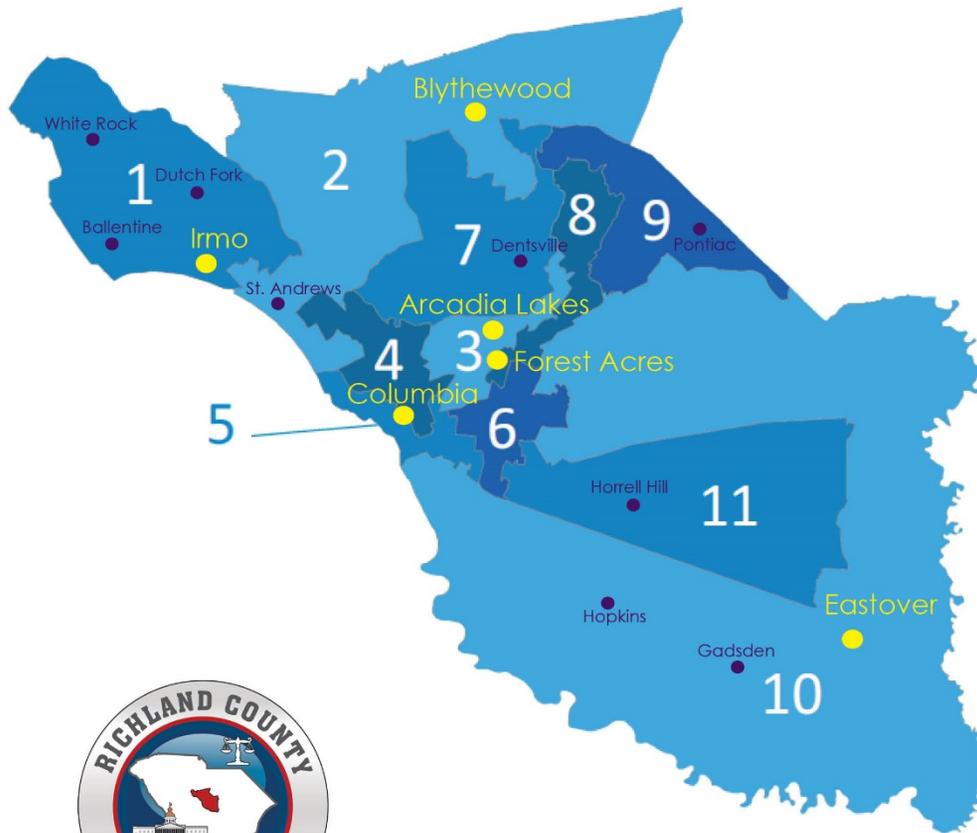


Tuesday, NOVEMBER 07, 2017

6:00 PM

COUNCIL CHAMBERS

RICHLAND COUNTY COUNCIL 2017-2018



VICE CHAIR
Bill Malinowski
District 1



CHAIR
Joyce Dickerson
District 2



Yvonne McBride
District 3



Paul Livingston
District 4



Seth Rose
District 5



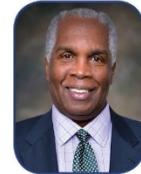
Greg Pearce
District 6



Gwendolyn Kennedy
District 7



Jim Manning
District 8



Calvin "Chip" Jackson
District 9



Dalhi Myers
District 10



Norman Jackson
District 11



Richland County Council
Regular Session
November 07, 2017 - 6:00 PM
Council Chambers
2020 Hampton Street, Columbia, SC 29201

1. **CALL TO ORDER** The Honorable Bill Malinowski,
Vice-Chair Richland County Council

2. **INVOCATION** The Honorable Greg Pearce

3. **PLEDGE OF ALLEGIANCE** The Honorable Greg Pearce

4. **APPROVAL OF MINUTES** The Honorable Bill Malinowski
 - a. Special Called Meeting: September 12, 2017 [PAGES 12-25]
 - b. Regular Session: October 17, 2017 [PAGES 26-44]
 - c. Zoning Public Hearing: October 24, 2017 [PAGES 45-49]

5. **ADOPTION OF AGENDA** The Honorable Bill Malinowski

6. **REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION ITEMS** Larry Smith, County Attorney

7. **CITIZENS' INPUT**
 - a. For Items on the Agenda Not Requiring a Public Hearing

8. **REPORT OF THE COUNTY ADMINISTRATOR** Gerald Seals, County Administrator
 - a. Project A Update
 - b. Total Rewards Vendor

9. REPORT OF THE CLERK OF COUNCIL

Michelle Onley, Deputy Clerk of
Council

- a. Reopening Richland Library - St. Andrews Branch, November 15th, 10:00 a.m. - Noon, 2916 Broad River Road
- b. REMINDER: Midland Technical College Annual Oyster Roast & Shrimp Boil, November 9th, 6:00 - 8:00 PM, MTC Northeast Campus
- c. November Council and Committee Meetings:
 - 1. November 14 - Special Called Meeting
 - 2. November 16 - D&S and A&F Committee Meetings & Zoning Public Hearing
- d. Recreation Commission Final Executive Director Candidates Meet & Greet, November 9, 5:00 - 5:30 PM, Parklane Adult Activity Center, 7494 Parklane Road

10. REPORT OF THE CHAIR

The Honorable Bill Malinowski

- a. South Carolina Alliance Conference with Congressional Delegation

11. OPEN / CLOSE PUBLIC HEARINGS

- a. An Ordinance Authorizing a quit claim deed to David Hodge for a parcel of land located in Richland County, known as a portion of the Olympia Alleyways, and abutting TMS # 08815-04-02
- b. An Ordinance Authorizing Richland County to grant, without charge, to South Carolina Electric and Gas Company ("SCE&G") a permanent easement in certain real property near the intersection of Farrow and Pisgah Church Roads in Richland County, being approximately 0.32 acre to be acquired by Richland County from the South Carolina Department of Disabilities and Special Needs ("DDSN") and the South Carolina Department of Administration ("DOA") for the purpose of relocating, constructing, maintaining, providing and otherwise operating electrical utility facilities necessary and useful in providing electrical utility services, all in furtherance of a transportation improvement project for the Transportation Penny Program
- c. An Ordinance Authorizing the conveyance by quitclaim deed of all right, title, and interest that the County of

Richland may have, if any, in certain real property near the intersection of Bluff Road and Rosewood Drive, in the City of Columbia, County of Richland, for purposes of identifying and establishing the property boundary lines between the private property with a physical address of 711 Bluff Road and the public property of Rosewood Drive and Bluff Road and thereby finalizing a proposed settlement with landowner concerning the pending condemnation action bearing Civil Action No. 2016-CP-40-046541 related to the transportation improvement project generally known as the Bluff Road Widening Project

- d. An Ordinance Authorizing the re-direction and expenditure of unspent proceeds of certain of the County's bond issues; and other matters relating thereto
- e. An Ordinance allowing for the temporary waiver of building permit fees and plan review fees for homeowners, contractors, and "Volunteer Organizations Active in Disaster" (VOAD's), and allowing for the temporary waiver of business license fees for contractors and "Volunteer Organizations Active in Disaster" (VOAD's)
- f. Authorizing the execution and delivery of an amendment to the July 28, 2009 Fee Agreement effecting a conversion of that certain lease agreement dated as of December 15, 1999 between Unum Group, Colonial Life & Accident Insurance Company, and Unum Life Insurance Company of America, and Richland County, South Carolina; and other related matters
- g. Authorizing the execution and delivery of an amendment to a 2014 Fee Agreement by and between Richland County, South Carolina, the Ritedose Corporation and TRC Propco, Inc. to provide for certain infrastructure credits; and other related matters

12. APPROVAL OF CONSENT ITEMS

- a. An Ordinance Authorizing a quit claim deed to David Hodge for a parcel of land located in Richland County, known as a portion of the Olympia Alleyways, and abutting TMS #08815-04-02 [THIRD READING] [PAGES 50-60]
- b. An Ordinance Authorizing Richland County to grant, without charge, to South Carolina Electric and Gas Company ("SCE&G") a permanent easement in certain real property near the intersection of Farrow and Pisgah Church Roads in Richland County, being approximately

0.32 acre to be acquired by Richland County from the South Carolina Department of Disabilities and Special Needs ("DDSN") and the South Carolina Department of Administration ("DOA") for the purpose of relocating, constructing, maintaining, providing and otherwise operating electrical utility facilities necessary and useful in providing electrical utility services, all in furtherance of a transportation improvement project for the Transportation Penny Program [THIRD READING] [PAGES 61-64]

- c. An Ordinance Authorizing the conveyance by quitclaim deed of all right, title, and interest that the County of Richland may have, if any, in certain real property near the intersection of Bluff Road and Rosewood Drive, in the City of Columbia, County of Richland, for purposes of identifying and establishing the property boundary lines between the private property with a physical address of 711 Bluff Road and the public property of Rosewood Drive and Bluff Road and thereby finalizing a proposed settlement with landowner concerning the pending condemnation action bearing Civil Action No. 2016-CP-40-046541 related to the transportation improvement project generally known as the Bluff Road Widening Project [THIRD READING] [PAGES 65-76]

- d. 17-017MA
Larry S. Umberger
GC and RM-MD to OI (2.06 & 1.6 Acres = 3.66 Acres Total)
2605 Seminole Road
TMS # R06015-04-03 & 06 [SECOND READING] [PAGES 77-78]

- e. 17-018MA
James Huggins
GC to LI (4 Acres)
Dutch Fork Road
TMS #R02408-02-04 [SECOND READING] [PAGES 79-80]

- f. 17-020MA
Jimmy L. Thompson
RR to RU (22.79 Acres)
510 Koon Store Road
TMS #R12110-01-14 [SECOND READING] [PAGES 81-82]

- g. 17-024MA
Inga Brooks
RS-HD and NC to GC (1.01 Acres)
4120 Bluff Road

TMS #R13509-02-36, 37, & 38 [SECOND READING]
[PAGES 83-84]

- h.** 17-030MA
Thomas O. Milliken
RU and OI to GC (50.54 Acres)
Legrand Road
TMS #R17110-02-02, 03, 05; R17113-01-19; R17113-09-02; R17114-01-10, 11, 13; R17109-04-01 [SECOND READING] [PAGES 85-86]
- i.** 17-031MA
Thomas O. Milliken
RU and OI to RS-MD (72.6 Acres)
Legrand Road
TMS #R17110-02-01; R17111-02-01 & 04 [SECOND READING] [PAGES 87-88]
- j.** An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; so as to remain in compliance with the National Flood Insurance Program upon the adoption of the new Flood Insurance Rate Map [SECOND READING] [PAGES 89-112]
- k.** An Ordinance Amending the "2015 Richland County Comprehensive Plan - Putting the Pieces in Place", adopted on March 17, 2015, by incorporating the "Capital City Mill District Area and Corridor Plan" into the plan [SECOND READING] [PAGES 113-114]

13. THIRD READING ITEMS

- a.** An Ordinance Authorizing the re-direction and expenditure of unspent proceeds of certain of the County's bond issues; and other matters relating thereto [PAGES 115-120]

14. SECOND READING ITEMS

- a.** Authorizing the execution and delivery of an amendment to the July 28, 2009 Fee Agreement effecting a conversion of that certain lease agreement dated as of December 15, 1999 between Unum Group, Colonial Life & Accident Insurance Company, and Unum Life Insurance Company of America, and Richland County, South Carolina; and other related matters [PAGES 121-128]
- b.** Authorizing the execution and delivery of an amendment to a 2014 Fee Agreement by and between Richland County, South Carolina, the Ritedose Corporation and

TRC Propco, Inc. to provide for certain infrastructure credits; and other related matters [PAGES 129-136]

- c. An Ordinance allowing for the temporary waiver of building permit fees and plan review fees for homeowners, contractors, and “Volunteer Organizations Active in Disaster” (VOAD’s), and allowing for the temporary waiver of business license fees for contractors and “Volunteer Organizations Active in Disaster” (VOAD’s) [PAGES 137-139]

15. FIRST READING ITEMS

- a. An Ordinance authorizing the issuance and sale of not exceeding \$_____ General Obligation Bond, Series 2018A, or such other appropriate series designation, of Richland County, South Carolina; fixing the form and details of the bonds; delegating to the County Administrator certain authority related to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto [PAGES 140-174]

16. REPORT OF DEVELOPMENT & SERVICES COMMITTEE

- a. Council Motion: Require that all municipal utility service providers must request consent and approval from Richland County Council prior to extending or accepting water and sewer infrastructure within the unincorporated boundaries of Richland County [MALINOWSKI] [PAGES 175-176]

The Honorable Seth Rose

17. REPORT OF ADMINISTRATION & FINANCE COMMITTEE

- a. Contract award for the Motorola 800 Megahertz Mototrbo System for Alvin S. Glenn Detention Center [PAGES 177-185]

The Honorable Greg Pearce

18. REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

- a. Authorizing (1) the execution and delivery of a First Amendment to Fee in Lieu of Tax and Incentive Agreement by and between Richland County, South Carolina (the "County"), and Constantia Blythewood, LLC, f/k/a Constantia Hueck Foils L.L.C., acting for itself, one or more affiliates, and/or other project sponsors (the "Company"), in connection with certain additional investment to be located in the County; and (2)

other matters related thereto [FIRST READING]
[PAGES 186-198]

- b. A Resolution authorizing the extension of the investment period under a July 28, 2009 Fee Agreement by and between Richland County, South Carolina, and Unum Group, Colonial Life & Accident Insurance Company, and Unum Life Insurance Company of America [PAGES 199-201]

19. OTHER ITEMS

- a. FY18 - District 10 Hospitality Tax Allocations [PAGES 202-203]

20. CITIZENS' INPUT

- a. Must Pertain to Richland County Matters Not on the Agenda

21. EXECUTIVE SESSION

22. MOTION PERIOD

- a. Direct staff, in conjunction with the legal department, to determine how a service fee can be imposed on property that is not taxed in Richland County. The purpose is that even though certain properties are exempt from taxes, they still receive all amenities provided by Richland County that others must pay for in addition to property taxes
- b. Any entity placing a person in the Alvin S. Glenn Detention Center will be responsible for paying the daily fee as determined by Richland County, as well as all medical costs incurred to include mental needs
- c. Revisit the 2002 Richland County Water Plan, and any updates, for providing water to unincorporated areas of Richland County and in conjunction with the future Lower Richland Sewer Project
- d. All future public meetings by the PDT shall be for information only not a Public Hearing. Note: There were several public meetings before the Referendum was approved by the Citizens and three readings and a public hearing before the ordinance was approved. These meetings are confusing to the public with promises of changes to projects. The PDT cannot make changes to projects, any changes to the ordinance requires three

The Honorable Bill Malinowski
The Honorable Norman Jackson

The Honorable Bill Malinowski
The Honorable Dalhi Myers

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The Honorable Norman Jackson

reading and a public hearing to be approved by County Council.

- e. I move that Council's standing Rules and Appointments Committee study the possibility of electronic voting. This would include due diligence of best practices generally and specifically models utilized by other South Carolina counties. Additionally, the South Carolina House of Representatives' process should be considered as it was presented as a model when Council voted to have on the record voting like the House did. Recommendations of the Committee should then be brought to Council for consideration and possible action

- f. Staff shall use the NAICS codes approved per the ordinance in determining when a SLBE graduate from the program

The Honorable Jim Manning
The Honorable Calvin Jackson

The Honorable Norman Jackson

23. 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 for Action

Subject: Approval of Minutes

Special Called Meeting: September 12, 2017

Notes:

A portion of the minutes was reconsidered at the October 3rd Council meeting. The remainder of the minutes were not approved; therefore this item is before Council to officially approve the September 12th minutes.



Richland County Council

SPECIAL CALLED MEETING
September 12, 2017 – 6:00 PM
Richland Library – Main Branch
1431 Assembly Street, Columbia, SC 29201

COUNCIL MEMBERS PRESENT: Joyce Dickerson, Chair; Bill Malinowski, Vice Chair; Calvin “Chip” Jackson; Norman Jackson, Gwendolyn Davis-Kennedy; Paul Livingston; Jim Manning; Yvonne McBride; Dalhi Myers; Greg Pearce; and Seth Rose

OTHERS PRESENT: Gerald Seals, Brandon Madden, Jamelle Ellis, Tracy Hegler, Beverly Harris, Sandra Yudice, Tony Edwards, Michelle Onley, Jeff Ruble, Roger Sears, James Hayes, Larry Smith, Ismail Ozbek, Pam Davis, Stacey Hamm, David Bowser, Lillian McBride, and Kimberly Williams-Roberts

CALL TO ORDER – Ms. Dickerson called the meeting to order at approximately 6:00 PM.

INVOCATION – The invocation was led by the Honorable Jim Manning.

PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was led by the Honorable Jim Manning.

APPROVAL OF MINUTES

- a. **Special Called Meeting: July 25, 2017** – Mr. Malinowski moved, seconded by Ms. Kennedy, to approve the minutes as distributed.

Mr. Pearce moved, seconded by Mr. Manning, to reconsider the “Contractual Matter with the City of Columbia” (p. 8 of July 25, 2017 minutes). The vote was in favor of reconsideration.

The vote was in favor of approving the minutes.

ADOPTION OF AGENDA – Mr. Pearce stated Item 18: Report of the Blue Ribbon Ad Hoc Committee needs to be deferred due to the Blue Ribbon Ad Hoc Committee meeting notice not being properly published.

POINT OF CLARIFICATION – Mr. Manning inquired if the items forwarded from the Blue Ribbon Ad Hoc Committee were properly advertised for the Special Called meeting and if anything is time sensitive.

Mr. Livingston stated if the items did not go through the committee process it simply means there is not a committee recommendation, but full Council should be able to take action.

Mr. Smith stated the items were placed on the agenda through the committee process. It is his understanding that none of the items are time sensitive. Therefore, it is his recommendation to defer action on those items until another Blue Ribbon Ad Hoc Committee meeting can be held.

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

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS

Mr. Smith stated the following items are potential Executive Session items:

- a. Business Service Center Appeals Board Appeals
- b. Pending Litigation Update
- c. Property Acquisition
- d. Item #17(b): An Ordinance authorizing the issuance and sale of not exceeding \$_____ General Obligation Bond, Series 2018A, or such other appropriate series designation, of Richland County; fixing the form and details of the bonds; delegating to the County Administrator certain authority related to the bonds; providing for the payment of the bonds and disposition of the proceeds thereof; and other matters relating thereto
- e. Contractual Matter with the City of Columbia
- f. Item 17(a): Atlas Road Widening Project: Right-of-Way Acquisition

Council went into Executive Session at approximately 6:14 PM and came out at approximately 6:44 PM.

- d. Item #17(b): An Ordinance authorizing the issuance and sale of not exceeding \$_____ General Obligation Bond, Series 2018A, or such other appropriate series designation, of Richland County; fixing the form and details of the bonds; delegating to the County Administrator certain authority related to the bonds; providing for the payment of the bonds and disposition of the proceeds thereof; and other matters relating thereto – Mr. Livingston moved, seconded by Mr. C. Jackson, to accept this item as information. The vote in favor was unanimous.

CITIZENS' INPUT – No one signed up to speak.

REPORT OF THE COUNTY ADMINISTRATOR

- a. Property Acquisition – This item was taken up in Executive Session.
- b. Update: EMS Department – Mr. Seals stated this was handled with Council's assistance with the matter of the County's health insurance.

REPORT OF THE CLERK OF COUNCIL

- a. REMINDER: Joint County/City Council Meeting, September 19th, 6:00 PM, Columbia Metropolitan Convention Center – Ms. Onley reminded Council of the upcoming Joint County/City Council meeting on September 19th.
- b. REMINDER: Columbia Chamber's 115th Annual Gala, September 28th, 6:00 – 9:00 PM, Columbia Metropolitan Convention Center – Ms. Onley reminded Council of the upcoming Columbia Chamber of Commerce's Annual Gala. If Councilmembers wish to purchase tickets they should contact the Clerk's Office for assistance.

Special Called Meeting
September 12, 2017

-2-

- c. Potential Council Retreat Locations – Ms. Onley stated that Ms. Roberts has been working on potential locations for the upcoming 2018 Council Retreat. Councilmembers were encouraged to contact the Clerk’s Office if they would like to suggest a location. Action on this item will be taken at a future Council meeting.
 - 1. Embassy Suites Myrtle Beach Oceanfront Resort: January 25 – 26
 - 2. Embassy Suites – Charleston Airport Location: January 25 – 26
 - 3. Clemson University (Madren Center Conference Center & Inn): January 18 - 19
 - 4. Hilton Garden Inn – Charleston Waterfront: January 18 – 19
 - 5. Recreation Commission Adult Activity Center (Malinowski)
- d. Institute of Government and County Council Coalition, October 18 – 19, Embassy Suites – Ms. Onley stated the SCAC’s Fall Institute of Government and County Coalition will be held October 18 – 19 at Embassy Suites – Columbia.

REPORT OF THE CHAIR

- a. Hurricane Harvey Relief – Ms. Dickerson thanked everyone who participated in the Hurricane Harvey relief efforts.
- b. Hurricane Irma Status Report – Ms. Dickerson thanked staff for their efforts during Hurricane Irma.
- c. Soda Cap Connector – Ms. Dickerson stated the COMET initiated 2 free “Soda Cap Connector” routes.

OPEN/CLOSE PUBLIC HEARINGS

- a. An Ordinance Amending the Fiscal Year 2017-2018 General Fund Annual Budget to appropriate Three Hundred Seven Thousand Three Hundred Eighty-Three Dollars (\$307,383) to increase funding to the Board of Voter Registration & Elections Department – No one signed up to speak.
- b. To establish and create a special tax district within Richland County, South Carolina, to be known as the “Lake Dogwood Special Tax District”; to define the nature and level of services to be rendered therein; to authorize the imposition of ad valorem taxes and user service charges therein, which shall be imposed solely within the special tax district; to establish a commission for the tax district and provide the terms therefore; and all other matters related thereto –

Opposed: Ms. Joyce Perkins, Ms. Sharon Steele, and Ms. Virginia Edelstein
In Favor: Mr. Lawrence Flynn, Mr. Jack Spivey, and Mr. Monte Lemmon

- c. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain property located in Richland County; the execution and delivery of an Infrastructure Credit Agreement to provide for infrastructure credits to 209 Stoneridge, LLC; and other related matters – No one signed up to speak.
- d. An Ordinance authorizing a deed to Empire Equities Capital, Ltd. for One Summit Parkway, which is the former Summit Parkway Library; also described as TMS #23000-03-07 – No one signed up to speak.

APPROVAL OF CONSENT ITEMS

- a. Department of Public Works: 2017 – Private Roads requested to be deeded to the County for perpetual maintenance

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

ORDINANCES – THIRD READING

- a. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain property located in Richland County; the execution and delivery of an Infrastructure Credit Agreement to provide for infrastructure credits to 209 Stoneridge, LLC; and other related matters – Mr. Manning moved, seconded by Mr. Livingston, to approve this item.

In favor: Pearce, Rose, C. Jackson, N. Jackson, Malinowski, Dickerson, Livingston, Kennedy, Myers, Manning, and McBride.

The vote in favor was unanimous.

ORDINANCES – SECOND READING

- a. An Ordinance Amending the Fiscal Year 2017-2018 General Fund Annual Budget to appropriate Three Hundred Seven Thousand Three Hundred Eighty-Three Dollars (\$307,383) to increase funding to the Board of Voter Registration & Elections Department – Mr. N. Jackson moved, seconded by Ms. Kennedy, to approve this item. The vote was in favor.
- b. To establish and create a special tax district within Richland County, South Carolina, to be known as the “Lake Dogwood Special Tax District”; to define the nature and level of services to be rendered therein; to authorize the imposition of ad valorem taxes and user service charges therein, which shall be imposed solely within the special tax district; to establish a commission for the tax district and provide the terms therefore; and all other matters related thereto – Mr. N. Jackson stated he received an email from the Auditor explaining his stance on why implementing a flat fee.

Mr. Brawley stated the statute limits the Auditor’s Office to apply a uniform fee and some of the things the Lake Dogwood Association has proposed does not meet the requirements. The previous special tax districts established used a flat fee and the taxing system to set up to accommodate the flat fees. The software vendor is unable to accommodate any changes prior to the issuance of the tax bills for this fiscal year.

Ms. Myers stated there was a statement in Mr. Brawley’s letter that he was concerned if the new programming was implemented it would affect all tax bills.

Mr. Brawley stated when implementing a change to the system you have to test the programming to ensure it does not affect any of the other tax bills outside of the special tax district.

Mr. Malinowski inquired if Council will see what tax is going to be levied on the individuals prior to 3rd Reading of this matter.

Mr. Brawley provided an example of the taxes that would be levied on the individuals to Council members.

Mr. Malinowski inquired about the language in Section 5: Administration of the District as there does not seem to be any penalty if the Commission does not notify Council of any changes within 30 days.

Mr. Flynn stated the thought behind that was that they should not be penalized as long as they notify Council of the changes.

Mr. Malinowski stated the language on p. 6 of the ordinance (p. 56 in the agenda packet) does not seem to make sense.

Mr. Flynn stated the ordinance will be corrected prior to 3rd Reading.

Ms. Myers stated many of the homeowners have raised a concern there are many exempt properties; therefore, if there is a flat fee the funding necessary to repair the dam may never be obtained. If there is a variable fee the Auditor contends there is no realistic way to do so this fiscal year. She inquired if there is a way to do a flat fee and then change it in the future.

Mr. Brawley stated he more than willing to work with the homeowners' association to try to come to a resolution, but at this point the only option would be the flat fee.

Ms. Myers inquired if the Auditor knew how many of the properties were exempt.

Mr. Brawley stated with the flat fee none of the properties would be exempt.

Mr. Malinowski stated if you are a member of a homeowners' association you pay a flat fee for membership no matter the value of your property. Therefore, he does not understand why there cannot be a fee on each house in the community.

Mr. Rose inquired if the referendum specified the means of how the repairs would be funded.

Mr. Flynn stated the request before Council tonight is simply to approve the creation of the district. The follow-up is the type of levy because of the date by which the tax notice has been put out. The referendum question follows and mirrors the terms of the statute. It explicitly allows for the levying of ad valorem property taxes or the issuance of a uniform charge.

Mr. Rose inquired about the avenues taken to advertise the referendum.

Mr. Flynn stated a petition of at least 15% of the qualified registered voters in the community must be submitted to County Council. The petition was presented to Council at the end of 2016. The referendum, in accordance with State law, was noticed twice in The State newspaper. Once the referendum was finalized and the results were certified, the next step is the approval of the tax district. There were 99 eligible registered voters, of which 48 voted.

Mr. C. Jackson stated it appears that less than 50% of the eligible registered voters were able to participate. In addition, there are a number of property owners that do not live there; therefore, they are not able to participate. If you take the 51 that did not vote and add to it the number of people that were not eligible to vote it sounds like the number of people able to participate in the process was significantly more than those that live there or own property there. He inquired if there was any consideration given to those individuals thoughts on the process even though they could not vote.

Mr. Flynn stated there were at least 2 public meetings held at the Recreation Commission facility regarding the referendum.

Mr. N. Jackson stated the confusion came because people that owned property did not have an opportunity to voice their opinion by a vote on whether they should go along with the tax district or not. There are 122 lots, but only 50 people are registered to vote in that area.

Mr. Manning stated there have been 4 special tax districts that have previously come before Council. He inquired if on those previous special tax districts the only people affected were those that lived on or had access to the lake.

Mr. Flynn responded in the affirmative.

Mr. Manning inquired if the residents without direct access to the lake would be able to access the lake.

Mr. Flynn stated the reason properties outside of those adjoining the lake were included because everyone in the community has direct access to the lake.

Ms. Dickerson requested clarification on whether there is dock access if you do not live on the lake.

One of the residents of the community stated there is a road that leads directly to the dam that gives the community access to the lake when there is water in the lake.

Mr. Manning inquired if there is anyone not connected to the community that can address the issue of access to the lake. No one responded to Mr. Manning's inquiry.

Mr. Malinowski requested clarification on which residents are to be affected by the referendum and who was allowed to vote.

Mr. Flynn stated all of the registered voters in the community were allowed to vote on the referendum.

Mr. N. Jackson stated he would like to divide the question. He would like to move forward with approval of the referendum and take up the funding mechanism at a future Council meeting once clarity has been received from Legal and the Auditor. Mr. Malinowski seconded the motion.

Ms. Kennedy requested a legal opinion on whether the residents will have access to the lake.

Mr. Rose inquired about the impact of delaying the decision on the funding mechanism.

Mr. Flynn stated 3rd Reading of the ordinance is planned for October 3rd. A meeting for the Special Tax District will then be held on October 4th in order to ensure authorization to the Auditor's Office to place the fee on the tax bills.

Mr. Rose requested a friendly amendment to move the ordinance forward and request clarification on the funding mechanism prior to 3rd Reading.

Mr. N. Jackson stated that is what his motion was intended to do.

Ms. Myers inquired if the question is divided does that mean that ½ of question is on track for 3rd Reading and the other ½ is on track for 2nd Reading.

Mr. N. Jackson stated his motion is to forward the ordinance to the October 3rd Council meeting for 3rd Reading and take up the funding mechanism at next week's Council meeting.

Mr. Pearce inquired based on Mr. N. Jackson's motion if what Council is doing is appropriate.

Mr. Smith stated the motion to divide the question is not an appropriate motion. The item does require 3 readings and Council can always amend the ordinance at 3rd Reading to address the question of funding. It would be his suggestion to move the matter along and whenever the requested information is received by Council to amend the ordinance to address the concerns expressed by the public.

Mr. Pearce made a substitute motion, seconded by Mr. Rose, to approve the ordinance as presented and follow the suggestion of the Legal.

Mr. Malinowski requested a friendly amendment to include language to address the funding mechanism on 3rd Reading.

The vote was in favor.

- c. Authorizing the execution and delivery of a fee-in-lieu of ad valorem tax agreement by and between Richland County, South Carolina and Project Flag to provide for payment of a fee-in-lieu of taxes; the extension of an existing fee-in-lieu of tax agreement between Richland County and Project Flag; and other related matters – Mr. Livingston moved, seconded by Mr. Pearce, to approve this item.

Mr. Malinowski inquired as to why the name of the company is not included in the documents since the company is already in existence and the fee-in-lieu is being updated.

Mr. Ruble stated the company requested to remain anonymous and there is an investment offer.

The vote in favor was unanimous.

- d. An Ordinance Authorizing a deed to Empire Equities Capital, Ltd. for One Summit Parkway, which is the former Summit Parkway Library; also described as TMS # 23000-03-07 – Mr. Livingston moved, seconded by Ms. Myers, to approve this item.

Mr. Malinowski stated there seems to be information missing in regards to this item. The ordinance cites an attachment, but there is not an attachment included in the agenda packet. He requested that any missing information be provided in the agenda packet for 3rd Reading.

Mr. Manning requested a friendly amendment that if the information is not provided that Council has no choice but to reject it.

Mr. Malinowski did not accept the friendly amendment.

Mr. N. Jackson requested clarification on the friendly amendment. It is his understanding that Mr. Manning's friendly amendment would automatically reject the item. Council would not have an opportunity to vote on the item.

Mr. Malinowski made a substitute motion, seconded by Ms. Dickerson, that if the information is not provided by the time the agenda is drafted the item will not be placed on the agenda.

Mr. N. Jackson stated for clarification that if the Chair and Vice Chair does not have the information by the Horizon meeting tomorrow, the item will not be added to the agenda. He stated he does not think it is appropriate to not add the item to the agenda because the Chair and Vice Chair does not have the information prior to the meeting.

Mr. Malinowski stated too many times Council gets to the meeting and information is not here and it has to be deferred. Therefore, it does not matter if it is on the agenda without all the information and it is deferred or we do not add the item to the agenda because we do not have the information.

The substitute motion failed.

Mr. C. Jackson requested Mr. Seals to refresh his memory as to what Empire Equities Capital is and what they intend to do with the property.

Mr. Seals stated Empire Equities Capital runs a chain of daycares; therefore, the property will be used as a daycare facility.

Mr. Manning stated it is his understanding that the property is zoned PDD and can only be used as a library. Therefore, at what point and how do we change that so a daycare can go there?

Mr. Seals stated it will come back to Council for action at a future meeting.

The vote was in favor of this item.

REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE

- a. Sprinkler Head Replacements Phase 1-3 at Alvin S. Glenn Detention Center – Mr. Pearce stated the committee recommended approval of this item.

The vote in favor was unanimous.

REPORT OF THE RULES AND APPOINTMENTS COMMITTEE

- a. NOTIFICATION OF APPOINTMENTS
 1. Central Midlands Council of Governments – 1 – Mr. Malinowski stated the committee recommended re-advertising for the vacancy. The vote in favor was unanimous.
 2. Township Auditorium Board – 2 – Mr. Malinowski stated the committee recommended appointing Mr. Alexander English and holding the remaining vacancy in committee until the final applicant can be interviewed. The vote in favor was unanimous.

REPORT OF THE TRANSPORTATION AD HOC COMMITTEE

- a. Atlas Road Widening Project: Right-of-Way Acquisition – Mr. Manning stated the committee recommended to move ahead with the acquisition of 16 parcels under the Council authority and refer 10 parcels to a later meeting of the ad hoc committee. The vote in favor was unanimous.

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- b. An Ordinance authorizing the issuance and sale of not exceeding \$ ----- General Obligation Bond, Series 2018A, or such other appropriate series designation, of Richland County, South Carolina; fixing the form and details of the bonds; delegating to the County Administrator certain authority related to the disposition of the proceeds thereof; and other matters relating thereto [FIRST READING BY TITLE ONLY] – {This item was reconsidered at the October 3, 2017 Council meeting.}

Mr. Manning stated it was unanimously recommended by the committee to approve this item for First Reading by Title Only.

Mr. Malinowski stated this will not be on the consent agenda because it is by title only.

Mr. Seals stated this item was deferred to September 26th earlier.

Mr. Malinowski made a substitute motion, seconded by Mr. N. Jackson, to defer this item until September 26th in order to receive complete information.

In Favor: C. Jackson, N. Jackson, Malinowski, Dickerson, Myers

Opposed: Pearce, Rose, Livingston, Manning, Kennedy, McBride

The substitute motion failed.

Mr. N. Jackson stated earlier Council was told they would receive the information on the 26th. Now we are voting to move forward before we receive the information.

Mr. Smith stated Council was given legal advice by bond counsel; however, it is within Council's discretion to decide what you are going to do in regards to following that advice. It was his understanding that Council was going to wait until September 26th to receive the information.

Mr. Rose stated this is a 3 Reading item and this matter will come back at the next Council meeting in October.

Mr. Smith stated there were reasons that bond counsel gave in her memo for why she did not think Council should go forward.

Mr. Pearce inquired if the Transportation Ad Hoc Committee felt moving forward was the correct thing to do at this time.

Mr. Manning stated Mr. Pearce was correct. The letter referenced by bond counsel was dated August 4th and the ad hoc committee meet the last week.

Mr. N. Jackson expressed concern with moving forward with this item after assuring bond counsel the matter would be deferred.

Mr. Malinowski stated the information Council has been provided by bond counsel contains the deadlines when a decision needs to be made if the County is going to pursue bonding and how much bonding to pursue.

Mr. Manning stated there are really 2 parts to the matter. One part is about whether the County is going to bond or not. The other is about how much. The County can decide not to do bonding in 2nd or 3rd Reading. Bond counsel has stated there is a clock ticking and by giving this ordinance 1st

Reading by Title Only tonight will ensure the County stays on schedule to make sure the clock does not run out.

Mr. Malinowski moved, seconded by Mr. Pearce, to call for the question. The vote in favor was unanimous.

In favor: Pearce, C. Jackson, Livingston, Manning, McBride

Opposed: Rose, N. Jackson, Malinowski, Dickerson, Kennedy, Myers

The motion to approve this item for First Reading by Title Only failed.

- c. Broad River NIP: SCDOT Supplemental Agreement – Mr. Manning stated the committee recommended approving the supplemental agreement between the SCDOT and Richland County for the Broad River Neighborhood Improvement Project. The vote in favor was unanimous.
- d. Monthly PDT Update at Council Meetings – Mr. Manning stated the committee recommended to have the Project Development Team update by bi-monthly beginning in October. The vote in favor was unanimous.

OTHER ITEMS

- a. A Resolution to appoint and commission David Donnell Green as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County – Mr. Malinowski moved, seconded by Mr. Livingston, to approve this item. The vote in favor was unanimous.
- b. A Resolution to appoint and commission Dantrell Laquinn Jones as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County – Mr. Malinowski moved, seconded by Mr. Livingston, to approve this item. The vote in favor was unanimous.
- c. FY18 – District 5 Hospitality Tax Allocations – Mr. Malinowski moved, seconded by Mr. Manning, to approve this item. The vote in favor was unanimous.
- d. FY18 – District 8 Hospitality Tax Allocations – Mr. Malinowski moved, seconded by Mr. Manning, to approve this item. The vote in favor was unanimous.

CITIZENS' INPUT – No one signed up to speak.

EXECUTIVE SESSION

- a. Business Service Center Appeals Board Appeal – Mr. Malinowski moved, seconded by Mr. Manning, to uphold the Business Service Center Appeals Board vote to deny the licenses for both businesses. The vote in favor was unanimous.
- b. Contractual Matter with the City of Columbia – Mr. Livingston moved, seconded by Mr. Pearce, to move forward with any items not directly related to the utilities.

Mr. C. Jackson stated he hopes at some point in the near future Council will take up the issue of relocation of utilities so that no projects are held up or delayed.

Mr. N. Jackson stated he wants to ensure the County does not end up with a stalled project because we have not addressed the utilities problem.

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In favor: Pearce, Rose, C. Jackson, N. Jackson, Malinowski, Dickerson, Livingston, Kennedy, Myers, Manning, McBride

The vote in favor was unanimous.

- c. Property Acquisition – Mr. Malinowski moved, seconded by Ms. McBride, to direct the Administrator to proceed with a letter of intent on the property discussed in Executive Session. The vote in favor was unanimous.
- d. Pending Litigation Update – Received as information.

MOTION PERIOD

- a. Resolution honoring Ms. Donella Wilson on being awarded the Order of Palmetto [ROSE] – Mr. Pearce moved, seconded by Ms. Kennedy, to adopt a resolution honoring Ms. Donella Wilson.
- b. Resolution honoring the gallant African American heroes of the 371st Infantry Regiment 93rd Division (Colored) of World War I [ROSE] – Mr. Rose moved, seconded by Mr. Pearce to adopt a resolution honoring the African American heroes of the 371st Infantry Regiment 93rd Division (Colored) of World War I.
- c. Move to examine the EMS Department and receive a report on its current status [ROSE] – This item was referred to the D&S Committee.
- d. Move that the Recreation Commission provide an update of the Recreation Bond to ensure that it was executed as Council approved and that any funds remaining after all items are completed it is Richland County Council's decision on how it is spent [N. JACKSON] – This item was referred to the A&F Committee.
- e. Richland County funds thirteen mills eight mills more than the five mills required by statute. I move that County Council develop a separate Recreation Commission to manage the eight additional mills if the Recreation Commission does not agree to the MOU or if Council still feels that there is taxation without representation. NOTE: This is a partial solution to the constant challenge for taxation and representation [N. JACKSON] – This item was referred to the A&F Committee.
- f. Move to approve a Resolution honoring the Richland County Library for its recent national recognition [PEARCE and LIVINGSTON] – Mr. Pearce moved, seconded by Mr. N. Jackson to adopt the resolution honoring the Richland County Library for their national recognition.
- g. Resolution recognizing the achievements of Brownstone Construction and its President, Dale Collier – Mr. Manning moved, seconded by Mr. Livingston, to adopt a resolution recognizing Brownstone Construction and its President, Dale Collier. The vote in favor was unanimous.
- h. To simplify the emergency preparedness process in the future, I move that Richland County coordinate with the City of Columbia and other municipalities to identify different types of emergency shelters/facilities and certify them, meaning what is required and the readiness of the facility factoring in accessibility due to potential obstructions (i.e. impassible bridges, roads, etc.) Working with recreation centers, school districts, churches and other civic centers to quality and certify these facilities to accommodate citizens in need during certain crisis. In this process each certified facility would be updated annually. Working with Councilmembers willing to participate from each district would also improve the process. NOTE: Shelters to include overnight stay, storage

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and accommodate the Red Cross and other agencies. Facilities to include storage for distribution to designated areas [N. JACKSON] – This item was referred to the D&S Committee.

ADJOURNMENT – The meeting was adjourned at approximately 9:07 PM.

X

Joyce Dickerson
Chairwoman

X

Bill Malinowski
Vice Chair

X

Calvin "Chip" Jackson
District Nine

X

Norman Jackson
District Eleven

X

Gwendolyn Kennedy
District Seven

X

Paul Livingston
District Four

X

Jim Manning
District Eight

X

Yvonne McBride
District Three

X

Dalhi Myers
District Ten

X

Greg Pearce
District Six

X

Seth Rose
District Five

The Minutes were transcribed by Michelle M. Onley, Deputy Clerk of Council

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Richland County Council

SPECIAL CALLED MEETING
October 17, 2017 – 6:00 PM
Decker Center
2500 Decker Boulevard, Columbia, SC 29206

COUNCIL MEMBERS PRESENT: Bill Malinowski, Vice Chair; Calvin “Chip” Jackson; Norman Jackson; Gwendolyn Davis-Kennedy; Jim Manning; Yvonne McBride; Dalhi Myers; Greg Pearce; and Seth Rose

OTHERS PRESENT: Gerald Seals, Brandon Madden, Jamelle Ellis, Tracy Hegler, Beverly Harris, Sandra Yudice, Michelle Onley, Brad Farrar, Shahid Khan, Stacey Hamm, Ismail Ozbek, Jennifer, Wladischkin, Laura Renwick, and Kimberly Willams-Roberts

CALL TO ORDER – Mr. Malinowski called the meeting to order at approximately 6:00 PM. He stated that Chairwoman Dickerson and Councilman Livingston were out of town on an Economic Development trip.

INVOCATION – The invocation was led by the Honorable Norman Jackson

PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was led by the Honorable Norman Jackson

APPROVAL OF MINUTES

- a. **Regular Session: October 3, 2017** – Mr. Manning moved, seconded by Ms. Kennedy, to approve the minutes as distributed.

Mr. Malinowski stated on p. 10 of the agenda it appears an item was reconsidered, but never approved the remaining minutes. He requested the Clerk’s Office to review the audio to ensure the minutes were approved. If they were not the minutes will need to be added to the next Council meeting for approval.

Additionally, Mr. Malinowski stated on p. 16 of the agenda notates the debate between himself and Mr. Smith regarding the grantor vs. the grantee. It has come to Mr. Malinowski’s attention, there was a document missing from Mr. Smith’s report that clarified the matter. Mr. Madden has been requested to provide the document to full Council, as well as the Clerk’s Office for inclusion in the minutes.

Mr. Malinowski further inquired if the language on p. 22 “Executive Session” Item a. should be “discussed” instead of “directed”.

Mr. Rose stated is should be discussed.

Mr. Manning moved, seconded by Ms. Kennedy, to approve the minutes as amended. The vote in favor was unanimous.

ADOPTION OF AGENDA

Mr. Manning moved, seconded by Mr. N. Jackson, to adopt the agenda as published.

Mr. Malinowski stated the following items needed to be added to the agenda:

- a. Report of Rules & Appointments Committee – Notification of Vacancies: LRADAC – 2
- b. Presentation of Resolutions/Proclamations: Proclamation Recognizing October 2017 as National Cooperative Month

Mr. Manning moved, seconded by Mr. N. Jackson, to adopt the agenda as amended. The vote in favor was unanimous.

PRESENTATION OF RESOLUTIONS/PROCLAMATIONS

- a. End Child Hunger Proclamation – Mr. Malinowski presented a proclamation in honor of End Child Hunger SC Week.
- b. A Resolution honoring Brownstone and its President Dale Collier – Mr. Manning presented a resolution to Dale Collier honoring him, and Brownstone Construction Group, for the contributions to Richland County.
- c. A Proclamation recognizing National Disability Employment Awareness Month – Mr. Manning presented a proclamation to SC Able recognizing National Disability Employment Awareness Month.
- d. A Proclamation Recognizing October 2017 as National Cooperative Month – Ms. McBride presented a proclamation to City Foods Cooperative Marketplace recognizing October as National Cooperative Month.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS

- a. Richland County Recreation Commission: Potential Litigation/Proposed MOU – Mr. Farrar stated he could give the litigation in open session.

Mr. C. Jackson moved, seconded by Mr. Rose, to receive the litigation update in open session. The vote in favor was unanimous.

Mr. Farrar stated last week there was a hearing before Judge Manning in Circuit Court regarding the following case: Don Weaver, a taxpayer vs. the Richland County Recreation Commission and the Richland County Treasurer and Auditor. Mr. Farrar represented the Treasurer and Auditor, which were named in their official capacity for administrative duties and tax collection. The case essentially boils down to Mr. Weaver's attorneys allege the legislation that created the Richland County Recreation Commission and set up its governance is special legislation, violated Home Rule and amounted to taxation without representation. Recreation Commission's attorney stated they do not agree with that. There was a potential the court would be interested in asking for a breach from others, such as Richland County. Judge Manning did not require an Amicus Brief on behalf of the County.

Mr. Pearce inquired if this is the follow-up to the 1989 suit, which apparently did not get resolved by the court.

Mr. Farrar stated Mr. Weaver was a Plaintiff in a case several years and he prevailed in that case. The Court said going forward to create a lot of issues for special purpose districts going retroactively to try to deal with this. Going forward the legislature was to come up with a fix within a year or so on how to deal with the special purpose districts. Mr. Weaver has come to the conclusion that the fix was not satisfactory; therefore, he is going for Round #2.

Mr. Pearce inquired if the case will likely make it to the Supreme Court.

Mr. Farrar stated there is a chance that either side will appeal because it is a question of finality and not an interim position on it; therefore, it could end up at the Supreme Court.

Mr. Farrar further, stated Mr. Smith and the attorney for the Recreation Commission have exchanged correspondence about the proposed MOU. The Recreation Commission has requested to substantively tweak the document; therefore they have requested a joint meeting to discuss the issues in more detail.

Ms. Myers inquired about the areas the Recreation Commission wished to change.

Mr. Farrar stated that would be a matter to be taken up in Executive Session.

Mr. N. Jackson stated he had a motion based on the Recreation Commission accepting or not accepting the MOU. If the MOU is accepted or not accepted, he would like for his motion to go forward.

CITIZENS INPUT: For Items on the Agenda Not Requiring a Public Hearing – No one signed up to speak.

REPORT OF THE COUNTY ADMINISTRATOR

- a. Compensation Issues Update – Mr. Seals stated he provided Council with a memorandum that noted a number of compensation issues. As Council is aware, we are moving toward completion of the Class & Comp Study. Over the last year there have been a variety of tactical steps that will allow the compensation of the County's employees to be more competitive. The recommendations pertaining to the Detention Center and Emergency Services non-command staff should be reviewed by Council in the future.

Mr. C. Jackson inquired, given where the County is in the budget cycle, how does staff propose to implement the recommendations from a funding standpoint.

Mr. Seals stated they are fundable and there is not requirement for a budget amendment. Everything that has been recommended is in the current budget and does require the utilization of any of the fund balance.

Ms. McBride inquired if there is a Mental Health Specialist be included for the Detention Center.

Mr. Seals stated a Mental Health Specialist is not included at this time. That is not to say it is not an issue. Mental health, as well as some other issues, are being dealt with strategically and will be brought back on Council.

Ms. Myers stated for clarification, there is no funding being taken from the General Fund.

Mr. Seals stated the positions that are were not filled to date produced available funding, which comes to approximately \$900,000.

Ms. Myers inquired as to when the recommendations are to be implemented.

Mr. Seals stated the adjustment to the starting salaries is recommended to be implemented on November 1. The adjustment to the existing salaries is recommended to be implemented on December 1. The issue of compression has also been addressed in the recommendation.

Ms. Myers inquired if this fixing the problems in EMS or is it an ongoing issue.

Mr. Seals stated it is ongoing. The County began addressing the matter last year and it is continuing. This is not going to solve everything. As you know, one of the things discussed since the Priority Setting Sessions last year is how many EMS personnel does the County need. In terms of the strategic plan, the need is for 24-48 additional employees. The employees will be added over the next part of the Biennium and Biennium II. Staff is putting the plan together to ensure that it is fundable and is sustainable. It should not go unnoticed that Council authorized 8 positions toward this goal in the current fiscal year.

Ms. Myers inquired if the County Administrator is seeking Council's direction on restructuring or readings and a public hearing.

Mr. Seals stated if Council were so inclined it could be accomplished with a motion.

Ms. McBride stated for clarification the newspaper stated there were 100 vacancies. Based on the Administrator's memo that is not accurate.

Mr. Seals stated there are 10 vacancies presently. Eight of those vacancies were the ones that were included in the current budget. Approximately a year ago there were 20 vacancies.

Mr. Manning stated he thinks this is admirable and needs to be done immediately. He further stated the Administrator brought this to Council as information and he feels it sets a bad precedent to make a motion and take action regarding a \$1 million. But if we're not doing anything that requires a change in the budget, it's not right to set a precedent for the County Administrator if they are moving money around within the budget that does not take any amendments and also moving positions. If we start that kind of micromanagement just because this has been in the paper and on TV and decide to take a motion, he feels we are opening the door and would be remiss to allow any positions to be adjusted or any money moved in the future if this requires action by Council.

Mr. Rose inquired if the Administrator felt he needed a motion from Council. He stated this is a pressing issue for him and for Council. He wants to ensure that the Administrator feels empowered to make these changes.

Mr. Seals stated there are 2 things that he believes are important: (1) This has not been something new. It is our reactive plan. As you know, we have been talking about how to address these issues. This is something where we are all getting together and it represents Council's vision. It is important that it is at least presented to you before taking any action. In a strict sense, Mr. Manning's comments are correct, but in the spirit of trying to work together it is important for the plan to be brought to Council. (2) Council requested the Administrator to research how to create efficiency and what we can do strategically and to not always be reactive. As we are able to hit the vision with tactical action it is important that it be brought to your attention. Finally, he does not want the staff

to ever come away with the feeling that Council is not attentive to their needs. In fact, Council has given him clear direction in the last 15 months. He feels this moment is important and the sentiment of Council is that we will make this happen, but there are other things that have to come forward. As you know, the County is embarking on the Class & Comp study which will take approximately \$1.8 million to implement. Staff is working hard to be efficient and get the things done that have been requested, but also create room in the budget in order to accomplish that. It is important that everyone understands that this has been an ongoing process and this is a moment of tactical action. There are a variety of things that we must now continue to do.

Mr. Rose moved, seconded by Ms. Kennedy, to adopt the Report of the County Administrator.

Mr. Manning stated procedurally he is very concerned because, in his opinion, all of the reports Council has received since the County Administrator has been brought on to the job would be null and void. He believes in our form of government, if any Council members is not in favor of the well documented, immediate fix should speak up now and say you do not like the idea. But for Council to begin going on record, procedurally, is opening a Pandora's door to what we have not done in the past, how it reflects by this and what it means in the future. Therefore, he feels a motion is out of order for this.

Ms. Myers stated instead of Mr. Rose's motion to issue a directive thanking the County Administrator and staff for finding a way to start moving forward and that all agree is in the best interest of the County, EMS and Detention Center.

Mr. Rose agreed to accept Ms. Myers' language.

Mr. Pearce stated he is in agreement with Mr. Manning. The intent of what is being recommended he supports 100%. Although he is uncomfortable with parts of it that he feels may require a budget amendment. The proposed plan moves approximately \$1 million around in a budget. He believes part of the plan can be done and then do a budget amendment to deal with the remaining parts. He stated he is not sure we have ever done anything like this without doing a budget amendment. We're creating new positions, moving a large amount of money around and he feels uncomfortable, but he also feels the quicker we can get this done the better off we will be. He also stated he believes the Administrator has the authority to adjust salaries without a budget amendment.

Mr. Seals responded in the affirmative.

Mr. Pearce stated it is his understanding the Administrator wants to create additional positions.

Mr. Seals stated not at this time. The strategic plan includes 24 positions, which will be brought back to Council. Essentially the proposal is as follows: (1) Increase the starting pay for the non-command staff at the Detention Center and EMS by 10%, effective November 1; and (2) Incumbents would receive a 5% salary increase, effective December 1. Provisions and adjustments have been made that any kind of compression issues are addressed, specifically to prevent an incumbent from making less than a new hire.

Mr. Pearce stated based on that the proposal would not require a budget amendment.

Mr. N. Jackson stated he is finally glad this happened. He made a motion in 2008 for an increase. He believes there have been 2 Class & Comp studies done and nothing happened. For the County Administrator to have found a way to not amend the budget and finally get something done deserves applause.

Mr. Seals stated in response to Mr. Pearce's comments and concerns earlier, there is one item that will be brought back to Council in late November/early December and that is the details of tuition reimbursement.

Mr. C. Jackson stated the reason he inquired about the impact on the funding and where the funds were coming from was to ensure that it would not require action by the County. When he was reassured by Mr. Seals, he was satisfied with that answer. The only other point he wanted to make was there is a difference between the number of vacancies and what is need is for adequate staffing. Though we may have 8 vacancies in that department. The bigger question, which will hopefully be answered at the upcoming D&S Committee meeting, is that adequate staffing to meet the needs of the department. If not, then he assumes the Administrator will have to come back for a budget amendment because it would require the creation of new positions.

Mr. Seals responded in the affirmative. From a preliminary standpoint, in EMS Departments, we are a weak County in South Carolina. He often hears Richland County should be compared to Greenville and Charleston County. In reality, we are doing comparisons which are not correct. Greenville does not have a world class university or a military base of size. There are a variety of considerations, for example, EMS very often is covering high school football, various events at USC, in addition to covering the rest of the County's needs. We are working with Michael Byrd and staff to arrive at what is tailor made to deal with Richland County. In Mr. Seals' opinion, in the next year to year and a half an additional 48 positions need to be added, which will require some adjustments.

Ms. Kennedy stated she wanted to thank to Administrator for his efforts. She can remember when there were only 4 ambulances for the entire County.

Mr. Malinowski stated Council is going to accept Mr. Seals' report as information and he will proceed as he feels necessary.

Mr. Farrar stated Mr. Manning's comments were correct as far as the delineation between the budget responsibilities for Council and the personnel responsibilities. SC Code of Law Title 4-9-30(7) gives the Administrator all kind of authority to deal with personnel systems, setting up classifications, etc. Adjusting salaries is certainly within his purview. To the extent, if this is going to involve transferring money that is already appropriated, not a budget amendment and does not take three readings and a public hearing, Title 4-9-140 deals with designation of fiscal budget years. For example, supplemental appropriation during the fiscal year. ("The provisions of this section shall not be construed to prohibit the transfer of funds appropriated in the annual budget for purposes other than as specified in such annual budget when such transfers are approved by the council.") For example, you approved a budget and you said this amount of money is available to be used by the departments and it is going to be used in a different way, then some Council assent is appropriate under this particular statute, but it is not of the level of a budget amendment which is what Mr. Manning was getting to. To the extent Council is in favor of the transfer of the funds that have already been appropriated, but does not involve a budget amendment, a one-time motion is not out of order.

Mr. C. Jackson stated, being picky for a second, if there are funds in the personnel line item and there are positions in the personnel budget that have gone unfilled; therefore, attrition has taken effect. Those dollars being used and redirected still within personnel doesn't seem to be out of line at all. They are not being transferred.

Mr. Farrar stated that is exactly the key. If there is no transfer you don't need to do anything. If there is a transfer then you would have a motion.

Mr. Malinowski inquired of the Administrator if there is a transfer.

Mr. Seals stated there is not a transfer.

Mr. Farrar stated so it is on the record, if there is no transfer then you would not need to take any action.

Mr. Malinowski stated his statement that we will accept the Administrator's report as information and he will proceed as he deems necessary if correct.

REPORT OF THE CLERK OF COUNCIL

- a. REMINDER: Revivify Richland Debriefings – Ms. Onley reminded Council of the upcoming Revivify Richland debriefings. There are 3 options for Council members to attend.
 1. October 19, 1:00 – 2:30 PM, Administration Conference Room
 2. October 25, 11:00 AM – 12:30 PM, Administration Conference Room
 3. November 1, 2:15 – 3:45 PM, Administration Conference Room

- b. REMINDER: Transportation Work Session, October 23, 9:00 AM – 12:00 PM, 4th Floor Conference Room – Ms. Onley reminded Council of the upcoming Transportation Work Session on October 23rd at 9:00 AM in the 4th Floor Conference Room.

- c. REMINDER: Council Priority Setting Sessions, October 26 – 27, Columbia Metropolitan Convention Center – Ms. Onley reminded Council of the Priority Setting Sessions scheduled for October 26th & 27th at the Columbia Metropolitan Convention Center.

Mr. N. Jackson stated on October 26th there are 5 members of Council that will be attending the Central Midlands Council of Governments meeting from 11:00 a.m. – 12 noon.

REPORT OF THE CHAIR

- a. Personnel Matter – Mr. Malinowski advised Council members that Council has stated they want to begin evaluations of the employees Council is responsible for, i.e. Administrator, Attorney, and Clerk of Council. A decision needs to be made on whether Council wants Procurement to create a Request for Proposal or Request for Qualifications in an attempt to obtain the needed assistance in creating the evaluation process for those employees.

Mr. Rose inquired if Council would need professional assistance or could Council not do it as a body and have discussions.

Mr. Malinowski stated the reason that it was thought this is the way we should go, was during discussions with the Chair and himself was in the past when the Council tried do it themselves it was difficult to get Council members to submit their particular evaluation forms. It would turn out there were only 4 or 5 people evaluating the employees. The process we are looking for is a way to ensure everyone gets on board. Not just Council, but department heads and other officials.

Mr. Rose stated he does not think bringing in outside entities is necessarily going to mean there is going to have more participation. He believes Council can come together as a body and figure out the best way to proceed and should probably be a discussion when the Council members not present are able to attend.

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Mr. N. Jackson stated for the past several years Council has been doing it themselves. Twice consultants were hired to offer advice or information on the process and develop a format to evaluate. He does not feel that Council needs to spend money on another consultant to tell them what to do when Council has the documents. Council members need to participate in the process.

Mr. Manning stated he thought Council had discussions about this and the Vice Chair procedurally sees to this being accomplished. He stated he is confused because these he's hearing all the same things for and against and he thought there was some movement forward on the part of the Vice Chair.

Mr. Malinowski stated he thought he had made some movement forward on this, but it was brought to his attention that if we were going to hire an outside firm we would need Council approval to do so. Secondly, Council would probably get pushback if we do not open it up to individuals to show us what they have, what they can provide us and at what costs.

Mr. Manning moved, seconded by Mr. Pearce, to go through the Procurement process to continue what the Council had previously discussed and started moving forward on.

Mr. Rose stated he just does not think that an outside firm is necessary. He does not think someone giving him a form they have brought together is going to change my opinion, for better or worse, of an employee.

Mr. N. Jackson stated for clarification Council is going to pay a consultant to tell them to do what they have already been doing with the forms provided by the past consultants.

Mr. Malinowski stated Council is going to try to get a process in place that will let Council know what areas we need to look into for evaluation of Council's employees. What individuals possibly, in addition to Council members, should be included in the evaluation process? A timeframe this should take place.

Mr. N. Jackson inquired if Council already has a process.

Mr. Malinowski stated he would have to defer to the Clerk's Office or Mr. Pearce.

Mr. N. Jackson stated Council has done evaluations over the years of the Administrator, Clerk and Attorney. If Council has a process and has done it in the past, why are they spending money to get a consultant to tell them about something they are already doing? They have documents on how to proceed; therefore, Mr. N. Jackson fails to see at this stage and time the need for a consultant to tell them how to evaluate someone.

Mr. Malinowski stated there are some that feel the process in the past had been flawed and did not work. They wanted to move forward and try another process. In addition, in the 11 years he has been on Council he has never seen an evaluation of the Attorney.

Mr. C. Jackson stated he is one of the newer members of the group and he is not going to put Mr. Seals on the spot to ask if he has some performance document he is working off of now that Council gave him when he was hired that they will now be evaluating him on. And if that document does not exist for Mr. Seals, he is wondering how Council is going to evaluate how Mr. Seals is has been effective this year without some structured document in place that he is working off of. If that has not happened all the nice comments about Council working together are nice to say, but a Chief Executive Officer like the County Administrator, and the Attorney are on a whole other level than an

employee that we simply evaluation and review in passing. He hopes Council would not minimize the level of evaluation that needs to be done on the Administrator in comparison to any employee within the organization. It is different. It is unique. It requires a different set of rules, standards, measurements and methods that are used to ensure what he/she is doing at level is appropriately documented and recorded and is in fact mentioned or listed in their performance review and evaluation when they start and at their anniversary period. Unless there is one that has not been shared with Mr. C. Jackson he is not aware that Mr. Seals has one tonight.

Ms. Kennedy stated we have done this in the past and should have some of the information on file. We should not have to hire another firm to do this over and over again.

Mr. Pearce stated for those of you who were here during the last attempt to evaluate an Administrator, we did hire an outside firm. We did generate an evaluation document that was based against the job description of the County Administrator; however, you will also recall due to the inability to get the documents completed and turned in that process never finalized. He further stated he is unsure where those documents are located. Mr. C. Jackson touched on Mr. Pearce's other point, which is to his knowledge Mr. Seals was not provided with any type of document. So at this point, he would have to agree he does not know what Mr. Seals would be evaluated against. He would suggest Council devote their time to developing a document that Mr. Seals could be evaluated on in the future. Furthermore, Council has been woefully inadequate in the various time they have tried to develop said document on their own.

Mr. N. Jackson stated the job description has not really changed. He further stated we have failed as a Council to evaluate, or to have at least 6 members of Council turn in an evaluation form in the past. Council only evaluates the Administrator, the Clerk and the Attorney. Not regular employees. They have never done it in the past and this discussion is only for the Administrator, the Clerk or the Attorney. If Council is going to evaluate the Administrator, Council has to give him expectations first. They cannot decide to hire a consultant firm to develop a document or form to evaluate the Administrator, but at the same time not provide him with their expectations. Mr. N. Jackson stated he has requested Council members meet with the Administrator in the past and have a discussion about their expectations so they will have a format to evaluate the Administrator on, but to date that has not taken place.

Mr. Malinowski stated in his discussions with a firm that does evaluations, it was mentioned that Council needs to identify the duties and expectations of the individuals being evaluated and to obtain a copy of the job description and contract. The evaluation form will be credited based upon the job description and contract.

Ms. McBride stated she was not prepared to take a vote because she is not aware of what does or does not exist. She inquired about who would know what exists and where can the information be obtained.

Mr. Malinowski agreed with what Mr. Pearce said about not know what exists, or if it does, and where it is.

Mr. Manning stated as a point of personal privilege to the constituents of District 8 that he filled out each and every evaluation form ever presented to him.

Mr. N. Jackson made a substitute motion, seconded by Ms. Kennedy, to request Council members meet with the County Administrator to inform him of Council's expectations and develop a template where he can be evaluated in the future.

Ms. Myers stated she felt it might be out of order for Council to create something without some kind of professional input because Council could be unfairly treating the employees that work directly for them. There needs to be some standard by which we are developing protocol.

Mr. N. Jackson stated there has to be guidelines. Human Resources would have to be involved. At the end of the day, Council cannot evaluate the Administrator if he does not have their expectations.

Ms. Myers stated the Human Resources person the County employs works directly for Mr. Seals; therefore, it might be difficult to use that HR person because they report to the very person they need to developing protocols for. It may well be the way to get that done is to have someone that does not report to Council's employees to help develop the protocols for evaluating them.

Mr. Rose inquired if something went through Procurement if it would come back to Council before funds would be allocated.

Mr. Seals stated it would depend on whether it was a Request for Qualifications or a Requests for Proposals, but either way it would come back to Council.

Mr. Rose stated he would like to see what something like this would cost before making a final decision. He is fine with putting it through the Procurement process to see what Council is looking at.

Mr. N. Jackson inquired if the initial motion was to hire a consultant.

Mr. Malinowski stated the original motion was to have Procurement get the process started to either have a Request for Proposals or Qualifications, whichever Procurement deemed was the way to go.

Mr. N. Jackson stated for clarification we are talking about evaluating the Administrator and Council does not have a document or a template to evaluate the Administrator. In his understanding, the consultant was to develop a template on how to evaluate the Administrator. He stated his argument is that you cannot do that because Mr. Seals has not been provided Council's expectations. At end of the day, is the RFP or RFQ to evaluate the Administrator or to develop a document to provide him Council's expectations and how to evaluate on those expectations.

Mr. Malinowski requested Mr. Manning to clarify his motion.

Mr. Manning stated there is discussion on a motion that is not before us because we have a secondary motion. He requested a friendly amendment on the substitute motion to do that tomorrow since the taxpayers are paying a salary for somebody that we are saying we need to meet and get some idea of what they should do on their job.

Mr. N. Jackson stated he is not sure all of the Council members can meet tomorrow unless we have a meeting; therefore, he cannot accept that as a friendly amendment.

POINT OF ORDER – Mr. N. Jackson stated he could ask for clarification on the original motion to make a decision on the motion he is making.

Mr. Malinowski inquired if Mr. N. Jackson had received his clarification.

Mr. N. Jackson stated he had not received clarification. He would like to know what the original motion is so he can be clear on his substitute motion.

Mr. Malinowski stated the original motion is that Procurement get the process started toward the evaluation of the employees are responsible for. Be it with a RFP or a RFQ.

Ms. Myers moved, seconded by Mr. Rose, to call for the question. The vote in favor was unanimous.

In Favor: N. Jackson, Kennedy

Opposed: Pearce, Rose, Malinowski, Myers, McBride

The substitute motion failed.

In Favor: Pearce, Rose, Malinowski, Kennedy, Myers, Manning

Opposed: N. Jackson

The vote was in favor of the motion to begin the Procurement Process.

APPROVAL OF CONSENT ITEMS

- a. An Ordinance authorizing a quit claim deed to David Hodge for a parcel of land located in Richland County, known as a portion of the Olympia Alleyways, and abutting TMS # 08815-04-02 [SECOND READING]
- b. An Ordinance Authorizing Richland County to grant, without charge, to South Carolina Electric and Gas Company ("SCE&G") a permanent easement in certain real property near the intersection of Farrow and Pisgah Church Roads in Richland County, being approximately 0.32 acre to be acquired by Richland County from the South Carolina Department of Disabilities and Special Needs ("DDSN") and the South Carolina Department of Administration ("DOA") for the purpose of relocating, constructing, maintaining, providing and otherwise operating electrical utility services, all in furtherance of a transportation improvement project for the Transportation Penny Program [SECOND READING]
- c. An Ordinance Authorizing the conveyance by quitclaim deed of all right, title, and interest that the County of Richland may have, if any, in certain real property near the intersection of Bluff Road and Rosewood Drive, in the City of Columbia, County of Richland, for purposes of identifying and establishing the property boundary lines between the private property with a physical address of 711 Bluff Road and the public property of Rosewood Drive and Bluff Road and thereby finalizing a proposed settlement with landowner concerning the pending condemnation action bearing Civil Action No. 2016-CP-40-046541 related to the transportation improvement project generally known as the Bluff Road Widening Project [SECOND READING]

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

ORDINANCES – THIRD READING

- a. An Ordinance authorizing a deed to Empire Equities Capital, Ltd. for One Summit Parkway, which is the former Summit Parkway Library; also described as TMS # 23000-03-07 – Mr. Pearce moved, seconded by Ms. Myers, to approve this item.

In Favor: Pearce, Rose, N. Jackson, Malinowski, Kennedy, Myers, McBride

The vote in favor was unanimous.

SECOND READING

- a. An Ordinance Authorizing the re-direction and expenditure of unspent proceeds of certain of the County's bond issues; and other matters relating thereto – Mr. Manning moved, seconded by Mr. Pearce, to approve this item.

Mr. Malinowski stated he had previously requested what these dollars would be spent for by the various agencies. He did receive a general breakdown, but he would like more specific details on what the funds were to be used for (i.e. Detention Center expansion, automobiles, etc.)

Mr. Seals stated most of these things were written very generally. Staff is attempting to clean this up and in moving forward to be able to track and give more specificity.

Ms. Myers inquired as to who wrote the descriptions.

Mr. Seals stated what is before Council is what he put together, but the information it comes from bonds, etc.

Mr. Malinowski stated what he is inquiring about is where the funds are going (i.e. EMS Vehicles/Equipment, Sheriff's Dept. Technology upgrades and various capital projects, General County facility, etc.)

The vote in favor was unanimous.

REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE

- a. Additional Office Space for the Public Defender's Office – Mr. Pearce stated there is a side by side comparison of the 2 properties in the agenda packet. As you recall the item was held up because Mr. Strickler had not visited the properties. After the sites were visited, it was determined 1501 Main Street would not meet the Public Defender's needs.

The item was forwarded to Council without a recommendation; therefore, Council can move forward with the lease of 1730 Main Street.

Mr. Manning moved, seconded by Mr. Pearce, to move forward with the lease of 1730 Main Street.

Mr. Malinowski inquired if this was a one reading item.

Mr. Farrar stated it is a one reading item.

Mr. Malinowski inquired about the length of the lease on this property. It was his understanding from previous documentation this is a 5-year lease. He thinks prior to entering into a lengthy lease the County needs to know what the penalty would be for breaking the lease. Especially in lieu of the Richland Renaissance the Administrator has proposed. Also, in reviewing the budget motion made by Mr. Pearce, the motion was for "up to \$1 million for relocation to eliminate overcrowding at the Judicial Center." The motion did not say the overcrowding must be relieved by the Public Defenders moving out. It could be CASA. It could be some of the Clerks of Court. It could be someone else. Maybe they would be able to be relocated into the lesser facility, at lesser cost, for a lesser lease time and the Public Defender then could utilize the space in that building. There are still unanswered questions that Council should have answers to before moving forward.

Mr. Malinowski made a substitute motion to defer this item until the November 7th Council meeting and have the Administrator to provide the information. The motion died for a lack of second.

Mr. N. Jackson stated the utility rates are \$4,000 per month at the 1730 Main Street location. He inquired if the \$48,000 per year is in addition to the \$145,500 annual rent.

Mr. Seals stated it is included in the annual rent total.

Mr. Malinowski inquired about the costs for office furniture.

Mr. Seals stated he does not have a cost because that is a decision by the Public Defender.

Ms. Myers requested clarification on the total rental costs for 1730 Main Street.

Mr. Madden stated the annual rent is \$97,500 and the monthly utilities are \$4,000. The total annual rental is \$145,500.

In favor: Pearce, Rose, Kennedy, Myers, Manning, McBride

Opposed: N. Jackson, Malinowski

The vote was in favor.

Mr. Manning moved, seconded by Ms. Myers, to reconsider this item. The motion for reconsideration failed.

REPORT OF THE ECONOMIC DEVELOPMENT COMMITTEE

- a. Authorizing the execution and delivery of an amendment to the July 28, 2009 Fee Agreement effecting a conversion of that certain lease agreement dated as of December 15, 1996 between Unum Group, Colonial Life & Accident Insurance Company, and Unum Life Insurance Company of America, and Richland County, South Carolina; and other related matters [FIRST READING BY TITLE ONLY] – Mr. Manning stated the committee recommended approval of this item. The vote in favor was unanimous.
- b. Authorizing the execution and delivery of an amendment to a 2014 Fee Agreement by and between Richland County, South Carolina [and Project Meds] to provide for certain infrastructure credits; and other related matters [FIRST READING BY TITLE ONLY] – Mr. Manning stated the committee recommended approval of this item. The vote in favor was unanimous.
- c. A Resolution certifying property located at 1087 Shop Road and 1115 Shop Road as abandoned building sites pursuant to the South Carolina Abandoned Buildings Revitalization Act, Title 12, Chapter 67 of the Code of Laws of South Carolina, 1976, as amended – Mr. Manning stated the committee recommended approval of this item.

Mr. Malinowski inquired about an apparent contradiction in the language of the resolution. The resolution states, "...is eligible either for a credit against certain income taxes, license fees, or premium taxes, or a credit against local property taxes", but also states the following: "shall have no fiscal impact on the County".

Ms. Harrison stated the taxpayer will receive an income tax credit and not a property tax credit. State law provides for an income tax credit for a certified abandoned building.

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In favor: Pearce, Rose, N. Jackson, Malinowski, Kennedy, Myers, Manning, McBride

The vote in favor was unanimous.

REPORT OF THE RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF VACANCIES

- a. Accommodations Tax – Five (5) Vacancies (One applicant must have a background in the Cultural Industry; Three [3] applicants must have a background in the Hospitality Industry; and One is an at-large seat) – Mr. N. Jackson stated the committee recommended advertising for the vacancies. The vote in favor was unanimous.
- b. Hospitality Tax – Two (2) Vacancies (Applicants must be from Restaurant Industry) – Mr. N. Jackson stated the committee recommended advertising for the vacancies. The vote in favor was unanimous.
- c. Internal Audit Committee – One (1) Vacancy (Applicant must be a CPA) – Mr. N. Jackson stated the committee recommended advertising for the vacancy. The vote in favor was unanimous.
- d. Business Service Center Appeals Board – One (1) Vacancy (Applicant must be an attorney) – Mr. N. Jackson stated the committee recommended advertising for the vacancy. The vote in favor was unanimous.
- e. Board of Assessment Appeals – Two (2) Vacancies – Mr. N. Jackson stated the committee recommended advertising for the vacancies. The vote in favor was unanimous.
- f. Richland Memorial Hospital Board of Trustees – Three (3) Vacancies – Mr. N. Jackson stated the committee recommended advertising for the vacancies. The vote in favor was unanimous.
- g. Central Midlands Council of Governments (CMCOG) – One (1) Vacancy – Mr. N. Jackson stated the committee recommended advertising for the vacancy. The vote in favor was unanimous.
- h. Building Codes Board of Appeals – Two (2) Vacancies (One applicant must be from Architecture Industry and One from the Contractor Industry) – Mr. N. Jackson stated the committee recommended advertising for the vacancies. The vote in favor was unanimous.
- i. Employee Grievance Committee – One (1) Vacancy (Applicant must be a Richland County employee) – Mr. N. Jackson stated the committee recommended advertising for the vacancy. The vote in favor was unanimous.
- j. Procurement Review Panel – Two (2) Vacancies (One applicant must be from the Public Procurement Arena and One applicant must be from the Consumer Industry) – Mr. N. Jackson stated the committee recommended advertising for the vacancies. The vote in favor was unanimous.
- k. Community Relations Council – Two (2) Vacancies – Mr. N. Jackson stated the committee recommended advertising for the vacancies. The vote in favor was unanimous.

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- l. Township Auditorium Board – One (1) Vacancy – Mr. N. Jackson stated the committee recommended advertising for the vacancy. The vote in favor was unanimous.
- m. Historic Columbia Foundation – One (1) Vacancy – Mr. N. Jackson stated the committee recommended advertising for the vacancy. The vote in favor was unanimous.
- n. Airport Commission – One (1) Vacancy – Mr. N. Jackson stated the committee recommended advertising for the vacancy. The vote in favor was unanimous.
- o. East Richland Public Service Commission – One (1) Vacancy – Mr. N. Jackson stated the committee recommended advertising for the vacancy. The vote in favor was unanimous.
- p. Planning Commission – One (1) Vacancy – Mr. N. Jackson stated the committee recommended advertising for the vacancy. The vote in favor was unanimous.
- q. Central Midlands Regional Transit Authority (CMRTA) – One (1) Vacancy – Mr. N. Jackson stated the committee recommended advertising for the vacancy. The vote in favor was unanimous.
- r. Lexington Richland Alcohol and Drug Abuse Council – Two (2) Vacancies – Mr. N. Jackson stated the committee recommended advertising for the vacancies. The vote in favor was unanimous.

II. NOTIFICATION OF APPOINTMENTS

- a. Transportation Penny Advisory Committee – 3 – Mr. N. Jackson stated the committee recommended appointing Mr. Brian Colclough, Mr. Karim Johnson, and Ms. Tiajuana “Tia” D. Evans to the Transportation Penny Advisory Committee for 4 year terms.

In favor: Pearce, Rose, N. Jackson, Malinowski, Kennedy, Myers, McBride

The vote in favor was unanimous.

REPORT OF THE BLUE RIBBON AD HOC COMMITTEE

Mr. Pearce stated the Blue Ribbon Ad Hoc Committee met on October 4th, which was the 2nd Anniversary of the flood. The committee took note that they never expected to be meeting for 2 years and have yet to resolve the issues with the Federal Government.

- a. FEMA Hazard Mitigation Grant Program – Mr. Pearce stated the County submitted 9 applications ranging from community outreach, infrastructure strengthening and buying out properties damaged in the flood. Three of the property buying applications have been awarded, totaling 49 residential properties. The committee unanimously recommended approval of 3 Tetra Tech project management task orders for grant management. The costs are all included in the FEMA grants requiring no County funds.
 - 1. Task Orders for Implementation – Mr. Pearce stated the committee unanimously recommended approval of 3 Tetra Tech project management task orders for grant management. The costs are all included in the FEMA grants requiring no County funds.

In Favor: Pearce, Rose, N. Jackson, Malinowski, Kennedy, Myers, Manning, McBride

The vote in favor was unanimous.

Mr. Pearce moved, seconded by N. Jackson, to reconsider this item. The motion for reconsideration failed.

2. RFQ Postings for Implementation – Mr. Pearce stated the committee recommended posting of 3 RFQs for 3rd Party services: appraisal, legal closing and property demolition/restoration. The costs of these services are included in the FEMA grants.

In Favor: Pearce, Rose, N. Jackson, Malinowski, Kennedy, Myers, Manning, McBride

The vote in favor was unanimous.

Mr. Pearce moved, seconded by N. Jackson, to reconsider this item. The motion for reconsideration failed.

3. Extension of temporary fee waivers for flood-related work – Mr. Pearce stated the committee recommended the 2-year extension of temporary waivers for building permits, plan review and business license fees for flood-related work. Immediately following the flood, Council approved a waiver of these fees when proven to be for the repair of flood damaged properties or for the businesses performing this work. Given the release of Federal funds this repair work will continue, if not increase, over the next couple years.

In Favor: Pearce, Rose, N. Jackson, Malinowski, Kennedy, Myers, Manning, McBride

The vote in favor was unanimous.

Mr. Pearce moved, seconded by N. Jackson, to reconsider this item. The motion for reconsideration failed.

b. Community Development Block Grant-Disaster Recovery:

1. Action Plan Amendments – Mr. Pearce stated the committee unanimously recommended County Council approve the CDBG-DR Action Plan Amendments, including the substantial amendment for the additional \$7.25M and establishment of a new intake period.

In favor: Pearce, Rose, N. Jackson, Malinowski, Kennedy, Myers, Manning, McBride

Mr. N. Jackson moved, seconded by Mr. Manning, to reconsider this item. The motion for reconsideration failed.

- c. CDBG-DR Second Allocation Update Mr. Pearce stated the committee unanimously recommended County Council approve the CDBG-DR Action Plan Amendments, including the substantial amendment for the additional \$7.25M and establishment of a new intake period.

In favor: Pearce, Rose, N. Jackson, Malinowski, Kennedy, Myers, Manning, McBride

Mr. N. Jackson moved, seconded by Mr. Manning, to reconsider this item. The motion for reconsideration failed.

OTHER ITEMS

- a. Contract Award for Engineering Services for Stoney Point/Cedar Cove Sewer Rehab Project – Mr. Manning moved, seconded by Mr. Pearce, to approve this item.

Mr. Malinowski inquired as to what the bid amounts were for the firms.

Ms. Wladischkin stated this was a Request for Proposal; therefore, all of the costs associated were negotiable. The amount in the agenda packet was the negotiated with the highest ranked offer, Joel E. Woods & Associates.

In favor: Pearce, N. Jackson, Malinowski, Kennedy, Myers, Manning, McBride

The vote in favor was unanimous.

- b. A Resolution to appoint and commission George Person, Jr., as a residential building inspector for the proper security, general welfare, and convenience of Richland County – Mr. Manning moved, seconded Ms. Myers, to approve this item. The vote in favor was unanimous.
- c. FY18 – District 4 Hospitality Tax Allocations – Mr. Pearce moved, seconded by Ms. Myers, to approve this item.

In Favor: Pearce, N. Jackson, Malinowski, Kennedy, Myers, Manning McBride

The vote in favor was unanimous. Mr. Rose, for the record, was not present during this vote.

- d. FY18 – District 7 Hospitality Tax Allocations – Mr. Pearce moved, seconded by Ms. Myers, to approve this item.

In Favor: Pearce, N. Jackson, Malinowski, Kennedy, Myers, Manning McBride

The vote in favor was unanimous. Mr. Rose, for the record, was not present during this vote.

- e. FY18 – District 8 Hospitality Tax Allocations – Mr. Pearce moved, seconded by Ms. Myers, to approve this item.

In Favor: Pearce, N. Jackson, Malinowski, Kennedy, Myers, Manning McBride

The vote in favor was unanimous. Mr. Rose, for the record, was not present during this vote.

CITIZENS' INPUT: Must Pertain to Richland County Matters Not on the Agenda – Mr. Charles Cammisa spoken regarding abandoned roads in his subdivision.

Council went into Executive Session at approximately 8:06 PM and came out at approximately 8:17 PM.

EXECUTIVE SESSION

- a. Richland County Recreation Commission: Potential Litigation/Proposed MOU – Ms. Myers moved, seconded Mr. N. Jackson, to direct the Richland County Council liaisons meet with the Richland County Recreation Board and discuss with them Council's needs and concerns. The vote in favor was unanimous.

Mr. N. Jackson stated he would like for his motions regarding the Recreation Commission to continue moving forward.

MOTION PERIOD

- a. I move that we re-allocate some of the funding we used to increase the general fund balance farther above the minimum policy amount than it already was, and given that the FY 16-17 budget produced a surplus, to EMS [MANNING] – This item was referred to the D&S Committee.
- b. I move that 2020 Hampton Street discontinue the practice of scheduling meetings for Council members at the same time [MANNING] – This item was referred to the Rules & Appointments Committee.

ADJOURNMENT – The meeting was adjourned at approximately 8:20 PM.

X

Joyce Dickerson
Chairwoman

X

Bill Malinowski
Vice Chair

X

Calvin "Chip" Jackson
District Nine

X

Norman Jackson
District Eleven

X

Gwendolyn Kennedy
District Seven

X

Paul Livingston
District Four

X

Jim Manning
District Eight

X

Yonne McBride
District Three

X

Dalhi Myers
District Ten

X

Greg Pearce
District Six

X

Seth Rose
District Five

The Minutes were transcribed by Michelle M. Onley, Deputy Clerk of Council



Richland County Council

ZONING PUBLIC HEARING
October 24, 2017 – 7:00 PM
Decker Center
2500 Decker Boulevard, Columbia, SC 29206

COUNCIL MEMBERS PRESENT: Joyce Dickerson, Chair; Bill Malinowski, Vice Chair; Norman Jackson, Gwendolyn Kennedy, Paul Livingston, Yvonne McBride, Dalhi Myers, Greg Pearce, and Seth Rose

OTHERS PRESENT: Michelle Onley, Geo Price, Tracy Hegler, Tommy DeLage, Heather Brown, Deborah Moore, and Ashley Powell

1. **CALL TO ORDER** – Ms. Dickerson called the meeting to order at approximately 7:00 PM.
2. **ADDITIONS/DELETIONS TO THE AGENDA** – There were no additions or deletions.
3. **ADOPTION OF THE AGENDA** – Mr. Malinowski moved, seconded by Ms. Kennedy, to adopt the agenda as published. The vote in favor was unanimous.
4. **MAP AMENDMENTS**
 - a. 17-016 MA
Gabriel McFadden
RU to NC (1.21 Acres)
Dutch Fork Road
TMS# R01507-02-05 [FIRST READING]

Mr. Malinowski moved, seconded by Mr. N. Jackson, to accept the applicant's withdrawal, but this is the last time he will accept this company's withdrawal. The vote in favor was unanimous.

- b. 17-017MA
Larry S. Umberger
GC and RM-MD to OI (2.06 & 1.6 Acres – 3.66 Acres Total)
2605 Seminole Road
TMS# R06015-04-03 & 06 [FIRST READING]

Ms. Dickerson opened the floor to the public hearing.

Mr. Larry S. Umberger spoke in favor of this item.

The floor to the public hearing was closed.

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

- c. 17-018MA
James Huggins
GC to LI (4 Acres)
Dutch Fork Road
TMS# R02408-02-04 [FIRST READING]

Mr. Malinowski inquired if there were any changes made to the Planning Commission agenda because there are 2 sites indicated on pp 16-17.

Mr. Price stated the Planning Commission were informed and the matter was discussed at the October 2nd Planning Commission meeting.

Ms. Dickerson opened the floor to the public hearing.

Mr. Kim Kirby, Mr. Joey Coogler, and Mr. James Huggins spoke in favor of this item.

The floor to the public hearing was closed.

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

- d. 17-020MA
Jimmy L. Thompson
RR to RU (22.79 Acres)
510 Koon Store Road
TMS# R12110-01-14 [FIRST READING]

Ms. Dickerson opened the floor to the public hearing.

Mr. Jimmie Thompson, Ms. Delphine Thompson, and Mr. Alphonso Guider spoke in favor of this item.

The floor to the public hearing was closed.

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

- e. 17-021MA
David Gates
RU to GC (8.21 Acres)
Dutch Fork Road
TMS# R02408-02-02 [FIRST READING]

Mr. Malinowski moved, seconded by Mr. N. Jackson, to defer the Public Hearing and this item until the December 19th Zoning Public Hearing. The vote in favor was unanimous.

- f. 17-022MA
Chuck Munn
RU to RS-LD (38 Acres)
5339 Hard Scrabble Road
TMS# R20500-04-06 [FIRST READING]

Mr. C. Jackson moved, seconded by Mr. Malinowski, to defer the Public Hearing and this item until the November 16th Zoning Public Hearing. The vote in favor was unanimous.

- g. 17-023MA
Andy Gandolfo
RS-LD to GC (1.4 Acres)
915 Skyland Drive
TMS# R07313-01-03 [FIRST READING]

Ms. Dickerson opened the floor to the public hearing.

Mr. Andy Gandolfo, Mr. Ben Carlton and Mr. Zack Gordge spoke in favor of this item.

Mr. Daniel Smith, Mr. Neal Asman, Mr. Ken Faulkner, and Ms. Cindy Long spoke in opposition of this item.

The floor to the public hearing was closed.

Mr. Rose moved, seconded by Mr. Malinowski, to deny the re-zoning request. The vote in favor was unanimous.

- h. 17-024MA
Inga Brooks
RS-HD and NC to GC (1.01 Acres)
4120 Bluff Road
TMS# R13509-02-36, 37 & 38 [FIRST READING]

Ms. Dickerson opened the floor to the public hearing.

Ms. Inga Black Brooks, and Mr. Alphonso Black spoke in favor of this item.

The floor to the public hearing was closed.

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

- i. 17-027MA
Robert Beckham, Jr.
PDD to RU (3.23 Acres)
1304 Peace Haven Road
TMS# R01500-02-09 [FIRST READING]

Mr. Malinowski stated there was a difference in meeting location posted on the property versus the letters sent out to people; therefore, based on the discrepancy he would suggest deferring this item.

Mr. Malinowski moved, seconded by Mr. N. Jackson, to defer the Public Hearing and this item until the December 19th Zoning Public Hearing. The vote in favor was unanimous.

- j. 17-030MA
Thomas O. Milliken
RU and OI to GC (50.54 Acres)
Legrand Road
TMS# R17110-02-02, 03, 05; R17113-01-19; R17113-09-02 [FIRST READING]

Ms. Dickerson opened the floor to the public hearing.

No one spoke at the public hearing.

The floor to the public hearing was closed.

Ms. Kennedy moved, seconded by Mr. N. Jackson, to approve this item. The vote in favor was unanimous.

- k. 17-031MA
Thomas O. Milliken
RU and OI to RS-MD (72.6 Acres)
Legrand Road
TMS# R17110-02-01; R17111-02-01 & 04 [FIRST READING]

Ms. Dickerson opened the floor to the public hearing.

No one spoke at the public hearing.

The floor to the public hearing was closed.

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

5. **TEXT AMENDMENTS**

- a. Flood Ordinance – An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; so as to remain in compliance with the National Flood Insurance Program upon the adoption of the new flood insurance rate map [FIRST READING]

Ms. Dickerson opened the floor to the public hearing.

No one signed up to speak.

The floor to the public hearing was closed.

Mr. Pearce inquired if the updated maps will clarify the Gill Creeks lines.

Ms. Brown stated the preliminary maps became available in April and are available in her office for review.

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

- b. Capital Mill District Area and Corridor Plan – A Resolution to recommend that Richland County Council enact an ordinance amending the “2015 Richland County Comprehensive Plan”, by incorporating the “Capital City Mill District Area and Corridor Plan” into the plan [FIRST READING]

Ms. Dickerson opened the floor to the public hearing.

Ms. Viola Hendley and Mr. Bob Guile spoke in favor of this item.

The floor to the public hearing was closed.

Mr. Rose moved, seconded by Mr. C. Jackson, to approve.

Ms. Myers stated she wanted to note that this is a truly comprehensive plan and there have been discussions regarding prioritizing every year or every other year. She requested a friendly amendment to revisit and prioritize every other year. In addition, as a caveat to engage in a MOU with the City of Columbia.

Mr. Rose stated he wants to see this approved and is concerned that attaching a caveat of an MOU that may not come to fruition it will put the project in limbo. He would support staff coming back with MOU in the future.

Ms. Myers made a substitute motion, seconded by Mr. Malinowski, to approve with the caveat that the County revisit the plan annually and prioritize. In addition, to collaborate with the City of Columbia to develop a MOU to outline who is responsible for what in the plan.

Mr. Rose inquired if this is qualified in any way.

Mr. Smith stated the motion by Ms. Myers is that she wanted to approve the plan subject to staff getting with the City of Columbia and figuring out the terms and conditions of the plan.

Ms. Hegler stated that is the #1 recommendation of the plan.

Ms. Myers stated she is simply putting it on the record and does not change the plan at all.

Mr. Malinowski stated he wants to assure that if it was a routine County or City matter the entity responsible will continue to do so.

Mr. C. Jackson stated it is his understanding this is already in the plan, so he is concerned about making it contingent upon something that is already in the plan.

Ms. Myers stated the only reason for highlighting this is, for those of us who read the plan, it could be a billion dollar worth of this things and it needs to be on the record.

In favor: N. Jackson, Malinowski, Dickerson, Livingston, Kennedy, Myers, McBride

Opposed: C. Jackson

The vote was in favor of the substitute motion.

6. **ADJOURNMENT** – The meeting adjourned at approximately 7:55 PM.

Richland County Council Request for Action

Subject:

An Ordinance Authorizing a quit claim deed to David Hodge for a parcel of land located in Richland County, known as a portion of the Olympia Alleyways, and abutting TMS #08815-04-02

Notes:

September 26, 2017 – Committee unanimously recommended approving the request to approve the quit claim deed.

First Reading: October 3, 2017

Second Reading: October 17, 2017

Third Reading: November 7, 2017 {Tentative}

Public Hearing: November 7, 2017



Development and Services Committee Meeting

September 26, 2017

Committee Briefing Document

Agenda Item

Quit-Claim Deed: 1209 Whitney Street

Background

In the early 1900's, several mills were established in the area of Columbia now known as the Olympia area. There were several large tracts of land which these mills controlled. Eventually, these tracts were cut up, streets established and home lots were surveyed out. When the home lots were cut out, an alleyway, 10 foot wide, was also established along the rear, and in some cases, the side property line of these lots. These alleyways are vacant and not used by the County.

In 1982, the County passed a County ordinance authorizing County landowners to apply to the County for quit claim deeds in the Olympia community – see attached ordinance.

Historically, once the County received a request from a property owner in the Olympia community regarding a vacant alleyway, the County would contact the property owner and all the property owners bordering the vacant alleyway regarding their interest in receiving half of the vacant land that abuts their property.

If the property owners wanted a portion of the alleyway that borders their property, the County would give the property owner 50% of the vacant land. The remaining 50% of the vacant land would be given to the adjacent property owner. If the property owner did not have an interest in receiving the vacant land, the ownership of the entire portion of the vacant land would be deeded over to the adjacent property owner.

David Hodge, via a September 6, 2017 letter, requested that the County quit claim the vacant land bordering his property at 1209 Whitney Street. (R08815-04-12) – see red portion in the attached map.

Issues

None. Staff is presenting the request of Mr. Hodge for Council action.

Fiscal Impact

There is no significant financial impact associated with this request. If the quit claim deeds are approved by Council, then the vacant land will be placed back on the County's tax rolls.

The average taxable value of the lots in the Olympia community is currently \$8,000. Given that the County does mass appraisals and these lots have the same utility as the others and the vacant alleyway does not adversely affect the value of these lots, it is anticipated that there would not be any value increase to any of the properties. Therefore, if the quit claim deeds are approved, there would be no

increase in the amount of taxes collected by the County.

Past Legislative Actions

There is no legislative history concerning the property located at 1209 Whitney Street. However, historically, the County has approved this type of request.

Alternatives

1. Approve the request to approve the Quit Claim Deed.
2. Do not approve the request to approve the Quit Claim Deed.

Staff Recommendation

It is recommended that Council approve the quit claim deed. By doing so, this property will be placed back on the tax rolls.

WILL J. ...
...

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. 1003-82HR

AN ORDINANCE AUTHORIZING CERTAIN RICHLAND COUNTY LANDOWNERS TO APPLY TO THE COUNTY GOVERNMENT FOR QUIT CLAIM DEEDS IN THE OLYMPIA COMMUNITY.

Whereas, certain alleyways in the so-called Olympia community of Richland County have been abandoned by their owners, have become overgrown and unused by the general public, and since Richland County has determined that the alleys cannot be used for any legitimate public purpose,

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 THE COUNTY COUNCIL FOR RICHLAND COUNTY:

SECTION I. Purpose and Intent.

In order to resolve the current confusion in the Olympia community of Richland County as to the ownership and proper use on the number of alleys that run between and behind the residences of the Olympia community, and to recruit the participation of the land owners of the Olympia community in eliminating a public eye sore and nuisance, this ordinance is enacted.

SECTION II. Procedure for Application for Quit Claim Deeds.

Any person who holds fee simple title to any residential lot in the so-called Olympia community of Richland County, may apply to the Office of the Richland County Administrator for a quit-claim deed, whereby the County shall convey any interest it may have to the applicant; provided that no property owner may apply for an interest in an alley greater

than one-half (1/2) of the depth of the alley contiguous to his/her lot.

SECTION III. Legal Status of Olympia Alleys.

Richland County does not claim a fee simple interest in any of the Olympia alleys, but, since, the alleys have been abandoned by their owners and have fallen into general public use, the County could claim some interest by law or equity, in such alleys.

The enactment of this ordinance is not designed to assert title on the part of Richland County, but merely to expedite the conveyance of whatever interest the County may have, if any.

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

SECTION VI. Effective Date. This ordinance shall be enforced from and after December 15, 1982.

RICHLAND COUNTY COUNCIL

BY: John V. Green
John V. Green, Chairman

ATTEST this the 13th day of
April, 1983, 1982.

Bonnie Fuller
CLERK OF COUNCIL



R11203-12-14
1208 WHITNEY S

Parcel Information:

<http://www.richlandmaps.com/apps/dataviewer/?lat=33.976>

Parcel Number:	R08815-04-02
Situs Address:	1209 WHITNEY ST
Primary Zoning:	RS-HD
Secondary Zoning:	
Tax District:	1UR
NBHD Code:	017.00
Taxable Value:	68,000
Market Value:	68,000
Building Value:	59,800
Land Value:	8,000
Acreage:	0
Owner Name:	HODGE DAVID
Owner Address:	1209 WHITNEY ST
Owner Address:	
Owner City:	COLUMBIA
Owner State:	SC
Owner ZIP:	29201
Bedrooms:	3
Bathrooms:	2
Year Built:	1905
Heated Sq Feet:	1,419 ft ²
Last Sale Date:	November 25, 2014
Last Sale Price:	\$68,000
Legal Description:	LOT 2 BK 23
Legal Description:	76.6X107.2X76.6X107.2
Legal Description:	#SU PACIFIC MILLS
Legal Description:	#PR I-76

September 6, 2017

Ms. Joyce Dickerson, Chair
Richland County Council
2020 Hampton Street
Columbia, South Carolina 29201

Subject: Quit Claim Deed
1209 Whitney Street (R08815-04-02)

Dear Ms. Dickerson,

In accordance with Richland County Blanket Ordinance (1003-82-HR), I do hereby request that one half of the 10 foot alleyway located on the south side of my property be conveyed to me as the owner of the property at 1209 Whitney Street.

For your information, I have included the current Richland County GIS information as an attachment.

If you should have any questions concerning the Quit Claim, please feel free to contact myself or my spouse (Theresa H. Hodge 803-779-0311 (work))

Thank you in advance for your careful consideration of the matter.

Sincerely,



David M. Hodge
803-808-7114

Attachments

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. _____-17HR

AN ORDINANCE AUTHORIZING A QUIT CLAIM DEED TO DAVID HODGE FOR A PARCEL OF LAND LOCATED IN RICHLAND COUNTY, KNOWN AS A PORTION OF THE OLYMPIA ALLEYWAYS, AND ABUTTING TMS#08815-04-02.

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

SECTION I. The County of Richland and its employees and agents are hereby authorized to grant a quit claim deed to David Hodge for a certain abandoned alleyway in the Olympia neighborhood, abutting TMS#08815-04-02 (1209 Whitney St.), as specifically described in the deed entitled "Quit Claim Deed", which is attached hereto and incorporated herein.

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

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

SECTION IV. Effective Date. This ordinance shall be enforced from and after _____, 2017.

RICHLAND COUNTY COUNCIL

By: _____
Joyce Dickerson, Chair

Attest this _____ day of

_____, 2017

Michelle Onley
Assistant Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

This conveyance being made subject to any existing easements, conditions, and restrictions of record affecting the premises above described and conveyed.

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

TMS# 08815-04-02

GRANTEE'S ADDRESS: 1209 Whitney Street
Columbia, South Carolina 29201

TOGETHER WITH ALL AND SINGULAR the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular the premises before mentioned unto the said Grantee, his heirs and assign, forever, so that neither the said Grantor, nor Grantor's successors or assigns, nor any other entities or persons, claiming under Grantor 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 or parcel thereof, forever.

IN WITNESS HEREOF, RICHLAND COUNTY, SOUTH CAROLINA, pursuant to due authority, has duly executed this deed, this _____ day of August, 2017.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:

RICHLAND COUNTY, SOUTH CAROLINA

WITNESS NO. 1

By: _____
Print Name: _____
Title: _____

WITNESS NO. 2

ATTEST: _____
Print Name: _____
Title: _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND) PROBATE

PERSONALLY appeared before me the undersigned witness, who after being duly sworn, deposes and says that s/he saw the within named Grantor, pursuant to due authority, sign, seal and as Grantor's act and deed, deliver the within written deed for the uses and purposes therein mentioned, and that s/he with the other witness whose name appears above, witnessed the execution thereof.

WITNESS NO.1

SWORN to before me
This ____ day of August, 2017.

Notary Public for South Carolina
My Commission Expires: _____

Richland County Council Request for Action

Subject:

An Ordinance Authorizing Richland County to grant, without charge, to South Carolina Electric and Gas Company ("SCE&G") a permanent easement in certain real property near the intersection of Farrow and Pisgah Church Roads in Richland County, being approximately 0.32 acre to be acquired by Richland County from the South Carolina Department of Disabilities and Special Needs ("DDSN") and the South Carolina Department of Administration ("DOA") for the purpose of relocating, constructing, maintaining, providing and otherwise operating electrical utility facilities necessary and useful in providing electrical utility services, all in furtherance of a transportation improvement project for the Transportation Penny Program

Notes:

First Reading: October 3, 2017

Second Reading: October 17, 2017

Third Reading: November 7, 2017 {Tentative}

Public Hearing: November 7, 2017

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY

ORDINANCE NO. _____

AN ORDINANCE

AN ORDINANCE AUTHORIZING RICHLAND COUNTY TO GRANT, WITHOUT CHARGE, TO SOUTH CAROLINA ELECTRIC AND GAS COMPANY (“SCE&G”) A PERMANENT EASEMENT IN CERTAIN REAL PROPERTY NEAR THE INTERSECTION OF FARROW AND PISGAH CHURCH ROADS IN RICHLAND COUNTY, BEING APPROXIMATELY 0.32 ACRE TO BE ACQUIRED BY RICHLAND COUNTY FROM THE SOUTH CAROLINA DEPARTMENT OF DISABILITIES AND SPECIAL NEEDS (“DDSN”) AND THE SOUTH CAROLINA DEPARTMENT OF ADMINISTRATION (“DOA”) FOR THE PURPOSE OF RELOCATING, CONSTRUCTING, MAINTAINING, PROVIDING AND OTHERWISE OPERATING ELECTRICAL UTILITY FACILITIES NECESSARY AND USEFUL IN PROVIDING ELECTRICAL UTILITY SERVICES, ALL IN FURTHERANCE OF A TRANSPORTATION IMPROVEMENT PROJECT FOR THE TRANSPORTATION PENNY PROGRAM

WHEREAS, Richland County, South Carolina (“Richland County”) is a political subdivision of the State of South Carolina.

WHEREAS, for the benefit of the citizens of Richland County and in furtherance of the purposes of the Transportation Penny Program, Richland County desires and plans to execute an intersection improvement project at the intersection of Farrow Road (S.C. 555) and Pisgah Church Road (S-34), SCDOT ID No. 28869, RPP Project No. 296, in the County of Richland, South Carolina (the “Project”).

WHEREAS, the Project necessitates acquisition of part of the Midlands Center Property which is located adjacent to the Project, and, as a result thereof, the County sought to acquire by condemnation part of DDSN’s property in fee simple absolute and certain other property in permanent easement for purposes of completing the Project.

WHEREAS, after settlement negotiations, Richland County and the State Agencies, through counsel, have tentatively agreed, subject to approval of Richland County Council, that all property sought to be acquired, whether in fee simple or permanent easement, will be acquired in fee simple absolute for the total sum paid of Ninety-Seven Thousand Five Hundred and 00/100 Dollars (\$97,500.00) in full, complete, and final settlement of the Challenge Action and underlying pre-filed Condemnation Notice and Tender of Payment.

WHEREAS, S.C. Code Ann. § 4-9-120 authorizes Richland County Council to adopt an ordinance after reading said ordinance at three (3) public meetings of the Richland County Council on three separate days with an interval of not less than seven (7) days between the second and third readings.

WHEREAS, S.C. Code Ann. § 4-9-130 requires notice and a public hearing whenever Richland County sells, leases, or contracts to sell or lease real property owned by Richland County.

WHEREAS, because Richland County intends to acquire in fee simple absolute title to the approximately 0.32 acre of real property that is designed by the Project engineers to be used by SCE&G to relocate and rebuild its electrical utility facilities, it therefore will be necessary for Richland County, after it acquires title in and to a portion of the Midlands Center Property, to convey the necessary permanent easement to SCE&G pursuant to a duly approved ordinance adopted and approved by Richland County Council authorizing and permitting such transfer.

WHEREAS, Richland County declares that the tentative settlement is in the best interest of Richland County because it fosters a settlement in lieu of Richland County prosecuting a condemnation action to acquire the real property for purposes of completing the Project and thereby avoids the costs, uncertainty and risks of litigation.

WHEREAS, Richland County further declares that improving the transportation infrastructure in Richland County, including, without limitation, those improvements to be constructed as part of the Project, is essential to improving roadway safety for drivers and passengers and other members of the public using public roadways and traversing in or through Richland County, as well as enhancing both present and future economic development and prosperity for the citizens of Richland County.

NOW, THEREFORE, BE IT RESOLVED BY RICHLAND COUNTY COUNCIL IN A DULY ASSEMBLED PUBLIC MEETING AS FOLLOWS:

SECTION 1. Based upon the foregoing findings, Richland County Council finds it appropriate and in the best interest of Richland County to enact this ordinance for the purpose of authorizing Richland County to grant, without charge, to South Carolina Electric and Gas Company a permanent easement in certain real property near the intersection of Farrow and Pisgah Church Roads in Richland County, being approximately 0.32 acre to be acquired by Richland County from the South Carolina Department of Disabilities and Special Needs and the South Carolina Department of Administration for the purpose of relocating, constructing, maintaining, providing and otherwise operating electrical utility facilities necessary and useful in providing electrical utility services, all in furtherance of a transportation improvement project for the Transportation Penny Program.

SECTION 2. This ordinance was introduced and read at (3) public meetings of the Richland County Council on three (3) separate days with an interval of not less than seven (7) days.

SECTION 3. This Ordinance becomes effective and is duly enacted upon third and final reading of the Richland County Council.

SECTION 4. The Richland County Administrator, or his delegee, is hereby authorized to execute and deliver, with the advice of counsel, all necessary and useful

documents that may be required to complete the transaction authorized by this Ordinance and to give effect to the intent hereof not earlier than the third and final reading of this Ordinance by the Richland County Council.

SECTION 5. If any section, phrase, sentence, or portion of the Ordinance or is, for any reason, held, deemed, or considered to be invalid, illegal, unenforceable, then such section, phrase, sentence, or portion thereof shall be deemed separate, distinct, and an independent provision and shall not affect the remaining portion or portions thereof.

SECTION 6. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Adopted this _____ day of _____, 2017.

COUNTY COUNCIL OF RICHLAND COUNTY

By: _____

Honorable Joyce Dickerson, Chair

Attest this _____ Day of _____ 2017

Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

Attorney for Richland County
[APPROVED AS TO FORM ONLY]

First Reading: _____, 2017

Second Reading: _____, 2017

Public Hearing: _____, 2017

Third and Final Reading: _____, 2017

Richland County Council Request for Action

Subject:

An Ordinance Authorizing the conveyance by quitclaim deed of all right, title, and interest that the County of Richland may have, if any, in certain real property near the intersection of Bluff Road and Rosewood Drive, in the City of Columbia, County of Richland, for purposes of identifying and establishing the property boundary lines between the private property with a physical address of 711 Bluff Road and the public property of Rosewood Drive and Bluff Road and thereby finalizing a proposed settlement with landowner concerning the pending condemnation action bearing Civil Action No. 2016-CP-40-04654 related to the transportation improvement project generally known as the Bluff Road Widening Project

Notes:

First Reading: October 3, 2017

Second Reading: October 17, 2017

Third Reading: November 7, 2017 {Tentative}

Public Hearing: November 7, 2017

1 STATE OF SOUTH CAROLINA
2 COUNTY COUNCIL FOR RICHLAND COUNTY
3 ORDINANCE NO. _____
4

5 AN ORDINANCE AUTHORIZING THE CONVEYANCE BY QUITCLAIM DEED OF
6 ALL RIGHT, TITLE, AND INTEREST THAT THE COUNTY OF RICHLAND MAY
7 HAVE, IF ANY, IN CERTAIN REAL PROPERTY NEAR THE INTERSECTION OF
8 BLUFF ROAD AND ROSEWOOD DRIVE, IN THE CITY OF COLUMBIA, COUNTY
9 OF RICHLAND, FOR PURPOSES OF IDENTIFYING AND ESTABLISHING THE
10 PROPERTY BOUNDARY LINES BETWEEN THE PRIVATE PROPERTY WITH A
11 PHYSICAL ADDRESS OF 711 BLUFF ROAD AND THE PUBLIC PROPERTY OF
12 ROSEWOOD DRIVE AND BLUFF ROAD AND THEREBY FINALIZING A
13 PROPOSED SETTLEMENT WITH LANDOWNER CONCERNING THE PENDING
14 CONDEMNATION ACTION BEARING CIVIL ACTION NO. 2016-CP-40-04654¹
15 RELATED TO THE TRANSPORTATION IMPROVEMENT PROJECT GENERALLY
16 KNOWN AS THE BLUFF ROAD WIDENING PROJECT.

17
18 **WHEREAS**, Richland County, South Carolina (“Richland County”) is a political
19 subdivision of the State of South Carolina.
20

21 **WHEREAS**, Richland County has been engaged in the construction of certain
22 widening improvements to Bluff Road in the City of Columbia, in Richland County, South
23 Carolina, Project No. 41846, as part of the Richland County Transportation Penny Program
24 (the “Project”).
25

26 **WHEREAS**, 711 Bluff Road, LLC, Frank D. Strasburger and Richard L.
27 Strasburger, as Trustees of Trust B under Will of Leroy Strasburger, Alvin Strasburger, Jr.,
28 as Personal Representative of the Estate of Alvin Strasburger (collectively “Landowners”)
29 hold record title of all that certain piece of real property with all improvements thereon,
30 being generally known as and having a physical address of 711 Bluff Road, Columbia,
31 South Carolina, by virtue of that certain deed of Frank D. Strasburger and Richard L.
32 Strasburger, as Trustee of Trust B under will of Leroy Strasburger, dated 01/26/2016, and
33 recorded 01/26/2016, in Book 2084, Page 1824 AND by virtue of that certain deed of Alvin
34 Strasburger, Jr. as Personal Representative of Estate of Alvin Strasburger, dated
35 01/26/2016, and recorded 01/26/2016, in Book 2084, Page 1821.
36

37 **WHEREAS**, the Project required acquisition of part of the Landowners’ property
38 to make improvements to Bluff Road, and as a result thereof, Richland County sought to
39 acquire by condemnation part of Landowners’ property in fee simple absolute for purposes
40 of completing the Project, namely, the below described Subject Property:
41

¹ *County of Richland, Condemnor, vs. 711 Bluff Road, LLC, Frank D. Strasburger and Richard L. Strasburger, as Trustees of Trust B Under Will of Leroy Strasburger, and Alvin Strasburger, Jr., as Personal Representative of the Estate of Alvin Strasburger, LANDOWNERS, and Athene Annuity and Life Assurance Company, Wells Fargo Bank, N.A., and Branch Banking and Trust Company, American Express Centurion Bank, OTHER CONDEMNNEES.*

1 All that parcel or strip of land, in fee simple, containing 0.004 acre (193 square
2 feet), more or less, and all improvements thereon, if any, owned by 711 Bluff Road,
3 LLC shown as the area “total obtain” on Exhibit A, attached hereto and made a part
4 hereof, at survey station 49+25 on the right, of the Bluff Road – Phase I relocated
5 survey centerline.

6
7 Tax Map Number R11202-06-01
8

9 The Condemnation Action has not been finalized; however, under the provisions of the
10 Eminent Domain Procedure Act, Richland County has possessory interest in and to the
11 Subject Property and, as of September 26, 2017, has in fact completed the construction
12 work that was required to be performed to the Subject Property as part of the Bluff Road
13 Widening Project.

14
15 **WHEREAS**, during settlement discussions and meetings held on-site among
16 Landowners’ representative, Richland County’s representatives, and registered surveyors
17 retained by each party, Landowners and Richland County determined that there were
18 discrepancies between the survey prepared by Landowners’ surveyor and the survey
19 prepared by Richland County’s surveyor, as to the exact location of the boundary lines
20 between the public and private property along Bluff Road and along Rosewood Drive.

21
22 **WHEREAS**, after carefully analyzing the survey data and discussing the issue with
23 Landowners’ representatives and counsel, Richland County and Landowners have
24 tentatively agreed, subject to approval of Richland County Council, to resolve the survey
25 discrepancies as to boundary lines as well as issues related to the amount of property
26 actually being acquired by Richland County from Landowners in the following manner:

- 27
28 A. Landowners will accept the boundary lines identified by Richland County’s
29 surveyor defining the boundary between Landowners’ property and Bluff Road
30 and agree to convey title to Richland County of the real property identified as
31 Lot 3 (being 154 square feet) on that certain Bluff Road R/W Plat, prepared by
32 Registered Professional Engineer Charles D. Meeler of Civil Engineering of
33 Columbia, Inc. (also sometimes referred to as CEC Consulting Engineering
34 Surveying), dated August 24, 2017, a copy of said plat being attached hereto as
35 Exhibit B-1.
36
37 B. Landowners will accept the boundary lines identified by Richland County’s
38 surveyor defining the boundary between Landowners’ property and Bluff Road
39 and agree to convey title to Richland County of the real property identified as
40 Lot 4 (being 116 square feet) on that certain Bluff Road R/W Plat, prepared by
41 Registered Professional Engineer Charles D. Meeler of Civil Engineering of
42 Columbia, Inc. (also sometimes referred to as CEC Consulting Engineering
43 Surveying), dated August 24, 2017, a copy of said plat being attached hereto as
44 Exhibit B-1.
45
46 C. Landowners will accept the boundary lines identified by Richland County’s
47 surveyor defining the boundary between Landowners’ property and Rosewood
48 Drive and agree to convey title to Richland County of the real property

1 identified as Lot 1 (being 36 square feet) on that certain Rosewood Drive R/W
2 Plat, prepared by Registered Professional Engineer Charles D. Meeler of Civil
3 Engineering of Columbia, Inc. (also sometimes referred to as CEC Consulting
4 Engineering Surveying), dated August 24, 2017, a copy of said plat being
5 attached hereto as Exhibit B-2.
6

7 D. Landowners will accept the boundary lines identified by Richland County's
8 surveyor defining the boundary between Landowners' property and Bluff Road
9 and agree to grant to Richland County by quitclaim deed all right, title, and
10 interest, if any, Landowners have in the real property identified as Lot 5 (being
11 77 square feet) on that certain Bluff Road R/W Plat, prepared by Registered
12 Professional Engineer Charles D. Meeler of Civil Engineering of Columbia,
13 Inc. (also sometimes referred to as CEC Consulting Engineering Surveying),
14 dated August 24, 2017, a copy of said plat being attached hereto as Exhibit B-
15 1.
16

17 E. Landowners will accept the boundary lines identified by Richland County's
18 surveyor defining the boundary between Landowners' property and Rosewood
19 Drive. To confirm this boundary Richland County agrees to grant to 711 Bluff
20 Road, LLC by quitclaim deed all right, title, and interest, if any, Richland
21 County may have in the real property identified as Lot 2 (being 2,865 square
22 feet) on that certain Rosewood Drive R/W Plat, prepared by Registered
23 Professional Engineer Charles D. Meeler of Civil Engineering of Columbia,
24 Inc. (also sometimes referred to as CEC Consulting Engineering Surveying),
25 dated August 24, 2017, a copy of said plat being attached hereto as Exhibit B-
26 2.
27

28 **WHEREAS**, S.C. Code Ann. § 4-9-120 authorizes Richland County Council to
29 adopt an ordinance after reading said ordinance at three (3) public meetings of the Richland
30 County Council on three separate days with an interval of not less than seven (7) days
31 between the second and third readings.
32

33 **WHEREAS**, Richland County declares that this Ordinance is in the best interest of
34 Richland County as it fosters a settlement in lieu of Richland County prosecuting to
35 completion its condemnation action to acquire the real property for purposes of the Project
36 as well as, by agreement with Landowners, resolving the boundary line issues for the
37 benefit of Richland County as well as Landowners, and thereby avoiding the costs,
38 uncertainty, and risks of litigation.
39

40 **WHEREAS**, Richland County further declares that improving the transportation
41 infrastructure in Richland County, including, without limitation, those improvements to be
42 constructed as part of the Project, is essential to improving roadway safety for drivers and
43 passengers traversing in or through Richland County and enhancing both present and future
44 economic development and prosperity.
45

46 **NOW, THEREFORE BE IT RESOLVED BY THE RICHLAND COUNTY**
47 **COUNCIL DULY ASSEMBLED IN A PUBLIC MEETING AS FOLLOWS:**
48

1 Adopted this _____ day of _____, 2017.

2
3
4 COUNTY COUNCIL OF RICHLAND COUNTY

5
6
7
8 By: _____

9
10 Honorable Joyce Dickerson, Chair

11
12
13
14 Attest this _____ Day of _____ 2017

15
16
17 _____
18 Clerk of Council

19
20
21
22
23 RICHLAND COUNTY ATTORNEY’S OFFICE

24
25
26
27 _____
28 Attorney for Richland County
29 [APPROVED AS TO FORM ONLY]

30
31
32
33
34
35
36
37 First Reading: _____, 2017

38
39 Second Reading: _____, 2017

40
41 Public Hearing: _____, 2017

42
43 Third and Final Reading: _____, 2017

EXHIBIT A

EXHIBIT A

SCDOT claims Prescriptive R/W to the edge of pavement along Tract 12 unless noted otherwise.

TO BE DEEDED BACK TO STATE AGRICULTURAL & MECHANICAL SOCIETY OF SOUTH CAROLINA

TOTAL OBTAINED - 193 SF
(0.004 AC)
ALVIN ET AL. STRASBURGER
TAX MAP# RII202-06-02

PRES 50' R/W PROJ NO. 909-B (JDS)
SURVEY STA. 48+29.46 END CONSTR.
END MILL & OVERLAY
RD. S-13 (BLUFF RD.)

TIE EQUALITY
POT. STA. 48+63.89 - S.C. RTE. 48 (BLUFF RD.) EXIST. =
POC STA. 37+72.27 S.C. RTE. 48 (ROSEWOOD DR.)

TIE EQUALITY
POT. STA. 48+64.53 RD. S-13 (BLUFF RD.) =
POC STA. 37+74.18 S.C. RTE. 48 (ROSEWOOD DR.)

TIE EQUALITY
POT. STA. 48+64.31 S.C. RTE. 48 (BLUFF RD.) RELOC. =
POC STA. 37+77.03 S.C. RTE. 48 (ROSEWOOD DR.)

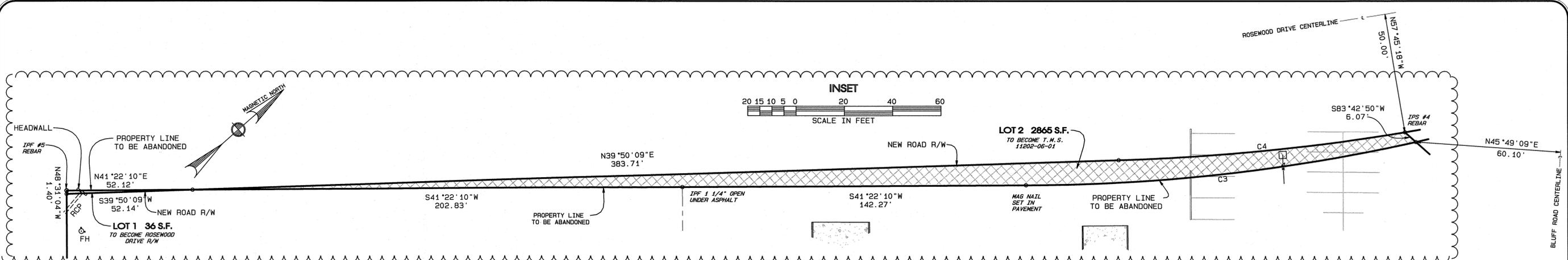
© ROSEWOOD (CURVE)
PI Sta. 38+45.84
Δ = 16° 47' 28" (RT)
Dc = 6' 44" 40"
T = 125.45'
L = 248.96'
R = 850.00'
E = 9.21'
Ds
e(max)
e

FILED BY: DAVIS & FLOYD
SCALE: AS SHOWN
PLOT DATE: 06/16/2016

RICHLAND COUNTY (BLUFF RD)
Area of Acquisition From Tract No. 5 Project ID: 0041846
Scale: 1" = 50' Original prepared: 04/12/2016
Revised: 06/16/2016

DAVIS & FLOYD
SINCE 1954

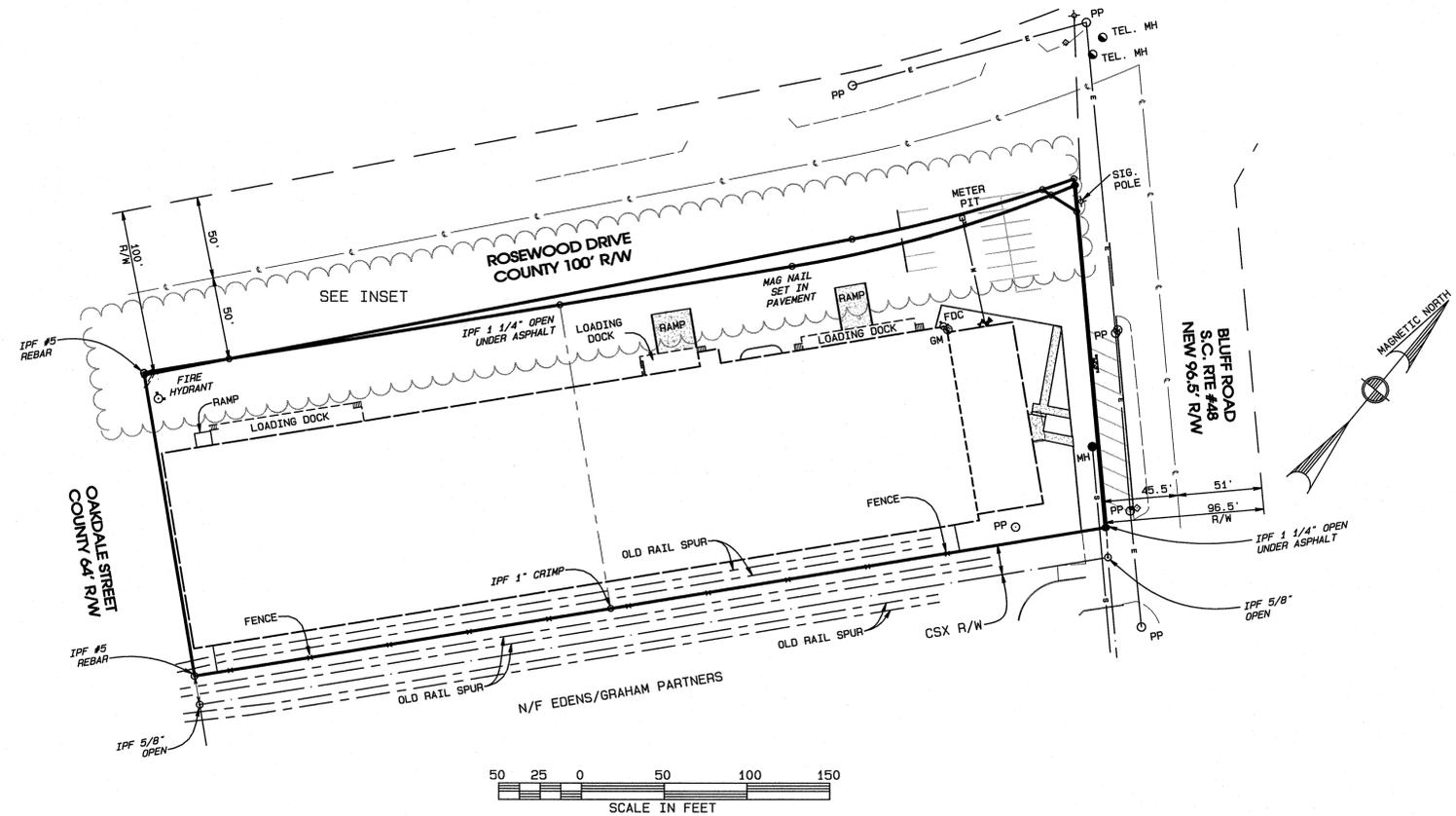
EXHIBIT B-1



CURVE TABLE

CURVE	ARC	CHORD BEARING	RADIUS	DELTA	CHORD	TANGENT
C1	20.00'	N31°36'31"E	900.00'	1°16'24"	20.00'	10.00'
C2	15.30'	S28°22'52"W	740.00'	1°11'05"	15.30'	7.65'
C3	162.83'	S35°16'38"W	740.00'	12°36'27"	162.50'	81.75'
C4	119.24'	N36°02'26"E	900.00'	7°35'27"	119.15'	59.71'
C5	0.62'	N27°45'52"E	740.00'	0°02'54"	0.62'	0.31'

- NOTES AND REFERENCES:**
1. RICHLAND COUNTY TAX MAP 11202-06-01.
 2. IMPROVEMENTS SHOWN ARE TAKEN FROM A BOUNDARY SURVEY PREPARED FOR STRASBURGER BY CIVIL ENGINEERING OF COLUMBIA DATED JANUARY 25, 2017 AND RECORDED IN PB 2182-2231. ROADS UNDER CONSTRUCTION AT TIME OF THIS SURVEY.
 3. I HEREBY CERTIFY THAT I HAVE CONSULTED THE FEMA FLOOD INSURANCE RATE MAP #45079C 0094 H, EFFECTIVE DATE FEBRUARY 20, 2002, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE SUBJECT PROPERTY IS WITHIN UNSHADED ZONE "X", NOT A DESIGNATED FLOOD PRONE AREA.
 4. THE INFORMATION SHOWN ON THIS SHEET WAS DERIVED FROM A FIELD RUN SURVEY. OBVIOUS AND APPARENT FEATURES ENCOUNTERED ARE INCLUDED ON THIS SHEET. RELATED, REFERENCED INFORMATION WAS ALSO USED. UNLESS STATED HEREON, NO TITLE SEARCH WAS PERFORMED BY CIVIL ENGINEERING OF COLUMBIA, AND SOME EASEMENTS OR OTHER MATTERS OF RECORD MAY NOT APPEAR. THIS SHEET WAS PREPARED FOR A SPECIFIC CLIENT TO BE USED FOR A SPECIFIC PURPOSE. USE BY ANY OTHER PARTY, WITHOUT WRITTEN CONSENT, IS UNAUTHORIZED.
 5. ALL CORNERS NOT LABELED ARE NEW NAILS IN ASPHALT.



I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREIN IS A TRUE AND CORRECT SURVEY TO THE ACCURACY REQUIRED BY THE RICHLAND COUNTY SUBDIVISION REGULATIONS AND THE MONUMENTS SHOWN HAVE BEEN PLACED TO THE SPECIFICATIONS SET FORTH IN THOSE REGULATIONS.

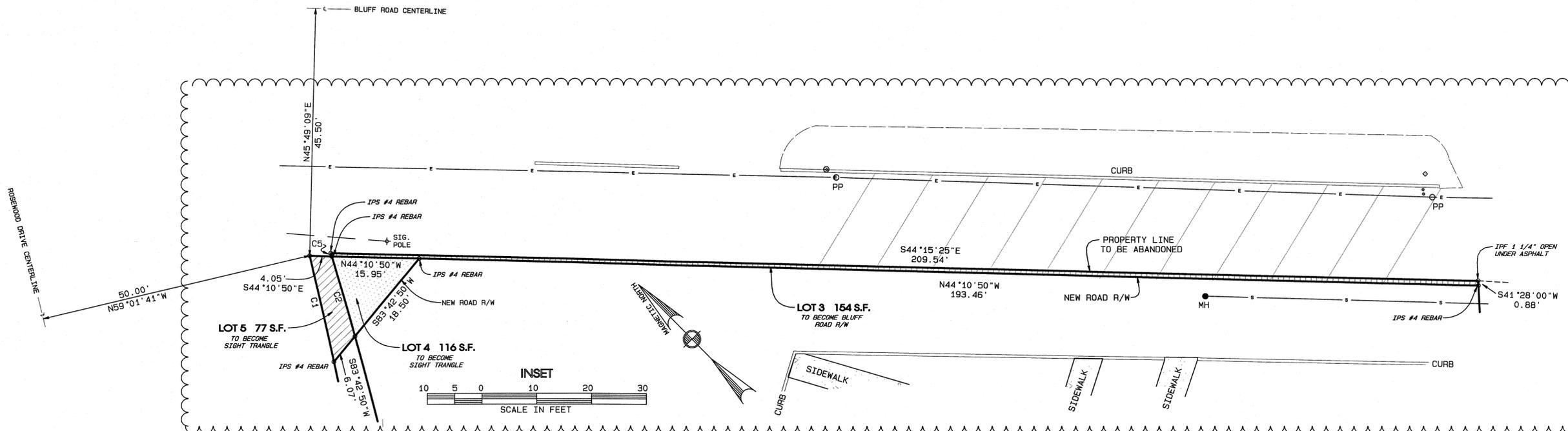
I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY.

Charles D. Meeler 8-24-17
 CHARLES D. MEELER P.L.S. #12246

711 BLUFF ROAD
 RICHLAND COUNTY, SOUTH CAROLINA

SCALE SEE BAR SCALES	DATE	AUG. 24, 2017	DRAWN	N. DELOACH	DESIGNED	N/A	DRAWING NUMBER	1	OF	1						
	PREPARED FOR	STRASBURGER		COLUMBIA, SOUTH CAROLINA		CHECKED BY:		<i>W.B.</i>		JOB NUMBER	16065					
<p>ROSEWOOD DRIVE R/W PLAT</p>																
<p>CEC consulting engineering planning surveying civil engineering</p>																
<p>3608 FERNHURST RD., COLUMBIA, SC 29210 TEL: (803) 798-2820 FAX: (803) 798-2825</p>																
<p>THE PRODUCT ON THIS SHEET WAS PREPARED FOR A SPECIFIC CLIENT AND IS NOT TO BE REPRODUCED OR USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER. ANY REPRODUCTION OR USE OF THIS SHEET WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER IS STRICTLY PROHIBITED.</p>																
<p>ANY CERTIFICATIONS, WARRANTIES, OR GUARANTEES SIGNED BY THE ENGINEER OR SURVEYOR IN RECORD OR HEREON ARE LIMITED TO THE STANDARD AND REASONABLE CARE OF THESE DOCUMENTS.</p>																
<p>REVISION</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>											NO.	DATE	DESCRIPTION			
NO.	DATE	DESCRIPTION														

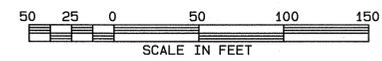
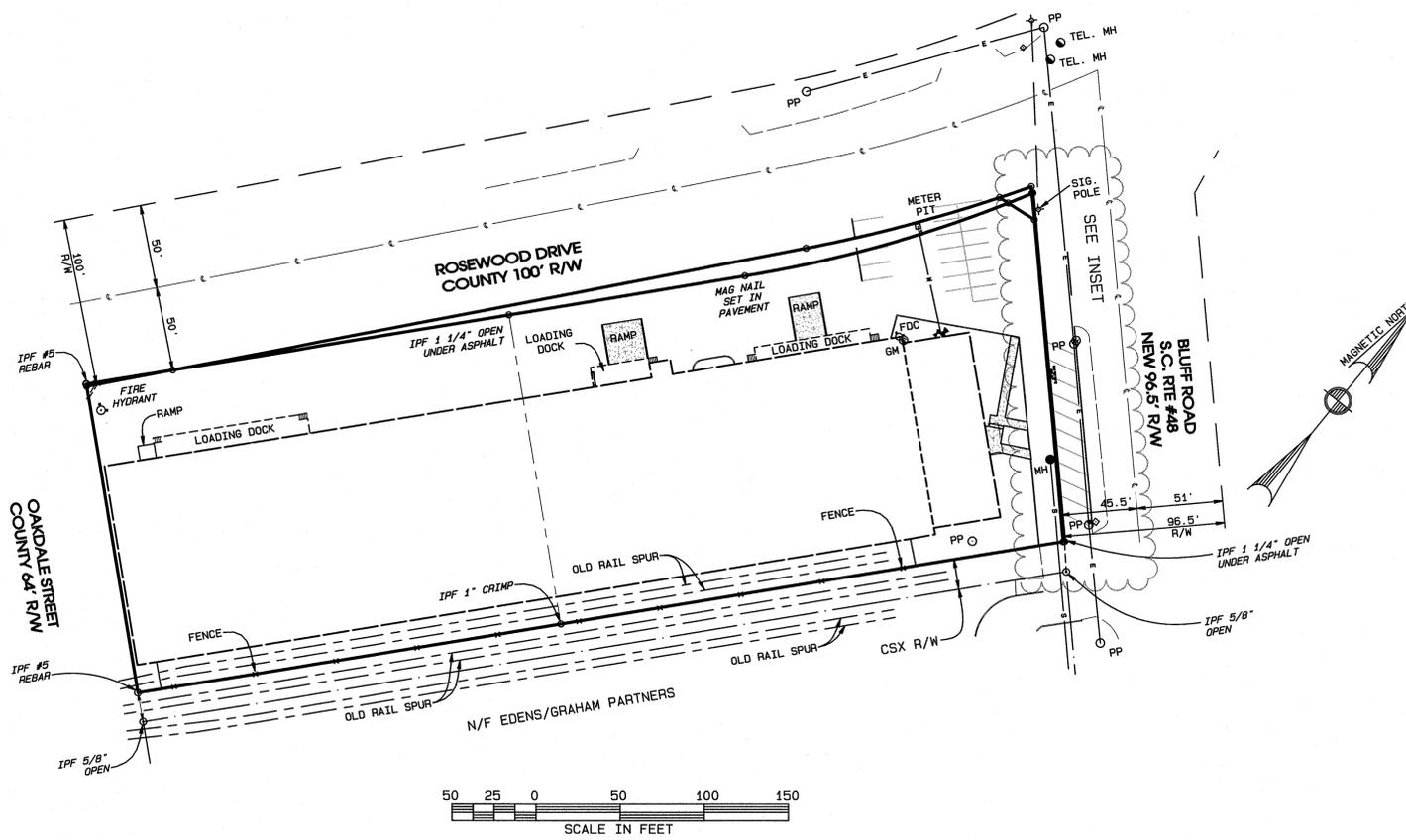
EXHIBIT B-2



CURVE TABLE

CURVE	ARC	CHORD BEARING	RADIUS	DELTA	CHORD	TANGENT
C1	20.00'	N31°36'31\"E	900.00'	1°16'24\"	20.00'	10.00'
C2	15.30'	S28°22'52\"W	740.00'	1°11'05\"	15.30'	7.65'
C3	162.83'	S35°16'38\"W	740.00'	12°36'27\"	162.50'	81.75'
C4	119.24'	N36°02'26\"E	900.00'	7°35'27\"	119.15'	59.71'
C5	0.62'	N27°45'52\"E	740.00'	0°02'54\"	0.62'	0.31'

- NOTES AND REFERENCES:**
1. RICHLAND COUNTY TAX MAP 11202-06-01.
 2. IMPROVEMENTS SHOWN ARE TAKEN FROM A BOUNDARY SURVEY PREPARED FOR STRASBURGER BY CIVIL ENGINEERING OF COLUMBIA DATED JANUARY 25, 2017 AND RECORDED IN PB 2182-2231. ROADS UNDER CONSTRUCTION AT TIME OF THIS SURVEY.
 3. I HEREBY CERTIFY THAT I HAVE CONSULTED THE FEMA FLOOD INSURANCE RATE MAP #45079C 0094 H, EFFECTIVE DATE FEBRUARY 20, 2002, AND TO THE BEST OF MY KNOWLEDGE AND BELIEF, THE SUBJECT PROPERTY IS WITHIN UNSHADED ZONE "X", NOT A DESIGNATED FLOOD PRONE AREA.
 4. THE INFORMATION SHOWN ON THIS SHEET WAS DERIVED FROM A FIELD RUN SURVEY. OBVIOUS AND APPARENT FEATURES ENCOUNTERED ARE INCLUDED ON THIS SHEET. RELATED, REFERENCED INFORMATION WAS ALSO USED. UNLESS STATED HEREON, NO TITLE SEARCH WAS PERFORMED BY CIVIL ENGINEERING OF COLUMBIA, AND SOME EASEMENTS OR OTHER MATTERS OF RECORD MAY NOT APPEAR. THIS SHEET WAS PREPARED FOR A SPECIFIC CLIENT TO BE USED FOR A SPECIFIC PURPOSE. USE BY ANY OTHER PARTY, WITHOUT WRITTEN CONSENT, IS UNAUTHORIZED.
 5. ALL CORNERS NOT LABELED ARE NEW NAILS IN ASPHALT.



I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREIN IS A TRUE AND CORRECT SURVEY TO THE ACCURACY REQUIRED BY THE RICHLAND COUNTY SUBDIVISION REGULATIONS AND THE MONUMENTS SHOWN HAVE BEEN PLACED TO THE SPECIFICATIONS SET FORTH IN THOSE REGULATIONS.

I HEREBY STATE THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION, AND BELIEF, THE SURVEY SHOWN HEREIN WAS MADE IN ACCORDANCE WITH THE REQUIREMENTS OF THE MINIMUM STANDARDS MANUAL FOR THE PRACTICE OF LAND SURVEYING IN SOUTH CAROLINA AND MEETS OR EXCEEDS THE REQUIREMENTS FOR A CLASS "A" SURVEY.

Charles D. Meeler
 CHARLES D. MEELER P.L.S. #12246

711 BLUFF ROAD
 RICHLAND COUNTY, SOUTH CAROLINA

NO.	DATE	REVISION	DESCRIPTION
CEC consulting engineering surveying planning 3608 FERNANDINA ROAD COLUMBIA, SC 29210 TEL: (803) 746-2620 FAX: (803) 746-2625			
BLUFF ROAD R/W PLAT		PREPARED FOR STRASBURGER COLUMBIA, SOUTH CAROLINA	
DATE AUG. 24, 2017		CHECKED BY: <i>[Signature]</i>	
DRAWN N. DELOACH		JOB NUMBER 16065	
DESIGNED N/A		DRAWING NUMBER 1 OF 1	

Richland County Council Request for Action

Subject:

17-017MA
Larry S. Umberger
GC and RM-MD to OI (2.06 & 1.6 Acres = 3.66 Acres Total)
2605 Seminole Road
TMS # R06015-04-03 & 06

Notes:

First Reading: October 24, 2017
Second Reading: November 7, 2017 {Tentative}
Third Reading: November 14, 2017 {Tentative}
Public Hearing: October 24, 2017

STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ____-17HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TMS # 06015-04-03 AND 06 FROM GENERAL COMMERCIAL DISTRICT (GC) AND RESIDENTIAL MULTI-FAMILY HIGH DENSITY DISTRICT (RM-HD) TO OFFICE AND INSTITUTIONAL DISTRICT (OI); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 06015-04-03 and 06 from General Commercial District (GC) and Residential Multi-Family High Density District (RM-HD) to Office and Institutional District (OI) zoning.

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 _____, 2017.

RICHLAND COUNTY COUNCIL

By: _____
Joyce Dickerson, Chair

Attest this _____ day of _____, 2017.

Michelle M. Onley
Deputy Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: October 24, 2017
First Reading: October 24, 2017
Second Reading: November 7, 2017
Third Reading: November 14, 2017

Richland County Council Request for Action

Subject:

17-018MA
James Huggins
GC to LI (4 Acres)
Dutch Fork Road
TMS #R02408-02-04

Notes:

First Reading: October 24, 2017
Second Reading: November 7, 2017 {Tentative}
Third Reading: November 17, 2017 {Tentative}
Public Hearing: October 24, 2017

STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ____-17HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TMS # 02408-02-04 FROM GENERAL COMMERCIAL DISTRICT (GC) TO LIGHT INDUSTRIAL DISTRICT (LI); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 02408-02-04 from General Commercial District (GC) to Light Industrial District (LI) zoning.

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 _____, 2017.

RICHLAND COUNTY COUNCIL

By: _____
Joyce Dickerson, Chair

Attest this _____ day of
_____, 2017.

Michelle M. Onley
Deputy Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: October 24, 2017
First Reading: October 24, 2017
Second Reading: November 7, 2017
Third Reading: November 14, 2017

Richland County Council Request for Action

Subject:

17-020MA
Jimmy L. Thompson
RR to RU (22.79 Acres)
510 Koon Store Road
TMS #R12110-01-14

Notes:

First Reading: October 24, 2017
Second Reading: November 7, 2017 {Tentative}
Third Reading: November 17, 2017 {Tentative}
Public Hearing: October 24, 2017

STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ____-17HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TMS # 12110-01-14 FROM RURAL RESIDENTIAL DISTRICT (RR) TO RURAL DISTRICT (RU); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 12110-01-14 from Rural Residential District (RR) to Rural District (RU) zoning.

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 _____, 2017.

RICHLAND COUNTY COUNCIL

By: _____
Joyce Dickerson, Chair

Attest this _____ day of
_____, 2017.

Michelle M. Onley
Deputy Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: October 24, 2017
First Reading: October 24, 2017
Second Reading: November 7, 2017
Third Reading: November 14, 2017

Richland County Council Request for Action

Subject:

17-024MA
Inga Brooks
RS-HD and NC to GC (1.01 Acres)
4120 Bluff Road
TMS #R13509-02-36, 37 & 38

Notes:

First Reading: October 24, 2017
Second Reading: November 7, 2017 {Tentative}
Third Reading: November 17, 2017 {Tentative}
Public Hearing: October 24, 2017

STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ____-17HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TMS # 13509-02-36, 37, AND 38 FROM RESIDENTIAL SINGLE-FAMILY HIGH DENSITY DISTRICT (RS-HD) TO NEIGHBORHOOD COMMERCIAL DISTRICT (NC); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 13509-02-36, 37, and 38 from Residential Single-Family High Density District (RS-HD) to Neighborhood Commercial District (NC) zoning.

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 _____, 2017.

RICHLAND COUNTY COUNCIL

By: _____
Joyce Dickerson, Chair

Attest this _____ day of
_____, 2017.

Michelle M. Onley
Deputy Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: October 24, 2017
First Reading: October 24, 2017
Second Reading: November 7, 2017
Third Reading: November 14, 2017

Richland County Council Request for Action

Subject:

17-030MA
Thomas O. Milliken
RU and OI to GC (50.54 Acres)
Legrand Road
TMS #R17110-02-02, 03, 05; R17113-01-19; R17113-09-02; R17114-01-10, 11, 13; R17109-04-01

Notes:

First Reading: October 24, 2017
Second Reading: November 7, 2017 {Tentative}
Third Reading: November 17, 2017 {Tentative}
Public Hearing: October 24, 2017

STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ____-17HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TMS # 17110-02-02/03/05 AND TMS # 17113-01-19 AND TMS # 17113-09-02 AND TMS # 17114-01-10/11/13 AND TMS # 17109-04-01 FROM RURAL DISTRICT (RU) AND OFFICE AND INSTITUTIONAL DISTRICT TO GENERAL COMMERCIAL DISTRICT (GC); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 17110-02-02/03/05 and TMS # 17113-01-19 and TMS # 17113-09-02 and TMS # 17114-01-10/11/13 and TMS # 17109-04-01 from Rural District (RU) and Office and Institutional District (OI) to General Commercial District (GC) zoning.

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 _____, 2017.

RICHLAND COUNTY COUNCIL

By: _____
Joyce Dickerson, Chair

Attest this _____ day of
_____, 2017.

Michelle M. Onley
Deputy Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: October 24, 2017
First Reading: October 24, 2017
Second Reading: November 7, 2017
Third Reading: November 14, 2017

Richland County Council Request for Action

Subject:

17-031MA
Thomas O. Milliken
RU and OI to RS-MD (72.6 Acres)
Legrand Road
TMS #R17110-02-01; R17111-02-01 & 04

Notes:

First Reading: October 24, 2017
Second Reading: November 7, 2017 {Tentative}
Third Reading: November 14, 2017 {Tentative}
Public Hearing: October 24, 2017

STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ____-17HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TMS # 17110-02-01 AND TMS # 17111-02-01 AND 04 FROM RURAL DISTRICT (RU) AND OFFICE AND INSTITUTIONAL DISTRICT (OI) TO RESIDENTIAL SINGLE-FAMILY MEDIUM DENSITY DISTRICT (RS-MD); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 17110-02-01 and TMS # 17111-02-01 and 04 from Rural District (RU) and Office and Institutional District (OI) to Residential Single-Family Medium Density District (RS-MD) zoning.

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 _____, 2017.

RICHLAND COUNTY COUNCIL

By: _____
Joyce Dickerson, Chair

Attest this _____ day of
_____, 2017.

Michelle M. Onley
Deputy Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: October 24, 2017
First Reading: October 24, 2017
Second Reading: November 7, 2017
Third Reading: November 14, 2017

Richland County Council Request for Action

Subject:

An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; so as to remain in compliance with the National Flood Insurance Program upon the adoption of the new Flood Insurance Rate Map

Notes:

First Reading: October 24, 2017

Second Reading: November 7, 2017 {Tentative}

Third Reading: November 14, 2017 {Tentative}

Public Hearing: October 24, 2017

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-17HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; SO AS TO REMAIN IN COMPLIANCE WITH THE NATIONAL FLOOD INSURANCE PROGRAM UPON THE ADOPTION OF THE NEW FLOOD INSURANCE RATE MAP.

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

SECTION I. The Richland County Code of Ordinances, Chapter 26, Land Development; Article II, Rules of Construction/Definitions; Section 26-22, Definitions; “Existing manufactured home part or manufactured home subdivision (floodplain overlay district standards)” is hereby amended to read as follows:

Existing manufactured home park or manufactured home subdivision (floodplain overlay district standards). A manufactured home park or manufactured home subdivision for which the construction of facilities for servicing the lots on such manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of roads, and either final site grading or the pouring of concrete pads) is completed before November 4, 1981.

SECTION II. The Richland County Code of Ordinances, Chapter 26, Land Development; Article II, Rules of Construction/Definitions; Section 26-22, Definitions; “New manufactured home park or manufactured home subdivision” is hereby amended to read as follows:

New manufactured home park or new manufactured home subdivision. As referenced in the flood regulations, this term shall mean a manufactured home park or manufactured home subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of roads, and either final site grading or the pouring of concrete slabs) is completed on or after November 4, 1981.

SECTION III. The Richland County Code of Ordinances, Chapter 26, Land Development; Article II, Rules of Construction/Definitions; Section 26-22, Definitions; “Recreational Vehicle” is hereby amended to read as follows:

Recreational vehicle. A vehicular-type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. For the application of floodplain management ordinances only, recreational vehicle is defined as: a vehicle which is: (a) built on a single chassis; (b) 400 square feet or less when measured at the largest horizontal projection; (c) designed to be self-propelled or permanently towable by a light duty truck/light duty vehicle as defined by South Carolina Department of Motor Vehicles; and, (d) designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

SECTION IV. The Richland County Code of Ordinances, Chapter 26, Land Development; Article II, Rules of Construction/Definitions; Section 26-22, Definitions; “Structure” is hereby amended to read as follows:

Structure. Anything constructed or erected which requires location on or in the ground or is attached to something having a location on the ground or anything as defined by the building code as a structure. Structures do not include ditches and their appurtenances, poles, lines, cables or transmission or distribution facilities of public utilities, freestanding mailboxes, on-grade slabs, walks, driveways, landscaping materials, fences, or golf course tee boxes, fairways, sand traps or greens. This term includes both permanent and temporary structures. For the application of floodplain management ordinances only, a structure is defined as a walled and roofed building, including but not limited to a manufactured home and a gas or liquid storage tank that is principally above ground, as defined by FEMA.

SECTION V. The Richland County Code of Ordinances, Chapter 26, Land Development; Article II, Rules of Construction/Definitions; Section 26-22, Definitions; “Substantial damage” is hereby amended to read as follows:

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damage condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred. Such repairs may be undertaken successively and their costs counted cumulatively during any ten (10) year period.

SECTION VI. The Richland County Code of Ordinances, Chapter 26, Land Development; Article II, Rules of Construction/Definitions; Section 26-22, Definitions; “Substantial improvement” is hereby amended to read as follows:

Substantial improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “repetitive loss” or “substantial damage,” regardless of the actual repair work performed. Substantial improvement shall also include any improvements, singularly or collectively, on a structure during any ten (10) year period for which the cost of total repairs over that period is equal to or exceeds fifty percent (50%) of the market value of the structure.

SECTION VII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article III, Administration; Section 26-36, Richland County Public Works; Subsection (a), Powers and Duties Pursuant to this Chapter; is hereby amended to read as follows:

- (a) *Powers and duties pursuant to this chapter.*
 - (1) *Engineering Division/Stormwater Management Division.* The Richland County Engineering Division and the Stormwater Management Division, under the direction of the Richland County Engineer, shall have the following powers and duties in administering and implementing Article VIII of this chapter and other

relevant laws and regulations pertaining to stormwater management and erosion and sediment control in Richland County:

- a. To review and approve/deny all plans for stormwater management to assure that all applicable requirements of this chapter have been satisfied.
- b. To enforce all provisions of the stormwater management and erosion and sediment control provisions of this chapter and other relevant laws and regulations relating to stormwater management. (See Sections 26-64, 26-202 and 26-203 of this chapter).
- c. To review and approve/deny all applications for land disturbance permits to assure that all applicable requirements of this chapter have been satisfied.
- d. To interpret the terms and provisions of Section 26-64 and Article VIII. of this chapter.

(2) *Flood coordinator.* The Richland County Flood Coordinator, under the direction of the Richland County Engineer, shall have the following powers and duties in administering and implementing Section 26-106 of this chapter and other relevant laws and regulations pertaining to floodplain management in Richland County:

- a. To review all applications for zoning and land disturbance permits within the FP Floodplain Overlay District to assure that all applicable requirements of this chapter have been satisfied.
- b. To advise any applicant for a zoning and/or land disturbance permit within the FP Floodplain Overlay District that additional federal or state permits may be required and require that copies of any permits or permit applications for activities on the proposed site be provided and maintained on file with the flood coordinator.
- c. To notify adjacent communities and the State Coordinator for the National Flood Insurance Program of the South Carolina Department of Natural Resources, Land, Water and Conservation Division, prior to any alteration or relocation of a watercourse, and to submit evidence of such notification to FEMA.
- d. To prevent encroachments within floodways unless the certification and flood hazard reduction provisions of Section 26-106 of this chapter are met.
- e. Where interpretation is needed as to the exact location of the boundaries of special flood hazard areas (for example, where there appears to be a

conflict between a mapped boundary and actual field conditions), to make the necessary interpretation.

- f. When base flood elevation data and floodway data have not been provided in accordance with Section 26-106 of this chapter, to obtain, review, and reasonably utilize the best available base flood elevation data and floodway data available from a federal, state or other source at his/her discretion, in order to administer the provisions of Section 26-106 of this chapter and other relevant laws and regulations pertaining to floodplain management in Richland County.
- g. When a regulatory floodway has not been designated, the flood coordinator must require that no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted within Zones AE and A1-30 on the community's FIRM, unless it is demonstrated by an engineer registered with the state, that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood at any point within the community more than one (1) foot.
- h. Mail annually a notice to owners or occupants of structures within or touched by the regulatory floodplain areas, to provide information as to the status of the flood hazard for each property.
- i. To serve notices of violation, issue stop work orders, revoke or suspend permits and take corrective actions for violations of Section 26-106 of this chapter and other relevant laws and regulations pertaining to floodplain management in Richland County.
- j. To maintain all records pertaining to the administration of Section 26-36, Section 26-61, 26-106, and Section 26-202, and to make these records available for public inspection.
- k. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C 1334.

SECTION VIII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article IV, Amendments and Procedures; Section 26-61, Review in FP Floodplain Overlay District; is hereby amended to read as follows:

Sec. 26-61. Review in FP Floodplain Overlay District.

- (a) *Purpose.* A floodplain development permit is required in conformance with the provisions of this chapter (particularly Section 26-106) prior to the commencement of any development activities in the FP Overlay District. The purpose of this permit is to ensure that compliance with all regulations concerning floodplain development is achieved.
- (b) *Pre-application procedure.* No pre-application conference is required prior to applying for a floodplain development permit. Applicants are encouraged to call or visit the county's flood coordinator prior to requesting a floodplain development permit to determine what information is required for the application.
- (c) *Plan submittal.* Application for a floodplain development permit shall be made to the flood coordinator on forms furnished by the county or through the county's electronic permitting system. The scaled plans shall include, but are not limited to: the nature, location, dimensions, and elevations of the project area; existing and proposed structures; and the location of fill and compensation areas. Specifically the following information is required:
 - (1) A plot plan that shows the 100-year floodplain contour or a statement that the entire lot is within the floodplain must be provided by the applicant when the lot is within or appears to be within the floodplain as mapped by the Federal Emergency Management Agency. The plot plan must be prepared by or under the direct supervision of a South Carolina licensed registered land surveyor or professional engineer and certified by such professional. The plot plan must show the floodway, if any, as identified by the Federal Emergency Management Agency.
 - (2) When base flood elevation data is available, plan submittal for a development permit within the flood hazard area shall show:
 - a. The elevation (in relation to mean sea level) of the lowest floor of all new and substantially improved structures, and
 - b. If the structure will be flood-proofed in accordance with the Non-Residential Construction requirements, must include the elevation to which the structure will be flood-proofed.
 - (3) When base flood elevation data is not available, the provisions in the standards for streams without estimated base flood elevations and floodways must be met. (Section 26-106(e))

The information submitted for the permit shall be certified by a South Carolina licensed registered land surveyor, engineer, or architect authorized by law to certify the required information and plans.

- (d) *Staff review.* The county flood coordinator shall review all applications for a flood development permit and approve or deny such applications. Approval or denial of a flood development permit shall be based on all applicable provisions of this chapter and the following relevant factors:
- (1) The danger to life and property due to flooding or erosion damage;
 - (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (3) The danger that material may be swept onto other lands to the injury of others;
 - (4) The compatibility of the proposed use with existing and anticipated development;
 - (5) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (6) The costs of providing governmental services during and after flood conditions, including maintenance and repair of roads and bridges and public utilities and facilities such as sewer, gas, electrical and water systems; and
 - (7) The relationship of the proposed use to any comprehensive planning document for that area.
- (e) *Public notification.* No public notification is required for floodplain development permit issuance.
- (f) *Formal review.* No formal review is required for floodplain development permit review.
- (g) *Variances.* The variance procedure for floodplain management shall be reviewed as set forth under Section 26-57 of the County Land Development Code.
- 1) The board of zoning appeals shall not grant a variance unless and until all the criteria found in Subsection 26-61(g)(2) and the following criteria are met:
 - (a) That there are extraordinary and exceptional conditions pertaining to the particular piece of property; and
 - (b) That these conditions do not generally apply to other property in the vicinity; and
 - (c) That because of these conditions, the application of this chapter to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and

- (d) That the authorization of a variance will be of no detriment to adjacent property or to the public good, the granting of the variance will not harm the character of the district.

2) The following special uses shall be allowed with an approved variance:

- a) Historic Structures – A floodplain development permit shall be issued for the repair or rehabilitation of historic structures upon the determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure. A historic structure is defined as buildings listed in or that are eligible for listing the National Register of Historical Places, or designated as historic under an appropriate state or local law.
- b) Agricultural Structures – A floodplain development permit shall be issued to wet floodproof an agricultural structure provided it is used solely for agricultural purposes.

In order to minimize flood damages during the base flood and the threat to public health and safety, the following requirements must be met:

- i. Use of the structure must be limited to agricultural purposes as listed below:
 - a. Pole frame buildings with open or closed sides used exclusively for the storage of farm machinery and equipment,
 - b. Steel grain bins and steel frame corncribs,
 - c. General-purpose barns for the temporary feeding of livestock that are open on at least one side;
- ii. The agricultural structure must be built or rebuilt, in the case of an existing building that is substantially damaged, with flood-resistant materials for the exterior and interior building components and elements below the base flood elevation.
- iii. The agricultural structure must be adequately anchored to prevent flotation, collapse, or lateral movement. All of the structure's components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, hydrodynamic, and debris impact forces. Where flood velocities exceed 5 feet per second, fast-flowing floodwaters can exert considerable pressure on the building's enclosure walls or foundation walls.
- iv. The agricultural structure must meet the venting requirement as outlined Section 26-106(d) (2) (b) of this ordinance.

- v. Any mechanical, electrical, or other utility equipment must be located a minimum of 2 feet above the base flood elevation (BFE) or be contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions.
- vi. The agricultural structure may not be constructed in the floodway.
- vii. Major equipment, machinery, or other contents must be protected. Such protection may include protective watertight floodproofed areas within the building, the use of equipment hoists for readily elevating contents, permanently elevating contents on pedestals or shelves above the base flood elevation, or determining that property owners can safely remove contents without risk to lives and that the contents will be located to a specified site out of the floodplain.

Findings - Findings listed above shall be submitted to the appeal board, in writing, and included in the application for a variance.

Conditions - Upon consideration of the factors listed above and the purposes of this ordinance, the board of zoning appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance. The following conditions shall apply to all variances:

- (a) Variances may not be issued when the variance will make the structure in violation of other federal, state, or local laws, regulations, or ordinances.
- (b) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (c) Variances shall only be issued upon a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship, and a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (d) The local floodplain manager shall maintain the records of all appeal actions and report any special exceptions to the Federal Emergency Management Agency (FEMA) upon request.
- (e) Variances shall not be issued for unpermitted development or other development that is not in compliance with the provisions of this ordinance.
- (f) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation (BFE) and the

elevation to which the structure is to be built and a written statement that the cost of flood insurance will be commensurate with the increased risk. Such notification shall be maintained with a record of all variance actions.

- (h) *Appeals.* The Richland County Administrator shall hear and decide appeals from determinations made by the flood coordinator. Any owner who has received a decision from the coordinator may appeal this decision to the Richland County Administrator by giving notice of appeal in writing to the flood coordinator within twenty (20) days following issuance of the decision. In the absence of an appeal, the order of the flood coordinator shall be final. The Richland County Administrator shall hear an appeal within a reasonable time and may affirm, modify and affirm, or reverse the decision of the coordinator. Written record of the appeal decision shall be provided by the Richland County Administrator to the flood coordinator.
- (i) *Permit validity.* The effective date of a floodplain development permit shall be the date as stamped on the permit. Permits shall be valid only when signed by the flood coordinator. Any floodplain development permit issued shall become invalid if the authorized work is not commence within twelve (12) months after the issuance of the permit, or if the authorized work is suspended or abandoned for a period of twelve (12) months after the time of commencing the work, unless an extension has been granted in writing by the flood coordinator.
- (l) *Interpretation.* In the interpretation and application of Section 26-106, all provisions shall be considered as minimum requirements, liberally construed in favor of Richland County, and deemed neither to limit nor repeal any other powers granted under State law. Section 26-106 is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where the provisions of Section 26-106 and another provision conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION IX. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-106, FP Floodplain Overlay District; Subsection (b), *Applicability/establishment*; is hereby amended to read as follows:

- (b) *Applicability/establishment.* The FP Overlay District shall function as an overlay district providing additional requirements to the regulations of the underlying general use zoning classification(s). It shall be applied to those areas designated on the Federal Emergency Management Agency's Flood Insurance Study, dated December 21, 2017, with accompanying Flood Insurance Rate Maps (FIRM), dated December 21, 2017, as areas of special flood hazard. In addition to other required development approvals, development applicants subject to the FP Overlay District must also receive a floodplain development permit from the county's flood coordinator. Review of developments subject to these requirements shall be conducted as part of the review for a grading or land development permit, whichever is applicable.

SECTION X. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-106, FP Floodplain Overlay District;

Subsection (c), Permitted Uses, Permitted Uses with Special Requirements; is hereby amended to read as follows:

- (c) *Permitted uses, permitted uses with special requirements, and special exceptions.*
 - (1) *General:* Any use permitted outright, with special requirements, or permitted as an accessory use in the general use district(s) to which the FP Overlay District is affixed to, is permitted; provided that such use complies with all applicable regulations set forth below and in the other sections of this chapter. (See however, restrictions for development in the designated floodway as set forth in subsection (d) (2) h. below). All applications for land development permits for uses permitted in the FP Overlay District shall be reviewed by the flood coordinator in accordance with the requirements of subsection (d) below. Before the planning department may issue a land development permit, a floodplain development permit must be issued. The findings and recommendations of the flood coordinator shall be binding upon the planning department unless otherwise appealed.
 - (2) *Permitted special exceptions.* Any use listed as a special exception in the general use district(s) to which the FP Overlay District is affixed to may be permitted by the Richland County Board of Zoning Appeals as set forth in Section 26-56 of this chapter; provided that such uses comply with all applicable regulations set forth below and in the other sections of this chapter. (See, however, restrictions for development in the designated floodway as set forth in subsection (d) (2) h. below). All applications for special exceptions in the FP Overlay District shall be reviewed by the flood coordinator prior to review by the board of zoning appeals in accordance with the requirements of subsection (d) below. Before the board of zoning appeals may approve a special exception, a floodplain development permit must be issued. The findings and recommendations of the flood coordinator shall be binding upon the board of zoning appeals.

SECTION XI. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-106, FP Floodplain Overlay District; Subsection (d), Standards in the Floodplain; Paragraph (1), General Standards; is hereby amended to read as follows:

- (1) *General standards.*
 - a. Before a permit is issued, the applicant shall demonstrate that encroachments onto the floodplain are minimized. New development, if permitted in the area of special flood hazard, shall minimize disruption to shorelines, stream channels, stream banks, and the regulatory floodway. As used in this paragraph, the term “minimize” shall mean the lowest degree of interruption (i.e. the uniformity or continuity) to the natural course of action or activity. All permit applications will be reviewed to determine whether proposed building sites will be reasonably safe from flooding.

- b. *Anchoring.* All new construction and substantial improvements shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structures.
- c. *Materials/methods to be used.* All new construction and substantial improvements shall be constructed with flood resistant materials and utility equipment resistant to flood damage. All new construction and substantial improvements shall be constructed by methods and practices that minimize flood damages.
- d. *Electric, ventilation, plumbing, heating, and air conditioning equipment.* Electric, ventilation, plumbing, heating, and air conditioning equipment (including ductwork), and other service facilities, shall be designed and elevated two (2) feet above the base flood elevation so as to prevent water from entering or accumulating within the components during conditions of flooding as specifically provided for below:
 - 1. *When not substantial improvement.* The replacement of existing electrical, ventilation, plumbing, heating, and air conditioning equipment (including ductwork) and other service facilities, that do not constitute a substantial improvement, are encouraged to be elevated at least two (2) feet above the base flood elevation, but they may be located at the original location and elevation.
 - 2. *New construction and substantial improvement.* All electrical, ventilation, plumbing, heating, and air conditioning equipment (including ductwork), and other service facilities, for new construction and substantial improvement must be elevated at least two (2) feet above the base flood elevation.
 - 3. *Outdoor faucets.* The requirements listed above do not preclude the installation of outdoor faucets for shower heads, sinks, hoses, etc. as long as cut off devices and back flow devices are installed to prevent contamination to the service components and thereby minimize any flood damages to the building.
- e. *Water and sanitary sewage systems.* All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the sanitary sewage systems into flood waters.

- f. *On-site waste disposal systems.* On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- g. *Foundation systems.* Hydrodynamic pressure must be considered in the design of any foundation system when velocity waters or the potential for debris flow exists. If flood velocities are excessive (greater than five (5) feet per second), foundation systems other than solid foundation walls should be considered so that obstructions to damaging flood flows are minimized.
- h. *Non-conforming buildings or uses (see also Article X. of this chapter on nonconforming uses generally).* Non-conforming buildings or uses may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this section. Provided, however, nothing in this section shall prevent the repair, reconstruction, or replacement of an existing building or structure located totally or partially within the floodway, if the bulk of the building or structure below base flood elevation in the floodway is not increased, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this section. Reconstructions or replacements of existing buildings or structures shall be placed with their longitudinal axis parallel to the predicted direction of the flow of flood waters or be placed so that their longitudinal axis are on lines parallel to those of adjoining structures so as to offer the minimum resistance to the flow of floodwaters.
- i. *American with Disabilities Act (ADA).* A building must meet the specific standards for floodplain construction as outlined in subsection (d) (2) below, as well as any applicable ADA requirements. The cost of improvements required to meet the ADA provisions shall be included in the costs of the improvements for calculating substantial improvement.
- j. *Watercourse alterations and maintenance.* In addition to the notifications required for watercourse alterations per Section 26-36 (a) (2) c., a maintenance requirement will be included in Floodplain Development Permits whenever a watercourse is altered or relocated within a Special Flood Hazard Area. Such maintenance activities shall ensure that the flood-carrying capacity of the watercourse is not diminished, and shall consist of periodic inspections, and routine channel clearing and dredging, or other related functions. In addition, the permittee shall keep a written record describing all maintenance activities performed, the frequency of performance, and the name of the person(s) responsible for such maintenance and

provide copies to the Flood Coordinator. The Flood Coordinator shall keep permitting records on file for FEMA inspection.

SECTION XII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-106, FP Floodplain Overlay District; Subsection (d), Standards in the Floodplain; Paragraph (2), Specific Standards; Subparagraph a.; is hereby amended to read as follows:

- a. *Residential construction.* New construction and substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor elevated no lower than two (2) feet above the base flood elevation. No basements are permitted. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with subsection f. below.

SECTION XIII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-106, FP Floodplain Overlay District; Subsection (d), Standards in the Floodplain; Paragraph (2), Specific Standards; Subparagraph b.; is hereby amended to read as follows:

- b. *Nonresidential construction.* New construction and substantial improvement of any commercial industrial, or nonresidential structure shall have the lowest floor (including basement), or mechanical and utility equipment, elevated no lower than two (2) feet above the level of the base flood elevation or be flood-proofed to a level no lower than two (2) feet above the level of the base flood elevation, provided that all areas of the building (including mechanical and utility equipment) below the required elevation are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with subsection f. below. A South Carolina licensed registered land surveyor, engineer, or architect authorized by law to certify such information shall certify that the standards of this subsection are satisfied. Flood-proofed structures shall have an approved maintenance plan with an annual exercise as required by FEMA. The maintenance plan must be approved by the flood coordinator and notification of the annual exercise shall be provided to same.

SECTION XIV. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-106, FP Floodplain Overlay District; Subsection (d), Standards in the Floodplain; Paragraph (2), Specific Standards; Subparagraph f., Elevated Buildings; is hereby amended to read as follows:

- f. *Elevated buildings.* New construction and substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls and are used solely for the parking of vehicles, building access, or limited storage in an area other than a basement, and are subject to flooding, shall be designed to preclude finished space and shall be designed to automatically equalize flood forces on exterior walls by allowing for the entry and exit of floodwaters.
1. *Designs for elevated buildings.* Designs for complying with this requirement must either be certified by a South Carolina licensed registered land surveyor, engineer, or architect authorized by law to certify such information, or meet the following minimum criteria:
 - [a] Provide a minimum of two (2) openings on different walls having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
 - [b] The bottom of all openings shall be no higher than one (1) foot above grade;
 - [c] Only the portions of openings that are below the base flood elevation can be counted towards the required net opening amount;
 - [d] Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided they permit the automatic flow of floodwaters in both directions, including engineered vents; and
 - [e] Fill placed around foundation walls shall be graded so that the grade inside the enclosed area is equal to or higher than the adjacent grade outside the building on at least one side of the building.
 2. *Access to enclosed area.* Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standards exterior door) or entry to the living area (stairway or elevator).
 3. *Interior portion of enclosed area.* The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose a limited storage area. In addition, the interior portion must be void of utilities, except for essential

lighting as required, and cannot be temperature controlled. One wet location switch and/or outlet connected to a ground fault interrupt breaker may be installed below the required lowest floor elevation as specified in subsections (d) (2) a., b., and d., above.

4. *Construction materials.* All construction materials below the required lowest floor elevation, as specified in subsections (d) (2) a., b., and d. above, shall be of flood resistant materials.

SECTION XV. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-106, FP Floodplain Overlay District; Subsection (d), Standards in the Floodplain; Paragraph (2), Specific Standards; Subparagraph g., Temporary Structures; is hereby deleted in its entirety; and all subsequent subparagraphs shall be re-alphabetized in correct alphabetical order.

SECTION XVI. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-106, FP Floodplain Overlay District; Subsection (d), Standards in the Floodplain; Paragraph (2), Specific Standards; new Subparagraph g., Accessory Structures; is hereby amended to read as follows:

- g. *Accessory structures.* An accessory structure greater in value than ten thousand dollars (\$10,000) or larger than 600 sq. feet, must comply with the construction requirements of subsections (d) (2) a. and b., above. When an accessory structure used for limited storage or parking, (valued at less than \$10,000) and smaller than or equal to 600 square feet, is placed in the floodplain, the following criteria shall be met:
 1. *One-story.* Accessory structures shall be no higher than a single-story building.
 2. *Not for habitation.* Accessory structures shall not be used for human habitation (including work, sleeping, living, cooking, or restroom areas);
 3. *Flood damage potential.* Accessory structures shall be designed to have low flood damage potential;
 4. *Placement.* Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
 5. *Anchoring.* Accessory structures shall be firmly anchored to prevent flotation, collapse, or lateral movement of the structure;

6. *Service facilities.* Service facilities, such as electrical and heating equipment, shall be installed in accordance with subsection (d) (1) f. above; and
67. *Openings.* Openings to relieve hydrostatic pressure during a flood shall be provided below base flood elevation in conformance with subsection (d) (2) f. above.

SECTION XVII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-106, FP Floodplain Overlay District; Subsection (d), Standards in the Floodplain; Paragraph (2), Specific Standards; new Subparagraph i., Fill; is hereby amended to read as follows:

- i. *Fill.* Fill is the placement of natural sands, dirt, soil, or rock above the natural grade in order to raise the elevation of the ground. Dredged material may only be used as fill upon certification of suitability by a South Carolina licensed registered professional geotechnical engineer. The use of fill shall be limited to the elevation of individual structures (including garages and garage aprons), utilities, infrastructure, and public road crossings. Other methods of elevating structures should be considered first.
 1. To allow the elevation of individual structures, the amount of fill used shall be the minimum necessary. Floodplain authorization for fill shall be based on findings by the county engineer that the minimum fill being used for raising the structure is the most feasible alternative.
 2. Fill, if approved, shall meet the following conditions:
 - [a] The flood storage capacity of the floodplain shall not be affected and flood heights shall not be increased. The space occupied by the authorized fill below Base Flood Elevation for all encroachment within the special flood hazard areas within unincorporated Richland County, with the exception of the special flood hazard area adjacent to Lake Murray, shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the Base Flood Elevation. All such excavations shall be constructed to drain freely to the watercourse.
 - [b] Flooding from any source shall not be increased for neighboring properties. Neighboring and adjacent properties shall not be adversely affected in any way nor shall drainage problems be caused or aggravated as a result of fill.

- [c] Fill shall not be placed in the floodway except for essential utilities and necessary infrastructure, and must meet the approval of the county engineer.
 - [d] Fill shall not be placed in nontidal wetlands without the required state and federal permits.
3. In the event buildings on adjacent properties are known or determined to be subject to flooding under current conditions, the county engineer may require submission of hydrologic and hydraulic analyses to adequately demonstrate that the effects of the proposed fill will not increase flooding on neighboring properties. Additional fill for landscaping purposes is not permitted. Landscaping mulch (tree bark or pine needles) is not considered fill and is allowed.
4. Where allowed, fill material shall meet the following additional requirements:
- [a] Fill material shall be compacted to 95% of the maximum density, obtainable with the standard proctor test method issued by The American Society For Testing And Materials (ASTM standard D-698) to provide the necessary stability and resistance to erosion, scouring or settling.
 - [b] Fill shall be performed in such manner as to maintain or increase flood storage and conveyance capacity, and to not increase FEMA base flood elevations, nor to have an adverse impact on neighboring properties.
 - [c] All fill placed at or below the flood elevation in the floodplain shall be balanced with at least an equal amount of soil material removal from the same parcel(s) or from sub-watershed for all special flood hazard areas within unincorporated Richland County, with the exception of the special flood hazard area adjacent to Lake Murray. Compensatory storage required to offset floodplain fill must be created before the project begins and should be available throughout the construction period. The required volume of compensatory storage must be provided within the project boundary.
 - [d] Excavation shall not be counted as compensating for fill if such areas will be filled with water in non-storm conditions.

[e] Fill shall be performed in a manner to maintain or increase slope stability and maintain or decrease erosive velocities. Fill slopes shall be no greater than two (2) horizontal to one (1) vertical. Flatter slopes may be required where velocities may result in erosion.

[f] Applicants must submit an as-built survey certification by a South Carolina registered professional engineer that demonstrates that the required volume of storage has been created on site in order to ensure no net loss as outlined and demonstrated per the approved plans.

5. Any change in the flood flow within a regulatory floodplain through fill must be submitted and approved through the FEMA “Letter of Map Revision” process in addition to review by the flood coordinator and county engineer.

6. A South Carolina registered professional engineer shall certify that all of the above standards and requirements within this subsection 26-106 (i) have been met.

SECTION XVIII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-106, FP Floodplain Overlay District; Subsection (e), Standards for Streams Not Having Established Base Flood Elevations and/or Floodways; is hereby amended to read as follows:

(e) *Standards for streams not having established base flood elevations and floodways.* Located within the areas of special flood hazard are small streams where no base flood elevation data have been provided and where no floodways have been identified. The following provisions shall apply to these areas:

No encroachments, including fill, new construction, substantial improvement, or other development shall be permitted within one hundred (100) feet of the stream bank unless certification (with supporting technical data by a South Carolina licensed registered land surveyor, engineer, or architect authorized by law to certify such information) is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. Such data shall be submitted to the flood coordinator.

(1) *Standards for determining a Base Flood Elevation.* When base flood elevation (BFE) data is not available from a federal, state or other source one of the following methods may be used to determine a BFE. For further information regarding the methods for determining the BFEs listed below, refer to FEMA’s manual *Managing Floodplain Development in Approximate Zone A Areas*:

- a. Contour Interpolation
 - 1. Superimpose approximate zone A boundaries onto a topographic map and estimate a BFE.
 - 2. Add one-half of the contour interval of the topographic map that is used to the BFE.
 - b. Data Extrapolation – A BFE can be determined if a site within 500 feet upstream of a stream reach for which a 100-year profile has been computed by detailed methods, and the floodplain and channel bottom slope characteristics are relatively similar to downstream reaches. No hydraulic structures shall be present.
 - c. Hydrologic and Hydraulic Calculations – Perform hydrologic and hydraulic calculations to determine the BFEs using FEMA approved methods and software.
- (f) *Standards for streams with established base flood elevations without floodways.*
 Along rivers and streams where Base Flood Elevation (BFE) data is provided but no floodway is identified for a Special Flood Hazard Area on the Flood Insurance Rate Map (FIRM) or in the Flood Insurance Study (FIS).

No encroachments including fill, new construction, substantial improvements, or other development shall be permitted unless certification with supporting technical data by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. Any increase shall not adversely impact any portion of the community.

SECTION XIX. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-106, FP Floodplain Overlay District; Subsection (f), Standards for Subdivision/Planned Development Community/Large-Scale Development Proposals; Paragraph (1), General; is hereby amended to read as follows:

- (1) *General.* All subdivisions, planned development communities, and large-scale development proposals shall be consistent with the need to minimize or eliminate flood damage. In all areas where base flood elevation data are is not available, applications for subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less, shall include a hydrologic and hydraulic analysis that generates base flood elevations. In lieu of the aforementioned, the entire Zone A special flood

hazard area shall be placed in a perpetual deeded open space with no future construction authorized.

SECTION XX. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-106, FP Floodplain Overlay District; Subsection (g), Standards for Areas of Shallow Flooding (AO and AH Zones); is hereby amended to read as follows:

- (h) *Standards for areas of shallow flooding (AO and AH Zones).* Located within the areas of special flood hazard are areas designated as shallow flooding. The following provisions shall apply within such areas:
 - (1) *Residential structures.* All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no depth number is specified, the lowest floor (including basement) shall be elevated at least three (3) feet above the highest adjacent grade.
 - (2) *Nonresidential structures.* The lowest floor (including the basement) for all new construction and substantial improvements of nonresidential structures shall meet one of the following standards:
 - a. *Elevation.* The nonresidential structures(s) shall be elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no depth number is specified, the lowest floor (including basement) shall be elevated at least three (3) feet above the highest adjacent grade; or,
 - b. *Construction.* The nonresidential structure(s), together with attendant utility and sanitary facilities, must be designed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A South Carolina licensed registered land surveyor, engineer or architect authorized by law to certify such information shall submit a certification to the flood coordinator that the standards of this section are satisfied. There shall be adequate drainage paths around structures on slopes to guide floodwaters around and away from the proposed structures.
 - (3) *Slopes.* All structures on slopes must have drainage paths around them in order to guide water away from such structure; provided, however, such drainage paths must not adversely affect adjacent properties. (Design information is defined in the Richland County Stormwater Design Manual)

SECTION XXI. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-106, FP Floodplain Overlay District; Subsection (h), Standards for Levees; Paragraph (1), General Standards; is hereby amended to read as follows:

- (1) *General standards.* All levees protecting residential structures or nonresidential structures that are not flood-proofed shall be designed, constructed, and maintained to provide protection against the 500-year flood, plus three (3) feet of freeboard. Flood elevations shall be as shown on the latest Flood Insurance Rate Maps as determined by appropriate hydrologic methods. Any levee constructed or improved under this subsection shall also comply with the other applicable provisions of Section 26-202 of this chapter.

SECTION XXII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-106, FP Floodplain Overlay District; Subsection (h), Standards for Levees; Paragraph (2), Specific Standards; Subparagraph a., Design and Construction; is hereby amended to read as follows:

- a. *Design and construction.* Design and construction shall be in accordance with the latest edition of the U.S. Army Corps of Engineers' (USACE's) Manual EM 1110-2-1913 Design and Construction of Levees. The design and construction of drainage systems within levees shall be in accordance with the latest edition of the USACE's Manual EM 1110-2-1413 Hydrologic Analysis of Interior Areas. A South Carolina Registered Professional Engineer shall certify that he has been involved in the design, construction, and inspection phases and shall certify that the construction meets requirements of the U.S. Army Corps of Engineers.

SECTION XXIII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VIII, Resource Protection Standards; Section 26-202, Stormwater Management and SWPPs; Subsection (c), Requirements and Standards; Paragraph (2), Primary Drainage Channel Requirements; Subparagraph d., Areas of Special Flood Hazard; is hereby amended to read as follows:

- d. *Areas of special flood hazard.* In areas of special flood hazard, final grading of all lots and building sites for new construction or substantial improvement shall provide for elevation on fill, pilings, or earth filled curtain walls of the lowest habitable floor to at least two (2) feet above the 100-year flood elevation. Where fill is used to meet this requirement, the area two (2) feet above the 100-year flood elevation shall extend at least ten (10) feet from each side of the building pad. Certain types of non-residential structures are permitted within the floodplain if properly "flood-proofed" in compliance with Section 26-106 (d) of this chapter and all applicable building code requirements.

SECTION XXIV. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VIII, Resource Protection Standards; Section 26-202, Stormwater Management and

SWPPs; Subsection (c), Requirements and Standards; Paragraph (2), Primary Drainage Channel Requirements; Subparagraph g., Structures or Obstructions in Regulatory Floodway; Clause 1.; is hereby amended to read as follows:

1. Such proposed impediment is a permitted use pursuant to Section 26-106 (d) of this chapter; or

SECTION XXV. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VIII, Resource Protection Standards; Section 26-202, Stormwater Management and SWPPs; Subsection (c), Requirements and Standards; Paragraph (3), Secondary Drainage Channel and Surface Requirements; Subparagraph d., Areas of Special Flood Hazard; is hereby amended to read as follows:

- d. *Areas of special flood hazard.* In areas of special flood hazard, final grading of all lots and building sites for new construction, or substantial improvement of residential structures, shall provide for elevation on fill, pilings, or earth filled curtain walls of the lowest habitable floor to at least two (2) feet above the 100-year flood elevation. Where fill is added to meet this requirement, the area two (2) feet above the 100-year flood elevation shall extend at least ten (10) feet from each side of the building pad. Certain types of structures are permitted within the floodplain if properly “flood-proofed” in compliance with Section 26-106 (d) of this chapter and all applicable building code requirements.

SECTION XXVI. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VIII, Resource Protection Standards; Section 26-202, Stormwater Management and SWPPs; Subsection (c), Requirements and Standards; Paragraph (5), Design Criteria for Improvements; Subparagraph d., Levees; Clause 1., USACE Manuals; is hereby amended to read as follows:

1. *USACE Manuals.* Design and construction shall be in accordance with the latest edition of the USACE’s Manual EM 1110-2-1913 Design and Construction of Levees. The design and construction of drainage systems within levees shall be in accordance with the latest edition of the USACE’s Manual EM 1110-2-1413 Hydrologic Analysis of Interior Areas. A South Carolina Registered Professional Engineer shall certify that he/she has been involved in the design, construction, and inspection phases and shall certify that the construction meets requirements of the corps of engineers

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

SECTION XXIX. Effective Date. This ordinance shall be enforced from and after _____, 2017.

RICHLAND COUNTY COUNCIL

BY: _____
Joyce Dickerson, Chair

ATTEST THIS THE ____ DAY

OF _____, 2017

Michelle Onley
Deputy Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: October 24, 2017
First Reading: October 24, 2017
Second Reading: November 7, 2017
Third Reading: November 14, 2017

Richland County Council Request for Action

Subject:

An Ordinance Amending the "2015 Richland County Comprehensive Plan - Putting the Pieces in Place", adopted on March 17, 2015, by incorporating the "Capital City Mill District Area and Corridor Plan" into the plan

Notes:

First Reading: October 24, 2017

Second Reading: November 7, 2017 {Tentative}

Third Reading: November 14, 2017 {Tentative}

Public Hearing: October 24, 2017

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. -17HR

AN ORDINANCE AMENDING THE “2015 RICHLAND COUNTY COMPREHENSIVE PLAN – PUTTING THE PIECES IN PLACE”, ADOPTED ON March 17, 2015, BY INCORPORATING THE “CAPITAL CITY MILL DISTRICT AREA AND CORRIDOR PLAN” INTO THE PLAN.

WHEREAS, on March 17, 2015, Richland County Council adopted the “2015 Richland County Comprehensive Plan – Putting the Pieces in Place” 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 “Capital City Mill District Area and Corridor Plan”, dated September 2017; 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 “2015 Richland County Comprehensive Plan – Putting the Pieces in Place” is hereby amended by the incorporation of the “Capital City Mill District Area and Corridor Plan”, dated September 2017, and which is on file in the Community Planning and Development 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 November 14, 2017.

RICHLAND COUNTY COUNCIL

BY: _____
Joyce Dickerson, Chair

ATTEST THIS THE ____ DAY
OF _____, 2017.

Michelle Onley
Clerk of Council

Public Hearing: October 24, 2017
First Reading: October 24, 2017
Second Reading: November 7, 2017
Third Reading: November 14, 2017

Richland County Council Request for Action

Subject:

An Ordinance Authorizing the re-direction and expenditure of unspent proceeds of certain of the County's bond issues; and other matters relating thereto

Notes:

First Reading: October 3, 2017

Second Reading: October 17, 2017

Third Reading: November 7, 2017 {Tentative}

Public Hearing: November 7, 2017



Administration and Finance Committee Meeting

September 26, 2017

Committee Briefing Document

Agenda Item

Reassignment of Projects for Outstanding Bonds

Background

During Biennium Budget I deliberations, staff discussed its ongoing review of the county's debt structure. Pursuant to that review, staff identified \$42,010,623 in unspent bond proceeds from outstanding bonds as outlined in the table below:

NAME OF ISSUE	UNSPENT BOND PROCEEDS
GO BONDS, SERIES 2001A (refunded with the Series 2011B and paid off 3/1/2017)	\$1,640,437
GO BONDS, SERIES 2010A	\$1,584,542
GO BONDS, SERIES 2012A	\$11,623,834
GO BONDS, SERIES 2013B	\$1,125,161
GO BONDS, SERIES 2014B	\$14,952,811
GO BONDS, SERIES 2015A	\$2,251,653
GO BONDS, SERIES 2016A	\$8,832,185
Total	\$42,010,623

Staff is requesting to reassign those bond proceeds as outlined below to cover capital expenses.

PROJECT	AMOUNT	SPENDDOWN PERIOD
Sheriff's Dept Vehicles	\$2,500,000	Within six months
Sheriff Dept. Technology upgrades and various capital projects	\$1,474,487	TBD
EMS Vehicles/Equipment	\$2,500,000	Within six months
Project A	\$11,500,000	Over 24 month period
Magistrate Office	\$3,000,000	Over 24 month period
Detention Ctr Renovation	\$12,500,000	Over 24 – 36 month period
General County Facility	\$4,770,513	Over 36 month period
Richland County SD HQ	\$2,000,000	TBD
Council Chamber, Council Offices & Misc Admn & Finance Renovations	\$1,260,623	TBD
Public Works Vehicles(Clamshell and Clean Sweeper)	\$505,000	Within 12 months
Total	\$42,010,623	

If approved, the County will not need to issue any additional debt this fiscal year. Reassigning the outstanding bond proceeds will allow staff to use those funds to cover current capital needs.

Issues

Addressing County capital needs through the reassignment of unspent bond proceeds.

Fiscal Impact

The fiscal impact of this item can be considered cost neutral, as the funding source is the existing, unspent, bond proceeds.

PROJECT	AMOUNT	SPENDDOWN PERIOD
Sheriff's Dept Vehicles	\$2,500,000	Within six months
Sheriff Dept. Technology upgrades and various capital projects	\$1,474,487	TBD
EMS Vehicles/Equipment	\$2,500,000	Within six months
Project A	\$11,500,000	Over 24 month period
Magistrate Office	\$3,000,000	Over 24 month period
Detention Ctr Renovation	\$12,500,000	Over 24 – 36 month period
General County Facility	\$4,770,513	Over 36 month period
Richland County SD HQ	\$2,000,000	TBD
Council Chamber, Council Offices & Misc Admn & Finance Renovations	\$1,260,623	TBD
Public Works Vehicles(Clamshell and Clean Sweeper)	\$505,000	Within 12 months
Total	\$42,010,623	

Past Legislative Actions

This is a staff initiated request.

Alternatives

1. Consider the request and approve the reassignment of the outstanding bond proceeds.
2. Consider the request and do not approve the reassignment of the outstanding bond proceeds.

Staff Recommendation

It is recommended that Council approve the reassignment of outstanding bond proceeds as presented via approval of the attached ordinance.

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

AN ORDINANCE AUTHORIZING THE RE-DIRECTION AND EXPENDITURE OF
UNSPENT PROCEEDS OF CERTAIN OF THE COUNTY'S BOND ISSUES; AND
OTHER MATTERS RELATING THERETO.

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

SECTION 1. Findings and Determinations. The County Council (the "Council") of Richland County, South Carolina (the "County"), hereby finds and determines:

(a) Pursuant to South Carolina law and the respective authorizing County ordinances, the County has heretofore issued the following bonds for the following purposes as set forth in the respective authorizing ordinances:

(i) \$16,330,000 General Obligation Bonds, Taxable Series 2010 (Build America Bonds – Director Payment to Issuer), for the purposes of funding capital projects including the expenditure of \$3,000,000 on capital projects for the Richland County Public Library;

(ii) \$10,440,000 General Obligation Bonds and General Obligation Refunding Bonds, Series 2011B, for the purposes of acquiring vehicles for use by the Sheriff's Department for the 2011-12 fiscal year, and refunding the outstanding maturities of the \$20,600,000 General Obligation Bonds, Series 2001A and the \$13,435,000 General Obligation Refunding Bonds, Series 2001C;

(iii) \$35,000,000 General Obligation Bonds, Series 2012A, for the purposes of defraying the costs of capital projects including but not limited to the acquisition of sheriff and EMS vehicles; renovation of County facilities; and constructing and equipping an EMS headquarters;

(iv) \$13,615,000 General Obligation Bonds, Series 2013B, for the purposes of defraying the costs of capital projects, each of which shall be approved by County Council and the fiscal year 2013-2014 public safety vehicle purchase;

(v) \$21,500,000 General Obligation Bonds, Series 2014B, for the purposes of defraying the costs of capital projects, including but not limited to constructing, renovating and repairing County facilities and funding the purchase of fiscal year 2014-2015 equipment and public safety vehicles;

(vi) \$7,300,000 General Obligation Bonds, Series 2015A, for the purposes of defraying the costs of capital projects, including but not limited to facility maintenance and renovation (roofing and HVAC), other building renovations, and the purchase of fiscal year 2015-2016 equipment and public safety vehicles; and

(vii) \$15,670,000 General Obligation Bonds, Series 2016A, for the purposes of defraying the costs of annual capital projects, including but not limited to the purchase of equipment and sheriff's vehicles and other capital projects including constructing and equipping a public safety building.

(b) County Council has been advised by the County Administration that as of the date hereof, each of the above-described bond issues have estimated unspent proceeds totaling approximately \$42,010,623 (the “Unspent Proceeds”), with a breakdown as follows:

Series 2010A	\$ 1,584,542
Series 2011B	1,640,437
Series 2012A	11,623,834
Series 2013B	1,125,161
Series 2014B	14,952,811
Series 2015A	2,251,653
Series 2016A	8,832,185

(c) The County Administration has requested that Council authorize the re-direction and expenditure of the Unspent Proceeds for some or all of the following projects, the estimated cost of which total approximately \$42,010,623:

(i)		
	Sheriff’s Dept Vehicles	\$ 2,500,000
	Sheriff Dept. Technology upgrades and various capital projects	1,474,487
	EMS Vehicles/Equipment	2,500,000
	Richland Renaissance	11,500,000
	Magistrate Office	3,000,000
	Detention Center Renovation	12,500,000
	General County Facility	4,770,513
	Richland County SD HQ	2,000,000
	Council Chamber, Council Offices & Misc Admn & Finance Renovations	1,260,623
	Public Works Vehicles (Clamshell and Clean Sweeper)	505,000

(ii) in the event any Unspent Proceeds remain after completion of the projects identified above, those amounts shall be used for the purchase of vehicles, purchase of equipment, funding capital projects, or such other lawful corporate and public purposes as the Council shall determine..

(d) Council finds that it is in the best interest of the County to authorize the re-direction and expenditure of the Unspent Proceeds as set forth above within the next 36 months.

SECTION 2. Re-direction of Unspent Proceeds. Council hereby authorizes the re-direction of the Unspent Proceeds as set forth in Section 1(c) above.

SECTION 3. Miscellaneous. All rules, regulations, resolutions and parts thereof, procedural or otherwise, in conflict herewith are, to the extent of such conflict, hereby repealed and this Ordinance shall take effect and be in full force from and after its enactment.

[Signatures follow]

Enacted this ____ day of _____, 2017.

RICHLAND COUNTY, SOUTH CAROLINA

By: _____
Joyce Dickerson, Chair
Richland County Council

(SEAL)

ATTEST THIS ____ DAY OF

_____, 2017:

Interim Clerk to Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

Richland County Council Request for Action

Subject:

Authorizing the execution and delivery of an amendment to the July 28, 2009 Fee Agreement effecting a conversion of that certain lease agreement dated as of December 15, 1999 between Unum Group, Colonial Life & Accident Insurance Company, and Unum Life Insurance Company of America, and Richland County, South Carolina; and other related matters

Notes:

First Reading: October 17, 2017
Second Reading: November 7, 2017 {Tentative}
Third Reading:
Public Hearing: November 7, 2017

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

**AUTHORIZING THE EXECUTION AND DELIVERY OF AN
AMENDMENT TO THE JULY 28, 2009 FEE AGREEMENT EFFECTING
A CONVERSION OF THAT CERTAIN LEASE AGREEMENT DATED
AS OF DECEMBER 15, 1999 BETWEEN UNUM GROUP, COLONIAL
LIFE & ACCIDENT INSURANCE COMPANY, AND UNUM LIFE
INSURANCE COMPANY OF AMERICA AND RICHLAND COUNTY,
SOUTH CAROLINA; AND OTHER RELATED MATTERS.**

WHEREAS, Richland County, South Carolina (“County”), acting by and through its County Council (“County Council”) is authorized pursuant to the provisions of Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as amended (“FILOT Act”), to encourage manufacturing and commercial enterprises to locate in the State of South Carolina (“South Carolina” or “State”) or to encourage manufacturing and commercial enterprises now located in the State to expand their investments and thus make use of and employ the manpower, products, and other resources of the State by entering into an agreement with a sponsor, as defined in the FILOT Act, that provides for the payment of a fee-in-lieu of ad valorem tax (“FILOT Payments”), with respect to economic development property, as defined in the FILOT Act;

WHEREAS, the July 28, 2009 Fee Agreement effecting a conversion of that certain Lease Agreement dated as of December 15, 1996 (the “Older FILOT Agreement”) was entered into by and among the County, UNUM Group, Colonial Life & Accident Insurance Company, and UNUM Life Insurance Company of America (collectively, the “Company”);

WHEREAS, the Company significantly exceeded both the projected investments referenced in the Older FILOT Agreement, and the investments referenced in a subsequent Fee Agreement entered into among the County and the Company as of July 28, 2009 (the “Newer FILOT Agreement”), and has to date placed in service investments in the County of \$725 million and presently employs 1,140 people in the County;

WHEREAS, the Company anticipates making additional investments of approximately \$6 million in the County during the period next three years;

WHEREAS, the period under the Older FILOT Agreement during which fee-in-lieu of tax (“FILOT”) payments may be made with respect to property placed in service under the Older FILOT Agreement will expire absent an amendment (the “Amendment”) to that FILOT Agreement to extend that period, as authorized by Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as amended (the “FILOT Act”);

WHEREAS, at the request of the Company and as an inducement to the Company to make the above-referenced additional investment and to continue its operations and employment in the County, the County desires to enter into the Amendment with the Company, the final form of which Amendment is attached as Exhibit A (“Amendment”), pursuant to which the County will extend by ten years the period under the Older FILOT Agreement that the Company can make FILOT Payments with respect to property placed in service under that Agreement.

NOW THEREFORE, BE IT ORDAINED, by the County Council as follows:

Section 1. Statutory Findings. Based on information supplied to the County by the Sponsor, County Council evaluated the anticipated additional investment based on relevant criteria, including the purposes the anticipated additional investment is to accomplish, the anticipated dollar amount and nature of the investment, employment to be created and retained, and the anticipated costs and benefits to the County, and hereby finds:

(a) The anticipated additional investment will provide a substantial public benefit to the general public welfare of the County by providing service, employment, recreation or other public benefits not otherwise provided locally;

(b) The anticipated additional investment gives rise to no pecuniary liability of the County or incorporated municipality or to no charge against its general credit or taxing power;

(c) The purposes to be accomplished by the anticipated additional investment are proper governmental and public purposes; and

(d) The benefits of the anticipated additional investment to the public are greater than the costs to the public.

Section 2. Authorization to Execute and Deliver Amendment. The incentives as described in this Ordinance (“Ordinance”), and as more particularly set forth in the Amendment, are hereby approved. The form, terms and provisions of the Amendment that is before this meeting are approved and all of the Amendment’s terms and conditions are incorporated in this Ordinance by reference. The Chair of County Council (“Chair”) is authorized and directed to execute the Amendment in the name of and on behalf of the County, subject to the approval of any revisions or changes as are not materially adverse to the County by the County Administrator and counsel to the County, and the Clerk to County Council is hereby authorized and directed to attest the Amendment and to deliver the Amendment to the Company.

Section 3. Further Assurances. The County Council confirms the authority of the Chair, the County Administrator, the Director of Economic Development, the Clerk to County Council, and various other County officials and staff, acting at the direction of the Chair, the County Administrator, the Director of Economic Development or Clerk to County Council, as appropriate, to take whatever further action and to negotiate, execute and deliver whatever further documents as may be appropriate to effect the intent of this Ordinance and the incentives offered to the Company under this Ordinance and the Amendment.

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.

Section 6. Effectiveness. This Ordinance is effective after its third reading and public hearing.

RICHLAND COUNTY, SOUTH CAROLINA

Chair, Richland County Council

(SEAL)
ATTEST:

Clerk of Council, Richland County Council

First Reading: October 17, 2017
Second Reading:
Public Hearing:
Third Reading:

EXHIBIT A
FORM OF AMENDMENT

~#4830-7630-6257 v.1~

FIRST AMENDMENT TO FEE AGREEMENT

THIS FIRST AMENDMENT (this “Amendment”) to the July 28, 2009 Fee Agreement effecting a conversion of that certain Lease Agreement dated as of December 15, 1996 (the “Older FILOT Agreement”) among RICHLAND COUNTY, SOUTH CAROLINA (the “County”), a body politic and corporate and a political subdivision of the State of South Carolina, acting by and through its County Council (the “County Council”) as governing body of the County; UNUM GROUP, a corporation organized and existing under the laws of the State of Delaware; COLONIAL LIFE & ACCIDENT INSURANCE COMPANY, a corporation organized and existing under the laws of the State of South Carolina; and UNUM LIFE INSURANCE COMPANY OF AMERICA, a corporation organized and existing under the laws of the State of Maine (collectively referred to herein as the “Company”) is made and entered into as of _____, 2017.

WITNESSETH:

WHEREAS, the County and the Company entered into the Older FILOT Agreement;

WHEREAS, the Company significantly exceeded both the projected investments referenced in the Older FILOT Agreement, and the investments referenced in a subsequent Fee Agreement entered into among the County and the Company as of July 28, 2009 (the “Newer FILOT Agreement”), and has to date placed in service investments in the County of \$725 million and presently employs 1,140 people in the County;

WHEREAS, the Company anticipates making additional investments of approximately \$6 million in the County during the next three years;

WHEREAS, the period under the Older FILOT Agreement during which fee-in-lieu of tax (“FILOT”) payments may be made with respect to property placed in service under the Older FILOT Agreement will expire absent an amendment (the “Amendment”) to that FILOT Agreement to extend that period, as authorized by Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as amended (the “FILOT Act”);

WHEREAS, the County, at the request of the Company and in order to induce the Company to make the above referenced additional investment and to continue its operations and employment in the County, wishes to provide such an extension; and

WHEREAS, pursuant to an Ordinance dated _____, 2017, the County Council authorized the Amendment, and the County and the Company now desire to enter into the Amendment.

NOW, THEREFORE, in consideration of the above and other value, the County and the Company agree as follows:

1. Section 6.1(d) of the Older FILOT Agreement is hereby amended by inserting the number “30” in place of the number “20.”
2. Section 6.3 of the Older FILOT Agreement is hereby amended by inserting the number “30” in place of the number “20” and by inserting the word “twenty-ninth” in place of the word “nineteenth.”
3. The County agrees that if and to the extent that the amendments to the Older FILOT Agreement set forth in Section 1 of this Amendment are found to be invalid or otherwise do not provide the Company with the economic benefit it is intended to receive therefrom, the savings lost as a result of such invalidity will be considered a special source revenue credit or infrastructure improvement credit to the Company to the maximum extent permitted by law, and the County will provide a special source revenue credit or infrastructure improvement credit, as authorized under Title 4, Chapters 1 and 29 and Title 12, Chapter 44, Code of Laws of South Carolina, as amended (the “Multi-County Park Law”), against all fee-in-lieu of tax payments to be made by the Company under the Multi-County Park Law in an amount equal to the amount that the Company would have received but for such invalidity, to the maximum extent permitted by law.
4. This Amendment controls over any contrary or inconsistent provision of the Older FILOT Agreement. Every provision of the Older FILOT Agreement not amended or modified by the terms of this Amendment shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, Richland County, South Carolina, the UNUM GROUP, COLONIAL LIFE & ACCIDENT INSURANCE COMPANY, and UNUM LIFE INSURANCE COMPANY OF AMERICA, pursuant to due authority, have executed this Amendment as of the date first written above.

RICHLAND COUNTY, SOUTH CAROLINA

By: _____

Chair
Richland County Council

ATTEST:

Clerk to Council

UNUM GROUP

By: _____
Name: _____
Title: _____

COLONIAL LIFE & ACCIDENT INSURANCE
COMPANY

By: _____
Name: _____
Title: _____

UNUM LIFE INSURANCE COMPANY OF
AMERICA

By: _____
Name: _____
Title: _____

Richland County Council Request for Action

Subject:

Authorizing the execution and delivery of an amendment to a 2014 Fee Agreement by and between Richland County, South Carolina, the Ritedose Corporation and TRC Propco, Inc. to provide for certain infrastructure credits; and other related matters

Notes:

First Reading: October 17, 2017
Second Reading: November 7, 2017 {Tentative}
Third Reading:
Public Hearing: November 7, 2017

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

**AUTHORIZING THE EXECUTION AND DELIVERY OF AN
AMENDMENT TO A 2014 FEE AGREEMENT BY AND BETWEEN
RICHLAND COUNTY, SOUTH CAROLINA, THE RITEDOSE
CORPORATION AND TRC PROPCO, INC. TO PROVIDE FOR
CERTAIN INFRASTRUCTURE CREDITS; AND OTHER RELATED
MATTERS.**

WHEREAS, Richland County, South Carolina (“County”), acting by and through its County Council (“County Council”) is authorized pursuant to the provisions of Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as amended (“FILOT Act”), to encourage manufacturing and commercial enterprises to locate in the State of South Carolina (“South Carolina” or “State”) or to encourage manufacturing and commercial enterprises now located in the State to expand their investments and thus make use of and employ the manpower, products, and other resources of the State by entering into an agreement with a sponsor, as defined in the FILOT Act, that provides for the payment of a fee-in-lieu of *ad valorem* tax (“FILOT Payments”), with respect to economic development property, as defined in the FILOT Act;

WHEREAS, pursuant to Article VIII, Section 13 of the South Carolina Constitution and Title 4, Section 1, Code of Laws of South Carolina, 1976, as amended (collectively, “MCIP Act”), the County is authorized to jointly develop multicounty parks with counties having contiguous borders with the County and, in the County’s discretion, include property within the boundaries of such multicounty parks. Under the authority provided in the MCIP Act, the County has created a multicounty park with Fairfield County (“Park”);

WHEREAS, pursuant to the FILOT and MCIP Acts, the County is authorized to provide credits (“Infrastructure Credits”) against FILOT Payments derived from economic development property to pay costs of designing, acquiring, constructing, improving or expanding (i) infrastructure serving a project or the County and (ii) improved and unimproved real estate and personal property used in the operation of a commercial enterprise or manufacturing facility (“Infrastructure”);

WHEREAS, the County, the Ritedose Corporation (“Sponsor”) and TRC Propco, Inc. (“Sponsor Affiliate”) (collectively referred to herein as the “Companies”) entered into a September 16, 2014 Fee Agreement with the County concerning the Companies’ project in Richland County (“Project”);

WHEREAS, the Companies are now considering the location of an expansion project in the County (the “Expansion Project”) and, in that connection, are considering investing an additional \$10 million in real or personal property over and above the \$90 million to be invested by the Companies in the Project under the Fee Agreement; and

WHEREAS, at the Companies’ request and in order to induce and support the Companies in connection with the Expansion Project, the County desires to enter into an amendment to the Fee Agreement, the final form of which amendment is attached hereto as Exhibit A (“Amendment”), pursuant to which the County will provide certain Infrastructure Credits to the Companies as described in the Amendment, to assist in paying the cost of certain Infrastructure.

NOW THEREFORE, BE IT ORDAINED, by the County Council as follows:

Section 1. Statutory Findings. Based on information supplied to the County by the Companies, County Council evaluated the Expansion Project based on relevant criteria including the purposes the

Expansion Project is to accomplish, the anticipated dollar amount and nature of the investment, employment to be created, and the anticipated costs and benefits to the County, and hereby finds:

(a) The Expansion Project will benefit the general public welfare of the County by providing service, employment, recreation or other public benefits not otherwise provided locally;

(b) The Expansion Project gives rise to no pecuniary liability of the County or incorporated municipality or to no charge against its general credit or taxing power;

(c) The purposes to be accomplished by the Expansion Project are proper governmental and public purposes; and

(d) The benefits of the Expansion Project to the public are greater than the costs to the public.

Section 2. *Approval of Incentives; Authorization to Execute and Deliver Amendment.* The incentives as described in this Ordinance (“Ordinance”), and as more particularly set forth in the Amendment, with respect to the Expansion Project are hereby approved. The form, terms and provisions of the Amendment that is before this meeting are approved and all of the Amendment’s terms and conditions are incorporated in this Ordinance by reference. The Chair of County Council (“Chair”) is authorized and directed to execute the Amendment in the name of and on behalf of the County, subject to the approval of any revisions or changes as are not materially adverse to the County by the County Administrator and counsel to the County, and the Clerk to County Council is hereby authorized and directed to attest the Amendment and to deliver the Amendment to the Companies.

Section 3. *Inclusion within the Park.* The expansion of the Park boundaries to include the Expansion Project is authorized and approved. The Chair, the County Administrator and the Clerk to County Council are each 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 agreement governing the Park (“Park Agreement”), the expansion of the Park’s boundaries and the amendment to the Park Agreement is complete on adoption of this Ordinance by County Council and an approving companion ordinance by Fairfield County Council.

Section 4. *Further Assurances.* The County Council confirms the authority of the Chair, the County Administrator, the Director of Economic Development, the Clerk to County Council, and various other County officials and staff, acting at the direction of the Chair, the County Administrator, the Director of Economic Development or Clerk to County Council, as appropriate, to take whatever further action and to negotiate, execute and deliver whatever further documents as may be appropriate to effect the intent of this Ordinance and the incentives offered to the Companies under this Ordinance and the Amendment.

Section 5. *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 6. *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.

Section 7. *Effectiveness.* This Ordinance is effective after its third reading and public hearing.

RICHLAND COUNTY, SOUTH CAROLINA

Chair, Richland County Council

(SEAL)
ATTEST:

Clerk of Council, Richland County Council

First Reading: October 17, 2017
Second Reading:
Public Hearing:
Third Reading:

EXHIBIT A
FORM OF AMENDMENT

~#4828-9628-2449 v.1~

FIRST AMENDMENT TO FEE AGREEMENT

THIS FIRST AMENDMENT (this “Amendment”) to the September 16, 2014 Fee Agreement among Richland County, South Carolina (the “County”), The Ritedose Corporation (the “Company”) and TRC Propco, Inc. (the “Sponsor Affiliate”) (collectively, the “Parties”) is effective as of _____, 2017.

WITNESSETH:

WHEREAS, the County, the Company and the Sponsor Affiliate entered into the Fee Agreement;

WHEREAS, based upon the decision by the Company to locate an expansion project in the County at a new site (the “New Site”) and, in that connection, to invest an additional \$10 million in real or personal property at the New Site (over and above the \$90 million to be invested by the Company and the Sponsor Affiliate under the Fee Agreement between January 1, 2013 and December 31, 2021), the County Council desires to provide certain benefits to the Company and the Sponsor Affiliate in addition to those presently provided under the Fee Agreement; and

WHEREAS, pursuant to an Ordinance dated _____, 2017 (the “Ordinance”), the County Council authorized this Amendment, and the County, the Company and the Sponsor Affiliate now desire to enter into this Amendment.

NOW, THEREFORE, in consideration of the above and other value, the Parties hereby agree as follows:

1. A new Section 5.7 shall be added to the Fee Agreement, as follows:

SECTION 5.7. 2017 Additional Annual Credit.

- (a) Separate and apart from the Annual Credit provided pursuant to Section 5.2 hereof, the County shall provide an additional annual credit against Payments-in-Lieu-of-Taxes (the “Additional Annual Credit”). The total dollar amount of the Additional Annual Credit shall be \$240,000. The Additional Annual Credit shall be applied in an amount equal to 99% of the Payment-in-Lieu-of-Taxes to be made on the Project by the Sponsor Affiliate beginning with respect to property tax year 2018 (the Payment-in-Lieu-of-Taxes for which will be due and payable by January 15, 2019), and continuing with respect to each subsequent property tax year until the total amount of the \$240,000 Additional Annual Credit has been applied. The Additional Annual Credit shall be applied with respect to each applicable Payment-in-Lieu-of-Tax only after the application of the Annual Credit provided pursuant to Section 5.2 hereof.

- (b) If, between January 1, 2013 and December 31, 2021, the Companies have either (i) not invested at least \$10 million in real or personal property at the New Site (which site is described on the attached “2017 Site Supplement” to Exhibit B of this Fee Agreement and is hereby added as a site within the definition of “Site” as set forth in Section 1.3 of this Fee Agreement or (ii) not invested at least \$90 million in real or personal property in the Project (including the New Site), then the amount of the Additional Annual Credit shall be repaid in its entirety by the Companies to the County by June 1, 2022, without penalty or interest of any kind.
- 2. This Amendment controls over any contrary or inconsistent provision of the Fee Agreement. Every provision of the Fee Agreement not specifically amended or modified by the terms of this Amendment shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the Richland County, South Carolina, The Ritedose Corporation and TRC Propco, Inc., pursuant to due authority, have executed this Amendment as of the date first written above.

RICHLAND COUNTY, SOUTH CAROLINA

By: _____
Chair
Richland County Council

ATTEST:

Clerk to Council

THE RITEDOSE CORPORATION

By: _____
Name: _____
Title: _____

TRC PROPCO, INC.

By: _____
Name: _____
Title: _____

Richland County Council Request for Action

Subject:

An Ordinance allowing for the temporary waiver of building permit fees and plan review fees for homeowners, contractors, and “Volunteer Organizations Active in Disaster” (VOAD’s), and allowing for the temporary waiver of business license fees for contractors and “Volunteer Organizations Active in Disaster” (VOAD’s)

Notes:

First Reading: October 17, 2017

Second Reading: November 7, 2017 {Tentative}

Third Reading: November 14, 2017 {Tentative}

Public Hearing: November 7, 2017

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-17HR

AN ORDINANCE ALLOWING FOR THE TEMPORARY WAIVER OF BUILDING PERMIT FEES AND PLAN REVIEW FEES FOR HOMEOWNERS, CONTRACTORS, AND “VOLUNTEER ORGANIZATIONS ACTIVE IN DISASTER” (VOAD’S), AND ALLOWING FOR THE TEMPORARY WAIVER OF BUSINESS LICENSE FEES FOR CONTRACTORS AND “VOLUNTEER ORGANIZATIONS ACTIVE IN DISASTER” (VOAD’S).

WHEREAS, the County of Richland has been severely and catastrophically affected by record levels of rain from the late evening hours of Saturday, October 3, 2015 through Tuesday, October 6, 2015; and

WHEREAS, this catastrophic 1,000 year rain event resulted in widespread flooding throughout the County of Richland, causing damage to thousands of structures within the said County; and

WHEREAS, many citizens of Richland County are still in the process of damage control and damage repair; and

WHEREAS, Section 6-50 of the Richland County Code of Ordinances requires that applicants for a building permit must pay a fee prior to being issued a permit to repair or build a structure; and

WHEREAS, Section 16-7 (4) of the Richland County Code of Ordinances stipulates that business license fees shall be reduced or exempted when a building permit is obtained and a fee paid; and

WHEREAS, the current situation, which was created by the severe storms and resultant flooding during October 3, 2015 and immediately thereafter, has resulted in a unique situation wherein damage to structures require immediate and ongoing response and repair; and

WHEREAS, the County Council has determined that it is in the best interest of its citizens to expedite and assist homeowners and business owners affected by the storm to begin, and continue, repairs and rebuilding.

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

SECTION I:

1. The County’s Building Inspections Department and Business Service Center Department shall expeditiously issue permits and/or licenses to homeowners, contractors, and/or

“Volunteer Organizations Active In Disaster” (VOAD’S) to repair damage to structures damaged by the storm during the period of October 3 through October 6, 2015.

2. All applications for building permits, plan reviews, or business licenses for the repair of storm related damage, verified by the Building Inspection Department, shall not require a fee for the permit, plan review, business license, or business license clearance review process, irrespective of any ordinance that states otherwise.
3. The County of Richland re-establishes its commitment to mitigate the illegal performance of services by unlicensed contractors related to the storm damage. The Building Inspection Department will assist citizens with inquiries as to whether the contractor is appropriately licensed by the State of South Carolina, and has the requisite business licenses issued by the County as required by the Richland County Code of Ordinances.

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 Suspended. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby temporarily suspended until June 30, 2019.

SECTION IV. Effective Date. This ordinance shall become effective immediately upon adoption and shall remain in effect until June 30, 2019, at which time it shall have no further effect.

RICHLAND COUNTY COUNCIL

BY: _____
Joyce Dickerson, Chair

ATTEST THIS THE ____ DAY

OF _____, 2017

Michelle Onley
Assistant Clerk of Council

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

Richland County Council Request for Action

Subject:

An Ordinance authorizing the issuance and sale of not exceeding \$ _____ General Obligation Bond, Series 2018A, or such other appropriate series designation, of Richland County, South Carolina; fixing the form and details of the bonds; delegating to the County Administrator certain authority related to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto

Notes:

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

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

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF NOT EXCEEDING \$ _____ GENERAL OBLIGATION BOND, SERIES 2018A, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF RICHLAND COUNTY, SOUTH CAROLINA; FIXING THE FORM AND DETAILS OF THE BONDS; DELEGATING TO THE COUNTY ADMINISTRATOR CERTAIN AUTHORITY RELATED TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO.

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

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

(a) Pursuant to Section 4-9-10, Code of Laws of South Carolina 1976, as amended, the County operates under the Council-Administrator form of government and the County Council constitutes the governing body of the County.

(b) Article X, Section 14 of the Constitution of the State of South Carolina, 1895, as amended (the “Constitution”), provides that each county shall have the power to incur bonded indebtedness in such manner and upon such terms and conditions as the General Assembly shall prescribe by general law. Such debt must be incurred for a public purpose and a corporate purpose in an amount not exceeding eight percent (8%) of the assessed value of all taxable property of such county.

(c) Pursuant to Title 4, Chapter 15 of the Code (the same being and hereinafter referred to as the “County Bond Act”), the governing bodies of the several counties of the State may each issue general obligation bonds to defray the cost of any authorized purpose and for any amount not exceeding their applicable constitutional limit.

(d) The County Bond Act provides that as a condition precedent to the issuance of bonds an election be held and the result be favorable thereto. Title 11, Chapter 27 of the Code of Laws of South Carolina 1976, as amended, provides that if an election be prescribed by the provisions of the County Bond Act, but not be required by the provisions of Article X of the Constitution, then in every such instance, no election need be held (notwithstanding the requirement therefor) and the remaining provisions of the County Bond Act shall constitute a full and complete authorization to issue bonds in accordance with such remaining provisions.

(e) Pursuant to Ordinance No. 039-12HR and the provisions of Title 4, Chapter 37, Code of Laws of South Carolina, 1976, as amended, a referendum (the “Referendum”) was held in the County on November 6, 2012, in which the following questions were submitted to the qualified electors of the County:

QUESTION 1

I approve a special sales and use tax in the amount of one percent (1%) to be imposed in Richland County, South Carolina (the “County”) for not more than twenty-two (22) years, or until a total of \$1,070,000,000 in sales tax revenue has been collected, whichever occurs first. The sales tax revenue will be used to pay the costs of administrative expenses and the following projects:

Project 1: Improvements to highways, roads (paved and unpaved), streets, intersections, and bridges including related drainage system improvements.
Amount: \$656,020,644

Project 2: Continued operation of mass transit services provided by Central Midlands Regional Transit Authority including implementation of near, mid and long-term service improvements.
Amount: \$300,991,000

Project 3: Improvements to pedestrian sidewalks, bike paths, intersections and greenways.
Amount: \$80,888,356

YES

NO

QUESTION 2

I approve the issuance of not exceeding \$450,000,000 of general obligation bonds of Richland County, payable from the special sales and use tax described in Question 1 above, maturing over a period not to exceed twenty-two (22) years, to fund projects from among the categories described in Question 1 above.

YES

NO

The Referendum was duly conducted and a majority of the qualified electors of the County voted in favor of the imposition of the sales and use tax (the “Sales and Use Tax”) and the issuance of the general obligation bonds.

(f) Pursuant to Section 4-37-30 of the Code of Laws of South Carolina, 1976, as amended, and Ordinance No. 039-12HR and the successful results of the Referendum, the Sales and Use Tax was imposed in the County on May 1, 2013.

(g) Pursuant to the Referendum question, after deducting administrative expenses and the amount of \$300,991,000 committed to the continued operation of mass transit services, the total of \$736,909,000 or 71% of the proceeds of the Sales and Use Tax is available for debt service on the Bonds (the “Available Revenue”).

[FINDINGS ABOUT LEGAL ACTIONS]

(h) Pursuant to a Resolution adopted by the County Council on November 13, 2012, the County has adopted Written Procedures Related to Tax-Exempt Debt.

(i) It is in the best interest of the County for the County Council to provide for the issuance and sale of general obligation bonds in an amount of not to exceed \$_____ to fund projects approved in the Referendum and to pay costs of issuance of the bonds.

SECTION 2. Authorization and Details of Bonds. Pursuant to the aforesaid provisions of the Constitution and laws of the State of South Carolina (the "State"), there is hereby authorized to be issued not exceeding \$_____ aggregate principal amount of general obligation bonds of the County to be designated "\$ (amount issued) General Obligation Bonds, (appropriate series designation), of Richland County, South Carolina" (the "Bonds") to fund projects approved in the Referendum and to pay costs of issuance of the Bonds.

The Bonds shall be issued as fully registered Bonds registerable as to principal and interest; shall be dated as of the first day of the month in which they are delivered to the initial purchaser(s) thereof; shall be in denominations of \$5,000 or any integral multiple thereof not exceeding principal amount of Bonds maturing each year; shall be numbered from R-1 upward, respectively; shall bear interest from their date payable at such times as hereafter designated by the Administrator of the County (the "Administrator") at such rate or rates as may be determined by the Administrator at the time of sale thereof; and shall mature serially in successive annual installments as determined by the Administrator; provided, however, the Administrator is directed to structure the repayment of the Bonds so as to insure that all debt service on the Bonds can be paid in full from Available Revenues.

Both the principal of and interest on the Bonds shall be payable in any coin or currency of the United States of America which is, at the time of payment, legal tender for public and private debts.

SECTION 3. Delegation of Authority Relating to the Bonds. County Council hereby delegates to the Administrator or his lawfully-authorized designee the authority with respect to the Bonds: (a) to determine the par amount of the Bonds; (b) to determine maturity dates of the Bonds and the respective principal amounts maturing on such dates; (c) to determine the interest payment dates of the Bonds; (d) to determine redemption provisions, if any, for the Bonds; (e) the date and time of sale of the Bonds; (f) to receive bids on behalf of the County Council; and (g) to award the sale of the Bonds to the lowest bidders therefor in accordance with the terms of the Notices of Sale for the Bonds.

After the sale of each series of Bonds, the Administrator or his lawfully-authorized designee shall submit a written report to the County Council setting forth the results of the sale of each series of Bonds.

SECTION 4. Registration, Transfer and Exchange of Bonds. The County shall cause books (herein referred to as the "registry books") to be kept at the offices of the Registrar/Paying Agent, for the registration and transfer of the Bonds. Upon presentation at its office for such purpose the Registrar/Paying Agent shall register or transfer, or cause to be registered or transferred, on such registry books, the Bonds under such reasonable regulations as the Registrar/Paying Agent may prescribe.

Each Bond shall be transferable only upon the registry books of the County, which shall be kept for such purpose at the principal office of the Registrar/Paying Agent, by the registered owner thereof in person or by his duly authorized attorney upon surrender thereof together with a written instrument of transfer satisfactory to the Registrar/Paying Agent duly executed by the registered owner or his duly authorized attorney. Upon the transfer of any such Bond the Registrar/Paying Agent on behalf of the County shall issue

in the name of the transferee a new fully-registered Bonds or Bond, of the same aggregate principal amount, interest rate and maturity as the surrendered Bond. Any Bonds surrendered in exchange for a new registered Bond pursuant to this Section shall be canceled by the Registrar/Paying Agent.

The County and the Registrar/Paying Agent may deem or treat the person in whose name any fully-registered Bond shall be registered upon the registry books as the absolute owner of such Bond, whether such Bond shall be overdue or not, for the purpose of receiving payment of the principal of and interest on such Bond and for all other purposes and all such payments so made to any such registered owner or upon his order shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid, and neither the County nor the Registrar/Paying Agent shall be affected by any notice to the contrary. For every such transfer of Bonds, the County or the Registrar/Paying Agent may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such transfer, and, except as otherwise provided herein, may charge a sum sufficient to pay the cost of preparing each Bond issued upon such transfer, which sum or sums shall be paid by the person requesting such transfer or by the County as a condition precedent to the exercise of the privilege of making such transfer. Neither the County nor the Registrar/Paying Agent shall be obliged to make any such transfer of Bonds during the fifteen (15) days preceding an interest payment date on such Bonds.

SECTION 7. Record Date. The County hereby establishes a record date for the payment of interest or for the giving of notice of any proposed redemption of Bonds, and such record date shall be the fifteenth (15th) day of the calendar month preceding each semiannual interest payment date on such Bond or in the case of any proposed redemption of Bonds, such record date shall be the fifteenth (15th) day prior to the giving of notice of redemption of bonds.

SECTION 8. Mutilation, Loss, Theft or Destruction of Bonds. In case any Bond shall at any time become mutilated in whole or in part, or be lost, stolen or destroyed, or be so defaced as to impair the value thereof to the owner, the County shall execute and the Registrar shall authenticate and deliver at the principal office of the Registrar, or send by registered mail to the owner thereof at his request, risk and expense a new Bond of the same series, interest rate and maturity and of like tenor and effect in exchange or substitution for and upon the surrender for cancellation of such defaced, mutilated or partly destroyed Bond, or in lieu of or in substitution for such lost, stolen or destroyed Bond. In any such event the applicant for the issuance of a substitute Bond shall furnish the County and the Registrar evidence or proof satisfactory to the County and the Registrar of the loss, destruction, mutilation, defacement or theft of the original Bond, and of the ownership thereof, and also such security and indemnity in an amount as may be required by the laws of the State of South Carolina or such greater amount as may be required by the County and the Registrar. Any duplicate Bond issued under the provisions of this Section in exchange and substitution for any defaced, mutilated or partly destroyed Bond or in substitution for any allegedly lost, stolen or wholly destroyed Bond shall be entitled to the identical benefits under this Ordinance as was the original Bond in lieu of which such duplicate Bond is issued, and shall be entitled to equal and proportionate benefits with all the other Bonds of the same series issued hereunder.

All expenses necessary for the providing of any duplicate Bond shall be borne by the applicant therefor.

SECTION 9. Execution of Bonds. The Bonds shall be executed in the name of the County with the manual or facsimile signature of the Chair of the County Council attested by the manual or facsimile signature of the Clerk of the County Council under a facsimile of the seal of the County impressed, imprinted or reproduced thereon; provided, however, the facsimile signatures appearing on the Bonds may be those of the officers who are in office on the date of adoption of this Ordinance. The execution of the Bonds in such fashion shall be valid and effectual, notwithstanding any subsequent change in such offices. The Bonds shall not be

valid or become obligatory for any purpose unless there shall have been endorsed thereon a certificate of authentication. Each Bond shall bear a certificate of authentication manually executed by the Registrar.

SECTION 10. Form of Bonds. The Bonds shall be in substantially the form attached hereto as Exhibit A and incorporated herein by reference.

SECTION 11. Security for Bonds. A sufficient amount of the Available Revenue received by the County from the Sales and Use Tax is pledged for the payment of the principal of and interest on the Bonds as they respectively mature, and for the creation of such sinking fund as may be necessary therefor. Also, the full faith, credit, and taxing power of the County are hereby irrevocably pledged for the payment of the principal of and interest on the Bonds as they respectively mature, and for the creation of such sinking fund as may be necessary therefor. Only in the event there are insufficient Available Revenues from the Sales and Use Tax available to pay debt service on the Bonds, there shall be levied annually by the County Auditor and collected by the County Treasurer, in the same manner as other county taxes are levied and collected, a tax, without limit, on all taxable property in the County sufficient to pay the principal of and interest on the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

SECTION 13. Defeasance. The obligations of the County under this Ordinance and the pledges, covenants and agreements of the County herein made or provided for, shall be fully discharged and satisfied as to any portion of the Bonds, and such Bond or Bonds shall no longer be deemed to be outstanding hereunder when:

(a) Such Bond or Bonds shall have been purchased by the County and surrendered to the County for cancellation or otherwise surrendered to the County or the Paying Agent and is canceled or subject to cancellation by the County or the Paying Agent; or

(b) Payment of the principal of and interest on such Bonds either (i) shall have been made or caused to be made in accordance with the terms thereof, or (ii) shall have been provided for by irrevocably depositing with a corporate trustee in trust and irrevocably set aside exclusively for such payment, (1) moneys sufficient to make such payment, or (2) Government Obligations (hereinafter defined) maturing as to principal and interest in such amounts and at such times as will ensure the availability of sufficient moneys to make such payment and all necessary and proper fees, compensation and expenses of the corporate trustee. At such time as the Bonds shall no longer be deemed to be outstanding hereunder, such Bonds shall cease to draw interest from the due date thereof and, except for the purposes of any such payment from such moneys or Government Obligations, shall no longer be secured by or entitled to the benefits of this Ordinance.

“Government Obligations” shall mean any of the following:

- (a) direct obligations of the United States of America or agencies thereof or obligations, the payment of principal or interest on which, in the opinion of the Attorney General of the United States, is fully and unconditionally guaranteed by the United States of America;
- (b) non-callable, U. S. Treasury Securities - State and Local Government Series (“SLGS”);
- (c) general obligation bonds of the State, its institutions, agencies, school districts and political subdivisions; and

(d) a defeasance obligation as defined in Section 6-5-10 of the S.C. Code as such as may be amended from time to time.

(c) Such Bond or Bonds shall be defeased as provided in Section 11-14-110 of the S.C. Code as such may be amended from time to time.

SECTION 14. Exemption from State Taxes. Both the principal of and interest on the Bonds and the Bonds shall be exempt, in accordance with the provisions of Section 12-2-50 of the S.C. Code, from all State, county, municipal, school district and all other taxes or assessments, except estate or other transfer taxes, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise.

SECTION 15. Eligible Securities. The Bonds initially issued (the “Initial Bonds”) will be eligible securities for the purposes of the book-entry system of transfer maintained by The Depository Trust Company, New York, New York (“DTC”), and transfers of beneficial ownership of the Initial Bonds shall be made only through DTC and its participants in accordance with rules specified by DTC. Such beneficial ownership must be of \$5,000 principal amount of Bonds of the same maturity or any integral multiple of \$5,000.

The Initial Bonds shall be issued in fully-registered form, one Bond for each of the maturities of the Bonds or, in the name of Cede & Co., as the nominee of DTC. When any principal of or interest on the Initial or Initial Bonds becomes due, the Paying Agent, on behalf of the County, shall transmit to DTC an amount equal to such installment of principal and interest. DTC shall remit such payments to the beneficial owners of the Bonds or their nominees in accordance with its rules and regulations.

Notices of redemption of the Initial Bonds or any portion thereof shall be sent to DTC in accordance with the provisions of the Ordinance.

If (a) DTC determines not to continue to act as securities depository for the Bonds or, or (b) the County has advised DTC of its determination that DTC is incapable of discharging its duties, the County shall attempt to retain another qualified securities depository to replace DTC. Upon receipt by the County the Initial Bonds together with an assignment duly executed by DTC, the County shall execute and deliver to the successor securities depository Bonds of the same principal amount, interest rate and maturity registered in the name of such successor.

If the County is unable to retain a qualified successor to DTC or the County has determined that it is in its best interest not to continue the book-entry system of transfer or that interests of the beneficial owners of the Bond or might be adversely affected if the book-entry system of transfer is continued (the County undertakes no obligation to make any investigation to determine the occurrence of any events that would permit it to make any such determination), and has made provision to so notify beneficial owners of the Bonds by mailing an appropriate notice to DTC, upon receipt by the County of the Initial or Initial Bonds together with an assignment duly executed by DTC, the County shall execute, authenticate and deliver to the DTC participants Bond sin fully-registered form, in substantially the form set forth in Section 2 of this Ordinance in the denomination of \$5,000 or any integral multiple thereof.

Notwithstanding the foregoing, at the request of the purchaser, the Bonds will be issued as one single fully-registered Bond and not issued through the book-entry system.

SECTION 16. Sale of Bonds and, Form of Notice of Sale. The Bonds shall be sold at public sale. A Notice of Sale in substantially the form attached hereto as Exhibit B and incorporated herein by reference shall be distributed to prospective bidders and a summary of such Notice of Sale shall be published in a newspaper having general circulation in the State or in a financial publication published in the City of New York, State of New York, or both, not less than seven (7) days prior to the date set for such sale.

SECTION 17. Preliminary and Final Official Statement. The County Council hereby authorizes and directs the Administrator to prepare, or cause to be prepared, a Preliminary Official Statement to be distributed to prospective purchasers of the Bonds and, respectively, together with the Notice of Sale. The County Council authorizes the Administrator to designate the Preliminary Official Statement as “near final” for purposes of Rule 15c2-12 of the Securities Exchange Commission (the “Rule”). The Administrator is further authorized to see to the completion of the final form of the Official Statement upon the sale of the Bonds and, respectively, so that it may be provided to the purchaser of the Bonds and.

SECTION 18. Filings with Central Repository. In compliance with Section 11-1-85 of the S.C. Code, the County covenants that it will file or cause to be filed with a central repository for availability in the secondary bond market when requested: (a) a copy of an annual independent audit of the County within thirty (30) days of the County's receipt thereof; and (b) within thirty (30) days of the occurrence thereof, event specific information of an event which adversely affects more than five (5%) percent of the tax revenues of the County or the County's tax base.

SECTION 19. Continuing Disclosure. In compliance with the Rule, the County covenants and agrees for the benefit of the holders from time to time of the Bonds to execute and deliver prior to closing, and to thereafter comply with the terms of a Disclosure Dissemination Agent Agreement in substantially the form appearing as Exhibit C to this Ordinance. In the event of a failure of the County to comply with any of the provisions of the Disclosure Dissemination Agent Agreement, an event of default under this Ordinance shall not be deemed to have occurred. In such event, the sole remedy of any bondholder or beneficial owner shall be an action to compel performance by the Ordinance.

SECTION 20. Deposit and Use of Proceeds. The proceeds derived from the sale of the Bonds shall be deposited with the Treasurer of the County in a special fund to the credit of the County, separate and distinct from all other funds, and shall be expended from time to time and made use of by the County Council as follows: Any premium shall be placed in the sinking fund established pursuant to Section 4-15-150 of the S.C. Code; and the balance of the proceeds shall be applied for the costs of the Referendum-approved projects and the costs and expenses of issuing the Bonds.

SECTION 21. Notice of Public Hearing. The County Council hereby ratifies and approves the publication of a notice of public hearing regarding the Bonds, the and this Ordinance, such notice in substantially the form attached hereto as Exhibit D, having been published in *The State*, a newspaper of general circulation in the County, not less than 15 days prior to the date of such public hearing.

SECTION 22. Reimbursement of Certain Expenditures. The County Council hereby declares that this Ordinance shall constitute its declaration of official intent pursuant to Treasury Regulation § 1.150-2 of the Internal Revenue Code of 1986, as amended (the “IRC”), to reimburse the County from the proceeds of the Bonds for expenditures with respect to the Project (the “Expenditures”). The County anticipates incurring Expenditures with respect to the capital improvements prior to the issuance by the County of the Bonds for such purposes. To be eligible for reimbursement of the Expenditures, the reimbursement allocation must be made not later than 18 months after the later of (a) the date on which the Expenditures were paid, or (b) the date the Project was placed in service, but in no event more than three (3) years after the original Expenditures. The Expenditures are incurred solely to acquire, construct or rehabilitate property

having a reasonably expected economic life of at least one (1) year. The source of funds for the Expenditures with respect to the projects will be the County's general reserve funds or other legally-available funds.

SECTION 23. Tax Covenants. The County hereby covenants and agrees with the Holders of the Bonds that it will not take any action which will, or fail to take any action which failure will, cause interest on the Bonds to become includable in the gross income of the Bondholders or Noteholders for federal income tax purposes pursuant to the provisions of the IRC and regulations promulgated thereunder in effect on the date of original issuance of the Bonds and. The County further covenants and agrees with the holders of the Bonds that no use of the proceeds of the Bonds shall be made which, if such use had been reasonably expected on the date of issue of the Bonds would have caused the Bonds to be "arbitrage bonds," as defined in Section 148 of the IRC, and to that end the County hereby shall:

- (a) comply with the applicable provisions of Sections 103 and 141 through 150 of the IRC and any regulations promulgated thereunder so long as the Bonds are outstanding;
- (b) establish such funds, make such calculations and pay such amounts, in the manner and at the times required in order to comply with the requirements of the IRC relating to required rebates of certain amounts to the United States; and
- (c) make such reports of such information at the time and places required by the IRC.

SECTION 24. Miscellaneous. The County Council hereby authorizes any one or more of the following officials to execute such documents and instruments as necessary to effect the issuance of the Bonds: Chair of the County Council, County Administrator, Clerk to the County Council and County Attorney. The County Council hereby retains McNair Law Firm, P.A., The Law Office of Ernest W. Cromartie III, LLC, and The Rutherford Law Firm, LLC as co-bond counsel and Southern Municipal Advisors, Inc., as Municipal Advisor in connection with the issuance of the and the Bonds. The County Attorney's office shall select co-disclosure counsel for the Bonds. The County Administrator is authorized to execute such contracts, documents or engagement letters as may be necessary and appropriate to effectuate these engagements.

SECTION 25. Repeal of Ordinance. The County Council hereby repeals Ordinance No. 038-13HR enacted on July 16, 2013, in its entirety.

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

Enacted this ____ day of _____, 2018.

RICHLAND COUNTY, SOUTH CAROLINA

By: _____,
Chair
Richland County Council

(SEAL)

ATTEST THIS ____ DAY OF

_____, 201__:

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

FORM OF BOND

UNITED STATES OF AMERICA
 STATE OF SOUTH CAROLINA
 COUNTY OF RICHLAND
 GENERAL OBLIGATION BONDS, SERIES 2018A

No. R-

<u>INTEREST</u> <u>RATE</u>	<u>MATURITY</u> <u>DATE</u>	<u>ORIGINAL</u> <u>ISSUE DATE</u>	<u>CUSIP</u>
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REGISTERED HOLDER: CEDE & CO.

PRINCIPAL AMOUNT: DOLLARS

KNOW ALL MEN BY THESE PRESENTS, that Richland County, South Carolina (the "County"), is justly indebted and, for value received, hereby promises to pay to the registered holder specified above, or registered assigns, the principal amount specified above on the maturity date specified above, upon presentation and surrender of this Bond at the principal office of _____, in the City of _____, State of _____ (the "Paying Agent"), and to pay interest on such principal amount from the date hereof at the rate per annum specified above until this Bond matures. Interest on this Bond is payable semiannually on _____ and _____ of each year, commencing _____, until this Bond matures, and shall be payable by check or draft mailed to the person in whose name this Bond is registered on the registration books of the County maintained by the registrar, presently _____, in _____, _____ (the "Registrar"), at the close of business on the fifteenth (15th) day of the calendar month preceding each semiannual interest payment date. The principal of and interest on this Bond are payable in any coin or currency of the United States of America which is, at the time of payment, legal tender for public and private debts; provided, however, that interest on this fully-registered Bond shall be paid by check or draft as set forth above.

This Bond shall not be entitled to any benefit under the Ordinance (hereafter defined), nor become valid or obligatory for any purpose, until the certificate of authentication hereon shall have been duly executed by the Registrar.

For the payment hereof, both principal and interest, as they respectively mature and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of the County are irrevocably pledged and there shall be levied annually by the County Auditor and collected by the County Treasurer, in the same manner as other county taxes are levied and collected, a tax, without limit, on all taxable property in the County sufficient to pay the principal of and interest on this Bond as they respectively mature and to create such sinking fund as may be necessary therefore.

This Bond is one of a series of Bonds of like date of original issue, tenor and effect, except as to number, denomination, date of maturity, redemption provisions, and rate of interest, aggregating _____ Dollars (\$ _____), issued pursuant to and in accordance with the Constitution

and laws of the State of South Carolina (the "State"), including Article X of the Constitution of the State of South Carolina, 1895, as amended; Title 4, Chapter 15, Code of Laws of South Carolina 1976, as amended; Title 11, Chapter 27 of the Code of Laws of South Carolina 1976, as amended; the favorable results of a referendum; and Ordinance No. _____ duly enacted by the County Council on _____, 201__.

[Redemption Provisions]

This Bond is transferable as provided in the Ordinance, only upon the books of the County kept for that purpose at the principal office of the Registrar by the registered holder in person or by his duly authorized attorney upon surrender of this Bond together with a written instrument of transfer satisfactory to the Registrar duly executed by the registered holder or his duly authorized attorney. Thereupon a new fully-registered Bond or Bonds of the same aggregate principal amount, interest rate redemption provisions, if any, and maturity shall be issued to the transferee in exchange therefor as provided in the Ordinance. The County, the Registrar and the Paying Agent may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of receiving payment of or on account of the principal hereof and interest due hereon and for all other purposes.

Under the laws of the State, this Bond and the interest hereon are exempt from all State, county, municipal, school district and all other taxes or assessments, except estate or other transfer taxes, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of the State to exist, to happen and to be performed precedent to or in the issuance of this Bond exist, have happened and have been performed in regular and due time, form and manner as required by law; that the amount of this Bond, together with all other indebtedness of the County, does not exceed the applicable limitation of indebtedness under the laws of the State; and that provision has been made for the levy and collection of a tax, without limit, on all taxable property in the County sufficient to pay the principal of and interest on this Bond as the same shall respectively mature and to create such sinking fund as may be necessary therefor.

IN WITNESS WHEREOF, RICHLAND COUNTY, SOUTH CAROLINA, has caused this Bond to be signed with the facsimile signature of the Chair of the County Council, attested by the facsimile signature of the Clerk to the County Council and the seal of the County impressed, imprinted or reproduced hereon.

RICHLAND COUNTY, SOUTH CAROLINA

Chair, County Council

(SEAL)
ATTEST:

Clerk, County Council

[FORM OF REGISTRAR'S CERTIFICATE OF AUTHENTICATION]

Date of Authentication:

This bond is one of the Bonds described in the within mentioned Ordinance of Richland County, South Carolina.

_____ as Registrar

By: _____ Authorized Officer

The following abbreviations, when used in the inscription on the face of this Bond shall be construed as though they were written out in full according to applicable laws or regulations.

TEN COM - As tenants in common

UNIF GIFT MIN. ACT

TEN ENT - As tenants by the entireties

_____ Custodian _____
(Cust.) (Minor)

JT TEN - As joint tenants with right of survivorship and not as tenants in common

under Uniform Gifts to Minors

(State)

Additional abbreviations may also be used though not in list above.

[FORM OF ASSIGNMENT]

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

_____ (Name and address of Transferee)

the within Bond and does hereby irrevocably constitute and appoint _____ attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated:

Signature Guaranteed:

(Authorizing Officer)

Signature(s) must be guaranteed
by an institution which is a
participant in the Securities
Transfer Agents Medallion
Program (“STAMP”) or similar
program.

NOTICE: The signature to this
agreement must correspond with
the name of the registered holder as
it appears upon the face of the
within Bond in every particular,
without alteration or enlargement or any
change whatever.

Copies of the final approving opinions to be rendered shall be printed on the back of each Bond and preceding the same a certificate shall appear, which shall be signed on behalf of the County with a facsimile signature of the Clerk to the County Council. The certificate shall be in substantially the following form:

[FORM OF CERTIFICATE]

IT IS HEREBY CERTIFIED that the following is a true and correct copy of the complete final approving opinions (except for date and letterhead) of McNair Law Firm, P.A., Columbia, South Carolina, approving the issue of bonds of which the within bond is one, the original of which opinions were manually executed, dated and issued as of the date of delivery of and payment for the bonds and a copy of which is on file with the County Council of Richland County, South Carolina.

RICHLAND COUNTY, SOUTH CAROLINA

By: _____
Clerk, County Council

FORM OF NOTICE OF SALE

\$ _____ GENERAL OBLIGATION BONDS, SERIES 2018A
OF RICHLAND COUNTY, SOUTH CAROLINA

Time and Place of Sale: NOTICE IS HEREBY GIVEN that sealed bids, facsimile bids and electronic bids will be received on behalf of Richland County, South Carolina (the "County") in the Administrative Conference Room, 4th Floor, 2020 Hampton Street, Columbia, South Carolina, until 11:00 a.m., South Carolina time, on _____, _____, 2018, at which time said proposals will be publicly opened for the purchase of \$ _____ General Obligation Bonds, Series 2018A, of the County (the "Bonds").

Bids: Bids must be submitted through i-Deal's Ipreo Electronic Bid Submission System ("Ipreo"). No electronic bids from any other providers of electronic bidding services will be accepted. Information about the electronic bidding services of Ipreo may be obtained from i-Deal, 40 W. 23rd Street, 5th floor, New York, New York 10010, Customer Support, telephone (212) 404-8102.

Book-Entry-Only Bonds: The Bonds will be issued in fully-registered form. One Bond representing each maturity will be issued to and registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), as registered owner of the Bonds and each such Bond will be immobilized in the custody of DTC. DTC will act as securities depository for the Bonds. Individual purchases will be made in book-entry form only, in the principal amount of \$5,000 or any integral multiple thereof not exceeding the principal amount of Bonds maturing each year; Purchasers will not receive physical delivery of certificates representing their interest in the Bonds purchased. The winning bidder, as a condition to delivery of the Bonds, will be required to deposit the Bond certificates representing each maturity with DTC.

The Bonds will be issued in fully-registered form registered as to principal and interest; will be dated _____, 2018; will be in denominations of \$5,000 or any integral multiple thereof not exceeding the principal amount of Bonds maturing in each year; and will mature serially in successive annual installments on _____ in each of the years and in the principal amounts as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
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The Bonds will bear interest from the date thereof payable semiannually on _____ and _____ of each year, commencing _____, until they mature.

[Redemption Provisions]

Registrar/Paying Agent: Regions Bank Atlanta, Georgia, shall serve as Registrar/Paying Agent for the Bonds.

Bid Requirements: Bidders shall specify the rate or rates of interest per annum which the Bonds are to bear, to be expressed in multiples of 1/20 or 1/8 of 1% and the interest rate specified for any maturity shall not be lower than the interest rate specified for any previous maturity. Bidders are not limited as to the number of rates of interest named, but the rate of interest on each separate maturity must be the same single rate for

all Bonds of that maturity from their date to such maturity date. A bid for less than all the Bonds, a bid at a price less than par or a bid which includes a premium in excess of 10% of the par amount of the Bonds will not be considered. In addition to the bid price, the successful bidder must pay accrued interest from the date of the Bonds to the date of full payment of the purchase price.

Award of Bid. The Bonds will be awarded to the bidder or bidders offering to purchase the Bonds at the lowest true interest cost (TIC) to the County. The TIC will be the nominal interest rate which, when compounded semiannually and used to discount all debt service payments on the Bonds (computed at the interest rates specified in the bid and on the basis of a 360-day year of twelve 30-day months) to the dated date of the Bonds, results in an amount equal to the price bid for the Bonds. In the case of a tie bid, the winning bid will be awarded by lot. The County reserves the right to reject any and all bids or to waive irregularities in any bid. Bids will be accepted or rejected no later than 3:00 p.m., South Carolina time, on the date of the sale.

Security: A sufficient amount or 71% of the proceeds of the Sales and Use Tax received by the County from the Sales and Use Tax is pledged for the payment of the principal of and interest on the Bonds as they respectively mature, and for the creation of such sinking fund as may be necessary therefor. Also, the full faith, credit, and taxing power of the County are hereby irrevocably pledged for the payment of the principal of and interest on the Bonds as they respectively mature, and for the creation of such sinking fund as may be necessary therefor. Only in the event there are insufficient Available Revenues from the Sales and Use Tax available to pay debt service on the Bonds, there shall be levied annually by the County Auditor and collected by the County Treasurer, in the same manner as other county taxes are levied and collected, a tax, without limit, on all taxable property in the County sufficient to pay the principal of and interest on the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

Good Faith Deposit: No good faith deposit is required.

Bid Form: Proposals should be enclosed in a separate sealed envelope marked "Proposal for \$ _____ General Obligation Bonds, Series 2018A, of Richland County, South Carolina" and should be directed to the Chair of the County Council at the address in the first paragraph hereof. It is requested but not required that you submit your bid on the Proposal for Purchase of Bonds supplied with the Official Statement.

Official Statement: Upon the award of the Bonds, the County will prepare an official statement (the "Official Statement") in substantially the same form as the preliminary official statement subject to minor additions, deletions and revisions as required to complete the Official Statement. Within seven (7) business days after the award of the Bonds, the County will deliver the Official Statement to the successful bidder in sufficient quantity to comply with Rule G-32 of the Municipal Securities Rulemaking Board. The successful bidder agrees to supply to the County all necessary pricing information and any Underwriter identification necessary to complete the Official Statement within 24 hours after the award of the Bonds.

Continuing Disclosure: In order to assist the bidders in complying with S.E.C. Rule 15c2-12(b)(5), the County will undertake, pursuant to an ordinance and a Disclosure Dissemination Agent Agreement, to provide certain annual financial information and notices of the occurrence of certain events, if material. A description of this undertaking is set forth in the Preliminary Official Statement and will also be set forth in the final Official Statement.

Legal Opinion: The County Council shall furnish upon delivery of the Bonds the final approving opinions of McNair Law Firm, P.A., Columbia, South Carolina, which opinions shall accompany each Bond, together with the usual closing documents, including a certificate of the County that no litigation is pending affecting the Bonds.

Certificate as to Issue Price: The successful bidder must provide a certificate to the County by the date of delivery of the Bonds, stating the initial reoffering price of the Bonds to the public (excluding bond houses and brokers) and the price at which a substantial amount of the Bonds were sold to the public, in form satisfactory to Bond Counsel. A sample copy of such a certificate may be obtained from Bond Counsel.

Delivery: The Bonds will be delivered on or about _____, 2018, in New York, New York, at the expense of the County. The balance of the purchase price then due, including the amount of accrued interest, must be paid in federal funds or other immediately available funds.

Additional Information: The Preliminary Official Statement of the County with respect to the Series 2016B Bonds is available via the internet at and will be furnished to any person interested in bidding for the Series 2016B Bonds upon request to co-disclosure counsel, _____. The Preliminary Official Statement shall be reviewed by bidders prior to submitting a bid. Bidders may not rely on this Notice of Sale as to the complete information concerning the Series 2016B Bonds. Persons seeking information should communicate with the County's Co-Bond Counsel, Francenia B. Heizer, Esquire, (803) 799-9800 or fheizer@mcnair.net or with the County's Municipal Advisor, Teressa L. Cawley, President, Southern Municipal Advisors, Inc., (864) 269-5196 or mercythrone@aol.com.

RICHLAND COUNTY, SOUTH CAROLINA

FORM OF DISCLOSURE DISSEMINATION AGENT AGREEMENT

This Disclosure Dissemination Agent Agreement (the “Disclosure Agreement”), dated as of _____, 2018, is executed and delivered by Richland County, South Carolina (the “Issuer”) and Digital Assurance Certification, L.L.C., as exclusive Disclosure Dissemination Agent (the “Disclosure Dissemination Agent” or “DAC”) for the benefit of the Holders (hereinafter defined) of the Bonds (hereinafter defined) and in order to provide certain continuing disclosure with respect to the Bonds in accordance with Rule 15c2-12 of the United States Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time (the “Rule”).

The services provided under this Disclosure Agreement solely relate to the execution of instructions received from the Issuer through use of the DAC system and do not constitute “advice” within the meaning of the Dodd-Frank Wall Street Reform and Consumer Protection Act (the “Act”). DAC will not provide any advice or recommendation to the Issuer or anyone on the Issuer’s behalf regarding the “issuance of municipal securities” or any “municipal financial product” as defined in the Act and nothing in this Disclosure Agreement shall be interpreted to the contrary.

SECTION 1. Definitions. Capitalized terms not otherwise defined in this Disclosure Agreement shall have the meaning assigned in the Rule or, to the extent not in conflict with the Rule, in the Official Statement (hereinafter defined). The capitalized terms shall have the following meanings:

“Annual Report” means an Annual Report described in and consistent with Section 3 of this Disclosure Agreement.

“Annual Filing Date” means the date, set in Sections 2(a) and 2(f), by which the Annual Report is to be filed with the MSRB.

“Annual Financial Information” means annual financial information as such term is used in paragraph (b)(5)(i) of the Rule and specified in Section 3(a) of this Disclosure Agreement.

“Audited Financial Statements” means the financial statements (if any) of the Issuer for the prior fiscal year, certified by an independent auditor as prepared in accordance with generally accepted accounting principles or otherwise, as such term is used in paragraph (b)(5)(i) of the Rule and specified in Section 3(b) of this Disclosure Agreement.

“Bonds” means the bonds as listed on the attached Exhibit A, with the 9-digit CUSIP numbers relating thereto.

“Certification” means a written certification of compliance signed by the Disclosure Representative stating that the Annual Report, Audited Financial Statements, Notice Event notice, Failure to File Event notice, Voluntary Event Disclosure or Voluntary Financial Disclosure delivered to the Disclosure Dissemination Agent is the Annual Report, Audited Financial Statements, Notice Event notice, Failure to File Event notice, Voluntary Event Disclosure or Voluntary Financial Disclosure required to be submitted to the MSRB under this Disclosure Agreement. A Certification shall accompany each such document submitted to the Disclosure Dissemination Agent by the Issuer and include the full name of the Series 2016A Bonds and the 9-digit CUSIP numbers for all Bonds to which the document applies.

“Disclosure Representative” means the Finance Director, or his or her designee, or such other person as the Issuer shall designate in writing to the Disclosure Dissemination Agent from time to time as the person responsible for providing Information to the Disclosure Dissemination Agent.

“Disclosure Dissemination Agent” means Digital Assurance Certification, L.L.C, acting in its capacity as Disclosure Dissemination Agent hereunder, or any successor Disclosure Dissemination Agent designated in writing by the Issuer pursuant to Section 9 hereof.

“Failure to File Event” means the Issuer’s failure to file an Annual Report on or before the Annual Filing Date.

“Force Majeure Event” means: (i) acts of God, war, or terrorist action; (ii) failure or shut-down of the Electronic Municipal Market Access system maintained by the MSRB; or (iii) to the extent beyond the Disclosure Dissemination Agent’s reasonable control, interruptions in telecommunications or utilities services, failure, malfunction or error of any telecommunications, computer or other electrical, mechanical or technological application, service or system, computer virus, interruptions in Internet service or telephone service (including due to a virus, electrical delivery problem or similar occurrence) that affect Internet users generally, or in the local area in which the Disclosure Dissemination Agent or the MSRB is located, or acts of any government, regulatory or any other competent authority the effect of which is to prohibit the Disclosure Dissemination Agent from performance of its obligations under this Disclosure Agreement.

“Holder” means any person (a) having the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, any Bonds (including persons holding Bonds through nominees, depositories or other intermediaries) or (b) treated as the owner of any Bonds for federal income tax purposes.

“Information” means, collectively, the Annual Reports, the Audited Financial Statements (if any), the Notice Event notices, the Failure to File Event notices, the Voluntary Event Disclosures and the Voluntary Financial Disclosures.

“MSRB” means the Municipal Securities Rulemaking Board established pursuant to Section 15B(b)(1) of the Securities Exchange Act of 1934.

“Notice Event” means any of the events enumerated in paragraph (b)(5)(i)(C) of the Rule and listed in Section 4(a) of this Disclosure Agreement.

“Obligated Person” means any person, including the Issuer, who is either generally or through an enterprise, fund, or account of such person committed by contract or other arrangement to support payment of all, or part of the obligations on the Bonds (other than providers of municipal bond insurance, letters of credit, or other liquidity facilities), as shown on Exhibit A.

“Official Statement” means that Official Statement prepared by the Issuer in connection with the Bonds, as listed on Appendix A.

“Trustee” means the institution, if any, identified as such in the document under which the Bonds were issued.

“Voluntary Event Disclosure” means information of the category specified in any of subsections (e)(vi)(1) through (e)(vi)(11) of Section 2 of this Disclosure Agreement that is accompanied by a

Certification of the Disclosure Representative containing the information prescribed by Section 7(a) of this Disclosure Agreement.

“Voluntary Financial Disclosure” means information of the category specified in any of subsections (e)(vii)(1) through (e)(vii)(9) of Section 2 of this Disclosure Agreement that is accompanied by a Certification of the Disclosure Representative containing the information prescribed by Section 7(b) of this Disclosure Agreement.

SECTION 2. Provision of Annual Reports.

(a) The Issuer shall provide, annually, an electronic copy of the Annual Report and Certification to the Disclosure Dissemination Agent, together with a copy for the Trustee, not later than the Annual Filing Date. Promptly upon receipt of an electronic copy of the Annual Report and the Certification, the Disclosure Dissemination Agent shall provide an Annual Report to the MSRB not later than the next February 1 after the end of each fiscal year of the Issuer, commencing with the fiscal year ending June 30, 2018. Such date and each anniversary thereof is the Annual Filing Date. The Annual Report may be submitted as a single document or as separate documents comprising a package, and may cross-reference other information as provided in Section 3 of this Disclosure Agreement.

(b) If on the fifteenth (15th) day prior to the Annual Filing Date, the Disclosure Dissemination Agent has not received a copy of the Annual Report and Certification, the Disclosure Dissemination Agent shall contact the Disclosure Representative by telephone and in writing (which may be by e-mail) to remind the Issuer of its undertaking to provide the Annual Report pursuant to Section 2(a). Upon such reminder, the Disclosure Representative shall either (i) provide the Disclosure Dissemination Agent with an electronic copy of the Annual Report and the Certification no later than two (2) business days prior to the Annual Filing Date, or (ii) instruct the Disclosure Dissemination Agent in writing that the Issuer will not be able to file the Annual Report within the time required under this Disclosure Agreement, state the date by which the Annual Report for such year will be provided and instruct the Disclosure Dissemination Agent that a Failure to File Event has occurred and to immediately send a notice to the MSRB in substantially the form attached as Exhibit B, accompanied by a cover sheet completed by the Disclosure Dissemination Agent in the form set forth in Exhibit C-1.

(c) If the Disclosure Dissemination Agent has not received an Annual Report and Certification by 6:00 p.m. Eastern time on Annual Filing Date (or, if such Annual Filing Date falls on a Saturday, Sunday or holiday, then the first business day thereafter) for the Annual Report, a Failure to File Event shall have occurred and the Issuer irrevocably directs the Disclosure Dissemination Agent to immediately send a notice to the MSRB in substantially the form attached as Exhibit B without reference to the anticipated filing date for the Annual Report, accompanied by a cover sheet completed by the Disclosure Dissemination Agent in the form set forth in Exhibit C-1.

(d) If Audited Financial Statements of the Issuer are prepared but not available prior to the Annual Filing Date, the Issuer shall, when the Audited Financial Statements are available, provide in a timely manner an electronic copy to the Disclosure Dissemination Agent, accompanied by a Certification, together with a copy for the Trustee, for filing with the MSRB.

- (e) The Disclosure Dissemination Agent shall:
- (i) verify the filing specifications of the MSRB each year prior to the Annual Filing Date;
 - (ii) upon receipt, promptly file each Annual Report received under Sections 2(a) and 2(b) with the MSRB;
 - (iii) upon receipt, promptly file each Audited Financial Statement received under Section 2(d) with the MSRB;
 - (iv) upon receipt, promptly file the text of each Notice Event received under Sections 4(a) and 4(b)(ii) with the MSRB, identifying the Notice Event as instructed by the Issuer pursuant to Section 4(a) or 4(b)(ii) (being any of the categories set forth below) when filing pursuant to Section 4(c) of this Disclosure Agreement:
 - “Principal and interest payment delinquencies;”
 - “Non-Payment related defaults, if material;”
 - “Unscheduled draws on debt service reserves reflecting financial difficulties;”
 - “Unscheduled draws on credit enhancements reflecting financial difficulties;”
 - “Substitution of credit or liquidity providers, or their failure to perform;”
 - “Adverse tax opinions, IRS notices or events affecting the tax status of the security;”
 - “Modifications to rights of securities holders, if material;”
 - “Bond calls, if material;”
 - “Defeasances;”
 - “Release, substitution, or sale of property securing repayment of the securities, if material;”
 - “Rating changes;”
 - “Tender offers;”
 - “Bankruptcy, insolvency, receivership or similar event of the obligated person;”
 - “Merger, consolidation, or acquisition of the obligated person, if material;” and
 - “Appointment of a successor or additional trustee, or the change of name of a trustee, if material;”
 - (v) upon receipt (or irrevocable direction pursuant to Section 2(c) of this Disclosure Agreement, as applicable), promptly file a completed copy of Exhibit B to this

Disclosure Agreement with the MSRB, identifying the filing as “Failure to provide annual financial information as required” when filing pursuant to Section 2(b)(ii) or Section 2(c) of this Disclosure Agreement;

(vi) upon receipt, promptly file the text of each Voluntary Event Disclosure received under Section 7(a) with the MSRB, identifying the Voluntary Event Disclosure as instructed by the Issuer pursuant to Section 7(a) (being any of the categories set forth below) when filing pursuant to Section 7(a) of this Disclosure Agreement:

1. “amendment to continuing disclosure undertaking;”
2. “change in obligated person;”
3. “notice to investors pursuant to bond documents;”
4. “certain communications from the Internal Revenue Service;”
5. “secondary market purchases;”
6. “bid for auction rate or other securities;”
7. “capital or other financing plan;”
8. “litigation/enforcement action;”
9. “change of tender agent, remarketing agent, or other on-going party;”
10. “derivative or other similar transaction;” and
11. “other event-based disclosures;”

(vii) upon receipt, promptly file the text of each Voluntary Financial Disclosure received under Section 7(b) with the MSRB, identifying the Voluntary Financial Disclosure as instructed by the Issuer pursuant to Section 7(b) (being any of the categories set forth below) when filing pursuant to Section 7(b) of this Disclosure Agreement:

1. “quarterly/monthly financial information;”
2. “change in fiscal year/timing of annual disclosure;”
3. “change in accounting standard;”
4. “interim/additional financial information/operating data;”
5. “budget;”
6. “investment/debt/financial policy;”
7. “information provided to rating agency, credit/liquidity provider or other third party;”

8. “consultant reports;” and
 9. “other financial/operating data.”
- (viii) provide the Issuer evidence of the filings of each of the above when made, which shall be by means of the DAC system, for so long as DAC is the Disclosure Dissemination Agent under this Disclosure Agreement.

(f) The Issuer may adjust the Annual Filing Date upon change of its fiscal year by providing written notice of such change and the new Annual Filing Date to the Disclosure Dissemination Agent, Trustee (if any) and the MSRB, provided that the period between the existing Annual Filing Date and new Annual Filing Date shall not exceed one year.

(g) Any Information received by the Disclosure Dissemination Agent before 6:00 p.m. Eastern time on any business day that it is required to file with the MSRB pursuant to the terms of this Disclosure Agreement and that is accompanied by a Certification and all other information required by the terms of this Disclosure Agreement will be filed by the Disclosure Dissemination Agent with the MSRB no later than 11:59 p.m. Eastern time on the same business day; provided, however, the Disclosure Dissemination Agent shall have no liability for any delay in filing with the MSRB if such delay is caused by a Force Majeure Event provided that the Disclosure Dissemination Agent uses reasonable efforts to make any such filing as soon as possible.

SECTION 3. Content of Annual Reports.

(a) Each Annual Report shall contain Annual Financial Information with respect to the Issuer, including the information provided in the Official Statement as follows:

- (i) The financial statements of the Issuer for the preceding fiscal year prepared in accordance with generally accepted accounting principles as promulgated to apply to governmental entities from time to time by the Governmental Accounting Standards Board (or if not in conformity, to be accompanied by a qualitative discussion of the differences in the accounting principles and the impact of the change in the accounting principles on the presentation of the financial information). If the Issuer’s audited financial statements are not available by the time the Annual Report is required to be filed pursuant to Section 3(a), the Annual Report shall contain unaudited financial statements in a format similar to the financial statements contained in the final Official Statement, and the audited financial statements shall be filed in the same manner as the Annual Report when they become available.
- (ii) Financial and operating data for the fiscal year then ended, to the extent such information is not included in the Issuer’s audited financial statements filed pursuant to clause (1) above, which shall be generally consistent with the tabular information (or other information, as otherwise noted below) contained in the Official Statement under the following headings: “THE BONDS—Security;” “DEBT STRUCTURE—Outstanding Indebtedness;” and “CERTAIN FISCAL MATTERS—Assessed Value of Taxable Property in the County,” “—Estimated True Value of All Taxable Property in the County,” “—Tax Rates,” “—Tax Collections for Last Five Years,” and “—Ten Largest Taxpayers.”

Any or all of the items listed above may be included by specific reference to other documents, including official statements of debt issues of the Issuer, which have been submitted to the MSRB. If the document included by reference is a final official statement, it must be available from the MSRB. The Issuer shall clearly identify each such other document so included by reference.

Any or all of the items listed above may be included by specific reference from other documents, including official statements of debt issues with respect to which the Issuer is an “obligated person” (as defined by the Rule), which have been previously filed with the Securities and Exchange Commission or available on the MSRB Internet Website. If the document incorporated by reference is a final official statement, it must be available from the MSRB. The Issuer will clearly identify each such document so incorporated by reference.

Any annual financial information containing modified operating data or financial information is required to explain, in narrative form, the reasons for the modification and the impact of the change in the type of operating data or financial information being provided.

SECTION 4. Reporting of Notice Events.

(a) The occurrence of any of the following events with respect to the Bonds constitutes a Notice Event:

- (i) Principal and interest payment delinquencies;
- (ii) Non-payment related defaults, if material;
- (iii) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (iv) Unscheduled draws on credit enhancements reflecting financial difficulties;
- (v) Substitution of credit or liquidity providers, or their failure to perform;
- (vi) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the Bonds, or other material events affecting the tax status of the Bonds;
- (vii) Modifications to rights of Bond holders, if material;
- (viii) Bond calls, if material, and tender offers;
- (ix) Defeasances;
- (x) Release, substitution, or sale of property securing repayment of the Bonds, if material;
- (xi) Rating changes;
- (xii) Bankruptcy, insolvency, receivership or similar event of the Obligated Person;

Note to subsection (a)(12) of this Section 4: For the purposes of the event described in subsection (a)(12) of this Section 4, the event is considered to occur

when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for an Obligated Person in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the Obligated Person, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the Obligated Person.

- (xiii) The consummation of a merger, consolidation, or acquisition involving an Obligated Person or the sale of all or substantially all of the assets of the Obligated Person, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material; and
- (xiv) Appointment of a successor or additional trustee or the change of name of a trustee, if material.

The Issuer shall, in a timely manner not in excess of ten business days after its occurrence, notify the Disclosure Dissemination Agent in writing of the occurrence of a Notice Event. Such notice shall instruct the Disclosure Dissemination Agent to report the occurrence pursuant to subsection (c) and shall be accompanied by a Certification. Such notice or Certification shall identify the Notice Event that has occurred (which shall be any of the categories set forth in Section 2(e)(iv) of this Disclosure Agreement), include the text of the disclosure that the Issuer desires to make, contain the written authorization of the Issuer for the Disclosure Dissemination Agent to disseminate such information, and identify the date the Issuer desires for the Disclosure Dissemination Agent to disseminate the information (provided that such date is not later than the tenth business day after the occurrence of the Notice Event).

(b) The Disclosure Dissemination Agent is under no obligation to notify the Issuer or the Disclosure Representative of an event that may constitute a Notice Event. In the event the Disclosure Dissemination Agent so notifies the Disclosure Representative, the Disclosure Representative will within two business days of receipt of such notice (but in any event not later than the tenth business day after the occurrence of the Notice Event, if the Issuer determines that a Notice Event has occurred), instruct the Disclosure Dissemination Agent that (i) a Notice Event has not occurred and no filing is to be made or (ii) a Notice Event has occurred and the Disclosure Dissemination Agent is to report the occurrence pursuant to subsection (c) of this Section 4, together with a Certification. Such Certification shall identify the Notice Event that has occurred (which shall be any of the categories set forth in Section 2(e)(iv) of this Disclosure Agreement), include the text of the disclosure that the Issuer desires to make, contain the written authorization of the Issuer for the Disclosure Dissemination Agent to disseminate such information, and identify the date the Issuer desires for the Disclosure Dissemination Agent to disseminate the information (provided that such date is not later than the tenth business day after the occurrence of the Notice Event).

(c) If the Disclosure Dissemination Agent has been instructed by the Issuer as prescribed in subsection (a) or (b)(ii) of this Section 4 to report the occurrence of a Notice Event, the Disclosure Dissemination Agent shall promptly file a notice of such occurrence with MSRB in accordance with Section 2 (e)(iv) hereof. This notice will be filed with a cover sheet completed by the Disclosure Dissemination Agent in the form set forth in Exhibit C-1.

SECTION 5. CUSIP Numbers. Whenever providing information to the Disclosure Dissemination Agent, including but not limited to Annual Reports, documents incorporated by reference to the Annual Reports, Audited Financial Statements, Notice Event notices, Failure to File Event notices, Voluntary Event Disclosures and Voluntary Financial Disclosures, the Issuer shall indicate the full name of the Bonds and the 9-digit CUSIP numbers for the Bonds as to which the provided information relates.

SECTION 6. Additional Disclosure Obligations. The Issuer acknowledges and understands that other state and federal laws, including but not limited to the Securities Act of 1933 and Rule 10b-5 promulgated under the Securities Exchange Act of 1934, may apply to the Issuer, and that the duties and responsibilities of the Disclosure Dissemination Agent under this Disclosure Agreement do not extend to providing legal advice regarding such laws. The Issuer acknowledges and understands that the duties of the Disclosure Dissemination Agent relate exclusively to execution of the mechanical tasks of disseminating information as described in this Disclosure Agreement.

SECTION 7. Voluntary Filing.

(a) The Issuer may instruct the Disclosure Dissemination Agent to file a Voluntary Event Disclosure with the MSRB from time to time pursuant to a Certification of the Disclosure Representative. Such Certification shall identify the Voluntary Event Disclosure (which shall be any of the categories set forth in Section 2(e)(vi) of this Disclosure Agreement), include the text of the disclosure that the Issuer desires to make, contain the written authorization of the Issuer for the Disclosure Dissemination Agent to disseminate such information, and identify the date the Issuer desires for the Disclosure Dissemination Agent to disseminate the information. If the Disclosure Dissemination Agent has been instructed by the Issuer as prescribed in this Section 7(a) to file a Voluntary Event Disclosure, the Disclosure Dissemination Agent shall promptly file such Voluntary Event Disclosure with the MSRB in accordance with Section 2(e)(vi) hereof. This notice will be filed with a cover sheet completed by the Disclosure Dissemination Agent in the form set forth in Exhibit C-2.

(b) The Issuer may instruct the Disclosure Dissemination Agent to file a Voluntary Financial Disclosure with the MSRB from time to time pursuant to a Certification of the Disclosure Representative. Such Certification shall identify the Voluntary Financial Disclosure (which shall be any of the categories set forth in Section 2(e)(vii) of this Disclosure Agreement), include the text of the disclosure that the Issuer desires to make, contain the written authorization of the Issuer for the Disclosure Dissemination Agent to disseminate such information, and identify the date the Issuer desires for the Disclosure Dissemination Agent to disseminate the information. If the Disclosure Dissemination Agent has been instructed by the Issuer as prescribed in this Section 7(b) to file a Voluntary Financial Disclosure, the Disclosure Dissemination Agent shall promptly file such Voluntary Financial Disclosure with the MSRB in accordance with Section 2(e)(vii) hereof. This notice will be filed with a cover sheet completed by the Disclosure Dissemination Agent in the form set forth in Exhibit C-2.

The parties hereto acknowledge that the Issuer is not obligated pursuant to the terms of this Disclosure Agreement to file any Voluntary Event Disclosure pursuant to Section 7(a) hereof or any Voluntary Financial Disclosure pursuant to Section 7(b) hereof.

Nothing in this Disclosure Agreement shall be deemed to prevent the Issuer from disseminating any other information through the Disclosure Dissemination Agent using the means of dissemination set forth in this Disclosure Agreement or including any other information in any Annual Report, Audited Financial Statements, Notice Event notice, Failure to File Event notice, Voluntary Event Disclosure or Voluntary Financial Disclosure, in addition to that required by this Disclosure Agreement. If the Issuer chooses to include any information in any Annual Report, Audited Financial Statements, Notice Event

notice, Failure to File Event notice, Voluntary Event Disclosure or Voluntary Financial Disclosure in addition to that which is specifically required by this Disclosure Agreement, the Issuer shall have no obligation under this Disclosure Agreement to update such information or include it in any future Annual Report, Audited Financial Statements, Notice Event notice, Failure to File Event notice, Voluntary Event Disclosure or Voluntary Financial Disclosure.

SECTION 8. Termination of Reporting Obligation. The obligations of the Issuer and the Disclosure Dissemination Agent under this Disclosure Agreement shall terminate with respect to the Bonds upon the legal defeasance, prior redemption or payment in full of all of the Bonds, when the Issuer is no longer an obligated person with respect to the Bonds, or upon delivery by the Disclosure Representative to the Disclosure Dissemination Agent of an opinion of counsel expert in federal securities laws to the effect that continuing disclosure is no longer required.

SECTION 9. Disclosure Dissemination Agent. The Issuer has appointed Digital Assurance Certification, L.L.C. as exclusive Disclosure Dissemination Agent under this Disclosure Agreement. The Issuer may, upon thirty days written notice to the Disclosure Dissemination Agent and the Trustee, replace or appoint a successor Disclosure Dissemination Agent. Upon termination of DAC's services as Disclosure Dissemination Agent, whether by notice of the Issuer or DAC, the Issuer agrees to appoint a successor Disclosure Dissemination Agent or, alternately, agrees to assume all responsibilities of Disclosure Dissemination Agent under this Disclosure Agreement for the benefit of the Holders of the Bonds. Notwithstanding any replacement or appointment of a successor, the Issuer shall remain liable until payment in full for any and all sums owed and payable to the Disclosure Dissemination Agent. The Disclosure Dissemination Agent may resign at any time by providing thirty days' prior written notice to the Issuer.

SECTION 10. Remedies in Event of Default. In the event of a failure of the Issuer or the Disclosure Dissemination Agent to comply with any provision of this Disclosure Agreement, the Holders' rights to enforce the provisions of this Agreement shall be limited solely to a right, by action in mandamus or for specific performance, to compel performance of the parties' obligation under this Disclosure Agreement. Any failure by a party to perform in accordance with this Disclosure Agreement shall not constitute a default on the Bonds or under any other document relating to the Bonds, and all rights and remedies shall be limited to those expressly stated herein.

SECTION 11. Duties, Immunities and Liabilities of Disclosure Dissemination Agent.

(a) The Disclosure Dissemination Agent shall have only such duties as are specifically set forth in this Disclosure Agreement. The Disclosure Dissemination Agent's obligation to deliver the information at the times and with the contents described herein shall be limited to the extent the Issuer has provided such information to the Disclosure Dissemination Agent as required by this Disclosure Agreement. The Disclosure Dissemination Agent shall have no duty with respect to the content of any disclosures or notice made pursuant to the terms hereof. The Disclosure Dissemination Agent shall have no duty or obligation to review or verify any Information or any other information, disclosures or notices provided to it by the Issuer and shall not be deemed to be acting in any fiduciary capacity for the Issuer, the Holders of the Bonds or any other party. The Disclosure Dissemination Agent shall have no responsibility for the Issuer's failure to report to the Disclosure Dissemination Agent a Notice Event or a duty to determine the materiality thereof. The Disclosure Dissemination Agent shall have no duty to determine, or liability for failing to determine, whether the Issuer has complied with this Disclosure Agreement. The Disclosure Dissemination Agent may conclusively rely upon Certifications of the Issuer at all times.

The obligations of the Issuer under this Section shall survive resignation or removal of the Disclosure Dissemination Agent and defeasance, redemption or payment of the Bonds.

(b) The Disclosure Dissemination Agent may, from time to time, consult with legal counsel (either in-house or external) of its own choosing in the event of any disagreement or controversy, or question or doubt as to the construction of any of the provisions hereof or its respective duties hereunder, and shall not incur any liability and shall be fully protected in acting in good faith upon the advice of such legal counsel. The reasonable fees and expenses of such counsel shall be payable by the Issuer.

(c) All documents, reports, notices, statements, information and other materials provided to the MSRB under this Agreement shall be provided in an electronic format and accompanied by identifying information as prescribed by the MSRB.

SECTION 12. Amendment; Waiver. Notwithstanding any other provision of this Disclosure Agreement, the Issuer and the Disclosure Dissemination Agent may amend this Disclosure Agreement and any provision of this Disclosure Agreement may be waived, if such amendment or waiver is supported by an opinion of counsel expert in federal securities laws acceptable to both the Issuer and the Disclosure Dissemination Agent to the effect that such amendment or waiver does not materially impair the interests of Holders of the Bonds and would not, in and of itself, cause the undertakings herein to violate the Rule if such amendment or waiver had been effective on the date hereof but taking into account any subsequent change in or official interpretation of the Rule; provided neither the Issuer or the Disclosure Dissemination Agent shall be obligated to agree to any amendment modifying their respective duties or obligations without their consent thereto.

Notwithstanding the preceding paragraph, the Disclosure Dissemination Agent shall have the right to adopt amendments to this Disclosure Agreement necessary to comply with modifications to and interpretations of the provisions of the Rule as announced by the Securities and Exchange Commission from time to time by giving not less than 20 days written notice of the intent to do so together with a copy of the proposed amendment to the Issuer. No such amendment shall become effective if the Issuer shall, within 10 days following the giving of such notice, send a notice to the Disclosure Dissemination Agent in writing that it objects to such amendment.

SECTION 13. Beneficiaries. This Disclosure Agreement shall inure solely to the benefit of the Issuer, the Trustee of the Bonds, the Disclosure Dissemination Agent, the underwriter, and the Holders from time to time of the Bonds, and shall create no rights in any other person or entity.

SECTION 14. Governing Law. This Disclosure Agreement shall be governed by the laws of the State of Florida (other than with respect to conflicts of laws).

SECTION 15. Counterparts. This Disclosure Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

The Disclosure Dissemination Agent and the Issuer have caused this Disclosure Agreement to be executed, on the date first written above, by their respective officers duly authorized.

DIGITAL ASSURANCE CERTIFICATION, L.L.C.,
as Disclosure Dissemination Agent

By: _____
Name: _____
Title: _____

RICHLAND COUNTY, SOUTH CAROLINA, as Issuer

By: _____
Name: _____
Title: _____

EXHIBIT A

NAME AND CUSIP NUMBERS OF BONDS

Name of Issuer _____
Obligated Person(s) _____
Name of Bond Issue: _____
Date of Issuance: _____
Date of Official Statement _____

CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____

EXHIBIT B

NOTICE TO MSRB OF FAILURE TO FILE ANNUAL REPORT

Issuer: _____

Obligated Person: _____

Name(s) of Bond Issue(s): _____

Date(s) of Issuance: _____

Date(s) of Disclosure Agreement: _____

CUSIP Number: _____

NOTICE IS HEREBY GIVEN that the Issuer has not provided an Annual Report with respect to the above-named Bonds as required by the Disclosure Agreement between the Issuer and Digital Assurance Certification, L.L.C., as Disclosure Dissemination Agent. The Issuer has notified the Disclosure Dissemination Agent that it anticipates that the Annual Report will be filed by _____.

Dated: _____

Digital Assurance Certification, L.L.C., as Disclosure Dissemination Agent, on behalf of the Issuer

cc:

EXHIBIT C-1
EVENT NOTICE COVER SHEET

This cover sheet and accompanying "event notice" will be sent to the MSRB, pursuant to Securities and Exchange Commission Rule 15c2-12(b)(5)(i)(C) and (D).

Issuer's and/or Other Obligated Person's Name:

Issuer's Six-Digit CUSIP Number:

or Nine-Digit CUSIP Number(s) of the bonds to which this event notice relates:

Number of pages attached: _____

____ Description of Notice Events (Check One):

1. _____ "Principal and interest payment delinquencies;"
2. _____ "Non-Payment related defaults, if material;"
3. _____ "Unscheduled draws on debt service reserves reflecting financial difficulties;"
4. _____ "Unscheduled draws on credit enhancements reflecting financial difficulties;"
5. _____ "Substitution of credit or liquidity providers, or their failure to perform;"
6. _____ "Adverse tax opinions, IRS notices or events affecting the tax status of the security;"
7. _____ "Modifications to rights of securities holders, if material;"
8. _____ "Bond calls, if material;"
9. _____ "Defeasances;"
10. _____ "Release, substitution, or sale of property securing repayment of the securities, if material;"
11. _____ "Rating changes;"
12. _____ "Tender offers;"
13. _____ "Bankruptcy, insolvency, receivership or similar event of the obligated person;"
14. _____ "Merger, consolidation, or acquisition of the obligated person, if material;" and
15. _____ "Appointment of a successor or additional trustee, or the change of name of a trustee, if material."

____ Failure to provide annual financial information as required.

I hereby represent that I am authorized by the issuer or its agent to distribute this information publicly:

Signature:

Name: _____ Title: _____

Digital Assurance Certification, L.L.C.
390 N. Orange Avenue
Suite 1750
Orlando, FL 32801
407-515-1100

Date:

EXHIBIT C-2
VOLUNTARY EVENT DISCLOSURE COVER SHEET

This cover sheet and accompanying "voluntary event disclosure" will be sent to the MSRB, pursuant to the Disclosure Dissemination Agent Agreement dated as of _____ between the Issuer and DAC.

Issuer's and/or Other Obligated Person's Name:

Issuer's Six-Digit CUSIP Number:

or Nine-Digit CUSIP Number(s) of the bonds to which this notice relates:

Number of pages attached: _____

_____ Description of Voluntary Event Disclosure (Check One):

1. _____ "amendment to continuing disclosure undertaking;"
2. _____ "change in obligated person;"
3. _____ "notice to investors pursuant to bond documents;"
4. _____ "certain communications from the Internal Revenue Service;"
5. _____ "secondary market purchases;"
6. _____ "bid for auction rate or other securities;"
7. _____ "capital or other financing plan;"
8. _____ "litigation/enforcement action;"
9. _____ "change of tender agent, remarketing agent, or other on-going party;"
10. _____ "derivative or other similar transaction;" and
11. _____ "other event-based disclosures."

I hereby represent that I am authorized by the issuer or its agent to distribute this information publicly:

Signature:

Name: _____ Title: _____

Digital Assurance Certification, L.L.C.
390 N. Orange Avenue
Suite 1750
Orlando, FL 32801
407-515-1100

Date:

EXHIBIT C-3
VOLUNTARY FINANCIAL DISCLOSURE COVER SHEET

This cover sheet and accompanying "voluntary financial disclosure" will be sent to the MSRB, pursuant to the Disclosure Dissemination Agent Agreement dated as of _____ between the Issuer and DAC.

Issuer's and/or Other Obligated Person's Name:

Issuer's Six-Digit CUSIP Number:

or Nine-Digit CUSIP Number(s) of the bonds to which this notice relates:

Number of pages attached: _____

_____ Description of Voluntary Financial Disclosure (Check One):

1. _____ "quarterly/monthly financial information;"
2. _____ "change in fiscal year/timing of annual disclosure;"
3. _____ "change in accounting standard;"
4. _____ "interim/additional financial information/operating data;"
5. _____ "budget;"
6. _____ "investment/debt/financial policy;"
7. _____ "information provided to rating agency, credit/liquidity provider or other third party;"
8. _____ "consultant reports;" and
9. _____ "other financial/operating data."

I hereby represent that I am authorized by the issuer or its agent to distribute this information publicly:

Signature:

Name: _____ Title: _____

Digital Assurance Certification, L.L.C.
390 N. Orange Avenue
Suite 1750
Orlando, FL 32801
407-515-1100

Date:

FORM OF NOTICE OF PUBLIC HEARING

Notice is hereby given that a public hearing will be held by the County Council of Richland County, South Carolina (the "County"), in County Council Chambers located at 2020 Hampton Street, Columbia, South Carolina, at 6:00 p.m. on Tuesday, _____, 2017, or at such other location as proper notice on the main entrance to the said building might specify.

The purpose of the public hearing is to consider an ordinance (the "Ordinance") providing for the issuance and sale of not to exceed \$2 _____ General Obligation Bonds, Series 2018, or such other appropriate series designation (the "Bonds"), of the County, the proceeds of which will be used for: (i) funding projects approved in the referendum held in the County on November 6, 2012, imposing a one percent (1%) sales and use tax (the "Sales and Use Tax"); (ii) paying costs of issuance of the Bonds; and (iii) such other lawful corporate and public purposes as the County Council shall determine.

A sufficient amount of the Available Revenue (defined in the Ordinance) received by the County from the Sales and Use Tax is pledged for the payment of the principal of and interest on the Bonds as they respectively mature, and for the creation of such sinking fund as may be necessary therefor. Also, the full faith, credit, and taxing power of the County are hereby irrevocably pledged for the payment of the principal of and interest on the Bonds as they respectively mature, and for the creation of such sinking fund as may be necessary therefor. Only in the event there are insufficient Available Revenues from the Sales and Use Tax available to pay debt service on the Bonds, there shall be levied annually by the County Auditor and collected by the County Treasurer, in the same manner as other county taxes are levied and collected, a tax, without limit, on all taxable property in the County sufficient to pay the principal of and interest on the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

At the public hearing all taxpayers and residents of the County and any other interested persons who appear will be given an opportunity to express their views for or against the Ordinance and the issuance of the Bonds.

COUNTY COUNCIL OF RICHLAND COUNTY,
SOUTH CAROLINA

Richland County Council Request for Action

Subject:

Council Motion: Require that all municipal utility service providers must request consent and approval from Richland County Council prior to extending or accepting water and sewer infrastructure within the unincorporated boundaries of Richland County
[MALINOWSKI]

Notes:

October 24, 2017 – The committee recommended staff draft an IGA between the City of Columbia and the County to address the notification process of upcoming water and sewer projects in unincorporated Richland County.



**RICHLAND COUNTY
GOVERNMENT**
Office of the County Administrator

**Development & Services Committee Meeting
October 24, 2017
Briefing Document**

Agenda Item

Municipal utility service providers extending or accepting water and sewer infrastructure within the unincorporated boundaries of Richland County

Background

At the April 4, 2017 Council meeting, Vice-Chairman Malinowski brought forth the following motion:

“I move to require that all municipal utility service providers must request consent and approval from Richland County Council prior to extending or accepting water and sewer infrastructure within the unincorporated boundaries of Richland County.”

Issues

This motion is related to the issue of Annexation

Fiscal Impact

There is no apparent financial impact to the County associated with this request.

Past Legislative Actions

- The D&S Committee recommended Council approval of this motion during its May 23, 2017 deliberations.
- Council referred this item back to the Committee for review during its June 6, 2017 deliberations.
- The D&S Committee approved having a work session on this item to obtain input from developers and other interested parties on this motion during its June 27, 2017 deliberations
- The D&S Committee work session was held on October 19, 2017.

Alternatives

1. Consider the motion and approve accordingly.
2. Consider the motion and do not approve.

Staff Recommendation

Council’s discretion. Staff will proceed as directed by County Council.

Submitted by: Vice-Chairman Malinowski, Council District 1

Date: April 4, 2017

Richland County Council Request for Action

Subject:

Contract award for the Motorola 800 Megahertz Mototrbo System for Alvin S. Glenn Detention Center

Notes:

October 24, 2017 – The committee unanimously recommended to approve the request to award the Motorola 800 Megahertz Mototrbo System to Communications Specialists Inc. in the amount of \$217,442.88.



Richland County Finance Department
Division of Procurement & Contracting

2020 Hampton Street, Suite 3064
Columbia, South Carolina 29204
Telephone: 803-576-2130
Facsimile: 803-576-2135

Date: October 30, 2017
To: Mr. Gerald Seals, County Administrator
CC: Stacey Hamm, Finance Director
From: Jennifer Wladischkin, Acting Procurement Manager *gw*
Subject: Request for Action- Motorola Radios for ASGDC

During its October 24, 2017 Administration and Finance Committee meeting deliberations, the Committee recommended that Council approve awarding the Motorola 800 Megahertz Mototrbo System contract to Communications Specialists Inc. in the amount of \$217,442.88 for the replacement of the Detention Center radios. Subsequent to the Committee's recommendation, the Committee requested additional information comparing the cost to lease the radios versus purchasing the radios. Pursuant to that request, the table below provides a comparison.

Lease Corporation of America		
Lease Options for Motorola Radios @ ASGDC		
Term	Monthly Payment	Total
3 Year Lease	\$ 6,257.60	\$ 225,273.60
5 Year Lease	\$ 3,898.47	\$ 233,908.20
Purchase Price	N/A	\$ 217,442.88



**Administration & Finance Committee
October 24, 2017
Briefing Document**

Agenda Item

Contract award for Motorola 800 Megahertz Mototrbo System for Alvin S. Glenn Detention Center

Background

A radio communications system is vital to the safety and security of all persons inside the walls of the Alvin S. Glenn Detention Center. A properly functioning radio system allows staff to communicate with each other during daily operations. The system also permits the staff to communicate during emergency situations such as a violent outbreak or disturbance between the offenders, detainee assaults on personnel, or other detainees that result in medical attention. In order to aid in a timely response, a system is needed that permits clear communications between staff members in all areas of the facility.

Issues

The Detention Center's current radio system does not provide adequate coverage of the facility. Any staff working the housing areas in the Phase 5 area of the facility (most recent housing additions) cannot communicate with any staff outside of that area.

In the event of an assault or disturbance, safety hinges on the ability of the unit officer to call Central Control on the telephone located on the officer's post or the Officer in Central Control seeing the disturbance on the video surveillance system.

This problem has also worsened and has spread throughout other Phase areas. It should also be noted that the majority of our disturbances and assaults occur in Phase 3 and Phase 5 as the more violent offenders are housed in these areas.

The current radio system is equipped with outdated technology. While support is available, repairing of the existing radios is extremely costly due to the age of the equipment.

In the event that system replacement is not awarded, we are continuing to force the staff to perform their duties in unsafe conditions. Further, we are also permitting the detainee population to be confined in an unsafe environment. Safety, Security and Control are primary responsibilities of a detention facility. Currently, these aspects are compromised due to a failing radio communication system.

Fiscal Impact

Solicitation RC-017-B-2018 was issued, submittals were evaluated and an award is being recommended to the lowest responsive responsible bidder which is Communications Specialists Inc. The total is

\$217,442.88 for the radio equipment and installation. The system will be funded by Richland County Alvin S. Glenn Detention Center.

Past Legislative Actions

None

Alternatives

1. Approve the request to award the Motorola 800 Megahertz Mototrbo System to Communications Specialists Inc. in the amount of \$217,442.88.
2. Do not approve the request to award the Motorola 800 Megahertz Mototrbo System to Communications Specialists Inc. in the amount of \$217,442.88 and Procurement re-solicits bids for this system.

Staff Recommendation

Staff recommends that Council approve the request to award the Motorola 800 Megahertz Mototrbo System to Communications Specialists Inc. in the amount of \$217,442.88

Submitted by: Jennifer Wladischkin, Acting Procurement Manager

Date: October 18, 2017

PURPOSE:

The purpose of this solicitation is to establish a qualified source for purchase of equipment and installation of a Motorola 800 Megahertz Mototrbo System for Richland County Alvin S. Glenn Detention Center.

This system consist of several types of Motorola Mototrbo equipment as well as other manufacturer components. All items will be NEW and NO substitutes, equivalent, or refurbished models will be accepted. The cost for all items with part numbers shall be listed on separate line item under the Schedule.

SPECIFICATIONS:

- 1) Manufacturer/Model:** Motorola XPR 7580e Two-Way Radio- WI-FI enabled Full Keypad (FKP) model with standard battery, **part # AAH56UCN9RB1AN**

Frequency Band: 800/900 MHz

Channels: 1000, 5-line color display with a flexible menu-driven interface

Color: Black

Hand Held radios Features:

- Integrated Wi-Fi® and GPS
- Enables remote software updates
- Features a 5-line color display
- Audio quality - front-facing speaker, automatically adjusts the radio volume
- Battery life (up to 29 hours)
- Boost Range (up to 8%)
- Waterproof, dust proof
- Large Icons and large easy-to-use navigation buttons
- Text Messaging
- Displays Day and Night viewing Mode
- UL approvals when purchased and equipped with an UL battery for use in hazardous environments.
- Built-in scrambling for increased security
- Transmit Interruption another radio conversation
- Emergency Button

(1.1) Integrated accelerometer for optional Man Down, **part #HKVN4179**

(1.2) Bluetooth® 4.0 • Mototrbo license Indoor location tracking, **part # HKVN4432**

(1.3) Motorola Critical Wireless Earpiece with 12" Cable **part# NNTN8125**

ALL 7580e MODEL RADIOS SHOULD INCLUDE THE FOLLOWING:

- IMPRES™ Li-ion IP68 2100 Battery
- IMPRES™ Single Unit Charger
- 800/900 MHz Antenna
- 2.5" Belt Clip
- Accessory Dust Cover
- 1st Year maintenance service from the start for replacement parts

2) Manufacturer/Model: Motorola XPR 5580 Mobile Two-Way Radio
Frequency Band: 806-941 MHz, **part #AAM28UMN9KA1AN**
Channels: 1000 Channels, Features a 4-line display
Color: Black

Desktop radios Features:

- Loud front-facing speaker and Intelligent Audio
- Enhanced 4-line Displays Day and Night viewing Mode
- UHF and VHF frequency bands
- Integrated GPS
- Bluetooth data
- Productivity-enhancing data applications: Features the industry's largest application developer
- Text messaging
- Emergency button
- Transmit Interruption another radio conversation.

ALL 5580 MODEL RADIOS SHOULD INCLUDE THE FOLLOWING:

- Compact Microphone
- Low Profile Bracket
- 10 foot Power Cable
- Radio Operation Quick Reference Cards and Safety Manual with Quick Reference Guides
- 1st Year maintenance service from the start for replacement parts

(2.1) TESCO SAMLEX SEC-1212-MT-XPR5000, **part # 572268**

(2.2) Laird Technologies, 450-470 Phantom Antenna, Black, **part # 32575**

(2.3) Magnet Mount, RG58A/U, Mini UHF, **part # 461982**

3) Manufacturer/Model: Mototrbo MTR3000 Base Station, SATELLITE RECEIVER, **part # T3000**

Repeater Features:

- Operates in analog or MOTOTRBO digital mode with LED indicating mode of operation
- 12.5 or 25 kHz programmable channel
- Restriction of Hazardous Substances
- Integrated 100W Power Amplifier and AC/DC
- Supports UHF, VHF, and 800 / 900 MHz frequency bands

ALL MTR3000 MODELS SHOULD INCLUDE THE FOLLOWING:

(3.1) Adds 800 MHz 100W Power, **part # X450MT**

(3.2) MTR3000 Capacity Plus Software, **part #HKLN4439**

(3.3) Rack Mount, **Part # CLN6679**

(3.4) MTR3000 Rest Access to System, **part # HKVN4178A**

(3.5) Motorola Enhanced GPS North America, **part # HKVN4055A**

- 4) **Manufacturer/Model:** Tripp Lite SmartRack 24U Standard-Depth Rack Enclosure Cabinet for Harsh Environments, **Part # SR24UBFFD**

Features:

- Supports a maximum load capacity of 1000 lb.
- 8 high-performance fans keep equipment cool
- Built-in dust filters protect interior from airborne particles
- Louvered door keeps out drips, splashes and falling debris
- Adjustable mounting rails house equipment from 3 to 32.5 in. deep

- 5) **Manufacturer/Model:** Motorola 2 Channel Duplexer 806-824MHZ RX 851-869TX, **part # DUPLEX03 DSBCDUP03A**, AC PWR

- 6) **Manufacturer/Model:** Tripp Lite SmartPTT Dispatch and indoor GPS solution, **part # SPTTE0001**

Features:

- Direct control over MOTOTRBO IP Site Connect allows enhanced control over radio subscriber

ALL SmartPTT Enterprise INCLUDES THE FOLLOWING:

- Dispatcher Console
- Radio server
- Repeater connection
- 10 subscriber licenses
- 1 year updated subscription

(6.1) Subscriber License, **part# SPTTL0300**

(6.2) Connectivity Light up to 5 repeaters in the system, **part # SPTTSC0005**

(6.3) Indoor tracking license for radio server, **part # SPTTI0001**

(6.4) Moto TRBO to PC cable, **part # SPTTD0001**

(6.5) Analog Radio Connector, **part # SPTTD00002**

(6.6) iBeacons

7) INSTALLATION

Provide a one lump sum cost for the labor

8) ADDITIONAL MAINTENANCE SERVICE:

(8.1) Provide cost for maintenance service for 2nd year on the parts and replacements for each piece of equipment.

(8.2) Provide cost for SmartPtt Enterprise subscription service for 2nd year

WARRANTY:

2 year warranty shall be included for all equipment.

ESTIMATED QUANTITIES:

The quantities specified in the Bid Schedule are estimates. Additional radios, accessories, batteries or upgrades to the specified models and parts maybe ordered during the term of this contract.

CONTRACT START DATE:

From the date of final Statement of Award.

CONTRACT TERMS:

The resulting contract will be for two (2) years upon mutual agreement between both parties.



RICHLAND COUNTY GOVERNMENT CERTIFIED BID TABULATION

SOLICITATION NUMBER : RC-017-B-2018		PROJECT NAME: Motorola 800 Megahertz Mototrbo System Authorized/Representative		DATE ISSUED: 8/31/2017		RECEIPT DATE: 10/3/2017		TIME OPEN: 10:00AM	
DEPARTMENT: Detention Center			REQUISITION #: R1703235			CONTRACT#:		PURCHASE ORDER #:	
POINT OF CONTACT: Yolanda Davis			T: 803-576-2127 F: 803-576-2135 EMAIL: davisy@rcgov.us			NUMBER OF ADDENDUM ISSUED:		APPARENT LOW BIDDER	
ITEM	MINIMUM DESCRIPTION	UNIT	QTY	(\$)	COMPANY:	COMPANY:	COMPANY:	COMPANY:	
1	Total			(\$)	217,442.88	Rock Communications			
2				(\$)					
3				(\$)					
4				(\$)					
5				(\$)					
6				(\$)					
7				(\$)					
8				(\$)					
SHIPPING									
TAX									
GRAND TOTAL					217,442.88	364,667.40			
DELIVERY CALENDAR DAYS									
WARRANTY									
GUARANTEE									
NAME AND TITLE OF CERTIFYING OFFICIAL Contract Specialist					NAME AND TITLE OF ASSISTANT Sierra Flynn Buyer				
SIGNATURE <i>Yolanda Davis</i>					SIGNATURE <i>Sierra Flynn</i>				
DATE: 10/3/17					DATE: 10/3/17				

2017 OCT -3 AM 10:00
PROCUREMENT DEPT

Richland County Council Request for Action

Subject:

Authorizing (1) the execution and delivery of a First Amendment to Fee in Lieu of Tax and Incentive Agreement by and between Richland County, South Carolina (the "County"), and Constantia Blythewood, LLC, f/k/a Constantia Hueck Foils L.L.C., acting for itself, one or more affiliates, and/or other project sponsors (the "Company"), in connection with certain additional investment to be located in the County; and (2) other matters related thereto

Notes:

First Reading: November 7, 2017 {Tentative}

Second Reading:

Third Reading:

Public Hearing:

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

AUTHORIZING (1) THE EXECUTION AND DELIVERY OF A FIRST AMENDMENT TO FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT BY AND BETWEEN RICHLAND COUNTY, SOUTH CAROLINA (THE “COUNTY”), AND CONSTANTIA BLYTHEWOOD, LLC, F/K/A CONSTANTIA HUECK FOILS L.L.C., ACTING FOR ITSELF, ONE OR MORE AFFILIATES, AND/OR OTHER PROJECT SPONSORS (THE “COMPANY”), IN CONNECTION WITH CERTAIN ADDITIONAL INVESTMENT TO BE LOCATED IN THE COUNTY; AND (2) OTHER MATTERS RELATED THERETO.

WHEREAS, Richland County, South Carolina (the “County”), acting by and through its County Council (the “Council”), is authorized and empowered under and pursuant to the provisions of the Code of Laws of South Carolina 1976, as amended (the “Code”), particularly Title 12, Chapter 44 of the Code (the “Negotiated FILOT Act”) and Title 4, Chapter 1 of the Code (the “Multi-County Park Act” or, as to Section 4-1-175 thereof, the “Special Source Act”, and, together with the Negotiated FILOT Act, the “Act”) and by Article VIII, Section 13(D) of the South Carolina Constitution: (i) to enter into agreements with certain investors to construct, operate, maintain, and improve certain projects through which the economic development of the State of South Carolina (the “State”) will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate and remain in the State and thus utilize and employ the manpower, agricultural products, and natural resources of the State; (ii) to covenant with such investors to accept certain fee in lieu of *ad valorem* tax (“FILOT”) payments, including, but not limited to, negotiated FILOT payments made pursuant to the Negotiated FILOT Act, with respect to a project; (iii) to permit investors to claim special source revenue credits against their FILOT payments (“Special Source Credits”) to reimburse such investors for expenditures in connection with infrastructure serving the County or improved or unimproved real estate and personal property including machinery and equipment used in the operation of a manufacturing or commercial enterprise in order to enhance the economic development of the County (“Special Source Improvements”); and (iv) to create, in conjunction with one or more other counties, a multi-county industrial or business park (each a “Park”) in order to afford certain enhanced income tax credits to such investors and to facilitate the grant of Special Source Credits; and

WHEREAS, the County, pursuant to the Negotiated FILOT Act and an Ordinance duly enacted by the Council on December, 11, 2012, previously entered into that certain Fee in Lieu of Tax and Incentive Agreement dated as of December 1, 2012 (the “Fee Agreement”) with the Company, pursuant to which the Company agreed to make, and the County agreed to accept, certain negotiated fee in lieu of *ad valorem* tax (“Negotiated FILOT”) payments with respect to the establishment and/or expansion of certain manufacturing and related facilities located within the County (as further so defined in the Fee Agreement, the “Project”); and

WHEREAS, Constantia Blythewood, LLC (the “Company”), a _____ organized under the laws of the state of _____, and formerly known as Constantia Hueck Foils, LLC, is considering the making of additional investment in the Project (the “Expansion Project”) and anticipates that, should its plans proceed as expected, it will invest, or cause to be invested, at least an additional \$11,750,000 in the Expansion Project and will create, or cause to be created, at least 41 new, full-time jobs in the County; and

WHEREAS, in order to induce location of the Expansion Project in the County, and in accordance with the Special Source Act, the County, at the request of the Company, desires to offer,

amongst other things, a) a five-year extension of the Investment Period (as defined in the Fee Agreement) applicable to the Negotiated FILOT arrangement, b) a ten-year extension of the Term applicable to the Negotiated FILOT arrangement (as defined in the Fee Agreement) and c) a five-year extension of the current Special Source Credits benefit period in the event certain additional Project investment thresholds are satisfied, all as set forth herein and in a First Amendment to Fee in Lieu of Tax and Incentive Agreement by and between the County and the Company (the “First Amendment”), the form of which is attached as Exhibit A.

NOW, THEREFORE, BE IT ORDAINED, by the County Council as follows:

Section 1. The County hereby approves modifications to the Fee Agreement to, amongst other things, a) a five-year extension of the Investment Period (as defined in the Fee Agreement) applicable to the Negotiated FILOT arrangement, b) a ten-year extension of the Term applicable to the Negotiated FILOT arrangement (as defined in the Fee Agreement) and c) a five-year extension of the current Special Source Credits benefit period in the event certain additional Project investment thresholds are satisfied, all as set forth in greater detail in the First Amendment.

Section 2. The form, terms and provisions of the First Amendment presented to this meeting are hereby approved and all of the terms and provisions thereof are hereby incorporated herein by reference as if the First Amendment was set out in this Ordinance in its entirety. The Chairman of the Council is hereby authorized, empowered and directed to execute, acknowledge and deliver the First Amendment in the name of and on behalf of the County, and the Clerk to County Council is hereby authorized and directed to attest the same, and thereupon to cause the First Amendment to be delivered to the Company. The First Amendment is to be in substantially the form now before this meeting and hereby approved, upon advice of counsel, his or her execution thereof to constitute conclusive evidence of his or her approval of any and all changes or revisions therein from the form of the First Amendment now before this meeting.

Section 3. Each of the Chairman of the Council and the County Administrator, for and on behalf of the County, is hereby authorized and directed to do any and all things necessary to effect the execution and delivery of the First Amendment and the performance of all obligations of the County thereunder.

Section 4. The provisions of this ordinance are hereby declared to be separable and if any section, phrase or provisions shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereunder.

Section 5. All ordinances, resolutions, and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed. This ordinance shall take effect and be in full force from and after its passage by the County Council.

[End of Ordinance]

ENACTED in meeting duly assembled this ____ day of _____, 2017.

**RICHLAND COUNTY,
SOUTH CAROLINA**

(SEAL)

Joyce Dickerson
Chair, Richland County Council

ATTEST:

Clerk, Richland County Council

First Reading: November 7, 2017

Second Reading: _____, 2017

Public Hearing: _____, 2017

Third Reading: _____, 2017

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

I, the undersigned Clerk to County Council of Richland County, South Carolina, do hereby certify that attached hereto is a true, accurate and complete copy of an ordinance which was given reading, and received unanimous approval, by the County Council at its meetings of _____, 2017, _____, 2017, and _____, 2017, at which meetings a quorum of members of County Council were present and voted, and an original of which ordinance is filed in the permanent records of the County Council.

Clerk, Richland County Council

Dated: _____, 2017

Exhibit A
Form of the First Amendment

**FIRST AMENDMENT TO
FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT**

By and between

RICHLAND COUNTY, SOUTH CAROLINA

and

**CONSTANTIA BLYTHEWOOD, LLC,
(F/K/A CONSTANTIA HUECK FOILS L.L.C)**

Amended as of _____

This Amendment pertains to the Fee in Lieu of Tax and Incentive Agreement dated as of December 1, 2012, between Richland County, South Carolina (the “County”) and a company identified for the time being as Constantia Blythewood, LLC, f/k/a Constantia Hueck Foils, LLC (the “Company”).

**FIRST AMENDMENT TO
FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT**

THIS FIRST AMENDMENT TO FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT (the “First Amendment”), dated as of _____, 2017 by and between RICHLAND COUNTY, SOUTH CAROLINA (the “County”), a body politic and corporate and a political subdivision of the State of South Carolina, and a company identified for the time being as CONSTANTIA BLYTHEWOOD, LLC, F/K/A, a _____ organized and existing under laws of the State of _____, and formerly known as Constantia Hueck Foils, L.L.C, acting for itself, one or more affiliates, and/or other project sponsors (the “Company”).

W I T N E S S E T H:

WHEREAS, the County, acting by and through its County Council (the “Council”), is authorized and empowered under and pursuant to the provisions of the Code of Laws of South Carolina 1976, as amended (the “Code”), particularly Title 12, Chapter 44 of the Code (the “Negotiated FILOT Act”) and Title 4, Chapter 1 of the Code (the “Multi-County Park Act” or, as to Section 4-1-175 thereof, the “Special Source Act”, and, together with the Negotiated FILOT Act, the “Act”) and by Article VIII, Section 13(D) of the South Carolina Constitution: (i) to enter into agreements with certain investors to construct, operate, maintain, and improve certain projects through which the economic development of the State of South Carolina (the “State”) will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate and remain in the State and thus utilize and employ the manpower, agricultural products, and natural resources of the State; (ii) to covenant with such investors to accept certain fee in lieu of *ad valorem* tax (“FILOT”) payments, including, but not limited to, negotiated FILOT payments made pursuant to the Negotiated FILOT Act, with respect to a project; (iii) to permit investors to claim special source revenue credits against their FILOT payments (“Special Source Credits”) to reimburse such investors for expenditures in connection with infrastructure serving the County or improved or unimproved real estate and personal property including machinery and equipment used in the operation of a manufacturing or commercial enterprise in order to enhance the economic development of the County (“Special Source Improvements”); and (iv) to create, in conjunction with one or more other counties, a multi-county industrial or business park (each a “Park”) in order to afford certain enhanced income tax credits to such investors and to facilitate the grant of Special Source Credits; and

WHEREAS, the County, pursuant to the Negotiated FILOT Act and an Ordinance duly enacted by the Council on December 11, 2012, previously entered into that certain Fee in Lieu of Tax and Incentive Agreement dated as of December 1, 2012 (the “Fee Agreement”) with the Company, pursuant to which the Company agreed to make, and the County agreed to accept, certain negotiated fee in lieu of *ad valorem* tax (“Negotiated FILOT”) payments with respect to the establishment and/or expansion of certain manufacturing and related facilities located within the County (as further so defined in the Fee Agreement, the “Project”) and agreed to the inclusion and maintenance of the Project in a Park; and

WHEREAS, the Company is considering the making of additional investment in the Project (the “Expansion Project”) and anticipates that, should its plans proceed as expected, it will invest, or cause to be invested, at least an additional \$11,750,000 in the Expansion Project and will create, or cause to be created, at least 41 new, full-time jobs in the County; and

WHEREAS, in order to induce location of the Expansion Project in the County, and in accordance with the Special Source Act, the County has determined to approve and provide for, amongst other things, a) a five-year extension of the Investment Period (as defined in the Fee Agreement)

applicable to the Negotiated FILOT arrangement, b) a ten-year extension of the Term applicable to the Negotiated FILOT arrangement (as defined in the Fee Agreement) and c) a five-year extension of the current Special Source Credit benefit period in the event certain additional Project investment thresholds are satisfied, all as set forth in greater detail in this First Amendment; and

WHEREAS, the specific terms of such modifications, as well as additional related provisions, are set forth in this First Amendment; and

WHEREAS, the County approved the foregoing actions and the other modifications to the Fee Agreement set forth in this First Amendment to be effected, and authorized the execution and delivery of this First Amendment, pursuant to that certain Ordinance duly enacted by the Council on _____, 2017.

NOW, THEREFORE, in consideration of the foregoing recitals which are incorporated herein by reference and other lawful consideration, and respective representations and agreements hereinafter contained, the receipt and sufficiency of which are hereby acknowledged, the County and the Company agree as follows:

Section 1. Definitions. Defined terms utilized herein and not otherwise defined herein shall have the meanings ascribed to them in the Fee Agreement.

Section 2. Amendment of Fee Agreement. The Fee Agreement is hereby amended as follows:

(a) Section 1.01 is hereby amended as follows:

(i) The definition of “*Company*” is hereby deleted and inserted to read as follows:

“*Company*” shall mean Constantia Blythewood, LLC, a _____ organized under the laws of the State of _____, and formerly known as Constantia Hueck Foils L.L.C., and any surviving, resulting, or transferee entity in any merger, consolidation, or transfer of assets permitted under Sections 4.04 or 6.01 hereof or any assignee hereunder which is designated by the Company and approved by the County.

(ii) The definition of “*Compliance Period*” is hereby deleted and inserted to read as follows:

“*Compliance Period*” shall mean the period commencing with the first day that Negotiated FILOT Property is purchased or acquired, whether before or after the date of this agreement, and ending on the tenth anniversary of the end of the Property Tax Year in which the initial Negotiated FILOT Property comprising the Project was placed into service, all as specified in Section 12-44-30(13) of the Negotiated FILOT Act. The Negotiated FILOT Property comprising the Project was placed into service in the Property Tax Year ending on December 31, 2013, and as such, the Compliance Period will end on December 31, 2018.

(iii) The definition of “*Investment Period*” is hereby deleted in its entirety and the following is substituted therefor:

“*Investment Period*” shall mean shall mean the period commencing with the first day that Negotiated FILOT Property is purchased or acquired, whether before or after the date of this agreement, and ending on the tenth anniversary of the end of the Property Tax Year in which the initial Negotiated FILOT Property comprising the Project was placed into service, all as specified in Section 12-44-30(13) of the Negotiated FILOT Act. The Negotiated FILOT Property comprising the Project was placed into service in the Property Tax Year ending on December 31, 2013, and as such, the Compliance Period will end on December 31, 2023.

(b) Section 2.02(a) is hereby deleted in its entirety and the following is substituted therefor:

(a) The Company is a _____ validly existing and in good standing under the laws of the State of _____ and authorized to do business in the State; has all requisite power to enter into this Agreement and to carry out its obligations hereunder; and by proper action has been authorized to execute and deliver this Agreement. The Company’s fiscal year end is December 31 and the Company will notify the County of any changes in the fiscal year of the Company.

(c) Section 3.02 is hereby deleted in its entirety and the following is substituted therefor:

Section 3.02. Special Source Credits. The County, as an additional incentive to induce the Company to locate the Project within the County, as reimbursement for investment in Special Source Property related to the Project and subject to the requirements of the Special Source Act, agrees that, if the investment in the Project increases to \$20,000,000 by the end of the Compliance Period, each of the Company and any other Sponsor or Sponsor Affiliate (each a “Claiming Entity”) shall be entitled to claim Special Source Credits against each annual FILOT payment made by such Claiming Entity with respect to the Project, whether made as a Negotiated FILOT Payment pursuant to the Negotiated FILOT Act or as a FILOT payment made pursuant to the Multi-County Park Act, in an amount equal to twenty-five percent (25%) of each such FILOT Payment for a period of five (5) years, commencing with the first year after which the County has received written certification from the Company with appropriate supporting documentation as may be reasonably requested by the County, confirming that the investment in the Project reaches \$20,000,000. The County further agrees that, if the investment in the Project increases to \$27,500,000, in the aggregate, by the end of the Compliance Period, each of the Company and other Sponsor or Sponsor Affiliates (each a “Claiming Entity”) shall be entitled to claim Special Source Credits against each annual FILOT payment made by such Claiming Entity with respect to the Project, whether made as a Negotiated FILOT Payment pursuant to the Negotiated FILOT Act or as a FILOT payment made pursuant to the Multi-County Park Act, in an amount equal to twenty-five percent (25%) of each such FILOT Payment for an additional five (5) years.

(d) Section 4.01(c) is hereby deleted in its entirety and the following is substituted

therefor:

(c) Reserved.

(e) Section 5.01(a) is hereby deleted in its entirety and the following is substituted therefor:

(a) In accordance with the Negotiated FILOT Act, the parties hereby agree, during the Term hereof, that there shall be due annually with respect to that portion of the Project constituting Negotiated FILOT Property, whether owned by the Company or by another Sponsor or Sponsor Affiliate, a Negotiated FILOT calculated as set forth in this **Section 5.01**, at the places, in the manner and subject to the penalty assessments prescribed by the County or the Department of Revenue for ad valorem taxes. The initial Negotiated FILOT Payment which was due under current Code requirements the January 15 following the year in which the County added the initial Negotiated FILOT Property to its tax rolls, was due on January 15, 2015. If the Company designates any Sponsor or Sponsor Affiliates, as the same shall be consented by the County, if required, pursuant to **Section 6.02** hereof, the Company must notify the County in writing at the time of such designation as to whether such Sponsor or Sponsor Affiliate shall be primarily liable for the Negotiated FILOT Payments hereunder with respect to such other entity's portion of the Negotiated FILOT Property. Unless and until such notification is received, the Company shall be primarily liable for all Negotiated FILOT Payments with respect to such Negotiated FILOT Property.

(f) Section 5.01(b)(i) is hereby deleted in its entirety and the following is substituted therefor:

(i) For each annual increment of investment in Negotiated FILOT Property during the Investment Period, the annual Negotiated FILOT Payments shall be payable for a period of thirty (30) years. Accordingly, if Negotiated FILOT Property is placed in service during more than one year, each year's investment during the Investment Period shall be subject to the Negotiated FILOT for a period of thirty (30) years with the result that, subject to any extensions granted by the County in its sole discretion, the final Negotiated FILOT Payment hereunder shall be made in the thirty-fifth (35th) year.

(g) Section 5.01(d)(i) is hereby deleted in its entirety and the following is substituted therefor:

(i) Such Replacement Property does not have to serve the same function as the Released Property it is replacing. Replacement Property is deemed to replace the oldest property subject to the Negotiated FILOT, whether real or personal, which is disposed of in the same Property Tax Year as the Replacement Property is placed in service. Replacement Property qualifies for Negotiated FILOT Payments up to the original income tax basis of the Released Property which it is replacing in the same Property Tax Year. More than one piece of property can replace a single piece of property. To the extent that the income tax basis of the Replacement Property exceeds the original income tax

basis of the Released Property which it is replacing, the excess amount is subject to payments equal to the ad valorem taxes which would have been paid on such property but for this Agreement. Replacement property is entitled to the Negotiated FILOT Payments for the remaining portion of the thirty (30) year payment period applicable to the Released Property.

(h) Section 9.04(b) is hereby deleted in its entirety and the following is substituted therefor:

(b) if to the Company:

Constantia Blythewood, LLC
Attn: Director of Finance
1111 Northpoint Blvd.
Blythewood, South Carolina 29016
Fax: 803-404-6582
Telephone: 803-404-6601

with a copy (which shall not constitute notice) to:

Morgan B. Crapps, Esq.
Nexsen Pruet, LLC
1230 Main Street, Suite 700
P.O. Drawer 2426 (29202)
Columbia, South Carolina 29201
Fax: 803-727-1489
Telephone: 803-540-2147

Section 3. Remaining Terms and Provisions. Except as expressly amended hereby, the terms and provisions of the Fee Agreement shall remain unchanged and in full force and effect.

Section 4. Entire Understanding. The Fee Agreement, as amended by this First Amendment, expresses the entire understanding and all agreements of the parties hereto pertaining to the matters set forth herein and therein.

Section 5. Severability. In the event that any clause or provisions of this First Amendment shall be held to be invalid by any court of competent jurisdiction, the invalidity of such clause or provision shall not affect any of the remaining provisions hereof.

Section 6. Multiple Counterparts. This First Amendment may be executed in multiple counterparts, each of which shall be an original but all of which shall constitute but one and the same instrument.

[Signature Page to Follow]

IN WITNESS THEREOF, the parties hereto, each after due authorization, have executed this First Amendment to Fee in Lieu of Tax Agreement to be effective as of the date first above written.

RICHLAND COUNTY, SOUTH CAROLINA

By: _____
Joyce Dickerson
Chair of Richland County Council

[SEAL]

Attest:

By: _____
Clerk, Richland County Council

CONSTANTIA BLYTHEWOOD, LLC.

By: _____
Name: _____
Title: _____

A RESOLUTION AUTHORIZING THE EXTENSION OF THE INVESTMENT PERIOD UNDER A JULY 28, 2009 FEE AGREEMENT BY AND BETWEEN RICHLAND COUNTY, SOUTH CAROLINA, AND UNUM GROUP, COLONIAL LIFE & ACCIDENT INSURANCE COMPANY, AND UNUM LIFE INSURANCE COMPANY OF AMERICA.

WHEREAS, Richland County, South Carolina (the “**County**”), acting by and through its County Council (the “**County Council**”), is authorized and empowered under and pursuant to the provisions of the South Carolina Constitution and the Code of Laws of South Carolina 1976, as amended, and the case law of the Courts of the State of South Carolina (the “**State**”), to offer and provide certain privileges, benefits, and incentives to prospective industries as inducements for economic development within the County; is authorized and empowered under and pursuant to the provisions of Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as amended (the “**Act**”), to acquire, or cause to be acquired, properties (which properties constitute “**projects**” as defined in the Act) and to enter into agreements with any industry to construct, operate, maintain and improve such projects; to enter into or allow financing agreements with respect to such projects; and to accept any grants for such projects through which powers the industrial development of the State will be promoted and trade developed by inducing manufacturing and commercial enterprise to locate and remain in the State and thus utilize and employ the manpower, agricultural products and natural resources of the State and benefit the general public welfare of the County by providing services, employment, recreation or other public benefits not otherwise provided locally;

WHEREAS, in the exercise of the foregoing powers, the County, Unum Group, Colonial Life & Accident Insurance Company, and Unum Life Insurance Company of America (collectively, the “**Company**”), have heretofore entered into an Agreement dated July 28, 2009 (the “**Fee Agreement**”), providing for certain incentives, including, without limitation, payment of a fee-in-lieu of taxes with respect to the **Project** (as defined in the Fee Agreement);

WHEREAS, the Company significantly exceeded the project investments referenced in the Fee Agreement and has placed in service investments to date in the County of \$725 million and presently employs 1,140 people in the County;

WHEREAS, the County, in response to a Company request and in accordance with Section 3.2(b) of the Fee Agreement, has previously extended the **Investment Period** (as defined in the Fee Agreement), as permitted by Section 12-44-30(13) of the Act, from the end of the fifth year following the **Commencement Date** (defined in the Fee Agreement as the last day of the property tax year in which Project property is first placed in service) until the end of the eighth year following the Commencement Date, so that the Investment Period would continue through December 31, 2017;

WHEREAS, during the next three years, the Company anticipates making additional investments in the County of approximately \$6 million;

WHEREAS, the Company is requesting, in accordance with Section 3.2(b) of the Fee Agreement, that the County extend the Investment Period by an additional two years, until the end of the tenth year following the Commencement Date, so that the Investment Period, as permitted by Section 12-44-30(13) of the Act, shall continue through December 31, 2019; and

WHEREAS, the County has determined that the extension of the Investment Period (the “**Extension**”) would directly and substantially benefit the general public welfare of the County by allowing the Company to complete the Project, by inducing the Company to make further investments and by providing the creation of jobs and employment, the increase of ad valorem tax base, service, employment or other public benefits not otherwise provided locally; that the Extension gives rise to no pecuniary liability of the County or incorporated municipality or a charge against the general credit or taxing power of either; that the purposes to be accomplished by the Extension, i.e., economic development, creation of jobs, and addition to the tax base of the County, are proper governmental and public purposes; that the additional investments in and completion of the Project which is located in the County and State are of paramount importance; and that the benefits of the Extension and completion of the Project will be greater than the costs.

NOW, THEREFORE, BE IT RESOLVED, by County Council as follows:

Section 1. Approval of Extension of Investment Period. The County hereby grants an extension of the Investment Period under the Fee Agreement pursuant to Section 12-44-30(13) of the Act until the end of the tenth year following the Commencement Date, so that the Investment Period shall continue through December 31, 2019.

Section 2. Further Actions. The Chair of County Council, the County Administrator and the Clerk to County Council, for and on behalf of the County, are hereby each authorized and directed to do any and all things necessary to effect the performance of all obligations of the County under this Resolution.

Section 3. Governing Law. This Resolution shall be construed and interpreted in accordance with the laws of the State.

Section 4. Severability. The provisions of this Resolution are hereby declared to be separable and if any section, phrase or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereunder.

DONE, RATIFIED AND ADOPTED this ____day of _____, 2017.

RICHLAND COUNTY, SOUTH CAROLINA

Chair

ATTEST:

Clerk
Richland County Council
Richland County, South Carolina

~#4829-4625-9793 v.1~



REQUEST OF ACTION

Subject: FY18 - District 10 Hospitality Tax Allocations

A. Purpose

County Council is being requested to approve a total allocation of **\$60,000** for District 10.

B. Background / Discussion

For the current Fiscal Year (2018-2019), County Council approved designating the Hospitality Discretionary account funding totaling \$164,850.00 for each district Council member as list below:

Motion List for FY18: Hospitality Tax discretionary account guidelines are as follows: (a) Establish a H-Tax discretionary account for each Council District; (b) Fund the account at the amount of \$164,850.00; (c) Council members will recommend Agencies to be funded by their allocation. Agencies and projects must meet all of the requirements in order to be eligible to receive H-Tax funds; (d) All Council recommendation for appropriations of allocations to Agencies after the beginning of the fiscal year will still be required to be taken back to Council for approval by the full Council prior to the commitment of funding. This would only require one vote.

Pursuant to Budget Memorandum 2017-1 each district Council member was approved \$164,850.00 to allocate funds to Hospitality Tax eligible organizations of their own discretion. As it relates to this request, District 10 H-Tax discretionary account breakdown and its potential impact is listed below:

Initial Discretionary Account Funding	\$164,850
Amount Previously Allocated	\$81,150
Current Account Balance	\$83,350
<hr/>	
Historic Mill District Foundation	\$5,000
Town of Eastover	\$30,000
Columbia World Affairs Council Annual Dinner	\$5,000
Columbia Urban League 50 th EOD	\$2,500
Mt. Moriah Baptist Church 150 th Koinoinia Anniversary Celebration	\$1,000
Bible Way Church of Atlas Rd. 54 th Anniversary Celebration	\$1,500
SERCO	\$15,000
Total	\$60,000
Remaining Balance	\$23,350

C. Legislative / Chronological History

- 2nd Reading of the Budget – May 25, 2017

D. Alternatives

1. Consider the request and approve the allocation.
2. Consider the request and do not approve the allocation.

E. Final Recommendation

Staff does not have a recommendation regarding this as it is a financial policy decision of County Council. The funding is available to cover the request. Staff will proceed as directed.