



**RICHLAND COUNTY COUNCIL
REGULAR SESSION AGENDA**

**JUNE 1, 2010
6:00 PM**

CALL TO ORDER

HONORABLE PAUL LIVINGSTON, CHAIR

INVOCATION

HONORABLE JIM MANNING

PLEDGE OF ALLEGIANCE

HONORABLE JIM MANNING

Approval Of Minutes

1. Regular Session: May 18, 2010 [PAGES 8-16]
2. Zoning Public Hearing: May 25, 2010 [PAGES 18-21]

Adoption Of The Agenda

Report Of The Attorney For Executive Session Items

3. a. Personnel Matter

Citizen's Input

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

Report Of The County Administrator

5. a. June - Homeownership Month
- b. Project Pet Update
- c. Farmers' Market Joint Resolution Update
- d. Lower Richland Sewer Update
- e. FY11 Budget Update

- f. Ridgewood Housing Contract Notification
- g. Dick Smith Easement

Report Of The Clerk Of Council

Report Of The Chairman

- 6. a. Personnel Matter

Open/Close Public Hearings

- 7. a. An Ordinance Amending the Fiscal Year 2009-2010 General Fund Annual Budget to appropriate \$500,000 of Undesignated General Fund Balance to Risk Management Department's budget to pay for liability and worker's compensation claims
- b. An Ordinance Amending the Fiscal Year 2009-2010 Victim's Assistance Fund Annual Budget and General Fund Annual Budget to appropriate \$50,000 of Undesignated Fund Balance from the General Fund to the Victim's Assistance Fund for the anticipated revenue shortfall
- c. An Ordinance to levy and impose a one percent (1%) sales and use tax, subject to a referendum, within Richland County pursuant to Section 4-7-30 of the Code of Laws of South Carolina 1976, as amended; to define the purposes and designate the projects for which the proceeds of the tax may be used; to provide the maximum time for which such tax may be imposed; to provide the estimated cost of the projects funded from the proceeds of the tax; to provide for a county-wide referendum on the imposition of the sales and use tax and the issuance of General Obligation Bonds and to prescribe the contents of the ballot questions in the commission; to provide for the administration of the tax, if approved; to provide for the payment of the tax, if approved; and to provide for other matters relating thereto
- d. An Ordinance Amending the Fiscal Year 2009-2010 General Fund Annual Budget to appropriate \$34,950 of additional miscellaneous revenue and \$11,487 of Undesignated General Fund Balance to the Sheriff's Department's budget to pay for the replacement of damaged vehicles

Approval Of Consent Items

- 8. An Ordinance Amending the Fiscal Year 2009-2010 General Fund Annual Budget to appropriate \$500,000 of Undesignated General Fund Balance to the Risk Management Department's budget to pay for liability and worker's compensation claims [**THIRD READING**] [**PAGES 28-29**]
- 9. An Ordinance Amending the Fiscal Year 2009-2010 General Fund Annual Budget to appropriate \$34,950 of additional miscellaneous revenue and \$11,487 of Undesignated General Fund Balance to the Sheriff's Department's budget to pay for the replacement of damaged vehicles [**THIRD READING**] [**PAGES 31-32**]
- 10. An Ordinance Amending the Fiscal Year 2009-2010 Victim's Assistance Fund Annual Budget and General Fund Annual Budget to appropriate \$50,000 of Undesignated Fund Balance from the General Fund to the Victim's Assistance Fund for the anticipated revenue shortfall [**THIRD READING**] [**PAGES 34-35**]

11. An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site and Performance Standards; Section 26-177, Lighting Standards; Subsection (B); Paragraph (1) and (5); so as to increase maximum lumens under certain circumstances [**THIRD READING**] [**PAGES 37-38**]
12. 10-08MA
Bierer & Associates, Inc.
Larkin Ellzey
RU to OI (2.20 Acres)
18000-02-82(p)
11142 Wilson Blvd. [**SECOND READING**] [**PAGES 40-41**]
13. 10-10MA
Wells Fargo f/k/a Wachovia N. A.
Charles Salley
RU/OI to LI (12.6 Acres)
06013-01-01
1600 Browning Rd. [**SECOND READING**] [**PAGE 43**]
14. 10-11MA
Wateree Retreat Center
Allen House
RU to PDD (43.9 Acres)
27300-07-11
2350 Clarkson Road [**SECOND READING**] [**PAGES 45-47**]
15. Blue Lights can only be used by Law Enforcement and approved Emergency Vehicles [**PAGES 49-50**] [*Forwarded from D&S Committee*]
16. Construction Services for Lake Elizabeth Phase III Cumbess Creek Water Quality Capital Improvement Project [**PAGES 52-54**] [*Forwarded from D&S Committee*]
17. Determining the County's true priority investment areas [**PAGES 56-57**] [*Forwarded from D&S Committee*]
18. Eliminate the requirement of obtaining a building permit for roofing, siding, and replacement of windows and exterior doors [**PAGES 59-60**] [*Forwarded from D&S Committee*]
19. Haynes Property Conservation Easement [**PAGES 62-74**] [*Forwarded from D&S Committee*]
20. International Cultural Exchange Ad Hoc Committee [**PAGE 76**] [*Forwarded from D&S Committee*]
21. Memorandum of Understanding between Richland County and Richland County Transportation Committee to Pool Funds for Dirt Road Paving [**PAGES 78-79**] [*Forwarded from D&S Committee*]
22. Motion to Develop a public-private water and sewer system for the Lower Richland Planning area and other parts of the County [**PAGES 81-87**] [*Forwarded from D&S Committee*]

23. Request for Construction Contract Award for Closure of Phase 1A at County Landfill [**PAGES 89-90**] [*Forwarded from D&S Committee*]
24. Retreat: Visionary Legacy of Council [**PAGES 92-93**] [*Forwarded from D&S Committee*]
25. Special Resurfacing and Full Depth Patching Change Order [**PAGES 95-100**] [*Forwarded from D&S Committee*]
26. To amend the ordinance dealing with Loitering [**PAGES 102-105**] [*Forwarded from D&S Committee*]
27. Amendment to Financial Policy-Carryover Funds [**PAGES 107-109**] [*Forwarded from A&F Committee*]
28. Business Services Center: Hospitality Tax Ordinance Amendments [**PAGES 111-118**] [*Forwarded from A&F Committee*]
29. Emergency Services Automatic Aid Agreement [**PAGES 120-127**] [*Forwarded from A&F Committee*]
30. EMS Ambulance Purchase [**PAGES 129-130**] [*Forwarded from A&F Committee*]
31. Laboratory Tech-Full Time Grant-Sheriff's Department [**PAGES 132-135**] [*Forwarded from A&F Committee*]
32. Pursue Properties Associated with Caughman Creek Using Hospitality Tax Funds [**PAGES 137-141**] [*Forwarded from A&F Committee*]
33. Request for Contract Award-ADA Improvements-Administration and Health Complex [**PAGES 143-144**] [*Forwarded from A&F Committee*]
34. Retirement System Deduction Program for Retired Public Safety Officers Insurance [**DENIAL**] [**PAGES 146-152**] [*Forwarded from A&F Committee*]

Third Reading Items

35. 10-07MA
Map amendment for properties in the Crane Creek Master Plan Neighborhood District [**PAGES 154-185**]

Report Of Development And Services Committee

36. Hopkins Community Water System Bond and Bond Anticipation Note Ordinance [**PAGES 187-238**]

Report Of Administration And Finance Committee

37. Coroner Budget Amendment for 2009/2010 [**PAGES 240-241**]

Report Of Rules And Appointments Committee

1. **Notification Of Vacancies**

38. Business Service Center Appeals Board-1 [William Quatlebaum, June 3, 2010*]
39. East Richland Public Service Commission-2 [O. Stanly "Chip" Smith, July 12, 2010; Diane Sumpter, July 24, 2012 (resigned)]
40. Historic Columbia Foundation-1 [Patricia Williams, June 6, 2010 (un-expired term)*]
41. Richland County Public Library-6 [John Baker, July 12, 2009*; David Campbell, July 12, 2009; Noble P. Cooper, Jr., July 12, 2009; George C. Johnson, July 12, 2009*; Pamela Rogers Melton, July 12, 2009; Rox W. Pollard, July 12, 2009*]

2. **Notification Of Appointments**

42. Building Codes Board of Adjustments and Appeals-1 [position for a licensed contractor; no applications was received]
43. Historic Columbia Foundation-1 [one application was received from W. James Kitchens, Jr.] [PAGES 248-250]

3. **Discussion From Rules And Appointments Committee**

44. Appearance Commission Ordinance regarding the position of Landscaper/Landscape Architect [PAGE 252]
45. Richland County Library Board Terms

Other Items

46. C&D Landfill Bid Award

Citizen's Input

47. Must Pertain to Items Not on the Agenda

Executive Session

Motion Period

48. a. I move that the Council automatically have a roll call vote unless the vote is unanimous. If the Chair declares an unanimous vote, and no member calls for division, no member will be recorded as dissenting from the majority [SMITH]
- b. Resolution honoring the Blythewood High School Bengals for winning their first golf state championship [DICKERSON]
- c. Resolution for the Speight's Family Reunion [DICKERSON]

Adjournment



Richland County Council Request of Action

Subject

Regular Session: May 18, 2010 **[PAGES 8-16]**

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, MAY 18, 2010 6:00 p.m.

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

MEMBERS PRESENT:

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

OTHERS PRESENT – Michielle Cannon-Finch, Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Stephany Snowden, Jennifer Dowden, Tamara King, Larry Smith, Amelia Linder, Anna Almeida, Tiaa Rutherford, Daniel Driggers, Anna Lange, Sara Salley, John Hixson, Dale Welch, Jocelyn Jennings, Monique Walters, Michelle Onley

CALL TO ORDER

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

INVOCATION

The Invocation was given by the Honorable Joyce Dickersons

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Joyce Dickerson

APPROVAL OF MINUTES

Regular Session: May 4, 2010 – Mr. Malinowski stated that the minutes should reflect that Option 2 was approved regarding the “Replacement of Damaged RCSD Vehicles” and that a heading needed to be added before the item “C&D Landfill Contract”.

Mr. Jackson moved, seconded by Ms. Hutchinson, to approve the minutes as amended.

POINT OF PERSONAL PRIVILEGE – Ms. Dickerson recognized that former Councilman Mike Montgomery and several members of the Richland School District II Board were in the audience.

POINT OF PERSONAL PRIVILEGE – Mr. Livingston recognized that former Senator Peeler was in the audience.

POINT OF PERSONAL PRIVILEGE – Mr. Jackson recognized that Sheriff Leon Lott was in the audience.

PRESENTATION OF RESOLUTIONS

A Resolution acknowledging Richland County and South Carolina’s HIV/AIDS Statistics – Mr. Livingston presented the resolution to Dr. Bambi Gaddis, Executive Director of the SC AIDS Council.

Palmetto AIDS Life Support Services of South Carolina, Inc. (PALSS) Resolution – Mr. Manning presented the resolution to representatives of PALSS.

ADOPTION OF AGENDA

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

POINT OF PERSONAL PRIVILEGE – Ms. Dickerson recognized that Ms. Melinda Anderson was in the audience.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

- a. **HBA vs. Richland County** – Mr. Smith stated that the negotiations as discussed previously in Executive Session have been completed.
- b. **Personnel Matter**

CITIZENS' INPUT – FOR ITEMS ON THE AGENDA NOT REQUIRING A PUBLIC HEARNG

No one signed up to speak.

Mr. Manning moved, seconded by Ms. Dickerson, to reconsider the adoption of the agenda. The vote in favor was unanimous.

Mr. Manning moved, seconded by Ms. Hutchinson, to reorder the agenda to place Citizens' Input – Must Pertain to Items Not on the Agenda before the Report of the County Administrator. The vote in favor was unanimous.

CITIZENS' INPUT – MUST PERTAIN TO ITEMS NOT ON THE AGENDA

Ms. Patricia McKnight spoke regarding a buffering issue.

Ms. Laura A. Kiser, Greater Blythewood Chamber of Commerce, recognized Council for their continued support and presented them with a certificate of appreciation.

Mr. Mike Montgomery, Mr. Bill Fleming, Mr. Dan Neal, Mr. Steve Mann, Ms. Kelly Richardson, Mr. Bob Dennis, and Ms. Melinda Anderson spoke regarding the Richland School District II budget.

REPORT OF THE COUNTY ADMINISTRATOR

USA Today Article – Ms. Anna Lange gave a brief presentation regarding the 4th Annual Lawnmower Exchange program that was featured in a recent USA Today article.

Farmers' Market Joint Resolution Update – Mr. Pope stated that legislation is moving through the State House and there may be a resolution to the joint resolution within the next week.

Lower Richland Sewer Update – Mr. Pope stated that this item will be taken up during the May D&S Committee meeting and that staff is trying to schedule a meeting with the developers in the area.

Millage Packets – Mr. Pope stated that the millage agencies packets were place in Council's boxes today.

Broad River Wastewater Treatment Grand Opening – Mr. Pope stated that the Grand Opening for the Broad River Wastewater Treatment plant will be held Thursday, May 20th at 11:00 a.m.

Richland Savvy Seniors—May 21st – Mr. Pope stated that Richland Savvy Seniors will be held Friday, May 21st, 10:00 a.m.-1:00 p.m. at the Richland Mall.

REPORT OF THE CLERK OF COUNCIL

Public Works Week Luncheon – Ms. Finch stated that the Public Works Luncheon will be held Wednesday, May 19th at 11:30 a.m. at the Public Works facility.

Memorial Day 2010 in Lower Richland – Ms. Finch stated that Council received an invitation to Memorial Day 2010 in Lower Richland. A solemn ceremony will be held at 11:00 a.m., Government Cemetery, Ault Road in Hopkins followed by a heritage celebration from 12 noon-4:00 p.m., Harriet Barber House, 116 Barberville Loop in Hopkins.

REPORT OF THE CHAIRMAN

No report was given.

PRESENTATIONS

CMRTA—Mitzi Javers, Executive Director – Ms. Javers introduced Mr. Larry Livingston, Operations Manger, and outlined the adjustments to the transit service.

APPROVAL OF CONSENT ITEMS

- **Ordinance to Amend Road Names and Addressing Requirements [THIRD READING]**
- **10-03MA, Matthew Congdon, Killian Crossing, PDD to Amended PDD (398.66 Acres) & GC (17.29 Acres), 17400-02-04/12/13/14 [THIRD READING]**
- **An Ordinance so as to reflect that schools, including public and private, are not permitted in the M-1 Zoning District [THIRD READING]**
- **An Ordinance so as to correctly identify the Development Review Team as the entity that reviews land development and subdivisions, and has the authority to reduce road standards [THIRD READING]**
- **An Ordinance Amending the Fiscal Year 2009-2010 Victim's Assistance Fund Annual Budget and General Fund Annual Budget to appropriate \$50,000 of Undesignated Fund Balance from the General Fund to the Victim's Assistance for the anticipated revenue shortfalls [SECOND READING]**
- **An Ordinance Amending the Fiscal Year 2009-2010 General Fund Annual Budget to appropriate \$34,950 of additional miscellaneous revenue and \$11,487 of Undesignated General Fund Balance to the Sheriff's Department's budget to pay for the replacement of damaged vehicles [SECOND READING]**

Ms. Dickerson moved, seconded by Ms. Hutchinson, to approve the consent items. The vote in favor was unanimous.

THIRD READING

10-06MA, Lake Carolina, David Tuttle, PUD-2 to RU (22.05 Acres), 23300-03-01(p), Ashland at Kelly Mill Rd. – Mr. Malinowski moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

10-07MA, Map amendment for properties in the Crane Creek Master Plan Neighborhood District – Ms. Kennedy moved, seconded by Mr. Manning, to defer this item. The vote in favor was unanimous.

An Ordinance Authorizing a lease to Vulcan Construction Materials, LP, for approximately 10 acres of land, which is a portion of Richland County TMS #06500-01-11 – Ms. Dickerson moved, seconded by Ms. Hutchinson, to defer this item until it is ready to come before Council. The vote in favor was unanimous.

SECOND READING

An Ordinance Amending the Fiscal Year 2009-2010 General Fund Annual Budget to appropriate \$500,000 of Undesignated General Fund Balance to Risk Management Department's budget to pay for liability and worker's compensation claims – Mr. Jeter moved, seconded by Mr. Pearce, to approve this item. The vote in favor was unanimous.

An Ordinance to levy and impose a one percent (1%) sales and use tax, subject to a referendum, within Richland County pursuant to Section 4-37-30 of the Code of Laws of South Carolina 1976, as amended; to defining the purposes and designate the projects for which the proceeds of the tax may be used; to provide the maximum time for which such tax may be imposed; to provide the estimated cost of the projects funded from the proceeds of the tax; to provide for a countywide referendum on the imposition of the sales and use tax and the issuance of General Obligation Bonds and to prescribe the contents of the ballot questions in the referendum; to provide for the conduct of the referendum by the Richland County Election Commission; to provide for the administration of the tax, if approved; to provide for the payment of the tax, if approved; and to provide for other matters relating thereto – Ms. Dickerson moved, seconded by Mr. Jeter, to give Second Reading approval to the ordinance, as well as the funding distribution and projects list included in the agenda packet. A discussion took place.

Mr. Washington made a substitute motion, seconded by Mr. Jackson, to divide the question. A discussion took place.

<u>For</u>	<u>Against</u>
Malinowski	Pearce
Jackson	Hutchinson
Manning	Jeter
Kennedy	Livingston
Washington	Dickerson
	Smith

The substitute motion failed.

<u>For</u>	<u>Against</u>
Pearce	Malinowski
Hutchinson	
Jackson	
Jeter	
Livingston	
Dickerson	
Manning	
Kennedy	
Washington	

The vote was in favor of the main motion.

REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

Memorandum of Understanding to reflect the intent of parties regarding access to Lower Richland Boulevard and Garners Ferry Road in the development of certain residential and commercial facilities – Mr. Jackson moved, seconded by Ms. Hutchinson, to approve this item. The vote in favor was unanimous.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

Navistar Pass-Through Grant – Mr. Pearce stated that the committee recommended approval of this item. The vote in favor was unanimous.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF APPOINTMENTS

- a. **Accommodations Tax Committee—2** – Mr. Malinowski stated that the committee recommended re-advertising for these vacancies. The vote in favor was unanimous.
- b. **Appearance Commission, Landscaper—1** – Mr. Malinowski stated that the committee recommended re-advertising for this vacancy. The vote in favor was unanimous.

- c. **Employee Grievance Committee—4** – Mr. Malinowski stated that the committee recommended appointing Mr. Leonard Q. Bradley and Ms. Sharon Walker and re-advertising for the remaining vacancies. The vote in favor was unanimous.
- d. **Internal Audit Committee—2** – Mr. Malinowski stated that the committee recommended re-advertising for these vacancies. The vote in favor was unanimous.

OTHER ITEMS

Transportation Ad Hoc Committee

- a. **Request from the Midlands Authority for Conventions, Sports & Tourism: “The Board of Directors of the Midlands Authority for Conventions, Sports & Tourism hereby requests that Richland County and the City of Columbia include Downtown Trolleys in the Master Plan for the Central Midlands Regional Transit Authority. It is important that we have the linkage for not only our residents but the three million visitors that come to Columbia each year. It should be included in the short term version of that plan.”** – Ms. Dickerson stated that the committee recommended referral of this item to the City of Columbia for a recommendation. A discussion took place.

The vote in favor was unanimous.

- b. **Resolution Approving Transit Service Changes** – Ms. Dickerson stated that the committee recommended approval of the resolution. The vote in favor was unanimous.

EXECUTIVE SESSION

Ms. Kennedy moved, seconded by Mr. Washington, to go into Executive Session.

<u>For</u>	<u>Against</u>
Pearce	Manning
Malinowski	Smith
Jackson	
Hutchinson	
Jeter	
Livingston	
Dickerson	
Kennedy	
Washington	

The vote was in favor of going into Executive Session.

=====
Council went into Executive Session at approximately 7:12 p.m. and came out at approximately 7:54 p.m.
=====

- a. **Personnel Matter** – Mr. Jackson moved, seconded by Mr. Manning, to support the Sheriff in talking with the City of Columbia regarding the proposed contractual agreement. The vote in favor was unanimous.

MOTION PERIOD

Rev. Richard Dozier Resolution [JETER] – Mr. Jeter moved, seconded by Ms. Kennedy, to adopt a resolution for Rev. Richard Dozier. The vote in favor was unanimous.

Council reaffirmed the Public Hearing for the Transportation Sales Tax on June 1, 2010, and stated that Third Reading will be scheduled for the June 15, 2010 Council Meeting

– Ms. Dickerson made a motion for unanimous consent to reaffirm the Public Hearing for the Transportation Sales Tax on June 1st and schedule Third Reading on June 15th.

Mr. Washington made a substitute motion, seconded by Mr. Jackson, to schedule the Public Hearing for the Transportation Sales Tax on June 15th and schedule a Special Called meeting on June 22nd to give this item Third Reading.

<u>For</u>	<u>Against</u>
Malinowski	Pearce
Jackson	Hutchinson
Manning	Jeter
Washington	Livingston
	Dickerson
	Kennedy
	Smith

The substitute motion failed.

The vote on the main motion was unanimous.

From a penny sales tax, take the percent needed for the bus service and divide the remainder by eleven using a priority criteria for each district. A penny sales tax is far different than Hospitality Tax, Property Tax or Accommodation Tax. A penny sales tax is more evenly spent county wide. Each district will have different priorities. Some wider roads some sidewalks, bike path and trails and some dirt roads. Some districts adjoining share the same road and can share the expense for improvement. To give this a chance to pass the citizens have to have a feel of fairness and benefit county wide. Remember there is approximately 33,000 citizens

in each district. Finally the tax should be for eight years giving the citizens a decision if it is worth it to continue for term. [JACKSON & MALINOWSKI]

– This item was referred to Transportation Ad Hoc Committee.

ADJOURNMENT

The meeting adjourned at approximately 8:04 p.m.

Paul Livingston, Chair

Damon Jeter, Vice-Chair

Gwendolyn Davis Kennedy

Joyce Dickerson

Valerie Hutchinson

Norman Jackson

Bill Malinowski

Jim Manning

L. Gregory Pearce, Jr.

Kit Smith

Kelvin E. Washington, Sr.

The minutes were transcribed by Michelle M. Onley

Richland County Council Request of Action

Subject

Zoning Public Hearing: May 25, 2010 [PAGES 18-21]

MINUTES OF



RICHLAND COUNTY COUNCIL ZONING PUBLIC HEARING TUESDAY, MAY 25, 2010 7:00 p.m.

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

MEMBERS PRESENT:

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

OTHERS PRESENT: Michielle Cannon-Finch, Anna Almeida, Amelia Linder, Tommy DeLage, Brian Cook, Geo Price, Suzie Haynes, Milton Pope, Sparty Hammett, Stephany Snowden, Jennifer Dowden, Tamara King, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 7:08 p.m.

ADDITIONS/DELETIONS TO AGENDA

Ms. Almeida stated that the items listed under Other Business should be deferred until the June Zoning Public Hearing.

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

MAP AMENDMENTS

10-08MA, Bierer & Associates, Inc., Larkin Ellzey, RU to OI (2.20 Acres), 18000-02-82(p), 11142 Wilson Blvd.

Mr. Livingston opened the floor to the public hearing.

Mr. Hud McLean and Mr. Larkin Ellzey spoke in favor of this item.

The floor to the public hearing was closed.

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

10-09MA, 1539 Horseshoe Lodging, LLC, Ernest W. Cromartie, III, GC to RM-HD (4.86 Acres), 17011-08-06, 1539 Horseshoe Dr.

Mr. Livingston opened the floor to the public hearing.

Mr. Ernest W. Cromartie, III; Dr. David Swinton, Ms. Imogene Clarke, Mr. Kenith Belton, Ms. Thelma Salmond, Ms. Bridgette Jones, and Mr. Robert Squirewell spoke in favor of this item.

Rev. James Cooper, Ms. Bernice Skinner, Mr. Eric Locklear, Mr. Desmond Meade, Mr. Harry Reed, Ms. Debbie VanGelder, Ms. Joy Jay, Dr. Carrie Orpilla, Mr. Lewis Turner, Mr. Miguel Santana, Mr. Nathaniel Robeson, Mr. Andrew Walker, and Mr. John Butler spoke against this item.

The floor to the public hearing was closed.

Mr. Jeter introduced a text amendment that would allow dormitories in the GC zoning district with special requirements as an alternative to the map amendment.

Ms. Smith moved, seconded by Ms. Dickerson, to unanimously give First Reading approval to the text amendment; however, if the vote is not unanimous the text amendment will be forwarded to the June Planning Commission meeting and be placed on the June Zoning Public Hearing agenda. A discussion took place.

Ms. Kennedy made a substitute motion, seconded by Ms. Hutchinson, to uphold the Planning Commission recommendation and to deny zoning of the property for dormitory use. A discussion took place.

Ms. Smith made a second substitute motion, seconded by Ms. Dickerson, to defer action on the map amendment until the June Zoning Public Hearing. The vote was in favor.

The vote was in favor of the main motion; therefore, the text amendment will be forwarded to the June Planning Commission meeting.

10-10MA, Wells Fargo F.K.A. Wachovia N.A., Charles Salley, RU/OI to LI (12.6 Acres), 06013-01-01, 1600 Browning Rd.

Mr. Livingston opened the floor to the public hearing.

No one signed up to speak.

The floor to the public hearing was closed.

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

10-11MA, Wateree Retreat Center, Allen House, RU to PDD (43.9 Acres), 27300-07-11, 2350 Clarkson Road

Mr. Livingston opened the floor to the public hearing.

No one signed up to speak.

The floor to the public hearing was closed.

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

TEXT AMENDMENTS

**An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General Development, Site and Performance Standards; Section 26-177, Lighting Standards; Subsection (B); Paragraphs (1) and (5); so as to increase maximum lumens under certain circumstances
[SECOND READING]**

Mr. Livingston opened the floor to the public hearing.

No one signed up to speak.

The floor to the public hearing was closed.

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

OTHER BUSINESS

Dedicating Land for Parks & Greenways – Ms. Dickerson moved, seconded by Mr. Malinowski, to defer this item. The vote in favor was unanimous.

Does Council want staff to move forward with a proposal on implementing incentive based zoning? – Ms. Dickerson moved, seconded by Mr. Malinowski, to defer this item. The vote in favor was unanimous.

ADJOURNMENT

The meeting adjourned at approximately 8:45 p.m.

Submitted respectfully by,

Paul Livingston
Chair

The minutes were transcribed by Michelle M. Onley

Richland County Council Request of Action

Subject

- a. Personnel Matter

Richland County Council Request of Action

Subject

For Items on the Agenda Not Requiring a Public Hearing

Richland County Council Request of Action

Subject

- a. June - Homeownership Month
- b. Project Pet Update
- c. Farmers' Market Joint Resolution Update
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- f. Ridgewood Housing Contract Notification
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An Ordinance Amending the Fiscal Year 2009-2010 General Fund Annual Budget to appropriate \$500,000 of Undesignated General Fund Balance to the Risk Management Department's budget to pay for liability and worker's compensation claims **[THIRD READING] [PAGES 28-29]**

Notes

April 27, 2010 - The committee recommended that Council approve the budget amendment with funding to come from the General Fund fund balance. The vote in favor was unanimous.

First Reading: May 4, 2010
Second Reading: May 18, 2010
Third Reading:
Public Hearing:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. __-10HR

AN ORDINANCE AMENDING THE FISCAL YEAR 2009-2010 GENERAL FUND ANNUAL BUDGET TO APPROPRIATE \$500,000 OF UNDESIGNATED GENERAL FUND BALANCE TO THE RISK MANAGEMENT DEPARTMENT'S BUDGET TO PAY FOR LIABILITY AND WORKER'S COMPENSATION CLAIMS.

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

SECTION I. That the amount of five hundred thousand dollars (\$500,000) be appropriated to the Fiscal Year 2009-2010 Risk Management Department budget for liability and worker's compensation claim expenditures. Therefore, the Fiscal Year 2009-2010 General Fund Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2009 as amended:	\$ 137,188,215
Appropriation of General Fund Undesignated Fund Balance:	\$ <u>500,000</u>
Total General Fund Revenue as Amended:	\$ 137,688,215

EXPENDITURES

Expenditures appropriated July 1, 2009 as amended:	\$ 137,188,215
Increase to Risk Management Department budget:	\$ <u>500,000</u>
Total General Fund Expenditures as Amended:	\$ 137,688,215

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

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

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

RICHLAND COUNTY COUNCIL

Item# 8

Attachment number 1
Page 1 of 2

BY: _____
Paul Livingston, Chair

ATTEST THIS THE ____ DAY

OF _____, 2010

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

Richland County Council Request of Action

Subject

An Ordinance Amending the Fiscal Year 2009-2010 General Fund Annual Budget to appropriate \$34,950 of additional miscellaneous revenue and \$11,487 of Undesignated General Fund Balance to the Sheriff's Department's budget to pay for the replacement of damaged vehicles **[THIRD READING] [PAGES 31-32]**

Notes

April 27, 2010 - The committee forwarded this item to Council without a recommendation. The committee provided the County Administrator flexibility to adjust the numbers prior to presenting this item to Council. The vote in favor was unanimous.

First Reading: May 4, 2010
Second Reading: May 18, 2010
Third Reading:
Public Hearing:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. __-10HR

AN ORDINANCE AMENDING THE FISCAL YEAR 2009-2010 GENERAL FUND ANNUAL BUDGET TO APPROPRIATE \$34,950 OF ADDITIONAL MISCELLANEOUS REVENUE AND \$11,487 OF UNDESIGNATED GENERAL FUND BALANCE TO THE SHERIFF'S DEPARTMENT'S BUDGET TO PAY FOR THE REPLACEMENT OF DAMAGED VEHICLES.

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

SECTION I. That the amount of forty six thousand four hundred thirty seven dollars (\$46,437) be appropriated to the Fiscal Year 2009-2010 Sheriff's Department budget for the replacement of damaged vehicles. Therefore, the Fiscal Year 2009-2010 General Fund Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2009 as amended:	\$ 137,688,215
Appropriation of Additional Miscellaneous Revenue:	\$ 34,950
Appropriation of General Fund Undesignated Fund Balance:	\$ <u>11,487</u>
Total General Fund Revenue as Amended:	\$ 137,734,652

EXPENDITURES

Expenditures appropriated July 1, 2009 as amended:	\$ 137,688,215
Increase to Sheriff's Department budget:	\$ <u>46,437</u>
Total General Fund Expenditures as Amended:	\$ 137,734,652

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

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

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

RICHLAND COUNTY COUNCIL

Item# 9

Attachment number 1
Page 1 of 2

BY: _____
Paul Livingston, Chair

ATTEST THIS THE _____ DAY

OF _____, 2010

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

Richland County Council Request of Action

Subject

An Ordinance Amending the Fiscal Year 2009-2010 Victim's Assistance Fund Annual Budget and General Fund Annual Budget to appropriate \$50,000 of Undesignated Fund Balance from the General Fund to the Victim's Assistance Fund for the anticipated revenue shortfall **[THIRD READING] [PAGES 34-35]**

Notes

April 27, 2010 - The committee forwarded this item to Council without a recommendation. The committee requested that Sheriff Department staff appear before Council to further explain this request. The vote in favor was unanimous.

First Reading: May 4, 2010

Second Reading: May 18, 2010

Third Reading:

Public Hearing:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. __-10HR

AN ORDINANCE AMENDING THE FISCAL YEAR 2009-2010 VICTIM'S ASSISTANCE FUND ANNUAL BUDGET AND GENERAL FUND ANNUAL BUDGET TO APPROPRIATE \$50,000 OF UNDESIGNATED FUND BALANCE FROM THE GENERAL FUND TO THE VICTIM'S ASSISTANCE FUND FOR THE ANTICIPATED REVENUE SHORTFALL.

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

SECTION I. That the amount of fifty thousand (\$50,000) be appropriated from the Fiscal Year 2009-2010 General Fund to the Fiscal Year 2009-2010 Victim's Assistance Fund for the anticipated revenue shortfall. Therefore, the Fiscal Year 2009-2010 General Fund Budget and Victim's Assistance Fund Budget are hereby amended as follows:

VICTIM'S ASSISTANCE:
REVENUE

Revenue appropriated July 1, 2009 as amended:	\$ 1,049,213
Reduction in Victim's Assistance Revenue:	(50,000)
Transfer In from General Fund:	<u>50,000</u>
Total Victim's Assistance Fund Revenue as Amended:	\$ 1,049,213

EXPENDITURES

Expenditures appropriated July 1, 2009 as amended:	\$ 1,049,213
Increase to Victim's Assistance Expenditure Budget:	<u>0</u>
Total Victim's Assistance Fund Expenditures as Amended:	\$ 1,049,213

GENERAL FUND:
REVENUE

Revenue appropriated July 1, 2009 as amended:	\$ 136,793,215
Appropriation of Undesignated Fund Balance:	<u>50,000</u>
Total General Fund Revenue as Amended:	\$ 136,843,215

EXPENDITURES

Expenditures appropriated July 1, 2009 as amended:	\$ 136,793,215
Increase in Transfer Out to Victim's Assistance Fund:	<u>50,000</u>
Total General Fund Expenditures as Amended:	\$ 136,843,215

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

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

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

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE _____ DAY

OF _____, 2010

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

Richland County Council Request of Action

Subject

An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site and Performance Standards; Section 26-177, Lighting Standards; Subsection (B); Paragraphs (1) and (5); so as to increase maximum lumens under certain circumstances **[THIRD READING]**
[PAGES 37-38]

Notes

April 27, 2010 - The committee recommended that Council approve the ordinance amending Section 26-177, Lighting Standards; Subsection (b), Standards; Paragraphs (1) d. and (5). The committee also directed staff to look at business hours as to when businesses should reduce lighting especially around neighborhoods. The vote in favor was unanimous.

First Reading: May 4, 2010
Second Reading: May 25, 2010
Third Reading:
Public Hearing: May 25, 2010

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-10HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE VII, GENERAL DEVELOPMENT, SITE AND PERFORMANCE STANDARDS; SECTION 26-177, LIGHTING STANDARDS; SUBSECTION (B); PARAGRAPHS (1) AND (5); SO AS TO INCREASE MAXIMUM LUMENS UNDER CERTAIN CIRCUMSTANCES.

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

SECTION I. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General Development, Site and Performance Standards; Section 26-177, Lighting Standards; Subsection (b), Standards; Paragraph (1), Requirements for all zoning categories and applications; Subparagraph d.; is hereby amended to read as follows:

- d. Illumination from any luminaire at property lines shall not exceed .1 horizontal or .1 vertical foot-candles; provided, however, outdoor retail uses shall not exceed an average of 2.5 horizontal and/or vertical foot-candles.

SECTION II. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General Development, Site and Performance Standards; Section 26-177, Lighting Standards; Subsection (b), Standards; Paragraph (5), Outdoor Retail; is hereby amended to read as follows:

(5) Outdoor Retail.

- a. The maximum lighting per acre is ~~650,000~~ 1.3 million lumens per acre for business hours and ~~180,000~~ 150,000 lumens per acre for security/non-business hours; provided, however, for a business that abuts a residential district, non-business hours shall mean between the hours of 10 p.m. and 7:00 a.m.
- b. Luminaries shall not exceed twenty-four (24) feet in height.
- c. Full-power lighting shall be reduced within thirty (30) minutes after the end of business hours. Auto display areas may be illuminated, but at security levels.

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

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

SECTION V. Effective Date. This ordinance shall be enforced from and after _____, 2010.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE ____ DAY

OF _____, 2010.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: May 4, 2010
Public Hearing: May 25, 2010
Second Reading: May 25, 2010
Third Reading: June 1, 2010 (tentative)

Richland County Council Request of Action

Subject

10-08MA
Bierer & Associates, Inc.
Larkin Ellzey
RU to OI (2.20 Acres)
18000-02-82(p)
11142 Wilson Blvd. **[SECOND READING] [PAGES 40-41]**

Notes

First Reading: May 25, 2010
Second Reading:
Third Reading:
Public Hearing: May 25, 2010

STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ___-10HR

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 A PORTION OF THE REAL PROPERTY DESCRIBED AS TMS # 18000-02-82 FROM RU (RURAL DISTRICT) TO OI (OFFICE AND INSTITUTIONAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change a portion of the real property described as TMS # 18000-02-82 from RU (Rural Density District) zoning to OI (Office and Institutional District) zoning, as reflected on Exhibit "A", which is attached hereto.

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

Section III. Conflicting Ordinances. 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 _____, 2010.

RICHLAND COUNTY COUNCIL

By: _____
Paul Livingston, Chair

Attest this _____ day of
_____, 2010.

Michielle R. Cannon-Finch
Clerk of Council

Public Hearing: May 25, 2010
First Reading: May 25, 2010
Second Reading: June 1, 2010 (tentative)
Third Reading:

Exhibit "A"

METES AND BOUNDS DESCRIPTION

Portion of Richland County TMS 18000-02-82, 2.20 acres (net) and 2.88 acres (gross) with 0.68 acres in R/O/W) and located on U.S. Highway 21, Columbia, Richland County, South Carolina.

All that tract of land, with improvements thereon, lying and being in the County of Richland, State of South Carolina, and described on that Plat of Boundary Survey prepared for Bierer & Associates, Inc., prepared by Chris Knight, PLS, Dennis Corporation, dated February 12, 2010 and recorded March 26, 2010 in the Office of the Register of Deeds for Richland County, South Carolina in Plat Book 1595, at page 1260. More particularly described as follows:

Beginning at the intersection of U.S. Highway 21 (a 75 foot right-of-way) and Pineview Church Road and running in a southeasterly direction along U.S. Highway 21 approximately 900 feet to a point located in the centerline of U.S. Highway 21, said point being the Point and Place of Beginning; thence turning and running in a northeasterly direction along Parcel "A" N88°44'28"E a distance of 220.10 feet to a No. 5 Rebar set; thence N88°44'28"E a distance of 117.99 feet to a point; thence turning and running in a southeasterly direction along Norfolk Southern Railway right of way S04°20'16"E a distance of 275.78 feet to a point; thence turning and running in a southwesterly direction along property n/f Branham Lumber Company S86°15'56"W a distance of 65.10 feet to an existing No. 6 Rebar; thence S86°15'56"W a distance of 388.85 feet to an existing No. 6 Rebar; thence S86°15'56"W a distance of 42.59 feet to a point; thence turning and running in a northeasterly direction along U.S. Highway 21 N19°12'56"E a distance of 43.48 feet to a pk nail; thence N16°54'47"E a distance of 99.97 feet to a pk nail; thence N15°12'48"E a distance of 99.63 feet to a pk nail; thence N13°12'03"E a distance of 67.71 to a point, said point being the Point and Place of Beginning.

Richland County Council Request of Action

Subject

10-10MA
Wells Fargo f/k/a Wachovia N. A.
Charles Salley
RU/OI to LI (12.6 Acres)
06013-01-01
1600 Browning Rd. **[SECOND READING] [PAGE 43]**

Notes

First Reading: May 25, 2010
Second Reading:
Third Reading:
Public Hearing: May 25, 2010

STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ____-10HR

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 # 06013-01-01 FROM RU (RURAL DISTRICT) AND OI (OFFICE AND INSTITUTIONAL DISTRICT) TO LI (LIGHT INDUSTRIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 06013-01-01 from RU (Rural Density District) and OI (Office and Institutional District) to LI (Light Industrial District) 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. 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 _____, 2010.

RICHLAND COUNTY COUNCIL

By: _____
Paul Livingston, Chair

Attest this _____ day of
_____, 2010.

Michielle R. Cannon-Finch
Clerk of Council

Public Hearing: May 25, 2010
First Reading: May 25, 2010
Second Reading: June 1, 2010 (tentative)
Third Reading:

Richland County Council Request of Action

Subject

10-11MA
Wateree Retreat Center
Allen House
RU to PDD (43.9 Acres)
27300-07-11
2350 Clarkson Road [**SECOND READING**] [**PAGES 45-47**]

Notes

First Reading: May 25, 2010
Second Reading:
Third Reading:
Public Hearing: May 25, 2010

STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ____-10HR

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 # 27300-07-11 FROM RU (RURAL DISTRICT) TO PDD (PLANNED DEVELOPMENT DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the property described as TMS # 27300-07-11 from RU (Rural District) zoning to a PDD (Planned Development District) zoning, as described herein.

Section II. PDD Site Development Requirements. The following site development requirements shall apply to the subject parcels:

- a) The applicant shall comply with the Master Plan (dated September 10, 2008, revised March 16, 2010) prepared for Wateree Retreat Center by Pace Engineering Consultants, Inc., which was submitted to, and is on file in, the Richland County Planning & Development Services Department (hereinafter referred to as "PDSB"), and is incorporated herein by reference, except as otherwise amended herein; and
- b) The site development, as referenced on Exhibit "A" (which is attached hereto), shall be limited to:
 1. In Phase 1: Seven (7) cabins, with a total of 20,400 square feet; and
 2. In Phase 2: A family life center, with a maximum of 10,500 square feet; and a 3,000 square foot maintenance building; and
 3. In Phase 3: An assisted living facility, with a maximum of 17,000 square feet; and
- c) A maximum of three hundred ninety-four (394) parking spaces shall be allowed; and
- d) A traffic impact assessment shall be submitted at the time of major subdivision or major land development submission if such is required by the PDSB; and
- e) Unless otherwise provided herein, all development shall conform to all current relevant land development regulations; and
- f) All development shall meet or exceed the minimum standards of Chapter 26 of the Richland County Code of Ordinances for landscaping, parking, and pedestrian standards; and
- g) The applicant shall dedicate additional right-of-way to Richland County along Clarkson Road if warranted by the South Carolina Department of Transportation (SCDOT); proof of which is required to be submitted prior to recording any bonded plats or receiving land development approval for the project; and
- h) All internal streets beyond the on-site guard house and gate shall be privately owned; and

- i) Access to the subject site shall be limited to one (1) curb cut along Clarkson Road, as shown on Exhibit “A”, and shall be designed and constructed to “American Association of State Highway and Transportation Officials” (AASHTO) standards; and
- j) If applicable, prior to approval of the preliminary subdivision plans, the applicant shall submit to the PDSO written evidence of:
 - a. The U.S. Army Corps of Engineers’ approval of the wetlands delineation and/or encroachment permit, and
 - b. FEMA’s approval of the 100 year flood elevation statement; and
- k) The applicant shall consider utilizing “Low Impact Design (LID)” or other acceptable stormwater management technologies; and
- l) Richland County shall not be responsible for the enforcement of any deed restrictions imposed by the applicant, the developer, or their successors in interest; and
- m) All site development requirements described above shall apply to the applicant, the developer, and/or their successors in interest; and

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

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

Section V. Effective Date. This ordinance shall be effective from and after _____, 2010.

RICHLAND COUNTY COUNCIL

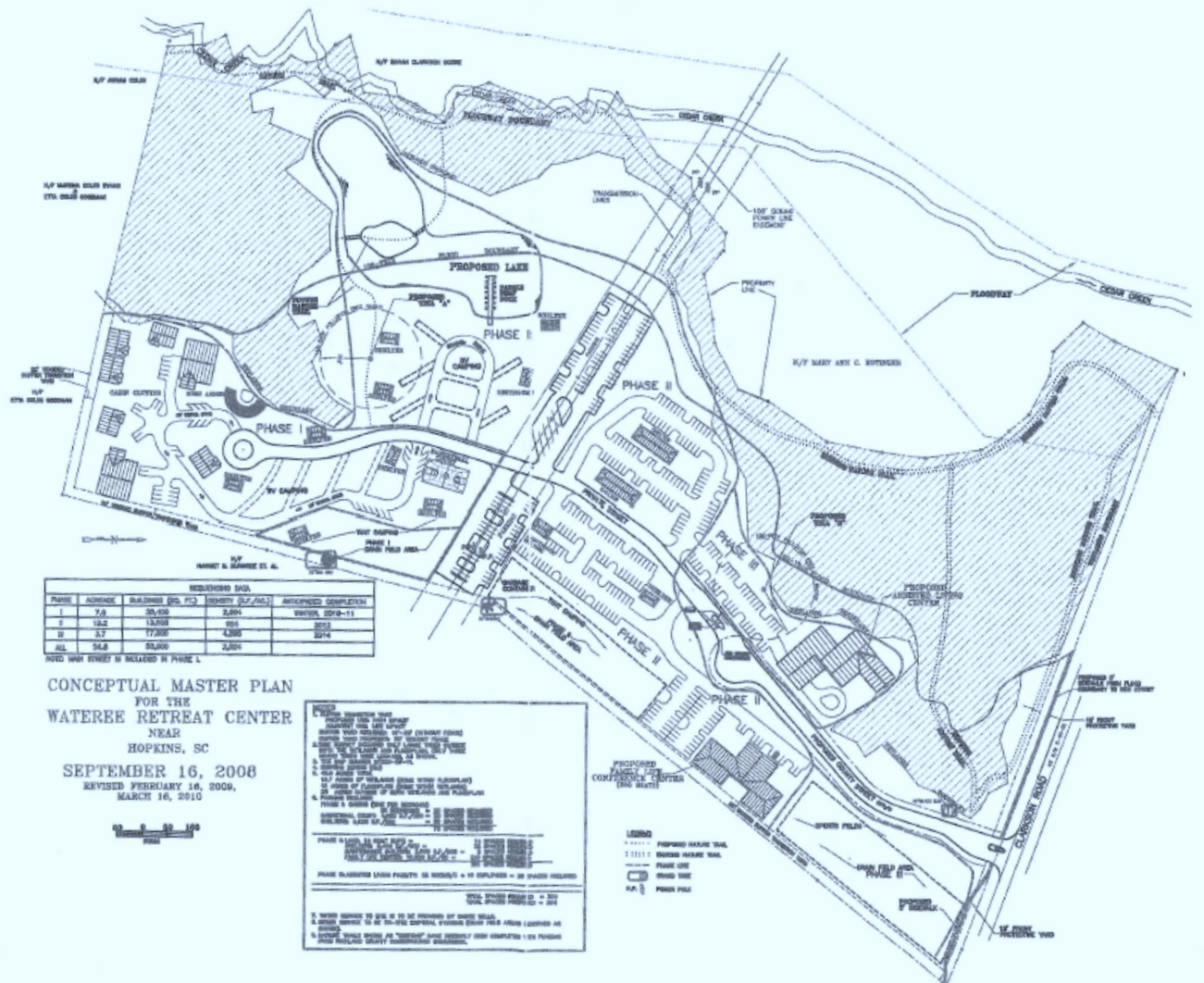
By: _____
Paul Livingston, Chair

Attest this _____ day of
_____, 2010.

Michielle R. Cannon-Finch
Clerk of Council

Public Hearing: May 25, 2010
First Reading: May 25, 2010
Second Reading: June 1, 2010 (tentative)
Third Reading:

Exhibit "A"



RESOURCES DATA				
PHASE	ADJACENT	ADJACENT TO P23	ADJACENT TO P24	ADJACENT TO P25
I	7.0	30,450	2,800	2013
II	12.2	13,800	800	2014
III	5.7	17,000	4,200	2014
TOTAL	24.9	61,250	7,800	2,027

CONCEPTUAL MASTER PLAN
FOR THE
WATERBE RETREAT CENTER
NEAR
HOPKINS, SC
SEPTEMBER 16, 2008
REVISED FEBRUARY 16, 2009,
MARCH 16, 2010

NOTES:
1. THIS CONCEPTUAL MASTER PLAN IS A PRELIMINARY DESIGN AND SHOULD NOT BE USED FOR CONSTRUCTION OR FOR ANY OTHER PURPOSE.
2. THE DESIGN OF THIS PROJECT IS SUBJECT TO THE APPROVAL OF THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION AND PUBLIC SAFETY.
3. THE DESIGN OF THIS PROJECT IS SUBJECT TO THE APPROVAL OF THE SOUTH CAROLINA DEPARTMENT OF ENVIRONMENTAL AND NATURAL RESOURCES.
4. THE DESIGN OF THIS PROJECT IS SUBJECT TO THE APPROVAL OF THE SOUTH CAROLINA DEPARTMENT OF HEALTH AND SOCIAL SERVICES.
5. THE DESIGN OF THIS PROJECT IS SUBJECT TO THE APPROVAL OF THE SOUTH CAROLINA DEPARTMENT OF AGRICULTURE.
6. THE DESIGN OF THIS PROJECT IS SUBJECT TO THE APPROVAL OF THE SOUTH CAROLINA DEPARTMENT OF LABOR.
7. THE DESIGN OF THIS PROJECT IS SUBJECT TO THE APPROVAL OF THE SOUTH CAROLINA DEPARTMENT OF REVENUE.
8. THE DESIGN OF THIS PROJECT IS SUBJECT TO THE APPROVAL OF THE SOUTH CAROLINA DEPARTMENT OF SOCIAL SERVICES.
9. THE DESIGN OF THIS PROJECT IS SUBJECT TO THE APPROVAL OF THE SOUTH CAROLINA DEPARTMENT OF EDUCATION.
10. THE DESIGN OF THIS PROJECT IS SUBJECT TO THE APPROVAL OF THE SOUTH CAROLINA DEPARTMENT OF CORRECTIONS.
11. THE DESIGN OF THIS PROJECT IS SUBJECT TO THE APPROVAL OF THE SOUTH CAROLINA DEPARTMENT OF TROOP AFFAIRS.
12. THE DESIGN OF THIS PROJECT IS SUBJECT TO THE APPROVAL OF THE SOUTH CAROLINA DEPARTMENT OF TOURISM.
13. THE DESIGN OF THIS PROJECT IS SUBJECT TO THE APPROVAL OF THE SOUTH CAROLINA DEPARTMENT OF WILDLIFE AND MARINE RESOURCES.
14. THE DESIGN OF THIS PROJECT IS SUBJECT TO THE APPROVAL OF THE SOUTH CAROLINA DEPARTMENT OF FORESTRY.
15. THE DESIGN OF THIS PROJECT IS SUBJECT TO THE APPROVAL OF THE SOUTH CAROLINA DEPARTMENT OF PARKS AND RECREATION.
16. THE DESIGN OF THIS PROJECT IS SUBJECT TO THE APPROVAL OF THE SOUTH CAROLINA DEPARTMENT OF CULTURAL AFFAIRS.
17. THE DESIGN OF THIS PROJECT IS SUBJECT TO THE APPROVAL OF THE SOUTH CAROLINA DEPARTMENT OF ARCHIVES AND HISTORIC PRESERVATION.
18. THE DESIGN OF THIS PROJECT IS SUBJECT TO THE APPROVAL OF THE SOUTH CAROLINA DEPARTMENT OF LIBRARIES AND ARCHIVES.
19. THE DESIGN OF THIS PROJECT IS SUBJECT TO THE APPROVAL OF THE SOUTH CAROLINA DEPARTMENT OF ARCHIVES AND HISTORIC PRESERVATION.
20. THE DESIGN OF THIS PROJECT IS SUBJECT TO THE APPROVAL OF THE SOUTH CAROLINA DEPARTMENT OF LIBRARIES AND ARCHIVES.

Richland County Council Request of Action

Subject

Blue Lights can only be used by Law Enforcement and approved Emergency Vehicles [PAGES 49-50] [*Forwarded from D&S Committee*]

Notes

May 25, 2010: The committee recommended that Council direct the County Administrator or his designee to send a letter to law enforcement in Richland County urging them to enforce State law that blue lights only be used by law enforcement personnel and approved emergency vehicles. The vote in favor was unanimous.

Richland County Council Request of Action

Subject: Motion urging enforcement of blue light laws

A. Purpose

Council is requested to consider the motion made at the April 20, 2010 Council Meeting, and direct staff as appropriate.

B. Background / Discussion

The following motion was made at the April 20, 2010 Council Meeting by Councilman Jackson:

Blue lights can only be used on Law Enforcement and approved emergency vehicles, per State Law. There are a lot of vehicles, cars and bikes equipped or fitted with blue lights. A motion urging law enforcement to enforce the law. [Jackson]: Forwarded to the May D&S Committee.

It is at this time that staff is requesting direction from Council with regards to this motion.

C. Financial Impact

There is no known financial impact associated with this request at this time.

D. Alternatives

1. Approve the motion and direct staff as appropriate.

2. Do not approve the motion.

E. Recommendation

Council discretion.

F. Reviews

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

Finance

Reviewed by: Daniel Driggers

Date:

Recommend Approval

Recommend Denial

No Recommendation

Comments: Council discretion

Legal

Reviewed by: Larry Smith

Date:

- Recommend Approval
- Recommend Denial
- No Recommendation

Comments: Council discretion

Sheriff's Department

Reviewed by: Chief Dan Johnson

Date: 5/17/10

- Recommend Council approval
- Recommend Council denial

Comments regarding recommendation: We have not been made aware of any specific issue. The Sheriff's Department works very hard to enforce all state laws and local laws. We make arrests where there is probable cause not by resolution.....

Administration

Reviewed by: J. Milton Pope

Date: 5-18-10

- Recommend Approval
- Recommend Denial
- No Recommendation

Comments: This issue is a law enforcement issue/matter and should be forwarded to the Richland County Sherriff's Department.

Richland County Council Request of Action

Subject

Construction Services for Lake Elizabeth Phase III Cumbess Creek Water Quality Capital Improvement Project
[PAGES 52-54] [Forwarded from D&S Committee]

Notes

May 25, 2010: The committee recommended that Council approve the award of the construction services contract to the most responsive bidder (pending recommendation) from Richland County Dept. of Public Works Roads and Drainage Division FY10 adjusted budget. The vote in favor was unanimous.

Richland County Council Request of Action

Subject: Award of Construction Services for Lake Elizabeth Phase III Cumbess Creek Water Quality Capital Improvement Project to the most responsive bidder from Richland County Department of Public Works Roads & Drainage Division Budget

A. Purpose

"County Council is requested to approve the award of construction services for Lake Elizabeth Phase III Cumbess Creek Water Quality Capital Improvement Project to the most responsive bidder from Richland County Department of Public Works Roads & Drainage Division FY10 adjusted budget."

B. Background / Discussion

The Lake Elizabeth Phase III Cumbess Creek Water Quality Capital Improvement Project is being performed by the Department of Public Works Stormwater Management in an effort to improve water quality of stormwater runoff discharged from properties off Farrow Road. This runoff is discharged to Cumbess Creek which is Crane Creek watershed. The project is part of the implementation of the Lake Elizabeth Concept Study that was completed recently and per County's effort to improve water quality in Carne Creek Watershed.

Lake Elizabeth Phase III Cumbess Creek Water Quality Capital Improvement Project includes retrofitting existing storm drainage system with water quality units at three identified locations. The installed units shall treat stormwater before it is discharged in Cumbess Creek. All work on the project is expected to a complete within 45 consecutive calendar days from the date of Notice to Proceed.

All of the necessary requirements applicable to the project such as permits, easements, utilities co-ordination, design and drawings, contract documents, specifications, are satisfactorily addressed. Bids will be solicited for the project construction services from the qualified contractors on April 30, 2010 with a due date of June 03, 2010 at 2.00p.m. A pre-bid conference is scheduled for May 20, 2010 at 10:00a.m. The received bids will be evaluated, and the most responsive bidder along with bid cost will be recommended to the Council appropriately.

C. Financial Impact

The Engineer's total estimated construction cost for the project is \$119,500.00. The Public Work's Roads & Drainage Division has entire funding available for this project in its FY10 adjusted budget. Council approval is needed in authorizing the award of contract to the most responsive bidder. It is to be noted that, the actual bids may come higher/lower than engineer's estimated cost of the project.

Item	Cost in Dollars
Engineer's Estimated Project Construction Cost for Lake Elizabeth Phase I CIP	\$119,500.00
Contingencies	\$17,944.00
Total Estimated Project Construction Cost	\$ 137,444.00

D. Alternatives

1. Approve the request in full, and exactly as presented by the Department of Public Works.
Reason: The request involves no new financial impacts and is funded wholly in FY10 adjusted budget. This project will help in improving water quality in the region and Crane Creek watershed as a whole. The project is well in-line with planned Stormwater Management's Capital Improvement Project (CIP) program.
2. Do not approve the recommendations, and send it back to the Department of Public Works.
Consequences: No contract for construction services which either stalls or delays the implementation of capital improvement project.

E. Recommendation

"It is recommended that Council approve the award of construction services contract for Lake Elizabeth Phase III Cumbess Creek Water Quality Capital Improvement Project to the most responsive bidder (pending recommendation) from Richland County Department of Public Works Roads & Drainage Division FY10 adjusted budget. The name of the recommended responsive bidder/firm for the project and project bid cost will be presented to the Council appropriately at that time"

Recommended by: David Hoops, P.E., DPW Director
Srinivas Valavala, DPW Stormwater Manager

Department: Public Works

Date: 04/26/2010

F. Reviews

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

Finance

Reviewed by Daniel Driggers:

Date: 5/3/10

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Procurement

Reviewed by: Rodolfo Callwood
 Recommend Council approval

Date: 5/3/2010
 Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Larry Smith
 Recommend Council approval
Comments regarding recommendation:

Date:
 Recommend Council denial

Administration

Reviewed by: Sparty Hammett
 Recommend Council approval
Comments regarding recommendation:

Date: 5/7/10
 Recommend Council denial

Richland County Council Request of Action

Subject

Determining the County's true priority investment areas [**PAGES 56-57**] [*Forwarded from D&S Committee*]

Notes

May 25, 2010: The committee recommended that Council direct staff to work with Council in determining what the County's true priority investment areas should be and then update the Comprehensive Plan by listing them. The vote in favor was unanimous.

Richland County Council Request for Action

Subject: Determining the County's true priority investment areas

A. Purpose

County Council is requested to consider a motion that directs staff to determine what the County's true priority investment areas should be and to update the current Comprehensive Plan with same.

B. Background / Discussion

On April 6, 2010, a motion was made by the Honorable Bill Malinowski, as follows:

“To have Council and staff determine what Richland County's true priority investment areas should be and to update the current land use plan by listing them.”

County Council forwarded this motion to the April D&S Committee for consideration and recommendation.

* Note: This would amend the County's Comprehensive Plan, not the County's Land Development Code.

C. Financial Impact

None.

D. Alternatives

1. Direct staff to work with Council in determining what the County's true priority investment areas should be and then update the Comprehensive Plan by listing them.
2. Do not direct staff to work with Council in determining what the County's true priority investment areas should be.

E. Recommendation

This request is at Council's discretion.

Recommended by: Honorable Bill Malinowski

Date: April 6, 2010

F. Approvals

Finance

Reviewed by: Daniel Driggers

Date: 4/15/10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: No recommendation

Legal

Reviewed by: Larry Smith

Date: 4/15/10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council discretion

Administration

Reviewed by: Sparty Hammett

Date: 4/15/10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: No recommendation – Council discretion.

Richland County Council Request of Action

Subject

Eliminate the requirement of obtaining a building permit for roofing, siding, and replacement of windows and exterior doors **[PAGES 59-60]** *[Forwarded from D&S Committee]*

Notes

May 25, 2010: The committee recommended that Council approve the ordinance as amended to indicate that: " Provided, however, no permit shall be required to replace a window or door when such replacement does not affect the structural integrity of the structure and when the replacement work is done directly by the owner of the structure." The vote in favor was unanimous.

AMENDED

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-10HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS; ARTICLE II, ADMINISTRATION; DIVISION 3, PERMITS, INSPECTION AND CERTIFICATE OF APPROVAL; SECTION 6-43, PERMITS REQUIRED/EXCEPTION; SO AS TO NOT REQUIRE PERMITS FOR COSMETIC OR MAINTENANCE PURPOSES AS LISTED BY THE 2006 INTERNATIONAL RESIDENTIAL CODE.

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 6, Buildings and Building Regulations; Article II, Administration; Division 3, Permits, Inspection and Certificate of Approval; Section 6-43; Permits Required/Exception; Subsection (a); is hereby amended to read as follows:

(a) No person shall construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure, or installation of electrical, gas, or plumbing equipment or other apparatus regulated by this chapter without first obtaining from the building official a separate permit for each such building, structure, or installation. One (1) copy of the required permit shall be forwarded to the county assessor within ten (10) days after issuance. A building, structure, or installation may contain one or more units. Provided, however, no permit shall be required to replace a window or door when such replacement does not affect the structural integrity of the structure and when the replacement work is done directly by the owner of the structure.

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

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

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

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

AMENDED

ATTEST THIS THE ____ DAY

OF _____, 2010

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: June 1, 2010 (tentative)
Second Reading:
Public Hearing:
Third Reading:

Richland County Council Request of Action

Subject

Haynes Property Conservation Easement [**PAGES 62-74**] [*Forwarded from D&S Committee*]

Notes

May 25, 2010: The committee recommended that Council approve the request to accept the conservation easement on 70 acres owned by C.W. Haynes. The vote in favor was unanimous.

Richland County Council Request of Action

Subject: Haynes Property Conservation Easement

A. Purpose

County Council is requested by the Conservation Commission to accept a conservation easement donation with fair compensation on 70 acres in Lower Richland County in order to protect valuable natural resources, wetlands, floodplains, water quality, and preserve valuable open space.

B. Background / Discussion

Mr. C. W. Haynes, Columbia, SC 29204, has made a formal application to the Conservation Commission to help protect this valuable property for conservation purposes, natural resources, wildlife, and maintain the rural integrity of the landscape. This land is currently managed for forestry, wildlife, and scenic open space. The property is a critical segment of the Cabin Creek Watershed floodplain and buffer corridor. The property faces development pressures to be converted to high density home units. The property is located in County Council District #10 where extensive ecological areas are critical. Mr. Haynes would like to contribute to a new conservation image for the Hopkins community. We salute his donation and conservation values. The cemetery parcel is owned by a local church and not a part of this conservation agreement. The waste treatment area is owned by the landowner and not part of the conservation easement area.

C. Financial Impact- Compensation \$70,000

The Conservation Commission voted unanimously to make this easement request to County Council as a private donation for tax benefits and fair compensation. The Conservation Commission recommends \$1000 per acre of current year funds be used for easement acquisition. The landowner is donating a large percentage of the appraised easement value of which some may be captured by tax incentives. The land value based on a recent appraisal is \$365,000. We consider this agreement to be beneficial to both parties and it meets the goals of Richland County in a true volunteer partnership. The indirect benefits and cost to Richland County will be less storm water issues, improved water quality, and preserving floodplains, protecting wetlands, and wildlife habitat and gaining valuable green space.

D. Alternatives

1. **Approve the request** to accept the conservation easement in perpetuity to protect valuable natural resources and preserve green space for all citizens. Accepting this easement benefits our communities and sets an example of volunteer partnership with landowners.
2. Do not approve will allow high density development, reduce green space, remove wildlife habitat, and change our rural landscape character forever.

E. Recommendation

"It is recommended that Council approve the request to accept this conservation easement on 70 acres owned by C. W. Haynes.

Recommended by:	Department:	Date:
Carol Kososki, Chair Jim Wilson, Program Manager	Conservation Commission Richland County	3-22-10

F. Reviews

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

Finance

Reviewed by Daniel Driggers:	Date: 5/4/10
✓ Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

Legal

Reviewed by: Larry Smith	Date:
✓ Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

Administration

Reviewed by: Sparty Hammett	Date: 5/4/10
✓ Recommend Council approval	<input type="checkbox"/> Recommend Council denial
Comments regarding recommendation:	

May 2, 2010

CONSERVATION EASEMENT

THIS DEED OF CONSERVATION EASEMENT ("Easement") granted this _____ day of June 2010, by C.W. Haynes ("Grantor"), having an address at _____, Columbia, South Carolina, 29204, to Richland County, ("Grantee").

WITNESSETH:

Grantor is the owner of 70 acres of certain real property in Richland County, South Carolina, more particularly described in Attachment A.

Grantee is a political subdivision of the State of South Carolina and meets the requirements of Section 509(a) (2) of the U.S. Internal Revenue Code Grantee is a "qualified organization," as such terms is defined in Section 170(h) (3) of the Code, and is qualified to hold conservation easements under the laws of the State of South Carolina.

Grantor wishes to convey to Grantee, for conservation purposes, a perpetual restriction on the uses that may be made of the Property.

The grant of this Easement will also serve the following "conservation purposes," as such term is defined in Section 170(h) (4) (A) of the Code:

- . The preservation of open space for the scenic enjoyment of the general public.*
- . The preservation of vital and significant lands of ecological quality formed by the influence of Cabin Creek which feeds Congaree Swamp National Park, whose presence creates substantial habitat for wildlife, flora and fauna.*
- . Preservation of water quality by providing an undeveloped buffer to Cabin Creek, a major water courses of the South Carolina Midlands whose preservation is recommend and designated a top priority of the Richland County Conservation Commission.*
- . The furtherment of the South Carolina Conservation Easement Act, South Carolina Conservation Easement Act of 1991 – S.C.C.A. § 27-8-10 et seq. which authorizes the acquisition of conservation easements by local governments.*

The current use of the Property and its current improvements are consistent with the conservation purposes of this Easement. The agricultural, natural habitat, scenic, open space, or water resources of the Property are collectively referred to herein as the "conservation values" of the Property.

The conservation values of the Property and its current use and state of improvement are described in a Present Condition Report (the "Report") prepared by Grantee with the cooperation of Grantor. Grantor and Grantee have copies of the Report, and acknowledge that the Report is accurate as of the date of this Easement. The Report may be used by Grantee to establish that a change in the use or character of the Property has occurred, but its existence shall not preclude the use by Grantee of other evidence to establish the condition of the Property as of the date of this Easement.

Grantor intends that the conservation values of the Property be preserved and maintained, and Grantor intends to convey to Grantee the right to preserve and protect the conservation values of the Property in perpetuity.

THEREFORE, in consideration of One (1) dollar and no cents and other good and valuable consideration, receipt of which is hereby acknowledged, pursuant to Section 170(h) of the Code and section 27-8-10 et seq. of South Carolina Code of Laws of 1976, as amended; Grantor does hereby voluntarily grant and convey unto the Grantee, a preservation and conservation easement in gross in perpetuity over the Protected Property, owned by the Grantor, and more particularly described in Attachment A.:

1. Grant of Conservation Easement

Grantor hereby voluntarily grants and conveys to Grantee, and Grantee hereby voluntarily accepts, a perpetual Conservation Easement, an immediately vested interest in real property defined by the South Carolina Conservation Easement Act of 1991 of the nature and character described herein. Grantor will neither perform, nor knowingly allow others to perform, any act on or affecting the Property that is inconsistent with the covenants contained herein. Grantor authorizes Grantee to enforce these covenants in the manner described below.

2. Statement of Purpose

The primary purpose of this Easement is to enable the Property to remain in traditional use by preserving and protecting its rural nature and other conservation features. No activity, which significantly impairs the conservation purpose of the Property, shall be permitted. To the extent that the preservation and protection of the natural, historic, recreational, habitat or scenic values referenced in this Easement is consistent with the primary purpose stated above, it is also the purpose of this Easement to protect those values, and no activity which shall significantly impair those values shall be permitted.

3. Rights and Responsibilities Retained by Grantor

Notwithstanding any provisions of this Easement to the contrary, Grantor reserves all customary rights and privileges of ownership, including the rights to sell and lease the Property, as well as any other rights consistent with the conservation values of the Property and not specifically prohibited or limited by this Easement. Unless otherwise specified below, nothing in this Easement shall require Grantor to take any action to restore the condition of the Property after any Act of God or other event over which Grantor had no control. Nothing in this Easement relieves Grantor of any obligation in respect to the Property or restriction in the use of the Property imposed by law.

4. Right to Privacy

Grantor has customarily allowed for public access to the property by educational and conservation minded groups. Grantor intends to continue to make the property accessible but retains the right to structure such access and the right to exclude any member of the public from trespassing on the Property.

5. Permission of Grantee

Where Grantor is required to obtain Grantee's permission or approval for a proposed action hereunder, said permission or approval (a) shall not be unreasonably delayed by Grantee, (b) shall be sought and given in writing, and (c) shall in all cases be obtained by Grantor prior to Grantor's taking the proposed action. Grantee shall grant permission or approval to Grantor only where Grantee, acting in Grantee's sole reasonable discretion and in good faith, determines that the proposed action will not substantially diminish or impair the conservation values of the Property. Grantee shall not be liable for any failure to grant permission or approval to Grantor hereunder.

6. Procedure to Construct Building and Other Improvements

Except as otherwise provided herein, Grantor may undertake construction, reconstruction, or other improvement of the Property only as provided below. Grantor shall advise Grantee prior to undertaking any construction, reconstruction, or other improvement of recreational structures on the Property as permitted herein, so as to enable Grantee to keep its record current.

A) Fences – Existing fences may be repaired and replaced, and new fences may be built on the Property for purposes of reasonable and customary management of livestock and wildlife, privacy or land protection.

B) New Ancillary Structures & Improvements – One (1) ancillary gazebo like structure to be used exclusively for recreational purposes may be built on the Property with the permission of the Grantee.

C) New Residential Housing – There may be five new residential dwellings constructed on the Property, one (1) each on lots approved by the Grantee as allowed in Section 9.

D) Recreational Improvements – Low impact environmentally sensitive recreational improvements such as trails and water access points may be built with the permission of Grantee. Under no circumstances shall athletic fields, golf courses or ranges, commercial airstrips or commercial helicopter pads be constructed on the Property.

G) Utility Services and Septic Systems – Wires, lines, pipes, cables or other facilities providing electrical, gas, water, sewer, communications, or other utility services are permitted, provided that such utilities are providing services to improvements allowed by this easement. The existing waste water treatment facility located on this parcel for Franklin Park is platted separately and not a part of the conservation easement. The platted cemetery is not part of the conservation easement.

7. Maintenance and Improvement of Water Sources

Grantor shall not significantly impair or disturb the natural course of the surface water drainage or runoff flowing over the Property. Grantor may alter the natural flow of water over the property in order to improve drainage or agricultural soils, reduce soil erosion, or improve the agricultural or forest management potential of the Property, provided such alteration is consistent with the conservation purposes of this Easement and is carried out in accordance with law.

8. Water Rights

Grantor retains and reserves the right to use any appurtenant water rights sufficient to maintain the agricultural productivity of the Property. Grantor shall not transfer, encumber, lease, sell or otherwise sever such water rights from title to the Property itself.

9. Subdivision

The Property is currently comprised of the parcel shown on Attachment A, which is all contained on one tax map. The Property may be subdivided to create five new lots of one (1) acre each, provided that the location of each lot shall be approved by the Grantee prior to subdivision to ensure the conservation features of the property are not disturbed. Each lot shall have access to the permitted road under Section 14 below

10. Conservation Practices

All agricultural or timbering operations on the Property shall be conducted in a manner consistent with a conservation plan prepared by the U.S. Department of Agriculture, Natural Resources Conservation Service, or its successor, or by a qualified conservation professional approved by Grantee. This plan shall be updated periodically, and in any event any time the basic type of agricultural operation on the Property changes or ownership of the Property changes. All agricultural operations shall be conducted in accordance with applicable law.

11. Application of Waste Materials

The land application, storage and placement on the Property of domestic septic effluent and municipal, commercial or industrial sewage sludge or liquid generated from such sources for agricultural purposes is prohibited.

Forest Management

Trees may be removed, cut and otherwise managed to control insects and disease, to prevent personal injury and property damage only, provided that the cutting, removal or harvesting of trees is in accordance with either the conservation plan referenced in Paragraph 10 above or a forest management plan prepared by a qualified professional forester.

13. Mining

Exploration for, or development and extraction of, minerals and hydrocarbons from the Property by any method are prohibited.

14. Paving and Road Construction

Construction and maintenance of one (1) unpaved road to each permitted lot under Section 9 provided such road is determined by Richland County to be reasonably necessary and incidental to carrying out the improvements and uses permitted on the Property. No other portion of the Property shall be paved or otherwise covered with concrete, asphalt, or any other impervious paving material.

15. Hazardous Waste

No waste, or radioactive or hazardous waste, shall be placed, stored, dumped, buried, or permitted to remain on the Property.

16. Ongoing Responsibilities of Grantor and Grantee

Other than as specified herein, this Easement is not intended to impose any legal or other responsibility on Grantee, or in any other way affect any obligations of Grantor as owner of the Property, including but not limited to, the following:

(a) Taxes – Grantor shall be solely responsibility for payment of all taxes and assessments levied against the Property. If Grantee is ever required to pay any taxes or assessments on its interest in the Property, Grantor will reimburse Grantee for the same.

(b) Upkeep and Maintenance – Grantor shall be solely responsible for the upkeep and maintenance of the Property, to the extent required by law. Grantee shall have no obligation for the upkeep or maintenance of the Property.

(c) Liability and Indemnification – Grantor shall indemnify Grantee against, and hold Grantee harmless from, any and all loss, cost, claim, liability, or expense (including reasonable attorneys' fee) arising from or with respect to the Property, unless due to the gross negligence or willful misconduct of Grantee.

17. Extinguishment of Development Rights

Except as otherwise reserved to the Grantor in this Easement, all development rights appurtenant to the Property are hereby released, terminated and extinguished, and may not be used on or transferred to any portion of the Property as it now or hereafter may be bounded or described, or to any other property adjacent or otherwise, or used for the purpose of calculating permissible lot yield of the Property or any other property.

18. Enforcement

Grantee shall have the right to enter upon the Property upon reasonable advance notice to Grantor for the purpose of inspecting for compliance with the terms of this Easement. If Grantee determines that a violation of this Easement has occurred, Grantee shall so notify Grantor, giving Grantor thirty (30) days to cure the violation

Notwithstanding the foregoing, where Grantee in Grantee's sole discretion determines that an ongoing or threatened violation could irreversibly diminish or impair the conservation values of the Property, Grantee may bring an action to enjoin the violation, ex parte if necessary, through temporary or permanent injunction.

In addition to injunctive relief, Grantee shall be entitled to seek the following remedies in the event of a violation:

(a) money damages, including damages for loss of the conservation values protected by this Easement; and

(b) Restoration of the Property to its condition existing prior to such violation

Said remedies shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity. In any case where a court finds that a violation has occurred, Grantor shall reimburse Grantee for all its expenses incurred in stopping and correcting the violation, including, but not limiting to, reasonable attorneys' fees. The failure of Grantee to discover a violation or to take immediate legal action shall not bar Grantee from doing so at a later time. In any case where a court finds no violation has occurred, each party shall bear its own costs.

19. Transfer of Easement

Grantee shall have the right to transfer this Easement to any public agency or private nonprofit organization that, at the time of transfer, is a "qualified organization" under Section 170(h) of the Code and under the S.C. Conservation Easement of 1991, provided the transferee expressly agrees to assume the responsibility imposed on Grantor by this Easement.

20. Transfer of Property

Grantor agrees to incorporate by reference the terms of this Easement in any deed or other legal instrument by which it transfers or divests itself of any interest, including, without limitation, a leasehold interest, in all or a portion of the Property. Grantor shall notify Grantee in writing at least thirty (30) days before conveying the Property, or any part thereof or interest therein, to any third party. Failure of Grantor to do so shall not impair the validity of this Easement or limit its enforceability in any way.

21. Amendment of Easement

This Easement may be amended only with the written consent of Grantor and Grantee. Any such amendment shall be consistent with the Statement of Purpose of this Easement and with Grantee's easement amendment policies, and shall comply with Section 170(h) of the Code or any regulations promulgated in accordance with that section. Any such amendment shall also be consistent with all applicable state statutes or any regulations promulgated pursuant to that law. Any such amendment shall be duly recorded.

22. Extinguishment

If this Easement is extinguished by judicial proceeding, Grantee shall be entitled to a portion of the proceeds from any subsequent sale or other disposition of the Property, calculated in accordance with Paragraph 23 below. Grantee shall use its portion of said proceeds in a manner consistent with the general conservation purposes of this Easement.

23. Proceeds

The grant of this Easement gives rise to a property right, immediately vested in Grantee which, for purposes of calculating proceeds from a sale or other disposition of the Property as contemplated under Paragraph 22 above, shall have a value equal to a percentage (the "Proportionate Share") of the value of the Property unencumbered by this Easement. The Proportionate Share shall be determined by dividing the value of this Easement, calculated as of the date hereof, by the unencumbered value of the Property, also calculated as of the date hereof. The Proportionate Share shall remain constant.

Unless state law provides otherwise, if this Easement is terminated and the Property is subsequently sold, exchanged, or taken in condemnation then, as required by Treas. Reg. Sec. 1.170A-14(g)(6), Grantee shall be entitled to a portion of the proceeds from the sale, exchange or condemnation equal to the Proportionate Share.

All expenses related to the termination of this Easement shall be paid out of any recovered proceeds prior to distribution of the net proceeds as provided above.

24. Interpretation

This Easement shall be interpreted under the laws of the State of South Carolina, resolving any ambiguities and questions of the validity of specific provisions so as to give maximum effect to its conservation purposes.

25. Successors

Every provision of this Easement that applies to Grantor and Grantee shall also apply to their respective agents, heirs, executors, administrators, assigns, and other successors in interest.

26. Severability

Invalidity of any of the covenants, terms or conditions of this Easement, or any part thereof, by court order or judgment shall in no way affect the validity of any of the other provisions hereof which shall remain in full force and effect.

27. Notices

Any notices required by this Easement shall in writing and shall be personally delivered or sent by first class mail, to Grantor and Grantee respectively at the following addresses or such other addresses as the parties may designate by notice:

*To Grantor:
C.W. Haynes*

Columbia, SC 29045

*To Grantee:
Richland County Conservation Commission
P.O. Box 192
Columbia, SC 29202*

28. Grantor's Title Warranty

Grantor warrants that it has good and sufficient title to the Property, free from all encumbrances and hereby promises to defend the same against all claims that may be made against it.

29. Liens on Property

Any lien existing at the time of execution of this conservation easement shall be subordinated to the easement prior to execution. No provisions of this Easement should be construed as impairing the ability of Grantor to use this Property as collateral for subsequent borrowing, provided however, that all subsequent liens shall be subservient to the conditions of this easement.

30. Subsequent Encumbrances

The grant of any easements or use restrictions that might diminish or impair the agricultural viability or productivity of the Property or otherwise or impair the conservation values of the Property is prohibited, except with the permission of Grantee.

31. Grantor’s Environmental Warranty

Grantor warrants that it has no actual knowledge of release or threatened release of hazardous substances on the Property, as such substances and wastes are defined by applicable law, and hereby promises to indemnify Grantee against, and hold Grantee harmless from, any and all loss, cost, claim, liability or expense (including reasonable attorney’s fees) arising from or with respect to any release of hazardous waste or violation of environmental laws.

32. Perpetuation of Easement

Except as expressly otherwise provided herein, this Easement shall be of perpetual duration, and no merger of title, estate or interest shall be deemed effected by any previous, contemporaneous, or subsequent deed, grant, or assignment of an interest or estate in the Property, or any portion thereof, to Grantee, it being the express intent of the parties that this Easement not be extinguished by, or merged into, any other interest or estate in the Property now or hereafter held by Grantee.

33. Acceptance

As attested by the Seal of Richland County and the signature of its Chairman affixed hereto, Grantee hereby accepts the rights and responsibilities conveyed by this Easement.

TO HAVE AND TO HOLD this Deed of Conservation Easement unto Grantee, its successors and assigns, forever.

IN WITNESS WHEREOF, Grantor and Grantee, intending to be legally bound hereby, have hereunto set their hands on the date first above written.

Witness:

Grantor:

C.W. Haynes

Grantee:

Witness:

Richland County

By _____

Chairman, County Council

Acknowledgments

*County of Richland
State of South Carolina,*

Personally appeared before me _____ on this _____ day of _____, 2010, and acknowledged that all material statements of fact in the foregoing Deed of Conservation Easement are true to the best of his/her knowledge and belief, and that the execution of said Deed of Conservation Easement is his/her free act and deed.

Notary Public (SEAL)
My commission expires:

Acknowledgments

County of Richland)
State of South Carolina,
Personally appeared before me _____ on this _____ day of _____, 2010, and acknowledged that all material statements of fact in fact in the foregoing Deed of Conservation Easement are true to the of his/her knowledge and belief, and that the execution of said Deed is his/her free act and deed.

Notary Public (SEAL)
My commission expires:

Notary Public (SEAL)
My commission expires:

*ATTACHMENT A.
PROPERTY DESCRIPTION*



Richland County Council Request of Action

Subject

International Cultural Exchange Ad Hoc Committee [PAGE 76] [*Forwarded from D&S Committee*]

Notes

May 25, 2010: The committee recommended that Council request the Chairman to establish an "International Cultural Exchange Ad-hoc Committee" so that Richland County Council will have a direct line of communication to the foreign communities of Richland County. The committee recommended that Mr. Manning chair the committee and Mr. Washington serve as co-chair. The vote in favor was unanimous.

Richland County Council Request of Action

Subject: International Cultural Exchange Ad-hoc Committee

A. Purpose

To establish a committee that will have a direct line of communication to the foreign communities and foster a more open dialogue between local government and foreign citizens:

B. Background / Discussion

The request for the committee was a motion made by Councilman Washington at the April 20, 2010 Council meeting. The motion is as follows:

Request the Chairman to establish an “International Cultural Exchange Ad-hoc Committee” so Richland County Council will have a direct line of communication to the foreign communities of Richland County, which makeup over 60 different foreign nationalities. This committee will help foster a more open dialogue between local government and our foreign citizens. [Washington]

C. Financial Impact

No specific financial impact has been determined.

D. Alternatives

N/A

E. Recommendation

Recommended by: Councilmember Washington

F. Reviews

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

Finance

Reviewed by: Daniel Driggers

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council discretion

Legal

Reviewed by:

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council discretion

Clerk of Council

Reviewed by: Michielle Cannon-Finch

Date: May 14, 2010

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council discretion

Richland County Council Request of Action

Subject

Memorandum of Understanding between Richland County and Richland County Transportation Committee to Pool Funds for Dirt Road Paving **[PAGES 78-79] [Forwarded from D&S Committee]**

Notes

May 25, 2010: The committee recommended that Council direct staff to develop an MOU with the Richland County Transportation Committee to pool future allocations for program funds and process for dirt road paving projects. The vote in favor was unanimous.

Richland County Council Request of Action

Subject: MOU between Richland County and Richland County Transportation Committee to Pool Funds for Dirt Road Paving

A. Purpose

Council is requested to consider the motion made at the March 16, 2010 Council Meeting, and direct staff as appropriate.

B. Background / Discussion

The following motion was made at the March 16, 2010 Council Meeting by Councilman Jackson:

Richland County and Richland County Transportation Committee develop an MOU to pool future allocations for program funds and process for dirt road paving projects.

It is at this time that staff is requesting direction from Council with regards to this motion.

C. Financial Impact

There is no financial impact associated with this request at this time, as further information and direction from Council will need to be obtained before a financial impact can be determined.

D. Alternatives

1. Approve the motion and direct staff as appropriate.
2. Do not approve the motion.

E. Recommendation

Council discretion.

F. Reviews

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

Finance

Reviewed by: Daniel Driggers

Date:

Recommend Approval

Recommend Denial

No Recommendation

Comments:

Legal

Reviewed by: Larry Smith

Date:

Recommend Approval

Recommend Denial

No Recommendation

Comments: Council discretion

Administration

Reviewed by: Sparty Hammett

Date:

Recommend Approval

Recommend Denial

No Recommendation

Comments: Council discretion.

Richland County Council Request of Action

Subject

Motion to Develop a public-private water and sewer system for the Lower Richland Planning area and other parts of the County [**PAGES 81-87**] [*Forwarded from D&S Committee*]

Notes

May 25, 2010: The committee recommended that Council direct staff to obtain additional information from Palmetto Utilities with specifics on cost, schedule and the use of public grant funds toward the development of this partnership. The vote in favor was unanimous.

Richland County Council Request of Action

Subject: Public/Private Water and Sewer System for Lower Richland 208 Planning Area

A. Purpose

The purpose of this report is to seek County Council's interest in pursuing an agreement with Palmetto Utilities to provide water and sewer service to Lower Richland County.

B. Background

On April 20, 2010, a motion was made by the Honorable Norman Jackson to develop a public/private water and sewer system for the Lower Richland 208 Planning area and other parts of the County. The Richland County Utilities Department has been working on a plan to provide both water and sewer service to Lower Richland County. The first phase of the water system has been approved, funded and will be under construction within a few weeks. The sewer system plan has been developed with the input of two engineering consultants and is currently under consideration for funding by USDA Rural Development.

As an alternative to the work that has been completed, proposed and accepted by Richland County and is currently being considered for funding by Rural Development; Palmetto Utilities has offered a general proposal letter to provide water and sewer service to the lower part of Richland County. A copy of this proposal letter is attached for review.

C. Discussion

The letter, as drafted, proposes a private/public partnership to use a combination of private funds and public funds to develop a water and sewer system that will be managed, owned and operated by Palmetto Utilities. The proposal provides very general information on how a plan would be developed. Additional information would be required to determine if the subject of the proposal would benefit the citizens of Richland County.

D. Financial Impact

Very little information is provided in the proposal that addresses the financial impact to the citizens of Richland County. There has been no investigation into the use of public grant funds or low interest loan funds contributing capital toward the development of a private/public partnership. Also the proposal suggests that the same rates would be charged to the customers of the new systems as is currently being charged by the County Utility Department on their existing systems. Additional information would be required to determine if there is any benefit to Richland County to pursue this agreement.

E. Alternatives

1. Accept the proposal as drafted.
2. Request additional information from Palmetto Utilities with specifics on cost, schedule and the use of public grant funds toward the development of this partnership.
3. Continue with the current plan as presented by the Utilities Department until all possible funding options have been depleted.

Palmetto Utilities, Inc.

Rec
4-27-10
Jackson
2

April 21, 2010

VIA HAND DELIVERY

Honorable Norman Jackson
Councilman
Richland County

Dear Councilman:

Thank you for the opportunity to submit this abbreviated conceptual proposal to allow Palmetto Utilities, Inc. to assist your efforts to develop a regional water and wastewater system for Lower Richland County (LRC). At your request, we have reviewed the information that you have provided to us and preliminarily assessed the feasibility of this project and the manpower and potential capital requirements necessary for us to participate in the endeavor that you have described.

As you have suggested, our primary goal is to participate with the county in a private/public partnership whereby Palmetto Utilities, Inc. (or one of its regulated affiliates hereafter referred to collectively as "Palmetto") uses a combination of private equity investment and public funding (grants and/or low interest loans) to build water and wastewater infrastructure in LRC. Our approach would result in water and wastewater being provided to the area by Palmetto, a privately owned, regulated public utility.

As we understand the proposed project, Palmetto's mandate would be to use private equity investment to provide water and wastewater infrastructure to the faster growing areas in the LRC. Thus, Palmetto would be utilizing the majority of public monies to provide badly needed utility service to the more remote or

impoverished areas of the region that, by their nature, are inherently less attractive for commercial and residential development.

Palmetto has a 20+ year history of successfully planning, constructing, and providing regional utility service to the Northeast area of Richland County. We believe that by using the “Palmetto” approach, we will be able to prudently expend both private equity and public capital in the construction of infrastructure to serve a larger area for less money. This should result in lower infrastructure taxes for the residents of Lower Richland County and reasonable tap fees and rates to developers and future customers, respectively.

If selected, we propose to:

1. **Work with the County to develop both a long-term and short-term detailed regional wastewater and water plan for LRC.** You have provided us with a copy of the “Lower Richland County Sewer System Preliminary Engineering Report” prepared for the county by Wilbur Smith & Associates. Using that information, combined with input from both the County Council and regional planners, we would develop a plan to provide wastewater and water service to the area addressing the region’s short, intermediate, and long-term infrastructure needs. This plan can be completed within a six-week period.
2. **Assist the County in updating the current 208 Plan.** As you are aware, any modifications to a regional wastewater plan of this nature must be incorporated into the Central Midlands Regional Council of Governments (“CMCOG”) Section 208 Water Quality Management Plan (“208 Plan”) by way of a plan amendment. We would assist the County in preparing the amendment to the 208 Plan to reflect a more phased-in approach to providing wastewater service and incorporate current developer needs and trends requested in the area.
3. **Review the current proposed projects slotted to use federal grant money and/or low interest loans.** We suggest a review of existing projects being proposed by the County to determine if a more cost-effective approach could be used to provide the needed wastewater and water infrastructure at a lower cost. In that way, money can be applied to more projects and cover a greater area.

4. **Amend the existing Palmetto agreement relating to the provision of wastewater service in Northeast Richland County.** As you are also aware, Palmetto currently has an agreement to provide wastewater service to Northeastern Richland County. Under the terms of that agreement, the County can acquire the utility assets of Palmetto Utilities at fair value in the event that the County would like to service the region in the future. We would propose amending that agreement to include, or entering into a separate, similar agreement for LRC such that the County is protected if they no longer want to participate in the public/private partnership.
5. **Once the new 208 Plan is approved, apply for a service area covering the LRC for both wastewater and water.** Palmetto is a regulated public utility. As such, its rates are approved by the South Carolina Public Service Commission (SCPSC). Palmetto's rates are among the lowest rates in the region – for governmental or private utilities. While Palmetto has striven to keep its rates competitive by using an entrepreneurial approach to investing in plant and facilities, the SCPSC has regulated the company along the way to assure that Palmetto's customers' rates are commensurate with Palmetto's investment. This same approach would apply to water service Palmetto may be permitted to provide.
6. **Acquire existing LRC Wastewater and Water Facilities from the County.** In order for Palmetto to achieve the best results for the LRC, it would propose acquiring the County's existing wastewater and water facilities and customers. The price would be based on the lower of the County's cost or an amount based on projected cash flow generated by the assets. Palmetto would file for permission with the SCPSC to charge the County's existing sewer and water rates with the agreement that the rates would be held constant for some reasonable period after acquisition.
7. **Design and Build the needed infrastructure on a phase-by-phase basis.** Unlike most municipalities that fund construction through government grants or the issuance of tax exempt bonds, Palmetto raises its capital from institutional loans and private investors. Palmetto's equity partner, Ni America, currently has unfunded equity commitments of approximately \$68 million. Because Palmetto's funding is received over time, it is not its practice to build all of the capacity outlined in long-term plans immediately, but rather to add infrastructure as needed to meet short-term demand.

Palmetto finds that this alternative approach allows it to provide service quickly where it is needed and not be burdened by cost-intensive facilities that may become stranded or have excess capacity.


Conclusion

For over 20 years, Palmetto has partnered with developers to convert over 150 square miles of rural farm land into prospering communities with new families, businesses, and schools. Likewise, Palmetto has grown from a small utility servicing a single subdivision to the largest privately held single wastewater system in South Carolina. Its six million gallon per day wastewater treatment plant is recognized by the South Carolina Department of Health and Environmental Control (DHEC) as one of the most efficient in the state and the Rapid Infiltration Basins utilized by it to receive treated wastewater do not discharge effluent into South Carolina's pristine lakes and rivers. Palmetto prides itself in assuring the highest quality construction and maintenance of our collection systems and is rewarded with inflow and infiltration levels significantly below industry standards. It has accomplished this growth and infrastructure without any public money at a fraction of the cost incurred by neighboring utilities. Palmetto's rates are among the lowest in the area and its tap fees are significantly lower than both the County and the City of Columbia. Palmetto believes that its proposal is better than any other alternative because it can complete the County's plan for LRC by constructing facilities faster, with a lower capital investment, and with a minimal impact on the environment.

Thank you again for allowing Palmetto to submit its ideas on this exciting project. Palmetto sincerely believes that the opportunity exists for the proposed public/private partnership to be a win-win situation for all stakeholders; specifically, Palmetto, local developers, the County, its taxpayers, and residents.

If you have any questions or need any additional information, please contact me.

Sincerely yours,



R. Stan Jones, P.E.

Senior Managing Director

sjones@palmettoutilities.com

803-699-2422 (Ofc)

803-309-1288 (Cell)

Richland County Council Request of Action

Subject

Request for Construction Contract Award for Closure of Phase 1A at County Landfill [PAGES 89-90] *[Forwarded from D&S Committee]*

Notes

May 25, 2010: The committee recommended that Council approve the award of the contract to the lowest, most responsible bidder. The vote in favor was unanimous.

Richland County Council Request of Action

Subject: Request for Construction Contract Award for closure of phase 1A at County Landfill

A. Purpose

The purpose of this request is to seek County Council's approval to enter into a construction contract with the lowest, most responsive bidder for the final Closure of phase 1A of the Richland County Class 2 landfill.

B. Background / Discussion

Phase 1A of the Richland County C&D class 2 landfill has reached its maximum height allowed by permit. The site began accepting Construction and demolition waste in May of 1995. In 2006 a vertical expansion was approved by SCDHEC and the facility continued to accept waste up until December of 2009. In accordance with SCDHEC Solid Waste Management Act Chapter 61, Section 44-96-10, Regulation 61-107-19, the site is required to undergo final closure process per the site's original DHEC Approved closure plan. This process requires grading of the entire 16 acre site and adding a 24 inch layer of soil. It also includes installing drainage ditches and seeding of the entire site with durable vegetation to avoid erosion of the slopes. In accordance with County procurement policy, a request for proposals was done by the procurement department. The lowest, most responsive bidder was McClam & Associates at \$443,242.00.

C. Financial Impact

There are no additional funds requested for this project. All funds necessary to complete closure of phase 1-A were approved in the fiscal year 09-10 budget process. These funds totaled \$500,000. Of this amount \$20,000 is allocated for bid documents and construction oversight. Total cost of the construction project is \$443,242.00. This would leave 10% still remaining in the budget for contingency.

D. Alternatives

1. Council is requested to allow the Procurement Director and the Solid Waste Director to move forward with negotiation and award of the contract.
2. Do not approve the request to move forward with entering into a contract for landfill closure, which could result in an DHEC enforcement act.

E. Recommendation

It is recommended for Council to approve Award of contract to the lowest, most responsive bidder

Recommended by: Paul F. Alcantar Department: Solid Waste Department
Date: 4/27/10

F. Reviews

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

Finance

Reviewed by: Daniel Driggers
✓ Recommend Council approval
Comments regarding recommendation:

Date: 5/4/10
 Recommend Council denial

Procurement

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

Date: 5/4/2010
 Recommend Council denial

Legal

Reviewed by: Larry Smith
✓ Recommend Council approval
Comments regarding recommendation:

Date:
 Recommend Council denial

Administration

Reviewed by: Tony McDonald
✓ Recommend Council approval
Comments regarding recommendation:

Date: 5/5/
 Recommend Council denial

Richland County Council Request of Action

Subject

Retreat: Visionary Legacy of Council [**PAGES 92-93**] [*Forwarded from D&S Committee*]

Notes

May 25, 2010: The committee recommended that Council direct staff to make the necessary arrangements to schedule a retreat for the sole purpose of attempting to obtain a consensus on the visionary legacy this Council would like to leave. The vote in favor was unanimous.

Richland County Council Request of Action

Subject: Retreat: Visionary Legacy of Council

A. Purpose

Council is requested to consider the motion made at the April 20, 2010 Council Meeting, and direct staff as appropriate.

B. Background / Discussion

The following motion was made at the April 20, 2010 Council Meeting by Councilman Manning:

Council schedule a retreat for the sole purpose (one agenda item) of attempting to obtain a consensus on the visionary legacy this Council would like to leave. This legacy could be as broad as how the Council would like to see the County look in 10 - 20 years from now or as narrow as one great accomplishment caused by this Council. This retreat would be for no less than 1/2 a day; held in a comfortable room without conference tables; only include staff on the day of the retreat as observers available for specific questions (not equal participants or driving the agenda discussions) and no notebooks or laptop computers. This retreat would be conducted within 100 days from the acceptance of the motion and facilitated by a credentialed professional. [Manning]: Forwarded to the June D&S Committee.

It is at this time that staff is requesting direction from Council with regards to this motion.

C. Financial Impact

There is no financial impact associated with this request at this time, as further information (venue, credentialed professional facilitator, etc.) and direction from Council will need to be obtained before a financial impact can be determined.

D. Alternatives

1. Approve the motion and direct staff as appropriate.
2. Do not approve the motion.

E. Recommendation

Council discretion.

F. Reviews

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

Finance

Reviewed by: Daniel Driggers

Date: 4/25/10

Recommend Approval

Recommend Denial

No Recommendation

Comments:

Legal

Reviewed by: Larry Smith

Date:

Recommend Approval

Recommend Denial

No Recommendation Council discretion

Comments:

Administration

Reviewed by: J. Milton Pope

Date: 4-28-10

Recommend Approval

Recommend Denial

No Recommendation

Comments: Council discretion

Richland County Council Request of Action

Subject

Special Resurfacing and Full Depth Patching Change Order [**PAGES 95-100**] [*Forwarded from D&S Committee*]

Notes

May 25, 2010: The committee recommended that Council approve Change Order #4 to REA Contracting LLC for the FY 2008 Resurfacing and Full Depth Patching Project in the amount of \$11,975. The vote in favor was unanimous.

Richland County Council Request of Action

Subject: FY 2008 Special Resurfacing and Full Depth Patching Project Change Order #4

A. Purpose

County Council is requested to approve Change Order #4 in the amount of \$11,975.00 for REA Contracting LLC for grading and paving a 300 foot section of Rockyview Drive as part of the FY 2008 special resurfacing and full depth patching project. The 300 foot section of roadway is between Rockyview Drive which was part of the 2007 Resurfacing Project and Rockyknoll Road paving which is part of Rockgate Habitat for Humanity Project for Richland County Community Development. PW was unaware of the Rocky Knoll project when this paving program was developed. This CO will cover the gap left between the two projects.

B. Background / Discussion

The resurfacing and full depth patching list was established by the R & D and Engineering Divisions.

Florence and Hutcheson, Inc., (F&H) completed the design and specifications for the FY 2008 Special Resurfacing and Full Depth Patching Project. The project was advertised on October 9, 2008 for a period of 31 days. A pre-bid meeting was held on October 28, 2008, and bids for the project were opened on November 18, 2008.

Rea Contracting LLC has been determined to be the lowest responsible and responsive bidder. The following information includes the results of the bid opening.

Bids

Contractor	Total Bid Amount
Rea Contracting LLC	\$745,855.22
Sloan Construction Company Inc.	\$783,423.57
C. R. Jackson	\$863,132.81
CBG Inc.	\$904,214.20

C. Financial Impact

The Department of Public Works Road & Drainage Division account 3020735.5272 has sufficient funding for Change Order #4 in the amount of \$11,975.00.

D. Alternatives

There are two alternatives that exist for this project and are as follows:

1. Approve Change Order #4 for Rea Contracting LLC for the FY 2008 Resurfacing and Full Depth Patching Project in the amount of \$11,975.00.
2. Do not approve Change Order #4 for Rea Contracting LLC.

E. Recommendation

It is recommended that County Council approve Change Order #4 for REA Contracting LLC for the FY 2008 Resurfacing and Full Depth Patching Project in the amount of \$11,975.00. A recommendation by F&H to approve Change Order #4 for Rea Contracting LLC is attached.

Recommended by: David R. Hoops, PE Department: Department of Public Works
 Date: 5/10/10

F. Reviews

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

Finance

Reviewed by: Daniel Driggers Date: 5/11/10
 ✓ Recommend Council approval Recommend Council denial
 Comments regarding recommendation:

Procurement

Reviewed by: Rodolfo Callwood Date: 5/17/2010
 Recommend Council approval Recommend Council denial
 Comments regarding recommendation:

Legal

Reviewed by: Larry Smith Date: 5/17/10
 ✓ Recommend Council approval Recommend Council denial
 Comments regarding recommendation:

Administration

Reviewed by: Sparty Hammett Date: 5/17/10
 ✓ Recommend Council approval Recommend Council denial
 Comments regarding recommendation:



Florence & Hutcheson, Inc.

CONSULTING ENGINEERS

Transmittal

To: Stacy Culbreath
Department of Public Works
400 Powell Road
Columbia, SC 29203

Date: May 19, 2010

Subject: 2008 Special Resurfacing and Full Depth
Patching Project Change Order

We are forwarding the following items: Enclosed Under Separate Cover

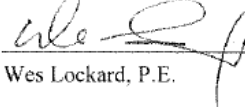
Quantity	Description
3	Change order #4for the 2008 Special Resurfacing and Full Depth Patching Project

These are transmitted as checked below:

- Approved
- Approved as Noted
- Not Approved
- Revise and Resubmit
- For Your Approval
- As Requested
- For Your Use
- For Your Files

Remarks:
Please call me at 254-5800 if you have any questions or comments. Thanks.

FLORENCE & HUTCHESON, INC.

BY: 
Wes Lockard, P.E.

P.O. Box 50800 • Columbia, SC 29250 • 501 Huger Street • Columbia, SC 29201 • (803) 254-5800 • fax (803) 929-0334
e-mail: fhcolumbia@flohut.com

Item# 25

Attachment number 1
Page 3 of 6

**CHANGE
ORDER**

AIA DOCUMENT G701

OWNER Richland County Office of Procurement
 ARCHITECT Florence & Hutcheson
 CONTRACTOR Rea Contracting LLC
 FIELD
 OTHER

PROJECT: 2008 Special Resurfacing & Patching Project
 (name, address)

CHANGE ORDER NUMBER: Three

DATE: 3/17/2010

TO CONTRACTOR:
 Rea Contracting LLC
 PO Box 3846
 West Columbia, SC 29172

ARCHITECT'S PROJECT NO: RC-012-CN-0809

CONTRACT DATE: 3-23-09

CONTRACT FOR: Resurfacing and Patching County Streets

The Contract is changed as follows:

Rockgate Subdivision

Rea will grade and compact the existing base course for a 300' section of Rockyview Drive. We will grade the road for positive water drainage. The asphalt application will be 2" of Type C Surface Course.

The amount to complete this work is a lump sum price of \$11,975.00.

Not valid until signed by the Owner, Architect and Contractor.

The original (Contract Sum)(Guaranteed Maximum Price) was	\$	\$745,855.22
Net change by previously authorized Change Orders	\$	\$106,371.85
The (Contract Sum)(Guaranteed Maximum Price) prior to this Change Order was	\$	\$852,227.07
The (Contract Sum)(Guaranteed Maximum Price) will be (increased)(decreased) (unchanged) by this Change Order in the amount of	\$	\$11,975.00
The (Contract Sum)(Guaranteed Maximum Price) including this Change Order will be	\$	\$864,202.07

The Contract Time will be (increased)(decreased)(unchanged) by (10) days.
 The date of Substantial Completion as of the date of this Change Order therefore is

NOTE: This summary does not reflect changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive.

Florence & Hutcheson
 ARCHITECT
 501 AUGER ST
 Address
 Columbia, SC 29229
 BY *[Signature]*
 DATE 3-19-10

Rea Contracting LLC
 CONTRACTOR
 PO Box 3846
 Address
 West Columbia SC 29171
 BY *[Signature]*
 DATE 3/18/2010

Richland County Office of Procurement
 OWNER
 400 Powell Drive
 Address
 Columbia SC 29203
 BY *[Signature]*
 DATE 3/22/10

**CHANGE
ORDER**

AIA DOCUMENT G701

OWNER Richland County Office of Procurement
 ARCHITECT Florence & Hutcheson
 CONTRACTOR Rea Contracting LLC
 FIELD
 OTHER

PROJECT: 2008 Special Resurfacing & Patching Project
 (name, address)

CHANGE ORDER NUMBER: Three

DATE: 3/17/2010

TO CONTRACTOR:
 Rea Contracting LLC
 PO Box 3846
 West Columbia, SC 29172

ARCHITECT'S PROJECT NO: RC-012-CN-0809

CONTRACT DATE: 3-23-09

CONTRACT FOR: Resurfacing and Patching County Streets

The Contract is changed as follows:

Rockgate Subdivision

Rea will grade and compact the existing base course for a 300' section of Rockyview Drive. We will grade the road for positive water drainage. The asphalt application will be 2" of Type C Surface Course.

The amount to complete this work is a lump sum price of \$11,975.00.

Not valid until signed by the Owner, Architect and Contractor.

The original (Contract Sum)(Guaranteed Maximum Price) was	\$	\$745,855.22
Net change by previously authorized Change Orders	\$	\$106,371.85
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The (Contract Sum)(Guaranteed Maximum Price) will be (increased)(decreased) (unchanged) by this Change Order in the amount of	\$	\$11,975.00
The (Contract Sum)(Guaranteed Maximum Price) including this Change Order will be	\$	\$864,202.07

The Contract Time will be (increased)(decreased)(unchanged) by (10) days.
 The date of Substantial Completion as of the date of this Change Order therefore is

NOTE: This summary does not reflect changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive.

<p>Florence & Hutcheson ARCHITECT <u>501 HUGER ST.</u> Address <u>COLUMBIA, SC 29229</u> BY <u>[Signature]</u> DATE <u>3-19-10</u></p>	<p>Rea Contracting LLC CONTRACTOR <u>PO Box 3846</u> Address <u>West Columbia SC 29171</u> BY <u>[Signature]</u> DATE <u>3/18/2010</u></p>	<p>Richland County Office of Procurement OWNER <u>400 POWELL BL</u> Address <u>Columbia SC 29203</u> BY <u>[Signature]</u> DATE <u>3/23/10</u></p>
--	--	--

**CHANGE
ORDER**

AIA DOCUMENT G701

OWNER Richland County Office of Procurement
 ARCHITECT Florence & Hutcheson
 CONTRACTOR Rea Contracting LLC
 FIELD
 OTHER

PROJECT: 2008 Special Resurfacing & Patching Project
 (name, address)

CHANGE ORDER NUMBER: Three

DATE: 3/17/2010

TO CONTRACTOR:
 Rea Contracting LLC
 PO Box 3846
 West Columbia, SC 29172

ARCHITECT'S PROJECT NO: RC-012-CN-0809

CONTRACT DATE: 3-23-09

CONTRACT FOR: Resurfacing and Patching County Streets

The Contract is changed as follows:

Rockgate Subdivision

Rea will grade and compact the existing base course for a 300' section of Rockyview Drive. We will grade the road for positive water drainage. The asphalt application will be 2" of Type C Surface Course.

The amount to complete this work is a lump sum price of \$11,975.00.

Not valid until signed by the Owner, Architect and Contractor.

The original (Contract Sum)(Guaranteed Maximum Price) was	\$	\$745,855.22
Net change by previously authorized Change Orders	\$	\$106,371.85
The (Contract Sum)(Guaranteed Maximum Price) prior to this Change Order was	\$	\$852,227.07
The (Contract Sum)(Guaranteed Maximum Price) will be (increased)(decreased) (unchanged) by this Change Order in the amount of	\$	\$11,975.00
The (Contract Sum)(Guaranteed Maximum Price) including this Change Order will be	\$	\$864,202.07

The Contract Time will be (increased)(decreased)(unchanged) by (10) days.
 The date of Substantial Completion as of the date of this Change Order therefore is

NOTE: This summary does not reflect changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive.

Florence & Hutcheson
 ARCHITECT
 501 HUGER ST.
 Address
 COLUMBIA, SC 29201
 BY *W. F. [Signature]*
 DATE 3-19-10

Rea Contracting LLC
 CONTRACTOR
 PO Box 3846
 Address
 West Columbia SC 29171
 BY *[Signature]*
 DATE 3/18/2010

Richland County Office of Procurement
 OWNER
 400 Powell Rd.
 Address
 Columbia SC 29200
 BY *[Signature]*
 DATE 3/23/10

Richland County Council Request of Action

Subject

To amend the ordinance dealing with Loitering [**PAGES 102-105**] [*Forwarded from D&S Committee*]

Notes

May 25, 2010: The committee recommended that Council approve the ordinance as amended to include as part of one of the included definitions of loitering the words "and/or paraphernalia for drug use to include pipes, bongs, holders, wrappers or any other items normally construed as being implemented during drug use." The vote in favor was unanimous.

Richland County Council Request for Action

Subject: To amend the ordinance dealing with Loitering

A. Purpose

This request is, per Mr. Malinowski's motion, to amend Section 18-2 of the Richland County Code of Ordinances, so as to add language dealing with loitering.

B. Background / Discussion

During the Motion Period of the April 6, 2010, County Council meeting, Mr. Malinowski made a motion to amend Section 18-2 of the Richland County Code of Ordinances, so as to add language dealing with loitering. The motion was to include as part of one of the included definitions of loitering the words "and/or paraphernalia for drug use to include pipes, bongs, holders, wrappers or any other items normally construed as being implemented during drug use."

C. Financial Impact

No known financial impact.

D. Alternatives

1. Adopt an ordinance amending section 18-2.
2. Do not adopt the ordinance.

E. Recommendation

Council Discretion.

Recommended by: Elizabeth A. McLean Department: Legal Date: 4/14/10

F. Reviews

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

Finance

Reviewed by: Daniel Driggers

Date: 4/14/10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: As stated this is a policy decision for Council with no known financial impact

Legal

Reviewed by: Larry Smith

Date:

Recommend Council approval: This is a policy decision within the discretion of Council. However, since enforcement of the ordinance is within the purview of the Sheriff's Dept. Council may want to seek their input.

Recommend Council denial

Comments regarding recommendation:

Administration

Reviewed by: J. Milton Pope

Date: 4-14-10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council discretion...however I forwarded the motion to the Sheriff and he did not have any objections to the motion.

**STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY**

ORDINANCE NO. _____-10HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 18, OFFENSES; SECTION 18-2, LOITERING; SO AS TO ADD ADDITIONAL LANGUAGE TO THE DEFINITION.

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 18, Offenses; Section 18-2 (a); is hereby amended to read as follows:

Sec. 18-2. Loitering.

(a) *Definitions.* As used in this section, "loitering" shall mean remaining idle in essentially one (1) location, spending time idly, loafing or walking around aimlessly in a public place in such manner as to:

- (1) Create or cause to be created any disturbance or annoyance to the comfort and repose of any person;
- (2) Create or cause to be created a danger of a breach of the peace;
- (3) Obstruct or hinder the free passage of vehicles or pedestrians;
- (4) Obstruct or interfere with any person lawfully in any public place;
- (5) Engage in begging;
- (6) Engage in gambling;
- (7) Engage in prostitution;
- (8) Solicit or engage in any business, trade or commercial transaction unless specifically authorized or licensed to do so;
- (9) Unlawfully use or possess an unlawful drug and/or paraphernalia for drug use to include pipes, bongs, holders, wrappers or any other items normally construed as being implemented during drug use;
- (10) Unlawfully use or possess alcoholic beverages, beer or wine.

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
_____.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE _____ DAY

OF _____, 2010

Michielle R. Cannon-Finch
Clerk of Council

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

Richland County Council Request of Action

Subject

Amendment to Financial Policy-Carryover Funds [PAGES 107-109] [*Forwarded from A&F Committee*]

Notes

May 25, 2010: The committee recommended that Council use carry over funds for one time capital expenditures or operating reserves. The vote in favor was unanimous.

Richland County Council Request of Action

Subject: Amendment to financial policy – Carryover funds

A. Purpose

County Council is requested to amend the financial policies to include the addition of language providing the County Auditor with a preferred method of handling carry over funds annually during the millage calculation.

B. Background / Discussion

During the budget process for the FY10 budget, several questions were raised concerning the preferred method of using carry over funds in the calculation of the mill rate. The discussion was forwarded to the 2010 council retreat for discussion.

The outcome of the retreat discussion was the development of the following language to be added to the financial policy:

Each year when the mill rate is calculated for the millage ordinance, County Council has directed that the Auditor should utilize all estimated carry over funds as an addition to the \$ generated by the tax rate. If the agency is allowed to go to the legislative millage cap then the carry over funds would be added to this final calculation.

C. Financial Impact

The financial impact will vary for each agency based on several financial factors that will be determined each fiscal year.

D. Alternatives

List the alternatives to the situation. There will always be at least two alternatives:

1. Approve the request to amend the financial policy as requested.
2. Do not approve the change in policy

E. Recommendation

This is a policy decision for Council. This will need to have a formal legal review to ensure compliance.

Recommended by:

Department:

Date:

F. Reviews

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

FinanceReviewed by: Daniel Driggers

Date: 5/14/10

 Recommend Council approval Recommend Council denial

Comments regarding recommendation: Policy decision of Council

LegalReviewed by: Larry Smith

Date:

 Recommend Council approval Recommend Council denial

Comments regarding recommendation: Council discretion

AdministrationReviewed by: Tony McDonald

Date: 5/20/10

 Recommend Council approval Recommend Council denial

Comments regarding recommendation: Approval of this item will incorporate into the County's financial policies the direction given by the Council at the January Retreat with respect to the handling of carryover funds. As this is consistent with the Council's earlier direction, approval is recommended.

May 7, 2010:

Milton,

At the Retreat, the Council adopted the following goal for handling carryover funds:

2010 Goal

Carryover Policy

Goal: Pursue "Add Carryover" option in FY 11 Budget Process

Council Directives: Explore trending

Timeline: FY 11 Budget Process

In other words, the Council agreed to set the millage rate at the cap (CPI plus growth) and add any carryover on top of that amount. For example:

Millage Rate Cap	Carryover (from prior year)	Maximum Total Budget	Total Tax Levy
\$50,000,000	\$5,000,000	\$55,000,000	\$50,000,000

Let me know if you have questions.

Tony

Richland County Council Request of Action

Subject

Business Services Center: Hospitality Tax Ordinance Amendments [**PAGES 111-118**] [*Forwarded from A&F Committee*]

Notes

May 25, 2010: The committee recommended that Council give approval to three readings of the ordinance amendment as shown in the drafted amendment. The vote in favor was unanimous.

Richland County Council Request of Action

Subject: Business Service Center: Hospitality Tax Ordinance Amendments

A. Purpose

Council is requested to amend the Hospitality Tax ordinance to

- (1) add a definition of “person” to include business and other entities;
- (2) clarify the appeals process,
- (3) clarify the assessment process,
- (4) add waiver of penalties to be consistent with the Department of Revenue and the business license ordinance, and
- (5) revise language relating to administration to be consistent with State Code Section 6-1-730.

B. Background / Discussion

- (1) Definition of “person”: The Code of Ordinances Section 23, relating to Hospitality Taxes, refers to “person” in various places. This term is not defined in Section 23-65, Definitions. It is appropriate to define what this term is intended to mean, which would include business entities. The definition of “person” in the Code’s business license section will be used in this section as well.
- (2) Appeals Process: The Code of Ordinances, in Sec. 23-73, currently states that appeals of Hospitality Tax final assessments “may be appealed to the Business Service Center Appeals Board, as described in Section 16-8 of this Code of Ordinances.” However, this section relates to business licenses. The Appeals Board referenced in the Code section relating to business licenses is not authorized to hear appeals relating to Hospitality Taxes.

County Council is requested to clarify their intention on how appeals relating to Hospitality Taxes should be handled. Appeals can either go (1) to County Council (via D&S or A&F Committee), or (2) to the Business Service Center Appeals Board. Both alternatives will require an amendment to an ordinance, the Hospitality Tax ordinance for the first option, and the Appeals Board ordinance for the second option.

It is recommended that the Hospitality Tax ordinance be amended to remove the language in Section 23-73 relating to the BSC Appeals Board and replaced with language establishing an alternative appeals process. This process is recommended to begin with consideration by the Business Service Center Director and ending with consideration by the County Council, and is described in the attached ordinance amendment. Staff recommends that Hospitality Tax appeals go to County Council via D&S or A&F Committee.

- (3) Assessment Process: Hospitality Tax assessments are described in the Code of Ordinances, Section 23-73. There is some ambiguity as to when tax assessments shall be delivered by certified mail. It is recommended that this be clarified to require that tax assessments resulting from businesses’ failure to provide requested information shall be served by

certified mail. The proposed language was crafted with an eye toward minimizing certified mail costs while still providing businesses with documented delivery of tax assessments. This language is included in the attached ordinance amendment.

(4) Waiver of Penalties: Currently, the Code of Ordinance prohibits the waiver of Hospitality Tax penalties. There are no exceptions to this. In keeping with the penalty waivers allowed by the Department of Revenue and the business license ordinance, via the Appeals Board, it is considered appropriate that penalties be allowed to be waived in certain limited circumstances. These circumstances include the following.

- (1) An unexpected and unavoidable absence of the appellant from South Carolina, such as being called to active military duty. In the case of a corporation or other business entity, the absence must have been an individual having primary authority to pay the Hospitality Tax.
- (2) A delay caused by death or serious, incapacitating illness of the appellant, the appellant's immediate family, or the appellant's accountant or other third party professional charged with determining the Hospitality Tax owed. In the case of a corporation or other business entity, the death or serious, incapacitating illness must have been an individual having primary authority to pay the Hospitality Tax.
- (3) The Hospitality Tax was documented as paid on time, but inadvertently paid to another taxing entity.
- (4) The delinquency was caused by the unavailability of necessary records directly relating to calculation of Hospitality Taxes, over which the appellant had no control, which made timely payment impossible. For example, the required records may have been destroyed by fire, flood, federally-declared natural disaster, or actions of war or terrorism. Unavailability of records caused by time or business pressures, employee turnover, or negligence are not reasonable cause for waiver of Hospitality Tax penalties.
- (5) The delinquency was the result of clear error on the part of the License Official or Business Service Center or Treasurer's Office staff in processing or posting receipt of the business' payment(s).
- (6) Delay or failure caused by good faith reliance on erroneous guidance provided by the Business Service Center or Treasurer's Office staff, so long as complete and accurate information was given to either office, no change in the law occurred, and the business produces written documentation.

In the interests of efficiency and cost for the County, the Appeals Board, and an appealing business, it is recommended that, in the event that any of the above circumstances apply and can be documented in writing, penalties may be waived by the Director of the Business Service Center. Any dispute or ambiguity regarding these circumstances may be considered by the County Council through the appeals process.

(5) Administration: The County Code of Ordinances Section 23-72 states that "All operational and administrative costs associated with the billing and collection of the local hospitality tax will be charged to the "Richland County Local Hospitality Tax Special Revenue Fund." (Please note, however, that no such "operational and administrative costs associated with the billing and collection of the local hospitality tax" have been charged to the Hospitality Tax

fund. Rather, the costs related with these functions have been absorbed by the departments associated with the hospitality tax.) The current ordinance language conflicts with the State Code section 6-1-730, which reads as follows:

SECTION 6-1-730. Use of revenue from local hospitality tax.

(A) The revenue generated by the hospitality tax must be used exclusively for the following purposes [emphasis added]:

- (1) tourism-related buildings including, but not limited to, civic centers, coliseums, and aquariums;
- (2) tourism-related cultural, recreational, or historic facilities;
- (3) beach access and renourishment;
- (4) highways, roads, streets, and bridges providing access to tourist destinations;
- (5) advertisements and promotions related to tourism development; or
- (6) water and sewer infrastructure to serve tourism-related demand.

However, Section B of Section 6-1-730 does make one allowance for the revenue as it relates to these functions, which applies to Richland County:

(B)(1) In a county in which at least nine hundred thousand dollars in accommodations taxes is collected annually pursuant to Section 12-36-920, the revenues of the hospitality tax authorized in this article may be used for the operation and maintenance of those items provided in (A)(1) through (6) [emphasis added] including police, fire protection, emergency medical services, and emergency-preparedness operations directly attendant to those facilities.

It is therefore recommended that County Council amend the Hospitality Tax ordinance to incorporate this allowance into the County Code of Ordinances so Council can exercise this allowance if desired at some point. This language is also incorporated into the proposed Hospitality Tax ordinance amendment attached at the end of this document.

C. Financial Impact

- (1) Definition of “person”: There is no anticipated financial impact with this change.
- (2) Appeals Process: There is no anticipated financial impact with this change.
- (3) Assessment Process: There is no anticipated financial impact with this change.
- (4) Waiver of Penalties: Allowing penalties to be waived in certain limited circumstances may result in reduced revenues to the County, depending upon the frequency and amount of the waivers. However, these circumstances are deemed appropriate for waivers and are deliberately written to be unusual circumstances requiring documentation, and therefore is anticipated to be infrequently requested.
- (5) Administration Language: There is no anticipated financial impact with this change.

D. Alternatives

1. Approve the ordinance amendments as recommended.
2. Revise the ordinance amendments as Council deems appropriate or desirable.
3. Deny the ordinance amendments in their entirety. The Code sections relating to Hospitality Taxes would then continue to be administered and enforced as currently written.

E. Recommendation

Council is requested to give approval to three readings of the ordinance amendment as shown in the drafted ordinance amendment.

Recommended by: Pam Davis Department: Business Service Center Date: April 05, 2010

F. Reviews

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

Finance

Reviewed by: Daniel Driggers

Date: 5/12/10

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council discretion

Administration

Reviewed by: Roxanne Ancheta

Date: May 14, 2010

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation: It is recommended that Council approve various Hospitality Tax Ordinance amendments outlined in the Request of Action, including:

- (1) the addition of the definition of "person";
- (2) the clarification of the appeals process for Hospitality Tax appeals (Administration recommends that Hospitality Tax appeals follow the Committee process of Council);
- (3) the revision that tax assessments resulting from businesses' failure to provide requested information shall be served by certified mail;
- (4) the revision that penalties be allowed to be waived by the Director of the Business Service Center in certain **limited and documented** circumstances, which are the same circumstances authorized by the SC Department of Revenue. Any dispute or ambiguity regarding these circumstances may be considered by the County Council through the appeals process listed above;
- (5) the revision to incorporate the allowance to use Hospitality Tax revenues for the operation and maintenance of the following items, if Council so chooses:
 - (1) tourism-related buildings including, but not limited to, civic centers, coliseums, and aquariums;
 - (2) tourism-related cultural, recreational, or historic facilities;
 - (3) beach access and renourishment;
 - (4) highways, roads, streets, and bridges providing access to tourist destinations;
 - (5) advertisements and promotions related to tourism development; or
 - (6) water and sewer infrastructure to serve tourism-related demand.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-10HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 23, TAXATION; ARTICLE VI, LOCAL HOSPITALITY TAX; SECTION 23-65, DEFINITIONS; SECTION 23-72, INSPECTIONS, AUDITS, AND ADMINISTRATION; SECTION 23-73, ASSESSMENTS AND APPEALS OF HOSPITALITY TAX; AND SECTION 23-74, VIOLATIONS AND PENALTIES; SO AS TO CLARIFY AND REVISE THE LANGUAGE THEREIN.

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 Richland County Code of Ordinances, Chapter 23, Taxation; Article VI, Local Hospitality Tax; Section 23-65, Definitions; is hereby amended to read as follows:

Section 23-65. Definitions.

Whenever used in this article, unless a contrary intention is clearly evidenced, the following terms shall be interpreted as herein defined:

(a) Local Hospitality Tax means a tax on the sales of prepared meals and beverages sold in establishments or sales of prepared meals and beverages sold in establishments licensed for on-premises consumption of alcoholic beverages, beer, or wine, within the incorporated municipalities and the unincorporated areas of the county.

(b) Person means any individual, firm, partnership, LLP, LLC, cooperative, nonprofit membership, corporation, joint venture, professional association, estate, trust, business trust, receiver, syndicate, holding company, or other group or combination acting as a unit, in the singular or plural, and the agent or employee having charge or control of a business in the absence of the principals.

(c) Prepared Meals and Beverages means the products sold ready for consumption either on or off premises in businesses classified as eating and drinking places under the Standard Industrial Code Classification Manual and including lunch counters and restaurant stands; restaurants, lunch counters, and drinking places operated as a subordinate facility by other establishments; and bars and restaurants owned by and operated for members of civic, social, and fraternal associations.

(d) Richland County means the county and all of the unincorporated areas within the geographical boundaries of the county and all of the incorporated municipalities of the county.

SECTION II. The Richland County Code of Ordinances, Chapter 23, Taxation; Article VI, Local Hospitality Tax; Section 23-72, Inspections, audits, and administration; is hereby amended to read as follows:

Section 23-72. Inspections, audits, and administration.

(a) For the purpose of enforcing the provisions of this article, the County Administrator or other authorized agent of the county is empowered to enter upon the premises of any person subject to this article and to make inspections, examine, and audit books and records.

(b) It shall be unlawful for any person to fail or refuse to make available the necessary books and records during normal business hours upon twenty-four (24) hours' written notice. In the event that an audit reveals that the remitter has filed false information, the costs of the audit shall be added to the correct amount of tax determined to be due.

(c) ~~All operational and administrative costs associated with the billing and collection of the local hospitality tax will be charged to the "Richland County Local Hospitality Tax Special Revenue Fund."~~ Revenues of the hospitality tax shall be used in accordance with Section 6-1-730 of the South Carolina Code of Laws, including police, fire protection, emergency medical services, and emergency-preparedness operations, as provided for therein.

(d) The county administrator or other authorized agent of the county may make systematic inspections of all service providers that are governed by this article. Records of inspections shall not be deemed public records.

SECTION III. The Richland County Code of Ordinances, Chapter 23, Taxation; Article VI, Local Hospitality Tax; Section 23-73, Assessments of hospitality tax; is hereby amended to read as follows:

Section 23-73. Assessments and appeals of hospitality tax.

(a) When a person fails to pay or accurately pay their hospitality taxes or to furnish the information required by this Article or by the Business Service Center, a license official of the Business Service Center shall proceed to examine such records of the business or any other available records as may be appropriate and to conduct such investigations and statistical surveys as the license official may deem appropriate to assess a hospitality tax and penalties, as provided herein.

~~A notice of such tax assessment shall be served by certified mail.~~ Assessments of hospitality taxes and/or penalties shall be conveyed in writing to businesses. If a business fails to provide records as required by this Article or by the Business Service Center, the tax assessment shall be served by certified mail. Within five (5) business days after ~~the notice a tax assessment~~ is mailed or otherwise conveyed in writing, any person who desires to have the assessment adjusted must make application to the Business Service Center for reassessment. The license official shall establish a procedure for hearing an application for a reassessment, including a reassessment based upon a waiver of penalties as authorized in Section 23-74 (b), and for issuing a notice of final assessment.

(b) A final assessment may be appealed to the ~~Business Service Center Appeals Board, as described in Section 16-8 of this Code of Ordinances~~ County Council, provided that an application for reassessment was submitted within the allotted time period of five business days. However, if no application for reassessment is submitted within the allotted time period, the assessment shall become final.

SECTION IV. The Richland County Code of Ordinances, Chapter 23, Taxation; Article VI, Local Hospitality Tax; Section 23-74, Violations and penalties; Subsection (b); is hereby amended to read as follows:

(b) The penalty for violation of this Article shall be five percent (5%) per month, charged on the original amount of the Local Hospitality Tax due. Penalties shall not be waived, except if the following circumstances of reasonable cause are proven by the person, but in any case not to exceed six months:

(1) An unexpected and unavoidable absence of the person from South Carolina, such as being called to active military duty. In the case of a corporation or other business entity, the absence must have been an individual having primary authority to pay the hospitality tax.

(2) A delay caused by death or serious, incapacitating illness of the person, the person's immediate family, or the person's accountant or other third party professional charged with determining the hospitality tax owed. In the case of a corporation or other business entity, the death or serious, incapacitating illness must have been an individual having primary authority to pay the hospitality tax.

(3) The hospitality tax was documented as paid on time, but inadvertently paid to another taxing entity.

(4) The delinquency was caused by the unavailability of necessary records directly relating to calculation of hospitality taxes, over which the person had no control, which made timely payment impossible. For example, the required records may have been destroyed by fire, flood, federally-declared natural disaster, or actions of war or terrorism. Unavailability of records caused by time or business pressures, employee turnover, or negligence are not reasonable cause for waiver of hospitality tax penalties.

(5) The delinquency was the result of clear error on the part of the Business Service Center or Treasurer's Office staff in processing or posting receipt of the person's payment(s).

(6) Delay or failure caused by good faith reliance on erroneous guidance provided by the Business Service Center or Treasurer's Office staff, so long as complete and accurate information was given to either of these offices, no change in the law occurred, and the person produces written documentation.

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

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

SECTION VII. Effective Date. All sections of this ordinance shall be effective on and after July 6, 2010.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE _____ DAY

OF _____, 2010

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Richland County Council Request of Action

Subject

Emergency Services Automatic Aid Agreement [**PAGES 120-127**] [*Forwarded from A&F Committee*]

Notes

May 25, 2010: The committee recommended that Council direct the County to enter into an automatic aid agreement with the Irmo Fire District to ensure a seamless response to fires in the northwest part of Richland County. The vote in favor was unanimous.

Richland County Council Request of Action

Subject: ESD Automatic Aid Agreement ESD03052010

A. Purpose

The purpose of this report is to obtain Council’s approval to enter into an Automatic Aid Agreement with the Irmo Fire District. There is no financial impact to the ESD budget.

B. Background / Discussion

The Irmo Fire District is a special purpose district in Lexington County and also provides fire protection to the Town of Irmo. Richland County is responsible for providing fire protection in the areas of Richland County that are contiguous to the Irmo Fire District’s response area. The Irmo Fire District routinely responds “first-in” trucks into areas outside of their district assisting us in providing a rapid response to fires. Richland County trucks also respond to assist the Irmo Fire District. Automatic Aid is the term used to describe an immediate and automatic dispatch of fire trucks regardless of jurisdictional lines. Dispatchers respond in available trucks just as if they were Richland County assets. This creates a seamless response. Mutual Aid is the term given a “back-up” response when a jurisdiction needs additional help at the scene of an incident. A mutual aid response is requested after a jurisdiction arrives on the scene and determines they need additional resources to adequately deal with the incident and they have no other local resources available.

Richland County has placed communications equipment in the Irmo Fire District’s station to provide a link from our 911 communications center to Irmo fire fighters. However, a formal Automatic Aid Agreement is needed to insure a seamless response and to outline responsibilities for the Irmo Fire District and Richland County.

C. Financial Impact

There is no additional financial impact to Richland County. Costs associated with implementing the automatic response is included in the fire budget.

D. Alternatives

1. Approve the Automatic Aid Agreement with the Irmo Fire District.
2. Do not approve the agreement.
3. Change the agreement and resubmit it to the Irmo Fire District.

E. Recommendation

It is recommended that Richland County enter into the Automatic Aid Agreement with the Irmo Fire District to provide for a seamless response to fires in the northwest part of Richland County.

Recommended by: Michael A. Byrd Department: Emergency Services Date: 05-10-10

F. Reviews

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

Finance

Reviewed by: Daniel Driggers
✓ Recommend Council approval
Comments regarding recommendation:

Date: 5/13/10
 Recommend Council denial

Procurement

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

Date: 5/17/2010
 Recommend Council denial

Legal

Reviewed by: Larry Smith
✓ Recommend Council approval
Comments regarding recommendation:

Date:
 Recommend Council denial

Administration

Reviewed by: Tony McDonald
✓ Recommend Council approval
Comments regarding recommendation:

Date: 5/18/10
 Recommend Council denial

AUTOMATIC AID AGREEMENT
FOR FIRE PROTECTION AND OTHER EMERGENCY SERVICES

THIS AGREEMENT, is made and entered into this the day of , 2009, by and between the County of Richland and the Irmo Fire District to provide for automatic assistance for fires and other types of emergency incidents as described under the terms of this agreement.

WITNESSETH:

WHEREAS, an informal agreement for automatic assistance in fire protection and response to other emergencies has existed between the County of Richland and the Irmo Fire District; and

WHEREAS, it is the desire of the Automatic Aid Agreement participants to this agreement to continue and improve the nature and coordination of emergency assistance to incidents that threaten loss of life or property within the geographic boundaries of their respective jurisdictions; and

WHEREAS, it is further the determination of each of the parties hereto that the decision to enter into this Automatic Aid Agreement constitutes a fundamental governmental policy of the parties hereto which is automatic in nature, and includes the determination of the proper use of the resources available with respect to the providing of governmental services and the utilization of existing resources of each of the parties hereto, including the use of equipment and personnel.

WHEREAS, it is the desire of the County and Fire District to initiate an "Automatic Aid Agreement" for fire department services:

NOW, THEREFORE, IT IS AGREED:

1. The parties hereto acknowledge that this Agreement is being entered into pursuant to applicable South Carolina law.

2. That the Automatic Aid Agreement participants executing this agreement agree to dispatch their respective assigned fire department units on an automatic basis, if such units are available. Each jurisdiction agrees that the closest available, most appropriate unit(s) regardless of jurisdictional boundaries, will respond.

3. It is agreed that the scope of this agreement includes automatic assistance in responding to fires, medical emergencies, hazardous materials incidents, rescue and extrication situations and other types of emergency incidents that are within the standard scope of services provided by fire departments in the Automatic Aid Agreement.

4. This agreement shall encourage the development of cooperative procedures and protocols, including but not limited to, communications coordination, training, health and safety, and other activities that will enhance the ability of the fire departments to fulfill their missions.

5. Nothing in this agreement shall limit the ability of any or all of the parties from agreeing to participate in more specific contracts for services, mutual assistance or automatic response; nor shall this prohibit any party from providing emergency assistance to another jurisdiction which is not a participant in this agreement.

6. The County of Richland and the Irmo Fire District shall retain ownership of any equipment or property it brings to the performance of this agreement and shall retain ultimate control of its employees.

7. Participants in this automatic aid agreement do further agree to the following standard service criteria as the primary response system elements of this automatic aid agreement:

- A. The Automatic Aid participants will use a Computer Aided Dispatch system(s) that automatically selects the closest, most appropriate unit(s) for dispatch.

- B. The Automatic Aid Agreement allows the closest, most appropriate emergency response unit to an emergency to be dispatched automatically - regardless of the jurisdiction where the emergency occurs or the jurisdictional affiliation of the response unit.
- C. The Automatic Aid Agreement utilizes a preplanned system of communications. Communications support for participants includes the provision of a main dispatch and multiple tactical radio frequencies, station alerting systems, direct phone lines between each participating fire station and the Dispatch Centers, and paging systems. These systems are in place and supported by the Dispatch Centers.
- D. All participants will use standard command procedures. A standardized Incident Management System (IMS) provides for efficient management of the emergency and for the safety of firefighters. The Incident Management System for use by Automatic Aid participants shall be NIMS.
- E. It is the desire of all Automatic Aid participants to explore other opportunities for joint training, including entry level training, mini academies, refresher training and systems training. By training together and using common procedures, participants have a higher level of confidence in each other.
- F. To ensure compatibility of equipment, participants should maintain a mutually agreed upon inventory of equipment (based upon minimum NFPA standards), including hoses, couplings, pump capacity, communications equipment, and will maintain the minimum standard amount of equipment on each type of apparatus (as recommended by related NFPA Standards).
- G. Participants shall utilize standardized terminology for all apparatus.
- H. Participants shall use standardized response criteria (i.e. pre-established type and number of apparatus that will be automatically dispatched based on type of call as

per standard NFPA and ISO recommendations). The Dispatch Centers can tailor the response to specific types of incidents by jurisdiction or part of a jurisdiction. This includes the capability to automatically dispatch selected specialty units.

- I. Participants recognize the importance of service delivery and personnel safety issues. Participants shall develop a plan to accomplish staffing per NFPA standards.
- J. Departments will use safety officers at emergency scenes and will follow standardized procedures as recommended by NFPA. Staff filling the role of safety officer will participate in training.
- K. Participants agree to the use of specialized unit resources. The assignment of a specialized unit to an incident relies on predefined response levels to specific types of incidents, the closest specialized unit to the call, and/or any special call for resources made by an incident commander that is not pre-programmed in the CAD system. This includes, but is not limited to, hazardous materials support, technical rescue support, loss control, rehab, command, utility, brush, and water tankers.
- L. Participants agree that automatic aid is reciprocal. While automatic aid does not ensure that a community will receive the exact same amount of assistance as it gives, it does mean that all participants will provide some assistance outside its jurisdictional boundaries and that the level of service delivered within the Automatic Aid Agreement will be comparable.
- M. Participants shall define "time of dispatch" as the point in time at which the Dispatch Center has notified the station or (responding unit if out of station) of the call through the station alert system or radio.
- N. Participants shall measure "response time" from the time of dispatch to time of arrival on-scene.

O. Calls outside the response boundaries of the Automatic Aid Response Agreement will be considered mutual aid where such written agreements exist. Requests for and responses to mutual aid will be at the sole discretion of the department/fire district involved.

9. No term or provision of this Agreement is intended to, or shall, create any rights in any person, firm, corporation or other entity not a party hereto, and no such person or entity shall have any cause of action hereunder.

10. It is specifically agreed by both parties for a particular incident, neither party shall be reimbursed by the other party for any costs incurred pursuant to this agreement. In the event of Declared Disasters, participants may apply for reimbursements from County, State and Federal agencies.

11. In the event a party shall sustain a loss or damage to its equipment or injury to any of its personnel while responding to an incident in the jurisdiction of the other party, such loss shall be the sole responsibility of the party responding to the incident, and the other party shall not have any liability for such damage or injury.

12. To the extent permitted by law, the parties hereto shall indemnify and hold harmless each other, its officers, trustees, agents, employees and assigns from and against loss, cost, damages, expense and liability caused by an accident or occurrence resulting in bodily injury, including death, sickness, disease to any person or damage or destruction to property, real or personal, arising directly or indirectly from operations or services rendered under this agreement.

13. The parties further understand that this agreement supersedes any previous Automatic Aid Agreement between either of the parties hereto.

14. If one party wishes to terminate this agreement, six months (180 days) notice in writing of intention to terminate shall be given to the parties involved.

15. No term or provision in this agreement is intended to create a partnership, joint venture or agency arrangement between any of the parties.

16. The parties to this agreement hereby agree that other departments dispatched by the Dispatch Centers may be added to this Automatic Aid Agreement upon approval of the participants.

17. This Automatic Aid Agreement shall be reviewed by the parties every five years or as deemed necessary.

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

WITNESSES:

M.F. Apple

WITNESSES:

DAVID BLACKWELDER

By David Blackwelder

On behalf of the Irmo Fire District

By _____

On behalf of the County of Richland

Richland County Council Request of Action

Subject

EMS Ambulance Purchase **[PAGES 129-130]** *[Forwarded from A&F Committee]*

Notes

May 25, 2010: The committee recommended that Council approve the purchase of the five new ambulance vehicles from Taylor Made Ambulance Company for a cost of \$526,862 and allow staff to initiate the purchase of the two additional ambulances pending approval of the 2010-2011 budget. The vote in favor was unanimous.

Richland County Council Request of Action

Subject: EMS Ambulance Purchase *ESD02052010*

A. Purpose

The purpose of this report is to obtain Council approval to purchase five new ambulance vehicles now and, as funding allows in the 2010-2011 budget, two additional ambulances within the next six months. This is a sole source procurement. Funding is available in this year's budget. The additional purchase is contingent on available funds appropriated in the 2010-2011 budget.

B Background / Discussion

EMS has ambulances that have exceeded the end of their life cycle. Each year we replace ambulance vehicles. Over ten years ago EMS began to replace ambulances using the same manufacturer to establish continuity and standardization in the fleet. In addition, standardization benefits parts acquisition, maintenance, service, training and familiarization of equipment. By being a member of the South Carolina EMS Association, we are members of the North Central EMS Cooperative (NCEMSC). The NCEMSC is a non profit corporation based in Minnesota and represents over 2,000 agencies. Its mission is to provide a mechanism to achieve cost reductions for its members while creating specifications for EMS products and supplies which NCEMSC uses to bid and write contracts. NCEMSC also endorses Taylor Made Ambulances in their "Best Pricing Program."

Establishing a standard ambulance vehicle from the same manufacturer creates a better working environment for Paramedics, establishes a "standard" for equipment storage and makes it easier and more cost effective to repair because all vehicles are the same. Taylor Made currently has three (3) 2010 chassis and two (2) 2009 chassis available.

C. Financial Impact

The cost of the vehicles is budgeted and is available in EMS account 2210-5313 for this budget year. The additional ambulance purchase is contingent on the allocated funds in the budget for 2010-2011.

Current Purchase Breakdown:

2010 Vehicles	\$105,428 x 3 =	\$316,284
2009 Vehicles	\$104,539 x 2 =	\$209,078
Tax	\$ 300 x 5 =	\$ 1,500

Total Cost for 2010 \$526,862

D. Alternatives

1. Approve the purchase of the five ambulances now and allow staff to initiate the purchase of the two additional ambulances in the next budget year provided funding is available.
2. Do not approve the purchase.
3. Conduct a bid solicitation.

Richland County Council Request of Action

Subject

Laboratory Tech-Full Time Grant-Sheriff's Department [PAGES 132-135] *[Forwarded from A&F Committee]*

Notes

May 25, 2010: The committee recommended that Council approve the request to approve the additional personnel request for the Forensic DNA background reduction. The committee also recommended that Council direct future personnel expenses associated with this grant be absorbed within the Sheriff Departments budget. The vote in favor was unanimous.

Richland County Council Request of Action

Subject: Laboratory Technician/ Full-time Personnel/ No Match

A. Purpose

County Council is being requested to approve the addition of a full-time position to an existing grant proposal for the National Institute of Justice DNA Backlog Reduction Program. This addition was not included in the Grant Budget Request for 2010-2011.

B. Background / Discussion

The Richland County Sheriff's Department has applied for a grant from the National Institute of Justice DNA Backlog Reduction Program. The Grant Budget Request for this project was submitted during the original budget process; a revised Grant Budget Request and Position Request are attached. This is an addition to that project. This request will continue to fund a DNA Analyst and fund a new full-time Laboratory Compliance Technician for the Richland County Forensic Laboratory. This position is required to be picked up by county funds once grant funds are no longer available. The increased caseloads seen in the lab necessitates this request.

C. Financial Impact

Once the grant is closed, Richland County will be required to maintain this position with an estimated cost of \$38,195 per year.

Grant Program	Costs	Match
Laboratory Compliance Technician	\$38,195	\$0
Total Grant Budget Request	\$145,000	\$0

D. Alternatives

1. Approve the request to fund this program to decrease the backlog in DNA case examinations and CODIS entries.
2. Do not approve, forfeit funds, and decrease likelihood for future funding.

E. Recommendation

It is recommended that Council approve the request to approve the additional personnel request for the Forensic DNA Backlog Reduction.

Recommended by: *Chief Deputy Dan Johnson, Richland County Sheriff's Depart.* Department: Date: *April 30, 2010*

F. Reviews

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

Finance

Reviewed by: Daniel Driggers:

Date: 5/07/10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council discretion. While there is no immediate financial impact based on section c, the county will be required to pick up the full burden of the position in FY12.

Grants

Reviewed by: Sara Salley

Date: 5/10/10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council discretion.

Legal

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council discretion

Administration

Reviewed by: Sparty Hammett

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council discretion. As indicated by the Finance Director, there is no immediate financial impact; however, the County would have to fund 100% of the cost of the position after the grant funding ends.

**Richland County
Grant Application Request
Fiscal Year 2011 (July 2010 – June 2011)**

Complete a separate form for each grant application you intend to submit.

Section A: Basic Information

1.) Department: RCSD		2.) Dept. Contact: Traci Dove	
3.) Grant Title of Project: DNA Backlog Reduction			
4.) Grant Program: DNA Backlog Reduction			
5.) Grantor: National Institute of Justice		6.) Fund Source: <input checked="" type="checkbox"/> Federal <input type="checkbox"/> State <input type="checkbox"/> Other (check one)	
7.) Grant Period: From 10/1/10 To 9/30/11		8.) Application Due Date: June 2009	
9.) Status: <input type="checkbox"/> Application sent – date <input checked="" type="checkbox"/> To be submitted – date June 2010		10.) Anticipated Award Date: September 2010	
11.) <input type="checkbox"/> New Grant? or <input checked="" type="checkbox"/> Continuation Grant? (check one)		12.) If continuation grant, what is previous grant #? 8627	
13. a.) Amount of grant funds requested: \$145,000	13. b.) Percentage of total request: 100%	14. a.) Amount of matching funds requested: \$0	14. b.) Percentage of total request: 0%
15.) Total Project Cost: (Grant funds requested + matching funds requested) \$145,000 = 100%			

Section B: Project Description

16.) Provide a general statement of the purpose of the grant. Provides personnel and supplies for the processing of backlogged DNA cases.

Section C: Financial Impact

17.) Does grant allow administrative (indirect) costs? No If yes, what percentage? _____
When applying for the grant, be sure to include this amount in your budget to assist with the County's and your Department's indirect costs of managing the grant.

Grant Personnel

For new grants:

18. a.) How many new, full-time positions will be created by this grant? 1
Please complete and attach a **Grant Funded New Position Funding Request** form for each new position type (mandatory)

For continuation grants:

18. b.) How many full-time positions will be continuing with this grant? 1

For all:

19.) Does the grant require positions to be maintained following conclusion of the grant? Yes

20.) If yes, for how long? (i.e., one local fiscal year, 12 months, etc.) 12 months

21.) Is this grant funded through the American Recovery and Reinvestment Act? No.

**Grant Funded: Position Funding Request
For Fiscal Year 2010 - 2011
New Position Funding Request**

Section A - Basic Information

Requesting Department Name & Number: RCSD

Title & Pay Grade of Position Requested: Lab Compliance Technician

Number of this Position Requested: 1

Will this new position require police retirement? N
(If yes you must put Y, if no you must put N)

	<i>Column 1</i>	<i>Column 2</i>
	<i>Single Position</i>	<i>All Positions</i>
<u>Section B - Compensation</u>		
Salary (must be requested at the minimum salary for the pay grade)	\$ 30,925	\$ 30,925
FICA Expense (Salary X .0765)	2,366	2,366
Regular Retirement (Salary X .0939)	2,904	2,904
Police Retirement (Police Salary X .1153)	-	-
Health & Dental Insurance	-	-
Workers Compensation	-	-
TOTAL COMPENSATION COST	\$ 36,195	\$ 36,195
Grant % <u>100.00%</u>	36,195	36,195
County match portion % <u>0.00%</u>	-	-

Section C - Costs Associated with Position

Operating Costs (Supplies, Fuel, Phones, Etc.) <i>Please list below</i>	Each	Total
Computer COST	\$ 2,000	\$ 2,000
Does the grant help pay for these items? If so, split costs here:	Grant portion 2,000	2,000
	County portion	
Capital Costs (Equipment, Vehicle, Etc.) <i>Please list below</i>	Each	Total
COST	\$	\$
Does the grant help pay for these items? If so, split costs here:	Grant portion	
	County portion	

All costs on this form are associated with this grant request ONLY and should not be included on the budget request worksheet.

TOTAL COST TO GRANT	\$ 38,195	\$ 38,195
TOTAL COST TO COUNTY	\$ -	\$ -

H.R. USE ONLY

PAY GRADE _____ CLASS _____ HUMAN RESOURCES APPROVAL _____

Richland County Council Request of Action

Subject

Pursue Properties Associated with Caughman Creek Using Hospitality Tax Funds [**PAGES 137-141**] [*Forwarded from A&F Committee*]

Notes

May 25, 2010: The committee recommended that Council direct staff to come up with a creative way to pursue purchasing all properties associated with Caughman Creek and bring back recommendations to Council by the 3rd reading of the budget. The vote in favor was unanimous.

Richland County Council Request of Action

Subject: Pursue Properties Associated with Caughman Creek Using Hospitality Tax Funds

A. Purpose

Council is requested to consider the motion made at the March 16, 2010 Council Meeting, and direct staff as appropriate.

B. Background / Discussion

The following motion was made at the March 16, 2010 Council Meeting by Councilman Jackson:

Richland County, the Conservation Commission, and the Recreation Commission pursue purchasing all properties associated with Caughman Creek using Hospitality Tax Funds for recreational, historical, and conservation purposes; also explore a public/private partnership.

It is at this time that staff is requesting direction from Council with regards to this motion.

C. Financial Impact

There is no financial impact associated with this request at this time, as further information and direction from Council will need to be obtained before a financial impact can be determined.

D. Alternatives

1. Approve the motion and direct staff as appropriate.
2. Do not approve the motion.

E. Recommendation

Council discretion.

F. Reviews

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

Finance

Reviewed by: Daniel Driggers

Date:

- Recommend Approval
- Recommend Denial
- No Recommendation

Comments:

Legal

Reviewed by: Larry Smith

Date:

Recommend Approval

Recommend Denial

No Recommendation

Comments: Council discretion

Administration

Reviewed by: J. Milton Pope

Date: 4-19-10

Recommend Approval

Recommend Denial

No Recommendation

Comments: The Committee and Council must first give direction to staff however all existing obligations of the H-Tax fund should be acknowledged before any “new” obligations are made.

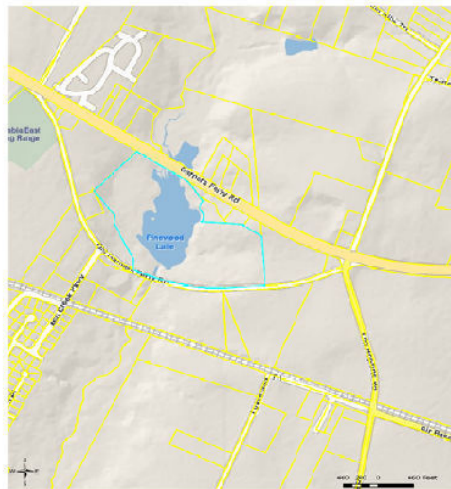
MEMORANDUM

TO: MILTON POPE, COUNTY ADMINISTRATOR
FROM: JIM WILSON, CONSERVATION COMMISSION
RE: POSITION ON CAUGHMAN/MILL CREEK PROPERTY
DATE: MAY 11, 2010

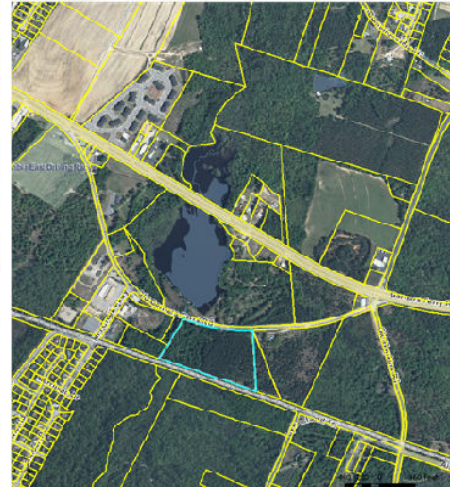
As requested, the Richland County Conservation Commission has reviewed the proposed acquisition of the Caughman property on U.S. Highway 378 in Lower Richland County. We are impressed with the property and recommend the County take an additional step of determining the property's value in order to adequately understand the project's chance of success.

The property: The property is comprised of two tracts of 56.01 (zoned commercial) acres and 17.23 (zoned rural). A 20 acre pond, known as Pinewood Lake on maps, is the defining feature and a restaurant was formerly on site. It burned in the 1980's. The pond is fed by Mill Creek.

There is a home site that, while in poor condition, is being rehabilitated. There are also several out buildings, some of historic significance. Two docks provide access to the pond and are in need of rehabilitation.



Location

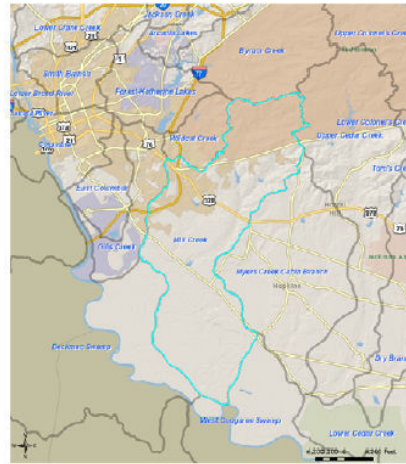


Conservation value:

The Mill Creek Watershed is a formal land area in Lower Richland with significant natural resource features such as perennial streams, wetlands, flood plains, and wildlife habitat. The watershed area is over 40 square miles and approximately 27,000 acres of rural landscape which includes forestland, agricultural fields, wildlife corridors, and large green space protected areas. The watershed begins on Fort Jackson with Mill Creek connecting with Congaree National Park and Congaree River system.

The Caughman Family Property lies in the upper one-third of the watershed directly on Mill Creek. A 20 acre lake currently exists on the property that has excellent water quality and potential recreational use. The surrounding floodplain and wetlands are sensitive buffers to the lake and Mill Creek.

The Conservation Commission recommends protection of the lake, dam, and buffers to ensure proper watershed best management practices and remain in compliance with DHEC storm water regulations.



Mill Creek Watershed

Historic Value:

The former restaurant, The Bounty, was a well known establishment that offered hospitality in a scenic, natural setting. Anecdotal evidence is told of “afternoons spent” at the Pinewood Lake.

Historic farm buildings on site

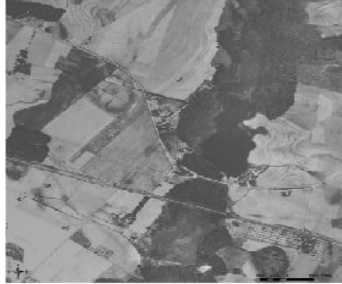


The truest historic value may be the remaining buildings involved with the residences. Given their age and their vernacular architecture they well may be eligible for listing on the National Register of Historic Places. The South Carolina Department of Archives and History has been requested to make a determination of their eligibility. In any event, they

reflect excellent examples of agricultural buildings.

The Conservation Commission recommends protection of the historic structures and the traditional setting to ensure the continuation of this significant reminder of our County's legacy.

1939 - Pre Highway 378 view of Property – Notice buildings are on site



Recreational Value:

The Richland County Recreation Commission has evaluated the property and find it extremely well suited for a recreational facility in Lower Richland County. RCRC has few water access sites and has been looking for ways to provide improved water-based recreation. This property could provide such a role, and when this is added to conservation and historic attributes make this property well suited for protection.

The Conservation Commission recommends the property be used for water based recreational access by the Richland County Recreation Commission.

Financial Considerations: The property was recently purchased in estate proceedings for \$605,000 by John C. Gwinn. There is some evidence this was not an arm's length transaction, though it may be a fair price. Agent Ken Steiner is our point of contact.

Recommendation: *The Conservation Commission recommends commissioning an appraisal of the property. Commission is willing to allocate the costs for this service.*



Richland County Council Request of Action

Subject

Request for Contract Award-ADA Improvements-Administration and Health Complex **[PAGES 143-144]**
[Forwarded from A&F Committee]

Notes

May 25, 2010: The committee recommended that Council allow the procurement director and Support Services Department to move forward with negotiations and award the contract to complete the ADA improvements to the Administrative and Health Complex. The vote in favor was unanimous.

Richland County Council Request of Action

Subject: Request for Contract Award - ADA Improvements - Administration and Health Complex

A. Purpose

The purpose of this request is to seek County Council's approval to enter into a construction contract with the lowest, most responsive responder for the second phase of the ADA improvements project of the Administration Complex. This project is designed to make the Administration and Health buildings more accessible to the citizens of Richland County.

B. Background / Discussion

After having a complete evaluation of the facilities and defining the need and detail for improving the access to the facilities, a priority list of tasks was determined and funds have been allocated by Council in the previous budget processes. The Facilities Division has completed one phase of this project by adding automatic assist door operators to Voters Registration where there was previously no assisted entrance and widening the sidewalk to meet current standards at the ground level entrance of the Administration building. During this first phase multiple public ADA spaces in this area were reconstructed to meet grade elevation requirements. Other projects have been completed in the past few years as well on the interior of the buildings by altering customer service counters to meet the ADA guidelines. We have now advertised and received several responses to make all public and employee entrances into the Administration and Health complex more accessible and current ADA Guideline compliant. Although the two rear entrances to the facility have pushbutton ADA operators the sidewalk does not meet standard for manual pushbutton operation and the systems are not entirely reliable. The main entrances from the Hampton St. and the employee entrances at the breezeways have no assisted entrance system for either facility. The advertisements for this phase of the project included all entrances, to include airlock portions, to be modified with new door systems and operators that will meet current ADA standard compliance as well as enhance the safe use of these systems. The current systems do not meet this goal. Based on the responses there are sufficient funds previously approved by Council to move forward with and complete this project.

C. Financial Impact

No additional funds are requested for this phase of the project. All funds necessary to complete this phase are in the facilities ADA project budget JL-11320000 for the Administration Complex. The apparent most responsive responder is First Class Construction at a bid of \$117,036.00. Due to the fact that this will be a major remodel project to include electrical and proximity sensing technology, a 20% contingency will be set aside. All changes due to unknown circumstances will be submitted for review and completely subject to County staff approval. This will provide a project budget for this phase totaling \$140,400 that is within the current budget amount for this project. Once this project is complete, and after normal warranty expiration, normal planned and preventive maintenance will be utilized to protect the asset and help prevent future major unpredicted repairs or concerns with improved entrance systems.

Richland County Council Request of Action

Subject

Retirement System Deduction Program for Retired Public Safety Officers Insurance **[DENIAL]** **[PAGES 146-152]**
[Forwarded from A&F Committee]

Notes

May 25, 2010: The committee recommended that Council **deny** the proposal that would permit Richland County Public Safety Retirees (Law Enforcement and EMS retirees) who elect to participate have county health premiums deducted from the SCRS/PORS retiree check monthly. The vote in favor was unanimous.

Richland County Council Request of Action

Subject: Retirement System Deduction Program for Retired Public Safety Officers
Insurance

A. Purpose

To permit Richland County Public Safety Retirees (Law Enforcement and EMS retirees) who elect to participate have county health premiums deducted from the SCRS/PORS retiree check monthly and exclude \$3,000 or less from their taxes.

B. Background / Discussion

Origin of Issue:

Retiree Request to Member of County Council

Lead Department:

Human Resources

What are the Key Issues (Precipitation of Project):

- The County must sign an agreement with the SC Retirement System.
- Upon approval by the County, a letter will be sent to each employee informing them about the program, benefits of the program, and retiree requirements of the program.
- Eligible County retirees (public safety retirees) as defined by the SC Retirement System will have the option of whether to participate in the program. The eligible retiree must properly complete, sign, and return an election form.
- The County has approximately 500 retirees.
- The County reconciles the retiree billing monthly. The reconciliation process involves comparing the billing, enrollment, premiums received, changes, new enrollees to ensure they all match. In order to mitigate errors, detect changes that need to be made promptly, and because of the number of retirees, this is an automated process.
- Retirees will need to pay premiums in the month prior to month of effective coverage. This will be consistent with how employees pay premiums and will provide adequate time to receive premiums deducted from public safety employee checks and submitted from the SC Retirement System.
- All Richland County retirees will be required to pay “catch-up month premium”. This includes retirees who are not public safety retirees and retirees who do not wish to participate in the program.
- Staff anticipates some retirees will prefer not to pay “catch-up month premium”, especially if they are not eligible to participate or elect not to participate in the program.

Date Ready for Implementation: 90 days after Council approval

Multiple Year Project: No

Estimated Work Hours for Completion: 100

Process to Date:

Research and discussion with SCRS and between Administration, Finance and HRD.

Process Plan for Future Action:

1. Request Council approval program
2. Sign agreement with SCRS (see attachment)
3. Inform all Richland County Retirees about the program and send SCRS election form
4. Obtain authorization from eligible retiree (see attachment)
5. Bill retirees for “catch up month premiums”
6. Submit retiree authorization forms to SCRS.

Reference: SCRS Regulation

Financial Impact:

All Retirees will be financially impacted, if they pay monthly premiums, by having to come up with catch up month premium in order to implement in the program.

Estimated Fiscal Impact:

Need definition of compared to Financial?

C. Alternatives:

1. Implement program
2. Not implement

D. Recommendation

F. Reviews

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

Finance

Reviewed by: Daniel Driggers

Date: 5/10/10

Recommend Council approval

✓ Recommend Council denial

Comments regarding recommendation: Agree with HR Director comments.

Human Resources

Reviewed by: Dwight Hanna

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Because of the rules of the SCRS, only public safety retirees have the option to participate. There will likely be 50% or less of County retirees eligible to participate in the program. Human Resources anticipates that some retirees will not desire to pay the “catch-up” month premium, especially if they are not eligible under the SCRS rules to participate or they don’t wish to participate in the program. Consequently, some those retirees who are not eligible but required to pay the “catch-up” month may react strongly against compliance with the “catch-up” month requirement.

Legal

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council discretion

Administration

Reviewed by: Tony McDonald

Date: 5/14/10

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Concur with Human Resources Director’s comments. Recommend denial of this proposal.

**State Budget and Control Board
South Carolina Retirement Systems
Retired Public Safety Officers' Insurance Payment Program
Memorandum of Agreement**

Section 845 of the Pension Protection Act of 2006 (PPA) allows eligible retired public safety officers to elect to exclude up to \$3,000 from gross income for certain distributions made from an eligible retirement plan to pay qualified health insurance premiums.

The term "Insurance Provider" includes insurance companies, third party administrators and employers.

In order to provide retired public safety officers who are retired under the South Carolina Retirement Systems (Retirement Systems) with the benefit of the aforementioned income exclusion, the Retirement Systems hereby enters into this Memorandum of Agreement with you, the insurance provider. The Retirement Systems assumes no liability associated with this premium payment. The Retirement Systems is simply functioning as a conduit between the retiree and the insurance provider. The following procedures will be required:

- The Retirement Systems will obtain self certifications from members to determine which retirees qualify as eligible retired public safety officers.
- Eligible retirees will be required to complete a Retired Public Safety Officers' Insurance Payment Program Deduction Form, Form 7701, for each insurance provider or policy and file it with the Retirement Systems.
- The Retirement Systems will remit payment to each insurance provider on the last business day of each month. A report will be provided that will include the following information for each monthly remittance:
 - Name of Insurance Provider
 - Insurance Provider Unique Identifier (assigned by the Retirement Systems)
 - Retiree Name (Last Name, First Name) and Retiree Social Security Number
 - Monthly Premium Remittance
 - Policy Number
- The Retirement Systems will stop premium remittances and change premium remittance amounts based upon notification from the retiree or the insurance provider.
- In order to participate in this program, insurance providers must be licensed to provide qualified products within the United States of America.
- If the retirees' monthly annuity check is not sufficient to cover the entire premium payment, the Retirement Systems will not make the payment to the insurance provider for that month.
- If a retiree exhausts the \$3,000 maximum eligible for exclusion, the Retirement Systems will continue to remit payment to the insurance providers on an after-tax basis.
- The insurance providers may only request premium payments for insurance types allowable for exclusion from income under the PPA (accident and health insurance and long-term care insurance).
- If at any time the insurance provider becomes aware of any non-compliance with state or federal laws or regulations, including but not limited to the PPA, the insurance provider must notify the Retirement Systems immediately.
- Either the insurance provider or the Retirement Systems can terminate this agreement by written notice received no less than 45 days in advance of the termination date.

I hereby certify that I am authorized to sign as an agent for my company (insurance provider). I hereby certify that my company (insurance provider) will comply with the terms in this agreement. I understand that if my company (insurance provider) does not comply with the terms of this agreement that the Retirement Systems may terminate its relationship with my company (insurance provider) at any time. If you have any questions, please contact Customer Services at (800) 868-9002 (in-state) , (803) 737-6800 or cs@retirement.sc.gov.

Legal Name _____ Contact Name _____
Remittance _____ Phone Number _____
Address _____ E-mail Address _____
Tax ID Number _____ License State _____
Website Address _____ License Number _____
Signature _____ Date _____

THE SOUTH CAROLINA RETIREMENT SYSTEMS RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT AND TO REVISE THIS PROGRAM AS IT DEEMS APPROPRIATE.

Form 7701
Revised 01/14/2008
Page 1

State Budget and Control Board
South Carolina Retirement Systems
Retired Public Safety Officers' Insurance Payment Program Deduction Form
Not Applicable for SC Employee Insurance Program (EIP)

Public Safety Officer Certification

At the time of my separation from service immediately prior to retirement, I (check appropriate box)

- Provided law enforcement services. Law enforcement officers are individuals involved in crime and juvenile delinquency control or reduction, or enforcement of the criminal laws, including, but not limited to, police, corrections, probation, parole, and judicial officers.
- Provided firefighting services. Firefighters are professional firefighters or individuals serving as an officially recognized or designated member of a legally organized volunteer fire department.
- Provided emergency medical services. Rescue Squad or ambulance crew members are officially recognized members of a rescue squad or ambulance crew.
- Provided chaplain services. Chaplains are officially recognized or designated chaplains of volunteer fire departments, fire departments or police departments.
- Did **not** provide law enforcement, firefighting, emergency medical, or chaplain services.

Insurance Provider Information - Attach a copy of your invoice

New Designation Change to Previously Designated Policy Stop Previously Designated Payments

Insurance Company Name

Group/Policy Number

Insurance Provider Number - Assigned by the Retirement Systems

Payment Address

City

State

Zip Code

Telephone Number

Insurance Type Medical, Vision, Dental Long Term Care Monthly Premium Amount \$

Member Information

Name

First

Middle

Last

Social Security Number

Daytime Telephone Number

Withholding Authorization:

- I hereby authorize the Retirement Systems to reduce my gross annuity benefit, after taxes are calculated, by the total amount of qualified insurance premiums up to \$3,000 per year and submit them directly to the insurance provider I have identified on this form. I understand this will result in a change of my net monthly pension annuity.
- I understand that the Retirement Systems is not responsible for lapsed premiums or lapsed insurance policy coverage or any other coverage or benefit issues that may arise between my insurance provider and me.
- I must contact the Retirement Systems to change or stop premium remittance amounts.
- To stop premium remittance with the Retirement Systems, complete an additional Form 7701 and check "Stop previously designated payments" in the insurance provider information block. I understand that I must contact my insurance provider directly to cancel my insurance policy.
- To change premium remittance amounts with the Retirement Systems, complete an additional Form 7701 and check "change to previously designated policy" in the insurance provider information block. The Retirement Systems must have at least 30 days notice to process premium remittance amount changes.
- This election will stay in effect until the Retirement Systems is notified to cancel or change the premium remittance.
- I authorize the Retirement Systems to process changes in premium amounts from the insurance providers designated on this form. As a result, the Retirement Systems will process changes to premium amounts upon notification from me, the retiree, or upon notification from my insurance provider.
- If after my initial election in the program, I would like to add an additional premium payment, I may do so by completing an additional Form 7701 and checking "new designation" in the insurance provider information block.

(Continued On Page 2)

Item# 34

Attachment number 1
Page 5 of 7

- Payments will be made from the Retirement Systems directly to the insurance providers on the last business day of each month.
- If the amount of my monthly annuity check is not sufficient to cover the entire premium payment, the Retirement Systems will make no payment to the insurance provider.
- If I exhaust the \$3,000 calendar year maximum eligible for exclusion from income, the Retirement Systems will continue to remit payment to the insurance providers for the remainder of the year.
- By participating in this program and authorizing the Retirement Systems to remit premium payments on my behalf, I may not authorize another qualified retirement plan to also remit payments that will exceed the \$3,000 maximum annual amount.
- I understand that it will be my responsibility to report the premiums eligible for exclusion on my individual tax return in order to claim the exclusion from taxable income. The Retirement Systems will provide a separate statement at calendar year end stating the amount of qualified premiums deducted and paid on your behalf. If I receive a refund of qualified premiums during the calendar year, I understand the amount of qualified premiums reported on the SCRS annual statement must be adjusted to reflect the refund.
- If the Retirement Systems does not have a prior approved agreement with my insurance provider, implementation of the remittance of my premium payments may be delayed or not possible.
- The Retirement Systems will notify me when premium payments through the Retirement Systems will begin or if payments will not be possible.
- **BY SIGNING THIS FORM, I AGREE THAT I WILL NOT MAKE ANY LEGAL CLAIM OF ANY KIND AGAINST THE SOUTH CAROLINA RETIREMENT SYSTEMS, ITS STAFF AND ADVISORS, AND THE EMPLOYER AS A RESULT OF MY PARTICIPATION IN THIS PROGRAM, INCLUDING, BUT NOT LIMITED TO ANY UNEXPECTED TAX LIABILITY TO ME, INCLUDING INTEREST AND PENALTIES. I UNDERSTAND THAT MY ABILITY TO PARTICIPATE IN THIS PROGRAM IS A VALUABLE BENEFIT FOR WHICH I AM WILLING TO SIGN THIS WAIVER OF ALL CLAIMS. I FURTHER RELEASE THE SOUTH CAROLINA RETIREMENT SYSTEMS, ITS STAFF AND ADVISORS, AND THE EMPLOYER FROM ANY LIABILITY ARISING FROM THE ADMINISTRATION OF PAYMENTS TO ANY INSURER.**
- **THE SOUTH CAROLINA RETIREMENT SYSTEMS RESERVES THE RIGHT TO REVISE THE CONTENT OF THIS DOCUMENT AND TO REVISE THIS PROGRAM AS IT DEEMS APPROPRIATE.**

I have read the statements on this form and agree to the terms and conditions. I attest that the information provided on this form is true and accurate.

Retiree Signature _____ Date _____

SSN _____

Instructions

The provisions of Section 845A of the Pension Protection Act of 2006 provides for the exclusion from taxable income a maximum of \$3,000 of qualified health and long term care insurance premiums for eligible retired public safety officers. The legislation requires that premiums be deducted from the distribution of a retiree's annuity and remitted directly to insurance providers.

An eligible public safety employee is an employee of a state or political subdivision that provides law enforcement services, firefighting services, or emergency medical services for any area within the jurisdiction of such State or political subdivision. Membership in the Police Officers Retirement System, does not qualify an employee for the exclusion - the employee must be a qualified public safety employee as defined in the PPA. The PPA also requires that retirees must have retired by reason of disability or attainment of normal retirement. The Retirement Systems does not determine whether an individual retiree is an eligible public safety officer and as a retiree, you are ultimately responsible for determining whether you are qualified to claim the deduction. By signing and submitting this form, you are certifying that you meet the federal criteria in the PPA.

Qualified health and long term care insurance policies include premiums for employer-sponsored or self-insured health plans, Medicare Part B, Medicare Advantage, Medicare Part D, Medicare supplement, and individually purchased health, dental, or vision policies for both single and family coverage. You may only elect for the Retirement Systems to remit qualified insurance premiums on your behalf.

If the Retirement Systems does not have a prior relationship with your insurance provider, remittance of your premium payments may be delayed or not possible. The Retirement Systems will notify you when and if premium payments will begin. If you remit payments for insurance to your former employer, please include your employer's information in the insurance provider section.

DO NOT STOP MAKING PREMIUM PAYMENTS UNTIL YOU ARE NOTIFIED BY THE RETIREMENT SYSTEMS OF THE DATE THAT PREMIUMS WILL BE PAID FROM YOUR RETIRMENT BENEFITS.

Be sure to read the terms and conditions on Form 7701 and keep a copy for your records. Also please note that the IRS has not yet issued regulations regarding the PPA. Therefore, the terms and conditions of this program are subject to change based on future IRS regulations, rulings, and interpretations.

If you have any questions, please contact Customer Services at (803) 737-6800, (800) 868-9002 (in-state), or cs@retirement.sc.gov.

Richland County Council Request of Action

Subject

10-07MA

Map amendment for properties in the Crane Creek Master Plan Neighborhood District **[PAGES 154-185]**

Notes

First Reading: April 27, 2010

Second Reading: May 4, 2010

Third Reading:

Public Hearing: April 27, 2010

STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ___-10HR

AN ORDINANCE AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, BY APPLYING THE CC (CRANE CREEK NEIGHBORHOOD DISTRICT) ZONING TO CERTAIN REAL PROPERTY LOCATED WITHIN AN UNINCORPORATED AREA OF RICHLAND COUNTY; 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 in Exhibit A, which is attached hereto, from RU (Rural District) zoning to CC-1 (Crane Creek-1 Neighborhood District) zoning.

Section II. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described in Exhibit B, which is attached hereto, from RS-LD (Residential, Single-Family – Low Density District) zoning to CC-1 (Crane Creek-1 Neighborhood District) zoning.

Section III. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described in Exhibit C, which is attached hereto, from RS-MD (Residential, Single-Family – Medium Density District) zoning to CC-1 (Crane Creek-1 Neighborhood District) zoning.

Section IV. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described in Exhibit D, which is attached hereto, from RS-HD (Residential, Single-Family – High Density District) zoning to CC-1 (Crane Creek-1 Neighborhood District) zoning.

Section V. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described in Exhibit E, which is attached hereto, from RM-HD (Residential, Multi-Family – High Density District) zoning to CC-1 (Crane Creek-1 Neighborhood District) zoning.

Section VI. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described in Exhibit F, which is attached hereto, from MH (Manufactured Home Residential District) zoning to CC-1 (Crane Creek-1 Neighborhood District) zoning.

Section VII. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described in Exhibit G, which is attached hereto, from OI (Office and Institutional District) zoning to CC-1 (Crane Creek-1 Neighborhood District) zoning.

Section VIII. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described in Exhibit H, which is attached hereto, from NC (Neighborhood Commercial District) zoning to CC-1 (Crane Creek-1 Neighborhood District) zoning.

Section IX. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described in Exhibit I, which is attached hereto, from GC (General Commercial District) zoning to CC-1 (Crane Creek-1 Neighborhood District) zoning.

Section X. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described in Exhibit J, which is attached hereto, from M-1 (Light Industrial District) zoning to CC-1 (Crane Creek-1 Neighborhood District) zoning.

Section XI. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described in Exhibit K, which is attached hereto, from LI (Light Industrial District) zoning to CC-1 (Crane Creek-1 Neighborhood District) zoning.

Section XII. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described in Exhibit L, which is attached hereto, from PDD (Planned Development District) zoning to CC-1 (Crane Creek-1 Neighborhood District) zoning.

Section XIII. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described in Exhibit M, which is attached hereto, from RU (Rural District) zoning to CC-2 (Crane Creek-2 Neighborhood District) zoning.

Section XIV. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described in Exhibit N, which is attached hereto, from RS-LD (Residential, Single-Family – Low Density District) zoning to CC-2 (Crane Creek-2 Neighborhood District) zoning.

Section XV. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described in Exhibit O, which is attached hereto, from NC (Neighborhood Commercial District) zoning to CC-2 (Crane Creek-2 Neighborhood District) zoning.

Section XVI. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described in Exhibit P, which is attached hereto, from RU (Rural District) zoning to CC-3 (Crane Creek-3 Neighborhood District) zoning.

Section XVII. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described in Exhibit Q, which is attached hereto, from RS-HD (Residential, Single-Family – High Density District) zoning to CC-3 (Crane Creek-3 Neighborhood District) zoning.

Section XVIII. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described in Exhibit R, which is attached hereto, from GC (General Commercial District) zoning to CC-3 (Crane Creek-3 Neighborhood District) zoning.

Section XIX. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described in Exhibit S, which is attached hereto, from M-1 (Light Industrial District) zoning to CC-3 (Crane Creek-3 Neighborhood District) zoning.

Section XX. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described in Exhibit T, which is attached hereto, from PDD (Planned Development District) zoning to CC-3 (Crane Creek-3 Neighborhood District) zoning.

Section XXI. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described in Exhibit U, which is attached hereto, from M-1 (Light Industrial District) zoning to CC-4 (Crane Creek-4 Neighborhood District) zoning.

Section XXII. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described in Exhibit V, which is attached hereto, from LI (Light Industrial District) zoning to CC-4 (Crane Creek-4 Neighborhood District) zoning.

Section XXIII. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described in Exhibit W, which is attached hereto, from HI (Heavy Industrial District) zoning to CC-4 (Crane Creek-4 Neighborhood District) zoning.

Section XXIV. A map of the Crane Creek Neighborhood District is attached hereto as Exhibit X.

Section XXV. Upon enactment of this ordinance, any development of a property that is listed on one of the exhibits, which are attached hereto, shall conform to the relevant requirements of Section 26-111 (CC Crane Creek Neighborhood District) of the Richland County Code of Ordinances.

Section XXVI. 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 XXVII. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section XXVIII. This ordinance shall be effective from and after _____, 2010.

RICHLAND COUNTY COUNCIL

By: _____
Paul Livingston, Chair

Attest this _____ day of _____, 2010.

Michielle R. Cannon-Finch
Clerk of Council

Public Hearing: April 27, 2010
First Reading: April 27, 2010
Second Reading: May 4, 2010
Third Reading: June 1, 2010 (tentative)

Exhibit A

TMS Numbers of property rezoned from RU to CC-1 zoning:

R07700-03-10	R09404-01-08	R09501-03-20	R09613-05-02	R09613-07-05
R09403-02-01	R09404-01-09	R09501-03-21	R09613-05-03	R09613-07-06
R09403-02-02	R09404-01-10	R09501-03-22	R09613-05-04	R09613-07-07
R09403-02-03	R09404-01-11	R09501-03-23	R09613-05-05	R09613-07-08
R09403-02-04	R09404-01-12	R09501-03-24	R09613-05-06	R09613-07-09
R09403-02-05	R09404-01-13	R09502-01-17	R09613-05-07	R09613-07-10
R09403-02-06	R09404-01-14	R09502-01-20	R09613-05-08	R09613-07-11
R09403-02-07	R09404-01-15	R09502-01-22	R09613-05-09	R09613-07-12
R09403-02-08	R09404-01-16	R09502-01-23	R09613-05-10	R09613-07-13
R09403-02-09	R09404-01-17	R09502-01-24	R09613-05-11	R09613-07-14
R09403-02-10	R09404-01-18	R09502-01-25	R09613-05-12	R09613-07-15
R09403-02-12	R09404-01-19	R09502-01-27	R09613-05-13	R09613-07-16
R09403-02-13	R09404-01-20	R09502-01-28	R09613-05-14	R09613-08-03
R09403-02-14	R09404-01-21	R09503-01-07	R09613-05-15	R09613-08-05
R09403-02-15	R09404-02-02	R09503-01-08	R09613-05-16	R09613-08-06
R09403-02-16	R09407-01-01	R09505-01-01	R09613-05-17	R09613-08-07
R09403-02-18	R09407-01-02	R09505-01-04	R09613-05-18	R09613-08-08
R09403-02-19	R09407-01-03	R09505-01-05	R09613-05-19	R09613-08-09
R09403-02-20	R09408-01-01	R09505-01-06	R09613-05-20	R09613-08-12
R09403-02-21	R09408-01-02	R09505-01-07	R09613-05-21	R09613-08-13
R09403-02-22	R09408-01-04	R09505-01-08	R09613-05-23	R09613-08-14
R09403-02-23	R09408-01-05	R09505-01-09	R09613-05-24	R09613-08-15
R09403-02-24	R09408-01-06	R09505-01-10	R09613-06-01	R09613-09-01
R09403-02-25	R09408-01-07	R09505-01-11	R09613-06-02	R09613-09-02
R09403-02-26	R09408-01-08	R09505-01-12	R09613-06-03	R09613-09-03
R09403-03-01	R09408-01-09	R09505-01-13	R09613-06-04	R09613-09-04
R09403-03-02	R09408-01-10	R09508-04-01	R09613-06-05	R09613-09-05
R09403-03-03	R09408-01-11	R09513-01-08	R09613-06-06	R09613-09-06
R09403-03-04	R09411-05-71	R09516-09-02	R09613-06-07	R09613-09-07
R09403-03-05	R09414-01-01	R09600-01-37	R09613-06-08	R09613-09-08
R09403-03-06	R09501-01-02	R09600-01-38	R09613-06-09	R09613-09-09
R09403-03-07	R09501-01-03	R09600-01-45	R09613-06-10	R09613-09-14
R09403-03-08	R09501-01-04	R09600-01-46	R09613-06-11	R09613-10-02
R09403-03-09	R09501-01-05	R09600-01-47	R09613-06-12	R09613-10-03
R09403-03-10	R09501-01-07	R09600-01-48	R09613-06-13	R09613-10-04
R09403-04-01	R09501-01-08	R09600-01-49	R09613-06-14	R09613-10-05
R09403-04-02	R09501-03-01	R09600-01-50	R09613-06-15	R09613-10-06
R09403-04-03	R09501-03-08	R09600-01-51	R09613-06-16	R09613-10-07
R09403-04-04	R09501-03-10	R09600-01-52	R09613-06-17	R09613-10-08
R09403-04-05	R09501-03-11	R09600-01-53	R09613-06-18	R09613-10-09
R09403-04-06	R09501-03-12	R09600-01-54	R09613-06-19	R09613-10-10
R09403-04-07	R09501-03-13	R09600-01-55	R09613-06-20	R11803-01-14
R09403-04-08	R09501-03-14	R09600-01-56	R09613-06-21	R11904-01-14
R09404-01-03	R09501-03-15	R09600-01-57	R09613-06-22	R11904-01-16
R09404-01-04	R09501-03-16	R09600-01-58	R09613-07-01	R11904-01-18
R09404-01-05	R09501-03-17	R09600-01-67	R09613-07-02	R12002-01-28
R09404-01-06	R09501-03-18	R09600-02-15	R09613-07-03	
R09404-01-07	R09501-03-19	R09613-05-01	R09613-07-04	

Exhibit B

TMS Numbers of property rezoned from RS-LD to CC-1 zoning:

R09502-01-41	R09504-04-03	R09504-05-21	R09600-01-39	R09605-01-16
R09503-01-01	R09504-04-04	R09504-06-01	R09600-01-62	R09605-01-17
R09503-01-02	R09504-05-01	R09504-06-02	R09605-01-01	R09605-01-18
R09503-01-03	R09504-05-02	R09504-06-03	R09605-01-02	R09605-02-01
R09503-01-04	R09504-05-03	R09504-06-04	R09605-01-03	R09605-02-02
R09503-01-05	R09504-05-04	R09508-02-01	R09605-01-04	R09605-02-03
R09503-01-06	R09504-05-05	R09508-02-02	R09605-01-05	R09605-02-04
R09503-02-01	R09504-05-06	R09508-02-03	R09605-01-06	R09605-02-05
R09504-01-12	R09504-05-07	R09508-02-04	R09605-01-07	R09605-02-06
R09504-01-13	R09504-05-12	R09508-03-01	R09605-01-08	R09605-02-07
R09504-01-14	R09504-05-13	R09508-03-02	R09605-01-09	R09605-02-08
R09504-01-15	R09504-05-14	R09508-03-03	R09605-01-11	R09605-02-09
R09504-01-16	R09504-05-15	R09508-03-04	R09605-01-12	R09605-02-10
R09504-01-17	R09504-05-16	R09508-03-05	R09605-01-13	R09605-02-11
R09504-01-18	R09504-05-19	R09508-03-06	R09605-01-14	R09605-02-12
R09504-01-19	R09504-05-20	R09508-03-07	R09605-01-15	

Exhibit C

TMS Numbers of property rezoned from RS-MD to CC-1 zoning:

R09504-01-02	R09505-05-06	R09510-05-10	R11902-01-04	R11902-07-11
R09504-01-03	R09505-05-07	R09510-05-11	R11902-01-05	R11902-07-12
R09504-01-04	R09506-06-01	R09510-05-12	R11902-01-06	R11902-07-13
R09504-01-05	R09506-06-02	R09514-01-02	R11902-01-07	R11902-07-14
R09504-01-06	R09506-06-04	R09514-01-03	R11902-01-08	R11902-07-15
R09504-01-07	R09506-06-05	R09514-01-05	R11902-01-09	R11902-07-16
R09504-01-08	R09506-06-06	R09514-01-06	R11902-01-10	R11902-07-17
R09504-01-09	R09506-06-07	R09514-01-07	R11902-01-11	R11902-07-18
R09504-01-10	R09506-06-08	R09514-01-08	R11902-01-12	R11902-07-19
R09504-01-11	R09506-06-09	R09514-01-09	R11902-01-13	R11902-07-20
R09504-02-01	R09506-06-10	R09514-01-10	R11902-01-14	R11902-07-21
R09504-02-02	R09506-06-11	R09514-01-11	R11902-01-15	R11902-07-22
R09504-02-03	R09506-06-12	R09514-01-12	R11902-01-16	R11902-07-23
R09504-02-04	R09506-06-13	R09514-02-01	R11902-01-17	R11902-08-01
R09504-02-05	R09506-08-52	R09514-02-02	R11902-01-18	R11902-08-02
R09504-02-06	R09506-08-53	R09514-02-03	R11902-01-19	R11902-08-03
R09504-02-07	R09506-08-54	R09514-02-04	R11902-01-20	R11902-08-04
R09504-02-08	R09506-08-55	R09514-02-05	R11902-01-21	R11902-08-05
R09504-02-09	R09506-08-57	R09514-03-01	R11902-01-22	R11902-08-06
R09504-02-10	R09506-08-58	R09514-03-02	R11902-01-23	R11902-08-07
R09504-02-11	R09506-08-59	R09514-03-03	R11902-01-24	R11902-08-08
R09504-02-12	R09506-08-60	R09514-03-04	R11902-01-25	R11902-08-09
R09504-03-01	R09506-08-61	R09514-03-05	R11902-01-26	R11902-08-10
R09504-03-02	R09506-08-63	R09514-04-01	R11902-01-27	R11902-08-11
R09504-03-03	R09506-08-64	R09514-04-02	R11902-01-28	R11902-08-12
R09504-03-04	R09506-08-65	R09514-04-03	R11902-01-29	R11902-08-13
R09504-03-05	R09506-08-66	R09514-04-04	R11902-01-30	R11902-08-14
R09504-03-06	R09506-08-67	R09514-04-05	R11902-02-01	R11902-08-15
R09504-03-07	R09506-08-68	R09514-04-06	R11902-02-02	R11902-08-16
R09504-03-08	R09506-08-69	R09514-04-07	R11902-02-03	R11902-08-17
R09504-03-09	R09508-01-01	R09514-04-09	R11902-02-04	R11902-08-18
R09504-03-10	R09509-01-01	R09514-04-10	R11902-02-05	R11902-08-19
R09504-03-11	R09509-01-02	R09514-04-11	R11902-02-06	R11902-08-20
R09504-03-12	R09509-02-01	R09514-04-12	R11902-02-07	R11902-08-21
R09504-03-13	R09509-02-03	R09514-04-13	R11902-02-08	R11902-08-22
R09504-03-14	R09509-02-04	R09514-04-14	R11902-02-09	R11902-08-23
R09504-03-15	R09509-02-05	R09514-04-15	R11902-02-10	R11902-08-24
R09504-03-16	R09509-02-06	R09514-04-16	R11902-02-11	R11902-08-25
R09504-03-18	R09509-02-07	R09514-04-17	R11902-02-12	R11902-08-26
R09504-03-19	R09509-02-08	R09514-04-18	R11902-02-13	R11902-08-27
R09504-03-20	R09509-02-09	R09514-04-19	R11902-02-14	R11902-09-01
R09504-03-22	R09509-02-10	R09514-04-20	R11902-02-15	R11902-09-02
R09504-03-23	R09509-02-11	R09514-05-01	R11902-05-01	R11902-09-03
R09504-03-24	R09509-02-12	R09514-05-02	R11902-05-02	R11902-09-04
R09504-03-25	R09509-02-14	R09514-05-03	R11902-05-03	R11902-09-05
R09504-03-26	R09509-02-15	R09514-05-04	R11902-05-04	R11902-09-06
R09504-03-27	R09509-02-16	R09514-05-05	R11902-05-05	R11902-09-07
R09504-03-29	R09509-02-17	R09514-05-06	R11902-05-06	R11902-09-08
R09504-03-30	R09509-02-18	R09514-06-01	R11902-05-07	R11902-09-09
R09504-03-31	R09509-02-19	R09514-06-02	R11902-05-08	R11902-09-10

R09504-03-32	R09509-02-20	R09514-06-03	R11902-05-09	R11902-09-11
R09504-03-33	R09509-02-21	R09514-06-04	R11902-05-11	R11903-01-13
R09505-02-01	R09509-02-22	R09514-06-05	R11902-05-12	R11903-01-14
R09505-02-02	R09509-12-03	R09514-06-06	R11902-05-13	R11903-01-15
R09505-02-03	R09509-12-04	R09514-06-07	R11902-05-14	R11903-01-16
R09505-02-04	R09509-12-05	R09515-03-18	R11902-05-15	R11903-01-17
R09505-02-05	R09509-12-06	R09515-03-19	R11902-05-16	R11903-01-18
R09505-02-06	R09509-13-01	R09515-03-20	R11902-06-01	R11903-01-19
R09505-02-07	R09509-13-02	R09515-03-21	R11902-06-02	R11903-01-20
R09505-02-08	R09509-13-03	R09515-03-22	R11902-06-03	R11903-02-01
R09505-02-09	R09509-13-04	R09515-03-23	R11902-06-04	R11903-02-02
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R09505-05-05				

Exhibit D

TMS Numbers of property rezoned from RS-HD to CC-1 zoning:

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R09412-04-06	R09502-03-01	R09509-04-05	R09515-02-02	R09613-05-26
R09412-04-07	R09502-03-02	R09509-04-06	R09515-02-03	R09613-05-27
R09412-05-01	R09502-03-03	R09509-04-07	R09515-02-04	R09613-09-10
R09412-05-02	R09502-03-04	R09509-04-08	R09515-02-05	R09613-09-11
R09412-05-03	R09506-01-01	R09509-04-09	R09515-02-06	R09613-09-12
R09412-05-04	R09506-01-02	R09509-04-10	R09515-02-07	R09613-09-13
R09412-05-05	R09506-01-03	R09509-04-11	R09515-02-08	R11901-01-01
R09412-06-01	R09506-01-04	R09509-04-12	R09515-02-09	R11902-05-10
R09412-06-02	R09506-01-05	R09509-04-13	R09515-02-10	R11903-01-01
R09412-06-03	R09506-01-06	R09509-04-14	R09515-02-11	R11903-01-02
R09412-06-04	R09506-01-07	R09509-04-15	R09515-02-12	R11903-01-03
R09412-06-05	R09506-01-08	R09509-04-16	R09515-02-13	R11903-01-04
R09412-06-06	R09506-01-09	R09509-04-17	R09515-02-14	R11903-01-05
R09412-06-07	R09506-01-10	R09509-04-18	R09515-02-15	R11903-01-06
R09412-06-08	R09506-01-11	R09509-05-01	R09515-02-16	R11903-01-07
R09412-06-09	R09506-01-12	R09509-06-01	R09515-02-17	R11903-01-08
R09412-07-01	R09506-01-13	R09509-06-02	R09515-02-18	R11903-01-09
R09412-07-02	R09506-01-14	R09509-06-03	R09515-02-19	R11903-01-10
R09412-07-03	R09506-01-15	R09509-06-04	R09515-02-20	R11903-01-11
R09412-07-04	R09506-01-16	R09509-06-05	R09515-02-21	R11903-01-12
R09412-07-05	R09506-01-17	R09509-06-06	R09515-02-22	R11903-03-01
R09412-07-06	R09506-01-18	R09509-06-11	R09515-02-23	R11903-03-02
R09412-07-07	R09506-01-19	R09509-06-12	R09515-02-24	R11903-03-03
R09412-07-08	R09506-01-20	R09509-07-01	R09515-02-25	R11903-03-04
R09412-07-09	R09506-01-21	R09509-07-02	R09515-02-26	R11903-03-05
R09412-07-10	R09506-01-22	R09509-07-03	R09515-02-27	R11903-03-06
R09412-07-11	R09506-02-01	R09509-07-04	R09515-02-28	R11903-03-07
R09412-07-15	R09506-02-02	R09509-07-05	R09515-02-29	R11903-03-08
R09412-07-17	R09506-02-03	R09509-07-07	R09515-02-30	R11903-03-09
R09412-07-18	R09506-02-04	R09509-07-08	R09515-02-31	R11903-03-10
R09412-07-19	R09506-02-05	R09509-07-09	R09515-02-32	R11903-03-11
R09412-07-20	R09506-02-06	R09509-07-10	R09515-02-33	R11903-03-12
R09412-07-21	R09506-02-07	R09509-07-11	R09515-02-34	R11903-03-13
R09412-07-22	R09506-02-08	R09509-07-12	R09515-02-35	R11903-03-14
R09412-07-23	R09506-02-09	R09509-07-13	R09515-02-36	R11903-03-15
R09412-07-24	R09506-02-10	R09509-07-14	R09515-02-37	R11903-03-16
R09412-07-25	R09506-02-11	R09509-07-15	R09515-03-01	R11903-03-17
R09412-07-26	R09506-02-12	R09509-07-18	R09515-03-02	R11903-03-30

R09412-27-27	R09506-03-01	R09509-07-19	R09515-03-03	R11903-03-31
R09412-07-28	R09506-03-02	R09509-07-20	R09515-03-04	R11903-03-32
R09412-07-29	R09506-03-03	R09509-07-21	R09515-03-05	R11903-03-33
R09412-07-30	R09506-04-01	R09509-07-22	R09515-03-06	R11903-03-34
R09412-07-31	R09506-04-02	R09509-07-23	R09515-03-07	R11903-03-35
R09412-07-32	R09506-04-03	R09509-07-24	R09515-03-08	R11903-03-36
R09412-07-33	R09506-04-04	R09509-07-25	R09515-03-09	R11903-03-37
R09412-07-34	R09506-04-05	R09509-07-26	R09515-03-10	R11903-03-38
R09412-07-35	R09506-04-06	R09509-08-01	R09515-03-11	R11903-03-39
R09412-07-36	R09506-04-07	R09509-08-02	R09515-03-12	R11903-03-40
R09412-07-37	R09506-04-08	R09509-08-03	R09515-03-13	R11903-03-41
R09412-08-01	R09506-04-09	R09509-08-04	R09515-03-14	R11903-03-42
R09412-08-02	R09506-04-10	R09509-08-05	R09515-03-15	R11903-03-43
R09412-08-03	R09506-04-11	R09509-08-06	R09515-03-16	R11903-03-44
R09412-08-05	R09506-04-12	R09509-08-07	R09515-03-17	R11903-03-45
R09412-08-06	R09506-04-13	R09509-09-01	R09515-03-24	R11903-04-07
R09412-08-07	R09506-04-14	R09509-09-02	R09515-03-25	R12002-01-05
R09412-08-08	R09506-04-15	R09509-09-03	R09515-03-26	R12002-01-07
R09412-08-09	R09506-04-16	R09509-09-06	R09515-03-27	R12002-01-13
R09412-08-10	R09506-04-17	R09509-09-08	R09515-03-28	R12002-01-15
R09412-08-11	R09506-04-18	R09509-09-10	R09515-03-29	R12002-01-17
R09412-08-12	R09506-04-19	R09509-09-11	R09515-03-30	R12002-01-18
R09412-08-13	R09506-04-20	R09509-09-12	R09515-03-31	R12002-01-19
R09412-08-14	R09506-04-21	R09509-09-13	R09515-03-32	R12002-01-20
R09412-08-15	R09506-04-22	R09509-09-16	R09515-03-33	R12002-01-21
R09412-08-16	R09506-04-23	R09509-09-17	R09515-03-34	R12002-01-22
R09412-08-17	R09506-04-24	R09509-09-18	R09515-03-35	R12002-01-23
R09412-08-18	R09506-04-25	R09509-10-01	R09515-03-36	R12002-01-24
R09412-08-19	R09506-04-26	R09509-10-02	R09515-03-37	R12002-01-30

Exhibit E

TMS Numbers of property rezoned from RM-HD to CC-1 zoning:

R11904-01-15	R11904-01-17			
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Exhibit F

TMS Numbers of property rezoned from MH to CC-1 zoning:

R09412-02-03	R09416-01-01	R09502-01-08	R09505-03-10	R09510-03-04
R09412-03-01	R09416-03-15	R09502-01-30	R09505-03-13	R09510-03-05
R09412-03-02	R09416-03-16	R09502-01-31	R09505-03-14	R09510-03-06
R09412-03-03	R09416-03-17	R09502-01-36	R09505-03-18	R09510-03-18
R09412-03-04	R09416-03-18	R09502-01-37	R09505-04-01	R09510-03-19
R09412-03-07	R09416-03-19	R09505-03-05	R09509-09-14	R09510-05-07
R09412-03-08	R09416-03-20	R09505-03-06	R09509-09-15	R09510-05-08
R09412-03-09	R09416-03-21	R09505-03-07	R09510-03-01	
R09412-03-10	R09416-03-22	R09505-03-08	R09510-03-02	
R09412-03-11	R09502-01-01	R09505-03-09	R09510-03-03	

Exhibit G

TMS Numbers of property rezoned from OI to CC-1 zoning:

R09501-03-02	R09501-03-04	R09501-03-06	R09510-04-45	R11903-04-01
R09501-03-03	R09501-03-05	R09501-03-09		

Exhibit H

TMS Numbers of property rezoned from NC to CC-1 zoning:

R09404-01-01	R09404-01-02			
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Exhibit I

TMS Numbers of property rezoned from GC to CC-1 zoning:

R09403-02-11 R09509-03-01	R09509-03-02 R09509-03-03	R09510-04-46	R09510-04-47	R09510-04-48
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Exhibit J

TMS Numbers of property rezoned from M-1 to CC-1 zoning:

R09414-01-02	R09416-04-53	R09416-04-55	R11901-01-02	R11904-01-19
R09414-01-03	R09416-04-54	R11804-01-01	R11901-01-03	

Exhibit K

TMS Numbers of property rezoned from LI to CC-1 zoning:

R09516-09-13	R09613-12-01	R11904-01-10	R12002-01-06	
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Exhibit L

TMS Numbers of property rezoned from PDD to CC-1 zoning:

R09404-02-03	R09407-01-05	R09408-01-03	R09411-01-35	R09600-03-03
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Exhibit M

TMS Numbers of property rezoned from RU to CC-2 zoning:

R09503-01-08	R09600-02-14			
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Exhibit N

TMS Numbers of property rezoned from RS-LD to CC-2 zoning:

R09504-04-05				
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Exhibit O

TMS Numbers of property rezoned from NC to CC-2 zoning:

R09504-04-01 R09504-04-02	R09504-04-06 R09504-04-07	R09504-05-08	R09504-05-10	R09504-05-11
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Exhibit P

TMS Numbers of property rezoned from RU to CC-3 zoning:

R09308-04-01 R09402-03-02 R09402-03-03	R09406-01-01 R09406-01-02	R09406-01-03 R09406-02-01	R09407-01-04 R09410-01-02	R09507-05-01 R11903-04-03
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Exhibit Q

TMS Numbers of property rezoned from RS-HD to CC-3 zoning:

R09405-03-01	R09405-03-04	R09405-03-13	R09405-04-03	R11903-04-04
R09405-03-02	R09405-03-10	R09405-03-14	R09405-04-04	R11903-04-07
R09405-03-03	R09405-03-11	R09405-03-15	R09405-04-08	

Exhibit R

TMS Numbers of property rezoned from GC to CC-3 zoning:

R09308-03-01	R09405-02-03	R09405-03-08	R09405-04-02	R09405-08-01
R09308-03-02	R09405-03-05	R09405-03-09	R09405-04-05	R09405-08-02
R09308-03-03	R09405-03-06	R09405-04-01	R09405-04-06	R09409-01-16
R09405-02-02	R09405-03-07			

Exhibit S

TMS Numbers of property rezoned from M-1 to CC-3 zoning:

R09312-01-01 R09405-02-04 R09405-07-01	R09405-07-02 R09405-07-03	R09405-07-04 R09409-01-02	R09409-01-13 R09409-01-15	R11903-04-05 R11903-04-06
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Exhibit T

TMS Numbers of property rezoned from PDD to CC-3 zoning:

R09402-03-01				
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Exhibit U

TMS Numbers of property rezoned from M-1 to CC-4 zoning:

R09312-01-03	R09409-01-11	R09413-01-06	R11903-05-05	R11904-02-03
R09312-01-04	R09409-01-12	R09413-01-07	R11903-05-06	R11904-02-04
R09409-01-03	R09409-01-14	R09413-01-08	R11903-05-07	R11904-02-05
R09409-01-04	R09409-01-18	R09413-01-09	R11903-05-08	R11904-02-06
R09409-01-05	R09409-01-19	R09413-01-10	R11903-05-09	R11907-01-01
R09409-01-07	R09409-01-20	R09413-01-11	R11903-05-11	R11907-01-03
R09409-01-08	R09409-01-23	R11903-05-01	R11904-01-13	
R09409-01-09	R09409-01-24	R11903-05-02	R11904-02-01	
R09409-01-10	R09409-01-25	R11903-05-03	R11904-02-02	

Exhibit V

TMS Numbers of property rezoned from LI to CC-4 zoning:

R09409-01-17	R11904-01-01	R11904-01-02	R11904-01-03	R11904-01-08
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Exhibit W

TMS Numbers of property rezoned from HI to CC-4 zoning:







R11904-01-09	R11904-01-11	R11904-01-12		
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Exhibit X

**CRANE CREEK
MASTER PLANNING AREA
NEIGHBORHOOD DISTRICTS**



LEGEND

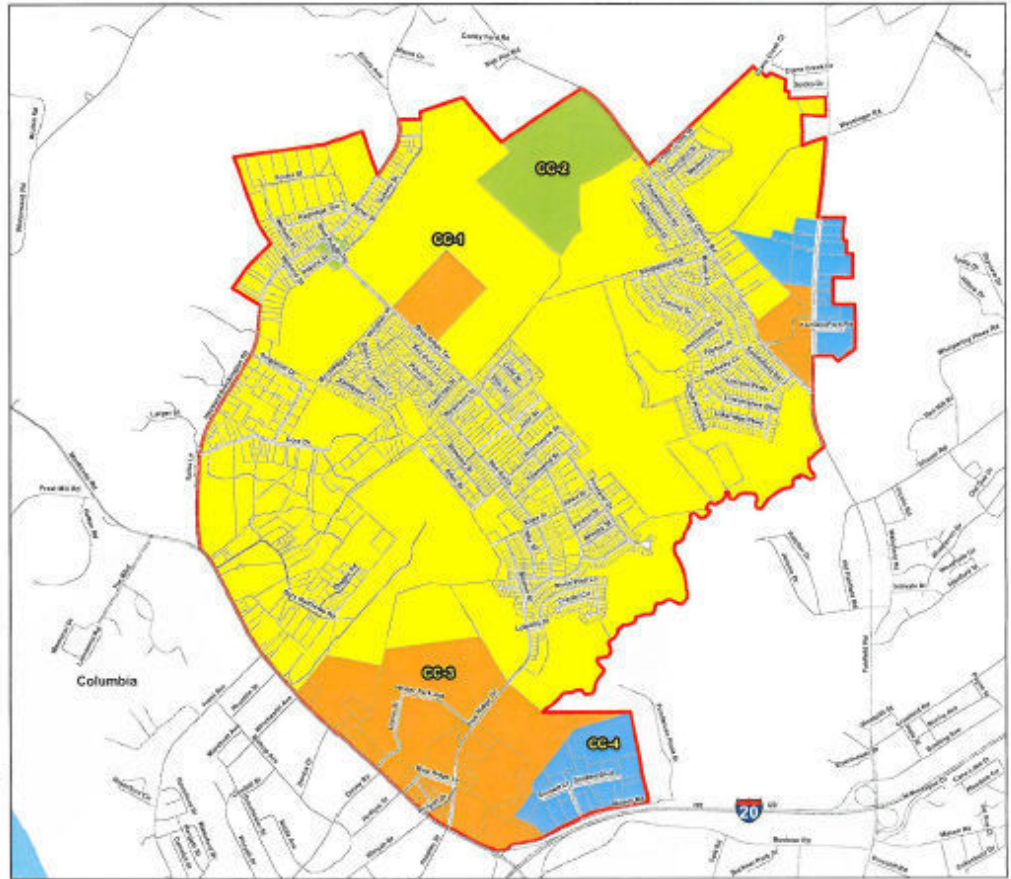
-  Crane Creek Boundary
- Crane Creek Districts**
- Code**
-  CC-1
-  CC-2
-  CC-3
-  CC-4
-  Municipalities



This map is a product of the Richland County Planning & Development Services Department. The rights depicted here have been developed with extensive cooperation from other County Departments, as well as other federal, state and local government agencies. Reasonable efforts have been made to ensure the accuracy of this map. Richland County expressly disclaims responsibility for damages or liability that may arise from the use of this map.

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Planning Analysis - Grandis Carter, GIS Manager 06/20/2009



Richland County Council Request of Action

Subject

Hopkins Community Water System Bond and Bond Anticipation Note Ordinance [**PAGES 187-238**]

Notes

May 25, 2010: The committee forwarded this item to Council without a recommendation. The vote was in favor.

Richland County Council Request of Action

Subject: Hopkins Community Water System
Bond and Bond Anticipation Note Ordinance

A. Purpose

The purpose of this report is to seek County Council approval of the revenue bond ordinance and the ordinance authorizing bond anticipation notes for the Hopkins Community Water Project.

B. Background

USDA Rural Development is providing funding to develop a community water system to serve Hopkins and the surrounding community. The total project cost is estimated to be approximately \$4.8 million. Of this \$4.8 million, Rural Development has committed to provide a \$1,793,000.00 grant and a \$2,033,000 loan. Consistent with Rural Development policies, bond anticipation notes are issued to temporarily supply construction funds until the final grant and loan funds are available. The grant and loan are established as reimbursable funds.

C. Discussion

The County's bond attorney has prepared the necessary bond ordinance documents to establish the funding for the project. These documents are attached for reference.

D. Financial Impact

The approval of these ordinances will be consistent with the established policies and procedures of the acceptance of a Rural Development grant/loan. The water system will be established as an enterprise fund and will have user fee rates sufficient to pay any debt service that will be outstanding on the system. No general tap revenue should be required to support the system.

E. Alternatives

1. Approve the bond ordinance as presented.
2. Disapprove the bond ordinance. This action will delay or possibly halt the construction project.

F. Recommendation

It is recommended that County Council approve the bond ordinances as presented.

Recommended by: Andy H. Metts **Department:** Utilities **Date** 5/12/10

G. Reviews

Please indicate your recommendation with a before routing to the next recipient. Thanks.

Finance

Reviewed by: Daniel Driggers

Date: 5/19/10

 Recommend Council approval Recommend Council denial

Comments regarding recommendation: We would recommend denial of the establishment of a separate system for Hopkins since it would conflict with prior Council approval to consolidate all Utility systems. Establishment of a separate system would create management, budgetary and rate inconsistencies in comparison to the remainder of the County. This would require an amendment in the FY11 budget recommendation. We were unable to resolve the conflict due to constraints on the time available to review the ROA.

Procurement

Reviewed by: Rodolfo Callwood

Date:5/19/2010

 Recommend Council approval Recommend Council denial

Comments regarding recommendation: No recommendation.

Grants

Reviewed by: Sara Salley

Date: 5/19/2010

 Recommend Council approval Recommend Council denial

Comments regarding recommendation: Council discretion

Legal

Reviewed by: Larry Smith

Date:

 Recommend Council approval Recommend Council denial

Comments regarding recommendation: Council discretion

Administration

Reviewed by: Sparty Hammett

Date: 5/21/10

 Recommend Council approval Recommend Council denial

Comments regarding recommendation: No recommendation. A meeting is scheduled with the County's bond attorney on Monday morning in an attempt to address the Finance Director's concerns with the Bond Ordinance.

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

AUTHORIZING AND PROVIDING FOR THE CREATION OF THE HOPKINS WATERWORKS SYSTEM AND FOR THE ISSUANCE OF HOPKINS WATERWORKS SYSTEM IMPROVEMENT REVENUE BONDS OF RICHLAND COUNTY, SOUTH CAROLINA; PRESCRIBING THE FORM OF BONDS; LIMITING THE PAYMENT OF THE BONDS SOLELY TO THE NET REVENUES DERIVED FROM THE OPERATION OF THE WATERWORKS SYSTEM AND PLEDGING THE REVENUES TO SUCH PAYMENT; CREATING CERTAIN FUNDS AND PROVIDING FOR PAYMENTS INTO SUCH FUNDS; AND MAKING OTHER COVENANTS AND AGREEMENTS IN CONNECTION WITH THE FOREGOING.

Error! Unknown document property name.

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:

ARTICLE I

DEFINITIONS

Section 1.1 Definitions. Unless the context shall clearly indicate some other meaning, the terms defined in this Section shall, for all purposes of this Ordinance and of any ordinance, resolution, certificate, opinion, instrument or other document herein or therein mentioned, have the meanings herein specified, with the definitions to be equally applicable to both the singular and plural forms of any of the terms herein defined and vice versa. The term:

“Accountant” shall mean an independent certified public accountant or a firm of independent certified public accountants selected by the County.

“Act” shall mean Title 6, Chapter 21, Code of Laws of South Carolina, 1976, and all other statutory authorizations, now or hereinafter enacted, authorizing and enabling the County to provide for the issuance of the Bonds.

“Annual Budget” shall mean the annual budget required by Section 7.8 hereof and adopted in conformance therewith.

“Bondholders” or the term “Holders” or any similar term shall mean the registered owner or owners of any Outstanding Bond or Bonds.

“Bond” or “Bonds” shall mean any Bond, some of the Bonds or all of the Bonds issued under and pursuant to Article III hereof, excluding bonds or other indebtedness issued under Section 3.5 and Section 3.6 hereof.

“Bond and Interest Redemption Fund” shall mean each of the respective funds of that name established pursuant to Section 6.7 of this Ordinance and so designated pursuant to a Supplemental Ordinance to provide for the payment of the principal of and interest on the respective Series of Bonds issued pursuant to this Ordinance and such Supplemental Ordinance as the same respectively become due and payable.

“Bond Counsel” shall mean any attorney or firm of attorneys of nationally recognized standing in matters pertaining to the federal tax exemption of interest on obligations issued by states and political subdivisions, and duly admitted to practice law before the highest court of any state of the United States.

“Books of Registry” shall mean the registration books maintained by the Registrar in accordance with Section 4.3 hereof.

“Business Day” shall mean any day other than a Saturday, a Sunday or a day on which banking institutions in the State or the office of the Custodian/Trustee are required or authorized by law (including executive orders) to close.

“Construction Fund” shall mean any fund established with and maintained by the Custodian named by ordinance or resolution of the County, and derived from certain of the proceeds of the sale of the Bonds and intended to defray the cost of all or a portion of any Project and to pay all Costs of Acquisition and Construction in connection therewith, as established in a Supplemental Ordinance authorizing the issuance of any Series of Bonds.

“Consulting Engineer” shall mean the engineer or engineering firm or corporation registered and qualified to practice the profession of engineering under the laws of the State of South Carolina and having a favorable reputation for skill and experience in the construction and operation of sewage disposal and treatment systems, employed by the County to perform and carry out the duties imposed by this Ordinance, and who or which is not a full-time employee of the County.

“Contingent Fund” shall mean the fund of that name established pursuant to Section 6.10 of this Ordinance.

“Cost of Acquisition and Construction” shall mean, to the extent permitted by the Act, all costs of acquiring, reconstructing, replacing, extending, repairing, bettering, improving, equipping, developing, embellishing or otherwise improving the System, including the Costs of Issuance and capitalized interest on Bonds. Cost of Acquisition and Construction shall include the payment of amounts due on bond anticipation notes, the proceeds of which were used for Cost of Acquisition and Construction.

“Cost of Issuance” shall mean all items of expense, directly or indirectly payable or reimbursable by or to the County and related to the authorization, sale and issuance of Bonds including, but not limited to, printing costs, costs of preparation and reproduction of documents, filing and recording fees, initial fees and charges of any Custodian/Trustee, Custodian, Registrar or Paying Agent, legal fees and charges, auditing and accounting fees and charges, fees and disbursements of consultants and professionals, costs of credit ratings, fees and charges for preparation, execution, transportation and safekeeping of Bonds, costs and expenses of refunding, premiums for insurance of the payment of Bonds, financing charges, accrued interest with respect to the initial investment of proceeds of Bonds and any other costs, charges or fees in connection with the original issuance of Bonds.

“Council” shall mean the County Council of Richland County, South Carolina.

“County” shall mean Richland County, South Carolina.

“Custodian” shall mean any bank, depository or trust company duly qualified and doing business within the State selected by the County as a depository of moneys or securities held in the Construction Fund.

“Custodian/Trustee” shall mean a bank, a trust company, a national banking association or a national association qualified under the terms of Article VIII hereof as shall be appointed in a Supplemental Ordinance authorizing a Series of Bonds.

“Debt Service” shall mean, with respect to each Series of Bonds and with respect to any particular Fiscal Year, the aggregate of the amounts to be paid or set aside (or estimated to be required to be paid or set aside) in the applicable Bond and Interest Redemption Fund in such Fiscal Year for the payment of the principal of, redemption premium, if any, and interest (to the extent not capitalized) on such Series of Bonds; provided that the interest on Variable Rate Indebtedness then Outstanding shall be calculated at the actual average rate of interest on the Variable Rate Indebtedness during the twelve (12) months immediately preceding the date of calculation; provided further, that for purposes of Section 3.3 hereof, interest on Variable Rate Indebtedness then proposed to be issued shall be calculated at the initial interest rate on such Variable Rate Indebtedness as of the date of such calculation.

“Debt Service Reserve Fund” shall mean the respective funds, if any, of that name established pursuant to Section 6.8 of this Ordinance and so designated pursuant to a Supplemental Ordinance.

“Default” or “Event of Default” shall mean any of those defaults specified in and defined by Article X hereof.

“Depreciation Fund” shall mean the fund of that name established pursuant to Section 6.9 of this Ordinance.

“Expenses of Operating and Maintaining the System” shall mean the current expenses, paid or accrued, of operation, maintenance and current repair of the System, and shall include, without limiting the generality of the foregoing, salaries, wages, employee benefits, cost of materials and supplies, cost of routine repairs, renewals, replacements and alterations occurring in the usual course of business, cost of billings and collections, cost of insurance, costs of any audit required by this Ordinance, the premiums for all insurance required with respect to the System, taxes, if any, amounts payable by way of arbitrage rebate. Expenses of Operating and Maintaining the System shall not include the payment of interest on Bonds, any allowance for depreciation or renewals or replacements of capital assets of the System and amounts deemed to be payments in lieu of taxes or other equity transfers.

“Fiscal Year” shall mean the fiscal year for the System as determined by the County, initially being the period from July 1 in any year to and including June 30 in the following year.

“Government Obligations” shall mean any of the following:

(a) non-callable bonds, notes or direct obligations and general obligations of the United States;

(b) non-callable U.S. Treasury Certificates, Notes and Bonds (including State and Local Government Series - “SLGS”);

(c) non-callable direct obligations of the U.S. Treasury which have been stripped by the U.S. Treasury;

(d) non-callable obligations issued by any agency or instrumentality of the United States of America which are backed by the full faith and credit of the United States; and

(e) prerefunded municipal bonds which are rated “Aaa” by Moody's or “AAA” by S&P.

“Interest Account” shall mean the account by that name created within each respective Bond and Interest Redemption Fund.

“Interest Payment Date” shall mean the respective interest payment dates for a Series of Bonds as determined by a Supplemental Ordinance.

“Initial Bond” shall mean the first bond issued pursuant to the Ordinance and a Supplemental Ordinance.

“Junior Bonds” shall mean either (a) bonds secured by a pledge of Revenues junior and subordinate in all respects to the pledge securing the Bonds or (b) any other form of indebtedness, including lease purchase obligations secured by sums available in the Revenue Fund after provision has been made for all payments required to be made with respect to the Bonds.

“Maximum Debt Service” shall mean the highest principal and interest requirements (to the extent not capitalized) on the Bonds then Outstanding during any Fiscal Year. With respect to any Series of Variable Rate Bonds, the following methods shall determine the interest rate to be used:

(a) in the case of determining the Reserve Fund Requirement, the interest rate shall be equal to the lesser of (i) the 25-Bond Revenue Index published by *The Bond Buyer* no more than (2) weeks prior to, but in no event after, the issuance of the Series of Bonds to which the Reserve Fund Requirement in question applies, or (ii) the maximum interest rate allowable on such Variable Rate Bonds;

(b) in the case of determining the Maximum Debt Service for purposes of Section 3.3 of this Ordinance, the interest rate shall be equal to the initial interest rate on such Variable Rate Indebtedness for the applicable period.

provided, however, that if the 25-Bond Revenue Index referred to in (a) above is no longer published, any reasonably equivalent nationally recognized index published for the periods in questions may be selected by the County for use in its stead.

“Net Revenues” shall mean the Revenues of the System after deducting the Expenses of Operating and Maintaining the System.

“Operation and Maintenance Fund” shall mean the fund of that name established pursuant to Section 6.6 of this Ordinance.

“Ordinance” shall mean this ordinance as from time to time amended or supplemented by one or more Supplemental Ordinances.

“Outstanding” when used with respect to any Bond shall have the construction given to such word in Article XII hereof; i.e., a Bond shall not be Outstanding if such Bond is not, or would not be, at the time, deemed to be Outstanding by reason of the operation and effect of said Article XII.

“Paying Agent” shall mean for each Series of Bonds the respective paying agent or paying agents appointed pursuant to the proceedings authorizing such Bonds.

“Permitted Investments” shall mean (a) any one or more of the investments now or hereafter permitted by Section 6-5-10, Code of Laws of South Carolina 1976, as amended and in effect from time to time, or any authorization relating to the investment of County funds; and (b) the South Carolina Pooled Investment Fund or similar State-administered pool investment fund.

“Principal Account” shall mean the account by that name created within each respective Bond and Interest Redemption Fund.

“Project” shall mean any work, undertaking or project which the County is or may hereafter be authorized to construct or acquire with the proceeds of any Bonds and which will become a part of the System, including the acquisition of any system which shall be combined with or consolidated into the System pursuant to law.

“Rate Covenant” shall mean the covenant as to fees, rates and other charges described in Section 7.1 hereof.

“Record Date” shall mean with respect to any Series of Bonds the fifteenth (15th) day (whether or not a Business Day) of the calendar month immediately preceding an Interest Payment Date or such other day as may be provided in the Supplemental Ordinance authorizing the issuance of such Series of Bonds.

“Registrar” shall mean for each Series of Bonds the registrar appointed pursuant to the proceedings authorizing such Bonds.

“Reserve Fund Requirement” shall mean, as of the date of calculation, the debt service reserve fund requirement, if any, established pursuant to a Supplemental Ordinance authorizing the issuance of a Series of Bonds.

“Revenue Fund” shall mean the fund of that name established pursuant to Section 6.5 of this Ordinance.

“Revenues” shall mean all receipts, income, revenues, fees and other charges to be levied and collected in connection with, and all other income and receipts of whatever kind or character derived by the County from the operation of the System, including, but not limited to, tap fees, connection charges, impact fees, developer fees, plant capacity fees, interest earnings and other

earnings or investments, as such earnings or investments are computed in accordance with generally accepted accounting practices, but excluding the proceeds of any grants or debt, contributions in aid of construction, gains or losses on extinguishment of debt, fees derived from assessments and extraordinary items, and the receipts, income, revenues, fees and other charges derived from the operation of Special Facilities.

“Series” or “Series of Bonds” or “Bonds of Series” shall mean all Bonds designated as being of the same series issued and delivered on original issuance in a simultaneous transaction, and any Bonds thereafter delivered in lieu thereof or in substitution thereof pursuant to this Ordinance.

“Special Facilities” shall mean any project or undertaking, the revenues and expenses resulting from the operation of which can be segregated from the revenues and expenses of the System and which the County shall designate as such by ordinance of Council.

“Special Facilities Bonds” shall mean any bonds issued in accordance with Section 3.6 hereof.

“State” shall mean the State of South Carolina.

“Supplemental Ordinance” shall mean any ordinance by the County providing for the issuance of Bonds and any ordinance enacted by the Council pursuant to and in compliance with the provisions of Article IX hereof amending or supplementing the provisions of this Ordinance.

“System” shall mean the Hopkins Waterworks System established herein, as the same is now constituted, all properties, real and personal, and matters and things used or useful in the maintenance, operation or functioning thereof, all apparatus and equipment used in connection therewith, and all replacements, enlargements, improvements, extensions, additions, and betterments that may be made thereto, including any Project, and any other public utility system with which the System may hereafter be combined pursuant to ordinance of Council.

“Test Period” shall mean that period defined in Section 3.3 hereof.

“Variable Rate Bonds” shall mean indebtedness in the form of Bonds the interest rate on which is not established at a fixed or constant rate at the time such indebtedness is incurred.

ARTICLE II

FINDINGS AND DETERMINATIONS

Section 2.1. Findings and Determinations. The Council hereby finds and determines:

A. Pursuant to Section 4-9-10, Code of Laws of South Carolina, 1976, as amended (the “Code”), the Council/Administrator form of government was selected and the Council constitutes the governing body of the County.

B. In the exercise of the powers vested in the County by the Constitution and statutes of the State of South Carolina, and in conformity with the provisions thereof, the County, pursuant to the favorable results of a referendum heretofore duly held on November 7, 1978, is authorized and empowered to acquire, construct and operate a waterworks system or systems in any of the unincorporated areas of the County.

C. It is the County’s best interest to create a waterworks system to serve the residents of the Hopkins Area Community in Lower Richland County.

D. The System is administered by as a department of the County.

E. Article X, Section 14 of the Constitution of the State of South Carolina, 1895, as amended, provides that a county or political subdivision may incur indebtedness payable solely from a revenue-producing project which source does not involve revenues from any tax or license.

F. Pursuant to the Act, the County may issue revenue bonds to defray the cost of improvements, enlargements and extensions to the System.

G. The System will be operated on a fiscal year basis, which presently commences on July 1 of each year and ends on June 30 of the following year.

H. By the enactment of the Ordinance, the County intends to provide for the issuance of the revenue bonds at the time and on the terms and conditions set forth in the Ordinance and Supplemental Ordinances hereto.

ARTICLE III

ESTABLISHMENT OF HOPKINS WATERWORKS SYSTEM

- a. Pursuant to the Constitution and statutes of the State of South Carolina, and in conformity with the provisions thereof, the County, pursuant to the favorable results of a referendum heretofore duly held on November 7, 1978, hereby the Hopkins Waterworks System to service the residents of the of the Hopkins Area Community in lower Richland County.
- b. The system is administered as a department of the County

ARTICLE IV

AUTHORIZATION AND ISSUANCE OF BONDS

Section 3.1. Authorization of Bonds. There is hereby authorized to be issued Bonds of the County to be known as “Richland County, South Carolina, Waterworks System Revenue Bonds,” or such other designations as may be provided in the Supplemental Ordinance authorizing such Bonds, which Bonds may be issued pursuant to this Ordinance and in accordance with the terms, conditions and limitations set forth herein, in Series, in such amounts and from time to time as the County may deem to be necessary or advisable for any corporate purpose of the County for which Bonds may be issued under this Ordinance and the Act.

Section 3.2. General Provisions For Issuance of Bonds. (a) The Bonds shall be issued in Series by means of Supplemental Ordinances enacted by the Council in accordance with the provisions of this Article and Article IX hereof. Each Supplemental Ordinance shall designate the Bonds provided for thereby by an appropriate Series designation and by such further particular designations, if any, as the County deems appropriate, and shall, unless or except as is otherwise set forth herein, also specify: (i) the authorized principal amount of such Series of Bonds; (ii) the purpose or purposes for which the Bonds of such Series are being issued, which shall be one or more of the purposes set forth in Sections 3.3 or 3.4 hereof; (iii) if the Bonds of the Series are being issued for a purpose specified in Section 3.3 hereof, the Project for which such Bonds are being issued; (iv) an estimate of the Costs of Acquisition and Construction for any Project to be financed by such Series of Bonds, and, in the event of the acquisition by purchase or condemnation of any facilities already constructed, a determination of what repairs, replacements, additions and betterments will be necessary in order that such facilities may be effective for their purpose and an estimate of the cost required therefor; (v) the date or dates of the Bonds of the Series; (vi) the maturity date or dates of the Bonds of the Series and the sinking fund installment amounts; (vii) the interest rate or rates of the Bonds of such Series, or the manner of determining such rate or rates, the initial Interest Payment Date therefor, and the subsequent Interest Payment Dates; (viii) the denominations of, and manner of numbering and lettering, the Bonds of such Series; (ix) the redemption premium or premiums, if any, or the redemption price or prices to be paid upon the redemption of the Bonds of such Series, the period or periods, if any, during which such premiums or prices shall be payable, and the terms and conditions, if any, of such redemption; (x) the place or places of payment of the Bonds of the Series and interest thereon, and the Paying Agent therefor;

(xi) the provisions for the sale or other disposition of the Bonds of the Series and the use, application and investment, if any, of the proceeds of such sale or other disposition, which use, application and investment shall not be inconsistent or in conflict with the provisions hereof; (xii) whether such Series of Bonds will be subject to a Reserve Fund Requirement and the manner of satisfaction of Reserve Fund Requirement; (xiii) any other provisions which may be required to be inserted therein by other provisions of this Ordinance; and (xiv) any other necessary or desirable provisions not inconsistent or in conflict with the provisions of this Ordinance.

(b) Bonds of a Series may be executed and delivered to the Registrar by the County and authenticated and delivered by the Registrar to the County or, upon its order, upon compliance with Section 3.3 or 3.4 hereof.

Bonds issued upon compliance with this Section and Section 3.3 or Section 3.4 hereof shall be on a parity with respect to the pledge and lien of the Net Revenues of the System inter sese, but not with respect to the particular Bond and Interest Redemption Fund or Debt Service Reserve Fund created for the benefit of the Holders of the Bonds of a Series, notwithstanding, that they may be in different form, and bear different dates, interest rates, number, date of issuance or date of execution. In all such instances, the pledge of Net Revenues made hereunder, and the covenants and remedies hereby granted, shall be applicable and available to the Holders of such Bonds.

(c) The County may, from time to time, issue Bond Anticipation Notes upon compliance with the terms, limitations and conditions herein pertaining to the issuance of Bonds.

Section 3.3. Conditions for the Issuance of Bonds under this Ordinance Other than Refunding Bonds. Anytime and from time to time, one or more Series of Bonds (exclusive of refunding Bonds) may be issued for such purposes as may be permitted by the Act upon compliance with the provisions of Section 3.2 hereof and this Section in such principal amounts as may be determined by the Council for the purpose of paying all or part of the Costs of Acquisition and Construction of one or more Projects authorized to be financed under the Act with Bonds upon the written request of the County and upon compliance with the following conditions:

A. There shall be executed a certificate of the Chairman of County Council or the County Administrator stating (i) either (a) that no Default exists in the payment of the principal of, premium, if any, or interest on any Bonds or Junior Bonds and all mandatory sinking fund redemptions, if any, required to have been made shall have been made, or (b) that the application of the proceeds of sale of the Series of Bonds to be issued as required by the Supplemental Ordinance authorizing their issuance will cure any such Default or permit such redemptions; and (ii) either (a) that to the best of his or her knowledge, the County is not in Default in the performance of any other of its covenants and agreements contained in this Ordinance, or (b) setting forth the circumstances of each such Default known to him or her.

B. If a certificate filed pursuant to part (A) of this Section should disclose a Default or Defaults hereunder, there shall be filed with the County an opinion of Bond Counsel that, in the case of any Default disclosed in a certificate filed pursuant to part (A) of this Section, each such Default does not deprive the Bondholders of the security afforded by this Ordinance in any material aspect.

C. For the issuance of Bonds (other than the Initial Bond anticipated to be issued hereunder) to finance the Cost of Acquisition and Construction, or a portion thereof, of any Project, there shall be delivered a report from an accountant stating that the amount of the Net Revenues of the System for any consecutive twelve (12) month period out of the last twenty-four (24) month period (the "Test Period") is not less than 120% of the Maximum Debt Service for any succeeding Fiscal Year of Bonds then Outstanding and the Bonds then proposed to be issued, provided the amount of Net Revenues for such Test Period may be adjusted by adding the following:

- (i) in case the rates and charges for the services furnished by the System shall have been revised and such revised rates and charges shall have gone into effect prior to the delivery of the Bonds proposed to be issued, the additional amount of Net Revenues which would have been realized during the Test Period if such rates and charges had been in effect during such Test Period as determined by an Accountant or a Consulting Engineer; and
- (ii) in case an existing waterworks system, existing electric distribution system, or any other public utility system is to be acquired and combined or made a part of the System from the proceeds of the Bonds proposed to be issued, the additional amount of Net Revenues which would have been realized during the Test Period if such existing system or systems to be acquired had been a part of the System during such Test Period (which computation of the additional amount of Net Revenues shall be based upon the method of computing Net Revenues under this Ordinance and approved by an Accountant or a Consulting Engineer).

D. Such Bonds shall be issued to secure funds to defray the Cost of Acquisition and Construction of a Project, including any acquisition or construction of any system which shall be combined with or consolidated into the System pursuant to law; or to refund Junior Bonds, or any notes, bonds, or other obligations but not Bonds issued to finance or to aid in financing the acquisition, construction, improvement, enlargement or repair of the System or another enterprise combined with the System.

E. The Supplemental Ordinance shall provide for a deposit into any Debt Service Reserve Fund established for the Series of Bonds authorized by such Supplemental Ordinance of cash or securities or an insurance policy, surety bond or letter of credit, as provided in Section 6.8 hereof (inclusive of any proceeds of such Series of Bonds to be deposited in the applicable Debt Service Reserve Fund) having an aggregate value not less than the Reserve Fund Requirement, if any, with respect to the applicable Series of Bonds then proposed to be issued.

F. So long as the County is indebted to the United States of America, Rural Development, the County shall not borrow money from any source, enter into any contract or agreement, or incur any other liabilities in connection with making enlargements, improvements, or extensions to, or for any other purpose in connection with, the System (exclusive of normal maintenance) without the prior written consent of Rural Development. This would include the

issuance of any Series of Bonds issued on a parity with the Initial Bond, any Junior Bonds and any Special Facilities Bonds.

Section 3.4. Refunding Bonds. Without complying with the provisions of Section 3.3 hereof except as otherwise provided herein, the County by means of a Supplemental Ordinance enacted in compliance with the provisions of the Act and any other statutory provisions authorizing the issuance of revenue refunding bonds, including advance refunding bonds, may issue hereunder refunding Bonds as follows:

A. Bonds may be issued for the purpose of refunding (including by purchase) at any time within one year prior to maturity or prior to any sinking fund installment due date, the Bonds maturing on such date (or an amount of Bonds subject to redemption from such sinking fund installments not in excess of the amount of Bonds required to be redeemed on such due date) for the payment of which sufficient Revenues are not available. Any Bonds issued for such purpose shall mature (or sinking fund installments therefor shall commence) not earlier than the latest stated maturity of any Bond not then refunded to be Outstanding after such refunding; or

B. Bonds may be issued at any time for the purpose of refunding (including by purchase) Bonds, including amounts to pay principal, redemption premium and interest to the date of redemption (or purchase) of the refunded Bonds and the Costs of Issuance; provided that (i) the aggregate Debt Service on all Bonds to be Outstanding after the issuance of the proposed Series of refunding Bonds shall not be greater than would have been the aggregate Debt Service of all Bonds not then refunded and the Bonds to be refunded; or (ii) the requirements of parts (A), (B), (C) and (E) of Section 3.3 hereof are met with respect to the refunding Series.

Section 3.5. Junior Bonds. The County may at any time issue Junior Bonds in such amount as it may from time to time determine, payable from Net Revenues, provided that such Junior Bonds are issued to secure funds to defray the cost of improving, extending, enlarging, or repairing the System, some part thereof, including the acquisition of any system which may be combined with or consolidated into the System pursuant to law, or to refund Bonds, Junior Bonds, or any notes, bonds, or other obligations issued to finance or to aid in financing the acquisition, construction, or improvement of the System, and provided further that the pledge of Net Revenues securing Junior Bonds shall at all times be subordinate and inferior to the pledge securing the Bonds.

Section 3.6. Special Facilities Bonds. The County shall also have the right to issue, from time to time, Special Facilities Bonds to defray the costs of acquiring or constructing Special Facilities subject to the following conditions:

A. The County shall determine that the receipts, income, revenues and other charges to be levied and collected in connection with the Special Facilities shall be at least equal to: (1) the estimated costs of operating and maintaining such Special Facilities; (2) the principal and interest requirements of the Special Facilities Bonds; (3) the amounts to be deposited in any reserve funds with respect thereto; and (4) any other costs and expenses relating to such Special Facilities.

B. The receipts, income, revenues, fees and other charges derived from the operation of the Special Facilities shall be segregated from the Revenues of the System.

C. The debt service payments and other costs and expenses and reserves related to such Special Facilities shall not be paid from Revenues of the System.

ARTICLE IV

THE BONDS

Section 4.1. Execution. Unless or except as is otherwise set forth in the Supplemental Ordinance providing for the issuance of a Series of Bonds, the Bonds shall be executed on behalf of the County by the Chairman of County Council by his or her manual or facsimile signature and the corporate seal of the County or a facsimile thereof shall be impressed or reproduced thereon and attested by the Clerk to County Council by his or her manual or facsimile signature.

In case any officer whose signature or facsimile signature shall appear on the Bonds shall cease to be such officer before the delivery of such Bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes, as if he had remained in office until delivery.

Section 4.2. Authentication. Upon compliance with the provisions of Section 3.3, 3.4, or 3.5 hereof, as the case may be, and upon the order of the County, the Registrar shall authenticate Bonds authorized to be issued hereunder. Only such Bonds as shall have endorsed thereon a certificate of authentication duly executed manually by the Registrar shall be entitled to any right or benefit under this Ordinance. No Bond shall be valid or obligatory for any purpose unless and until such certificate of authentication shall have been duly executed by the Registrar, and such executed certificate of the Registrar upon any such Bond shall be conclusive evidence that such Bond has been authenticated and delivered. The Registrar's certificate of authentication on any Bond shall be deemed to have been executed by it if signed by an authorized officer of the Registrar, but it shall not be necessary that the same person sign the certificate of authentication on all of the Bonds issued hereunder or on all of the Bonds of a particular Series.

Section 4.3. Registration and Transfer of Bonds; Persons Treated as Holders. Unless and except as is otherwise set forth in the Supplemental Ordinance providing for the issuance of a Series of Bonds, each Bond shall be fully registered and transferable only upon the Books of Registry of the County, which shall be kept for that purpose at the office of the Registrar by the registered owner thereof or by his attorney, duly authorized in writing, upon surrender thereof, together with a written instrument of transfer satisfactory to the Registrar, duly executed by the registered owner or his duly authorized attorney with such signature guaranteed by a participant in the Securities Transfer Agents in Medallion Program ("STAMP") or similar program. Upon the transfer of any Bond, the County shall issue, subject to the provisions of Section 4.6 hereof, in the name of the transferee, a new Bond or Bonds of the same series and of the same aggregate principal amount, interest rate and maturity as the unpaid principal amount of the surrendered Bond.

Any Bondholder requesting any transfer shall pay any tax or other governmental charge required to be paid with respect thereto. As to any Bond, the person in whose name the same shall be registered shall be deemed and regarded as the Holder and absolute owner thereof for

all purposes and payment of or on account of the principal, redemption premium, if any, and interest on any Bond shall be made only to or upon the order of the Bondholder thereof, or his duly authorized attorney, and neither the County nor the Registrar, shall be affected by any notice to the contrary, but such registration may be changed as herein provided. All such payments shall be valid and effectual to satisfy and discharge the liability upon such Bond to the extent of the sum or sums so paid.

Section 4.4. Form of Bonds; Denominations; Medium of Payment. Unless or except as is otherwise provided in the Supplemental Ordinance authorizing their issuance, the Bonds: (a) shall be in fully registered form without coupons, provided, such Bonds may be issued in book-entry form; (b) shall be issued in denominations of \$5,000, or any integral multiple thereof, provided that, upon partial redemption of a Bond requiring surrender thereof and the issuance of a new Bond, such new Bond may be in the denomination of the unredeemed balance; and (c) shall be payable with respect to principal, interest, and premium, if any, in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

Section 4.5. Numbers, Date, and Payment Provisions. The Bonds shall be numbered and designated in such manner as the County, with the concurrence of the Registrar, shall determine. Each Bond of a Series shall bear interest from the Interest Payment Date immediately preceding the date of its authentication, unless authentication shall be upon an Interest Payment Date, in which case it shall bear interest from its authentication, or unless authentication shall precede the first Interest Payment Date for such Bond, in which case it shall bear interest as otherwise provided in the Supplemental Ordinance authorizing its issuance, provided, however, that if the date of authentication of any Bond of any Series is after a Record Date and before the corresponding Interest Payment Date therefor, such Bond shall bear interest from such succeeding Interest Payment Date; notwithstanding the foregoing, if at the time of authentication of any Bond any interest on such Bond is in default, such Bond shall bear interest from the date to which interest on such Bond has been paid or if no interest has been paid, such Bond shall bear interest from the date of delivery thereof or from its dated date, or as otherwise provided in the Supplemental Ordinance authorizing the issuance of such Bonds.

Section 4.6. Exchange of Bonds. Bonds, upon surrender thereof at the office of the Registrar with a written instrument of transfer satisfactory to the Registrar, duly executed by the Bondholder or his duly authorized attorney, may, at the option of the Bondholder thereof, and upon payment by such Bondholder of any charges which the Registrar may make as provided in Section 4.7, be exchanged for a principal amount of Bonds of the same Series and maturity of any other authorized denomination equal to the unpaid principal amount of surrendered Bonds.

Section 4.7. Regulations with Respect to Exchanges and Transfer. In all cases in which the privilege of exchanging or transferring Bonds is exercised, the County shall execute and the Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Ordinance. All Bonds surrendered in any such exchanges or transfers shall forthwith be canceled by the Registrar. There shall be no charge to the Bondholder for such exchange or transfer of Bonds except that the Registrar may make a charge sufficient to reimburse it for any tax or other governmental charge required to be paid with respect to such exchange or transfer. Neither the County nor the Registrar shall be required (a) to exchange or transfer Bonds (i) from the Record

Date to the succeeding Interest Payment Date or (ii) for a period of fifteen (15) days following any selection of Bonds to be redeemed or thereafter until after the first publication or mailing of any notice of redemption, or (b) to transfer any Bonds called for redemption.

Section 4.8. Mutilated, Lost, Stolen or Destroyed 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 Holder, 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 Holder 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 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 or any Supplemental 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. Neither the County nor the Registrar nor any Paying Agent shall be required to treat both the original Bond and any duplicate Bond as being Outstanding for the purpose of determining the principal amount of Bonds which may be issued hereunder or for the purpose of determining any percentage of Bonds Outstanding hereunder, but both the original and duplicate Bond shall be treated as one and the same.

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

ARTICLE V

REDEMPTION OF BONDS

Section 5.1. Redemption of Bonds. The Bonds of a Series may be subject to redemption prior to their stated maturities upon such terms and conditions and at such dates and redemption price or prices or premium or premiums as shall be set forth in the Supplemental Ordinance providing for the issuance of such Bonds, and upon the further terms and conditions as are hereinafter set forth.

Section 5.2. Selection of Bonds for Redemption. In the event of the redemption at any time of only part of the Bonds of a Series, the Bonds to be redeemed shall be redeemed in such order as is set forth in the Supplemental Ordinance providing for the issuance of such Bonds. Unless otherwise provided by Supplemental Ordinance, if less than all of the Bonds of like maturity of any Series shall be called for prior redemption, the particular Bonds or portions of Bonds to be redeemed shall be selected at random by the Registrar in such manner as the Registrar in its discretion may deem fair and appropriate; provided, however, that the portion of any Bond of a denomination of more than \$5,000 to be redeemed shall be in the principal amount of \$5,000 or an integral multiple thereof, and that, in selecting portions of such Bonds for redemption, the Registrar shall treat each such Bond as representing that number of Bonds of \$5,000 denomination which is obtained by dividing the principal amount of such Bond by \$5,000.

Section 5.3. Notice of Redemption. Unless or except as otherwise provided in the Supplemental Ordinance authorizing their issuance, the provisions of this Section 5.3 apply to each Series of Bonds.

In the event any of the Bonds or portions thereof are called for redemption, the Registrar shall give notice, in the name of the County, of redemption of Bonds by first-class mail, postage prepaid, to the registered owner thereof as shown on the Books of Registry of the County and to such securities depositories as the County may designate not less than thirty (30) days and not more than sixty (60) days prior to the date fixed for the redemption thereof. Such notice of redemption shall state: (a) the title of such Bonds to be redeemed, CUSIP numbers, date of issue, the series designation (if any) thereof, the redemption date, the place or places of redemption and the redemption price or redemption premium, if any, payable upon such redemption; (b) if less than all such Bonds of a particular Series are to be redeemed, the distinctive number of such Bonds to be redeemed; (c) that the interest on such Bonds designated for redemption in such notice shall cease to accrue from and after such redemption date; and (d) that on such date there will become due and payable on each such Bond the principal amount thereof to be redeemed at the then applicable redemption price or redemption premium, if any, and the interest accrued on such principal amount to the redemption date. Any notice mailed as provided in this Section shall be conclusively presumed to have been duly given, when mailed, whether or not the registered owner thereof receives the notice.

Section 5.4. Partial Redemption of Bond. In the event that only part of the principal sum of a Bond shall be called for redemption or prepaid, payment of the amount to be redeemed or prepaid shall be made only upon surrender of such Bond to the Registrar. Upon surrender of such Bond, the County shall execute and the Registrar shall authenticate and deliver to the Holder thereof, at the principal office of the Registrar, or send to such Holder by registered mail at his request, risk and expense, a new fully executed Bond or Bonds, of authorized principal sums equal in aggregate principal amount to, and of the same Series, maturity and interest rate as, the unredeemed portion of the Bond surrendered.

Section 5.5. Effect of Redemption. If a Bond is subject by its terms to redemption prior to its stated maturity and has been duly called for redemption and notice of the redemption thereof has been duly given as hereinbefore provided and if moneys for the payment of such Bond at the then applicable redemption price or together with the then applicable redemption premium, if any, and the interest to accrue to the redemption date on such Bond are held for the purpose of such

payment by the Custodian/Trustee for the series of Bonds of which such Bond is one, then such Bond so called for redemption shall, on the redemption date designated in such notice, become due and payable, and interest on the Bond so called for redemption shall cease to accrue.

Section 5.6. Cancellation. All Bonds which have been redeemed shall be canceled and either maintained or destroyed by the Registrar and shall not be reissued. A counterpart of the certificate of destruction evidencing such destruction shall be furnished by the Registrar to the County upon the request of the County.

Section 5.7. Defeasance. So long as the Federal Government or any agency thereof is the registered owner of Initial Bond, the County shall not issue any Bonds or other obligations for the purpose of defeasing or otherwise terminating the lien on the Bonds without immediately prepaying all of the Initial Bond held by the Federal Government then outstanding.

ARTICLE VI

ESTABLISHMENT OF FUNDS; SECURITY FOR AND PAYMENT OF THE BONDS; INVESTMENT OF MONEYS

Section 6.1. Listing of Funds and Accounts. The following are the funds created and established by this Ordinance:

- (i) Revenue Fund to be held by a bank or other financial institution designated from time to time by the County.
- (ii) Operation and Maintenance Fund to be held by a bank or other financial institution designated from time to time by the County.
- (iii) Bond and Interest Redemption Fund for each Series of Bonds to be held by the Custodian/Trustee, including an Interest Account and Principal Account.
- (iv) Debt Service Reserve Fund, if any, for each Series of Bonds to be held by the Custodian/Trustee.
- (v) Depreciation Fund and Contingent Fund to be held by a bank or other financial institution designated from time to time by the County.
- (vi) Construction Fund, if applicable, for each Series of Bonds to be held by a Custodian designated by the County.

One or more accounts may, by direction of the County or by the terms of a Supplemental Ordinance, be established within any of the above funds. It is intended by this Ordinance that the funds referred to in this Article (other than a Construction Fund) shall remain in existence for so long a time as any sum remains due and payable by way of principal of and interest on the Bonds,

and that deposits and withdrawals therefrom be made in the manner herein prescribed and in the order of priority hereinafter set forth in Section 6.2 hereof.

Section 6.2. Disposition of Revenues. So long as any Bonds are Outstanding, the Revenues of the System shall be applied at the times, in the amounts and for the purposes as provided or permitted by this Ordinance, and in the following order of priority.

First, provision shall be made for the payment of Expenses of Operating and Maintaining the System;

Second, there shall be transferred into the respective Bond and Interest Redemption Funds, the amounts required by this Ordinance or any Supplemental Ordinance;

Third, there shall be transferred into the respective Debt Service Reserve Funds, the amounts (including any payments required under the terms of any surety bond, insurance policy or letter of credit applicable thereto) required by this Ordinance or any Supplemental Ordinance;

Fourth, provisions shall be made for the payment of any Junior Bonds;

Fifth, there shall be deposited into the Depreciation Fund the amount determined by the provisions of this Ordinance; and

Sixth, there shall be deposited into the Contingent Fund the amount determined by the provisions of this Ordinance.

Any surplus Revenues thereafter remaining after the foregoing deposits have been made shall be disposed of as the County shall determine from time to time to be for the best interest of the System.

Section 6.3. Security for and Payment of the Bonds. The Bonds, together with the interest thereon, shall be payable solely from and secured equally and ratably by a lien upon the Net Revenues of the System; provided, however, that all funds and accounts held by the Custodian/Trustee in the respective Bond and Interest Redemption Funds and Debt Service Reserve Funds established to secure a particular Series of Bonds are hereby pledged for the benefit only of the respective Bondholders as security for the Bonds of the Series to which such Funds relate. The Revenues shall be and hereby are irrevocably pledged to the payment of the principal of and interest on the Bonds. This provision of this Section 6.3 shall not preclude the issuance of Junior Bonds, if such Junior Bonds be issued in conformity with the provisions of Article 3.5 hereof, but the pledge herein made shall preclude the issuance of bonds payable from or secured by a pledge or lien on Net Revenues superior to that herein made to secure the Bonds.

The Bonds do not constitute an indebtedness of the County within any State Constitutional provisions (other than Article X, Section 14, Paragraph 10 of the South Carolina Constitution authorizing obligations payable solely from special sources not involving revenues from any tax or license) or statutory limitation and shall never constitute or give rise to a pecuniary liability of the County or a charge against its general credit or taxing power. The full faith, credit

and taxing powers of the County are not pledged to the payment of the principal of and interest on the Bonds.

The covenants and agreements herein set forth to be performed by the County shall be for the equal and proportionate benefit, security and protection of all Holders of the Bonds without preference, priority or distinction as to payment or security or otherwise (except as to maturity) of any of the Bonds for any reason or cause whatsoever, except as expressly provided herein or in the Bonds, and, except as aforesaid, all Bonds shall rank pari passu and shall be secured equally and ratably hereunder without discrimination or preference whatsoever.

Section 6.4. Accounting Methods. The designation of the Revenue Fund, the Operation and Maintenance Fund, the Depreciation Fund and the Contingent Fund in and by this Ordinance shall not be construed to require the establishment of any completely independent, self-balancing funds as such term is commonly defined and used in governmental accounting, but rather is intended solely to constitute an earmarking of the Revenues and assets of the System for certain purposes and to establish certain priorities for application of such Revenues and assets as herein provided.

The cash required to be accounted for in each of the foregoing funds established herein may be deposited in a single bank account, into which only Revenues shall be deposited, provided that adequate accounting records are maintained to reflect and control the restricted allocation of the cash in and deposit therein for the various purposes of such funds as provided herein.

Section 6.5. Revenue Fund. There is hereby established a Revenue Fund to be maintained by the County and into which shall be deposited all Revenues. Moneys in the Revenue Fund shall be made use of only in the manner specified in this Article VI and in the order of priority according to Section 6.2 hereof. So long as the County maintains proper accounting records for receipts and disbursements for the Revenue Fund, the Operation and Maintenance Fund may be maintained as part of the Revenue Fund.

Section 6.6. Operation and Maintenance Fund. There is hereby established an Operation and Maintenance Fund to be maintained by the County in order to provide for the payment of all Expenses of Operating and Maintaining the System. So long as any of the Bonds remain Outstanding and unpaid, adequate provision shall be made by the County for the Expenses of Operating and Maintaining the System by depositing on or before the 15th day of the month following the month in which Bonds are delivered to the initial purchasers thereof, and not later than the 15th day of each month thereafter, in the Operation and Maintenance Fund from the Revenues of the System, an amount equal to the estimated Expenses of Operating and Maintaining the System for the next ensuing month in accordance with the Annual Budget.

Section 6.7. Bond and Interest Redemption Fund. There shall be established and maintained special funds of the County to be designated the Bond and Interest Redemption Fund for each Series of Bonds then Outstanding which shall be kept on deposit with the Custodian/Trustee, and withdrawals therefrom shall be made for the purposes provided in this Ordinance. Each Bond and Interest Redemption Fund shall bear a separate series designation as may be necessary to distinguish such Bond and Interest Redemption Fund.

The respective Bond and Interest Redemption Funds are intended to provide for the payment of the principal of, redemption premium, if any, and interest on each Series of Bonds as the same respectively fall due. Payments into such Funds shall be made in the manner prescribed by this Ordinance and all moneys in the respective Bond and Interest Redemption Funds shall be used solely to pay the principal of, redemption premium, if any, and interest on the respective Series of Bonds, and for no other purpose, and withdrawals therefrom shall be made only to effect payment of the principal of, redemption premium, if any, and interest on the respective Series of Bonds. Earnings on investments in the Bond and Interest Redemption Fund, including the accounts therein, shall be added to and become a part of such respective Funds and the accounts therein.

There may be established in the respective Bond and Interest Redemption Funds from time to time a capitalized interest account to provide for the payment of interest on the Bonds of a particular Series as may be permitted hereunder. Any such account shall be created by a Supplemental Ordinance relating to the issuance of the Bonds of such Series. Any earnings from the investment of funds in the capitalized interest account not required to pay interest on the Bonds of any Series during the period for which interest on the Bonds of such Series is capitalized shall be paid over to the County for deposit in the Construction Fund created by the Supplemental Ordinance relating to such Bonds or, if such Construction Fund has been terminated or no such fund was created, such earnings shall be retained in the appropriate Bond and Interest Redemption Fund.

Unless and except as is otherwise set forth in the Supplemental Ordinance, not later than the 15th day of the month following the month in which each Series of Bonds are delivered to the initial purchasers thereof, and not later than the 15th day of each month thereafter, the County shall transfer or cause to be transferred to the Custodian/Trustee for deposit into the respective Bond and Interest Redemption Funds from the moneys in the Revenue Fund, the amounts hereinafter set forth.

(a) There shall be established and maintained, for the purpose of paying the interest on the respective Series of Bonds as the same becomes due and payable, an Interest Account in the respective Bond and Interest Redemption Funds. Unless and except as is otherwise set forth in the Supplemental Ordinance, not later than the 15th day of the month following the month in which each respective Series of Bonds is delivered to the initial purchasers thereof, and not later than the 15th day of each month thereafter, the County shall transfer or cause to be transferred to the Custodian/Trustee for deposit into the respective Bond and Interest Redemption Funds for credit to the Interest Account an amount (until the moneys on deposit therein equal the amount needed) such that, if the same amount is credited to the Interest Account not later than the 15th day of each calendar month preceding the next date upon which an installment of interest falls due on the respective Series of Bonds, the aggregate of the amounts so paid and credited to the Interest Account would on such date be equal to the installment of interest then falling due on the respective Series of Bonds then Outstanding. In making any of the deposits to the Interest Account required by this paragraph (a), consideration shall be given to and allowance made for accrued interest received upon delivery of each Series of Bonds to the initial purchasers and for any other credits (including any interest earnings therein) otherwise made to such Account.

(b) There shall be established and maintained, for the purpose of paying the principal of the Bonds as they mature, whether at maturity or by mandatory sinking fund

redemption, a Principal Account in the respective Bond and Interest Redemption Funds. Unless and except as is otherwise set forth in the Supplemental Ordinance, not later than the 15th day of the twelfth month prior to each date upon which an installment of principal of a respective Series of Bonds falls due or mandatory sinking fund redemption date, and on or before the 15th day of each calendar month thereafter, the County shall transfer or cause to be transferred to the Custodian/Trustee for deposit into the respective Bond and Interest Redemption Funds to the credit of the Principal Account an amount (until the moneys on deposit therein equal the amount needed) such that, if the same amount were credited to the Principal Account on or before the 15th day of each succeeding month thereafter and prior to the next date upon which an installment of principal falls due on the respective Series of Bonds or mandatory sinking fund redemption date, the aggregate of the amounts so paid and credited to the Principal Account would on such date be equal to the installment of principal or mandatory sinking fund redemption payment on the respective Series of Bonds then falling due. In making any of the deposits to the Principal Account required by this paragraph (b), consideration shall be given to and allowance made for any other credits (including any interest earnings therein) otherwise made to such Account.

(c) If, on the dates when the payments required by paragraphs (a) and (b) of this Section are to be made, the aggregate of (i) the payments required by said paragraphs (a) and (b); (ii) previous monthly payments made by the County; and (iii) the remaining payments to be made prior to the succeeding date on which principal or interest, or both, as the case may be, will be due and payable, will be less than the sum required to effect the payment of the succeeding installment of principal or interest, or both, as the case may be, moneys in the applicable Debt Service Reserve Fund shall be added to the payment to be made pursuant to said paragraphs (a) and (b).

Moneys in the respective Bond and Interest Redemption Funds shall be used and applied solely to the payment of the interest on and the retirement of the principal of and redemption premium, if any, on the respective Series of Bonds and shall be used and applied in accordance with the provisions of this Section and this Ordinance. The moneys paid into the respective Bond and Interest Redemption Fund shall be held by the Custodian/Trustee in trust solely for the purpose of paying the interest on and the retirement of the principal of and redemption premium, if any, on the respective Series of Bonds and withdrawals from such Funds shall be made by the Custodian/Trustee in order to transfer such moneys to the Paying Agent for the respective Series of Bonds. Such withdrawals shall be made so that the necessary moneys shall be available to the Paying Agent not later than one (1) Business Day prior to the day on which principal or interest or both, and redemption premium, if any, as the case may be, are payable on the Bonds.

Section 6.8. Debt Service Reserve Fund. A Supplemental Ordinance may provide for the establishment of a Debt Service Reserve Fund for any Series of Bonds. Each Debt Service Reserve Fund shall bear a separate Series designation as may be necessary to distinguish such Debt Service Reserve Fund and shall, subject to certain provisions of this Ordinance, be maintained in an amount equal to the applicable Reserve Fund Requirement, as determined pursuant to a Supplemental Ordinance so long as the applicable Series of Bonds shall be Outstanding. Each such Fund is intended to insure the timely payment of the principal of and interest on the applicable Series of Bonds and to provide for the redemption of such Series of Bonds prior to their stated maturities. The respective Debt Service Reserve Funds shall be kept on deposit with the Custodian/Trustee, and withdrawals therefrom shall be made for the purposes provided in this Ordinance.

Moneys in each Debt Service Reserve Fund shall be used for the following purposes, and for no other:

(a) To prevent a Default in the payment of the principal of or interest on the applicable Series of Bonds, by reason of the fact that moneys in the applicable Bond and Interest Redemption Fund are insufficient for such purposes;

(b) To pay the principal of, interest on, and redemption premium, if any, of the applicable Series of Bonds in the event that all Outstanding Bonds of such Series be redeemed as a whole;

(c) To effect partial redemption of the applicable Series of Bonds, provided that such redemption be undertaken in accordance with the provisions of this Ordinance permitting a partial redemption of the applicable Series of Bonds and the balance remaining in the applicable Debt Service Reserve Fund following such partial redemption shall not be less than the Reserve Fund Requirement;

(d) To effect the retirement of a Series of Bonds through purchase under the conditions herein prescribed.

Whenever the market value (determined as of the valuation date specified in Section 6.13 hereof) of the cash and securities in the applicable Debt Service Reserve Fund shall exceed the Reserve Fund Requirement, such excess may be used at the direction of the County either (i) to repurchase and retire the applicable Series of Bonds at prices not exceeding the call price first to become available or then prevailing or (ii) to transfer to the Revenue Fund or, at the option of the County, to the Construction Fund during the period of construction or acquisition of a Project. Purchases of Bonds shall be effected by the County through the Registrar, and whenever Bonds shall have been purchased pursuant to this authorization, it shall be the duty of the Registrar to cancel and destroy such Bonds and to deliver certificates evidencing such act to the County.

Whenever the aggregate value of cash and securities in any Debt Service Reserve Fund shall be less than the applicable Reserve Fund Requirement as a result of a withdrawal of funds therefrom, there shall be deposited in the applicable Debt Service Reserve Fund over the next succeeding twelve (12) months, successive equal monthly installments of the amount necessary to reestablish in the applicable Debt Service Reserve Fund its respective Reserve Fund Requirement.

In lieu of the deposit of moneys into the Debt Service Reserve Fund established with respect to any Series of Bonds to meet the Reserve Fund Requirement with respect to that Series, the County may cause to be credited a surety bond or an insurance policy payable to, or a letter of credit in favor of, the Custodian/Trustee for the benefit of the Holders of the Bonds meeting the standard set forth in the Supplemental Ordinance authorizing that Series of Bonds. The amount of moneys required to be deposited to the Debt Service Reserve Fund shall be reduced by the amount of the surety bond, insurance policy, or letter of credit. The surety bond, insurance policy, or letter of credit shall be payable (upon the giving of notice as required thereunder) on any Interest Payment Date on which moneys will be required to be withdrawn from the Debt Service Reserve Fund and

applied to the payment of the principal of or interest on any Bonds of that Series but only to the extent that withdrawals cannot be made by amounts then credited to the Debt Service Reserve Fund.

If the County obtains a surety bond, insurance policy or letter of credit in substitution for moneys deposited to the applicable Debt Service Reserve Fund as may be permitted under the applicable Supplemental Ordinance, excess moneys in the respective Debt Service Reserve Funds shall be transferred to the applicable Construction Fund, or if one does not exist, be deposited as the County deems advisable.

Section 6.9. Depreciation Fund. There is hereby established a Depreciation Fund.

On or before the 15th day of the month following the month in which Bonds are delivered to the initial purchasers thereof, and on or before the 15th day of each and every month thereafter, the County shall deposit into the Depreciation Fund 1/12th of the amount determined in the Annual Budget prepared for the System. Moneys in the Depreciation Fund shall be used to build up a reserve for the depreciation of the System and used for the purpose of restoring depreciated or obsolete items of the System. Moneys in these funds shall be used solely for such purposes, but shall be transferred to the applicable Bond and Interest Redemption Fund whenever necessary in order to prevent a default in the payment of principal or interest when due on any Bonds.

Moneys in the Depreciation Fund shall be held by a bank or other financial institution designated by the County or its designee, and withdrawals from the Depreciation Fund shall be made by or on order of the County.

Section 6.10. Contingent Fund. There is hereby established a Contingent Fund.

On or before the 15th day of the month following the month in which Bonds are delivered to the initial purchasers thereof, and on or before the 15th day of each and every month thereafter, the County shall deposit into the Contingent Fund 1/12th of the amount determined in the Annual Budget prepared for the System. Moneys in the Contingent Fund shall be used to build up a reasonable reserve for improvements, betterments, and extensions to the System, other than those necessary to maintain the System in good repair and working order. Moneys in these funds shall be used solely for such purposes, but shall be transferred to the applicable Bond and Interest Redemption Fund whenever necessary in order to prevent a default in the payment of principal or interest when due on any Bonds.

Moneys in the Contingent Fund shall be held by a bank or other financial institution designated by the County or its designee, and withdrawals from the Contingent Fund shall be made by or on order of the County.

Section 6.11. Application of Remaining Revenues. After making payment for the Expenses of Operating and Maintaining the System; and after making payments on the Bonds; and after making the required deposits and payments, if any, to the applicable Debt Service Reserve Fund; and after providing for the payment of Junior Bonds; and after making the deposits to the Depreciation Fund and the Contingent Fund, the Revenues of the System shall then be used to meet any other obligations of the County, which are or which shall become charges, liens or

encumbrances upon the Revenues of the System; and then disposed of by the County as it may determine from time to time to be for the best interest of the System.

Section 6.12. Establishment of Construction Fund. There shall be established with the Custodian a Construction Fund with respect to each Series of Bonds (other than for Bonds issued pursuant to Section 3.4 hereof, if applicable) in the Supplemental Ordinance providing for their issuance, the moneys in which shall be used to defray the cost of the Project and to pay any Costs of Acquisition and Construction with respect to the facilities so financed. On the occasion of the delivery of any Series of Bonds, the proceeds therefrom shall be paid into the Construction Fund established for such Series as set forth in a Supplemental Ordinance authorizing their issue. Withdrawals from the Construction Fund shall not be made except as provided in the Supplemental Ordinance establishing such Construction Fund.

Section 6.13. Investment of Funds. Moneys held for the credit of the respective Bond and Interest Redemption Funds shall be invested, to the fullest extent practicable and reasonable, in Permitted Investments which shall mature prior to the respective dates when the moneys held for the credit of such Fund will be required for the purpose intended. Moneys in any other funds established by this Ordinance shall be invested, to the fullest extent practicable, in Permitted Investments, maturing at such times and in such amounts as shall be required to provide moneys to make the payments required to be made from such funds. Investment instructions shall be given from time to time in writing by an authorized officer of the County to the Custodian/Trustee.

The Custodian/Trustee and the Custodian or other depository shall value on an annual basis Permitted Investments in the various funds established by this Ordinance and forward such valuation to the County. Until changed pursuant to written instructions from the County, such evaluation shall be made on June 30 of each year. If as a result of such evaluation, there is a shortage in the amount or amounts to be deposited in such fund or funds, the County shall replenish such funds to the required levels within 120 days of such shortage.

The value of Permitted Investments (except investment agreements) shall be determined by the Custodian/Trustee or the Custodian or other depository at the market value thereof, exclusive of accrued interest, provided, however, Permitted Investments in any Debt Service Reserve Fund shall be valued at cost if the maturity thereof is one year or less and shall be valued at market value and marked to market annually if the maturity thereof is longer than one (1) year.

Except as otherwise provided herein, all interest earnings when realized shall be deposited or transferred to the Revenue Fund. Expenses of purchase, safekeeping, sale and redemption and all other expenses attributable to such investments shall be operating expenses of the System.

ARTICLE VII

COVENANTS

Section 7.1. Rates and Charges. The County covenants and agrees to operate the System in an efficient and economical manner and establish, levy, maintain, revise and collect such fees, rates and other charges for the use of the services and facilities furnished by the System as may be necessary or proper, which fees, rates, and other charges, together with other available moneys, shall at all times be at least sufficient after making due and reasonable allowances for contingencies and for a margin of error in estimates to provide an amount equal to (a) one hundred percent (100%) of the amounts required to be deposited into the Operation and Maintenance Fund for the then current Fiscal Year; (b) one hundred twenty percent (120%) of the amounts required to be deposited into each Bond and Interest Redemption Fund for the then current Fiscal Year; (c) one hundred percent (100%) of the amounts required to be deposited into each Debt Service Reserve Fund for the then current Fiscal Year; (d) one hundred percent (100%) of the amounts required to be deposited into the Depreciation Fund for the then current Fiscal Year; (e) one hundred percent (100%) of the amounts required to be deposited into the Contingent Fund for the then current Fiscal Year; and (f) one hundred percent (100%) of the amounts required to provide for payment of any Junior Bonds for the then current Fiscal Year; and (g) the amounts necessary to comply in all respects with the terms of this Ordinance or any other contract or agreement with the Holder of a Bond (such obligation hereafter referred to as the "Rate Covenant").

Section 7.2. Statutory Lien. There is hereby created and established in accordance with Section 6-21-330 of the South Carolina Code of Laws 1976, as amended, a statutory lien upon the System in favor of the Holders from time to time of the Bonds. The System shall remain subject to such statutory lien until payment in full of the principal of and interest on the Bonds.

Section 7.3. To Pay Principal, Premium, and Interest on the Bonds. The County covenants and agrees to punctually pay, or cause to be paid, out of the Net Revenues pledged to such payment in Article VI hereof, the principal of, redemption premium, if any, and the interest on each and every Bond issued under the provisions of this Ordinance, at the place, on the dates and in the manner provided herein.

Section 7.4. Operation of System. The County covenants and agrees it shall at all times operate the System properly and in an efficient and economical manner and will maintain, preserve and keep the same with the appurtenances and every part and parcel thereof in good repair, working order and condition, and shall from time to time make all necessary and proper repairs and replacements so that at all times the operation of the System may be properly and advantageously conducted.

Section 7.5. Records, Accounts and Audits. The County covenants and agrees to keep proper books of records and accounts (separate from all other records and accounts), in which complete and correct entries shall be made of all transactions relating to the System. A complete financial statement of the System shall be prepared in accordance with generally accepted accounting principles by an Accountant within such time limit as may established in a Supplemental Ordinance authorizing a Series of Bonds. As long as the County is indebted to the United States of America, acting through Rural Development, the County covenants to comply with reporting requirements of Rural Development, as set forth in a Supplemental Ordinance authorizing the issuance of a Series of Bonds. The County will cause to be furnished to the Custodian/Trustee and any Holder of any of the Bonds who makes written request therefor a copy of such statement. Such records shall be kept in accordance with the standards from time to time prescribed by the Governmental Accounting Standards Association or its successor. The County will cause to be furnished to any Holder of any of the Bonds, who make written request therefor, copies of financial statements certified by an Accountant. The County shall deliver to the Custodian/Trustee, annually, within sixty (60) days after the close of each Fiscal Year, a certificate demonstrating compliance with the Rate Covenant.

Section 7.6. Sale, Lease or Other Encumbrances. Other than the Bonds, Junior Bonds, Special Facilities Bonds, or obligations authorized or permitted hereby, the County covenants and agrees not to issue any bonds, notes, certificates or other obligations or evidences of indebtedness secured by a pledge of the Net Revenues. The County further covenants and agrees that it will not create or cause to be created any lien or charge on the Revenues other than the liens and charges created or permitted to be created hereby, and no part of the System will be sold, mortgaged, leased or otherwise disposed of or encumbered; provided, however, the County may from time to time permanently abandon the use of, sell, trade or lease any property forming a part of the System, which the County determines is no longer necessary or useful or profitable in the operation of the System, or necessary to produce or maintain the Revenues thereof, or which is to be or has been replaced by other property so as not to impair the operation of the System. Any moneys received upon a sale hereunder shall be considered Revenues.

Section 7.7. Insurance. The County covenants and agrees to make provision to maintain adequate insurance on the works, plants, facilities and properties comprising the System against the risks, accidents or casualties, of the kinds and in at least the amounts which are usually and customarily carried on similar plants, properties and systems which are owned and operated by a public or municipal corporation, including without limiting the generality of the foregoing, fire, extended coverage, general liability and workmen's compensation, and also all additional insurance covering such risks as may be deemed necessary or desirable by the County or recommended by a competent independent engineer or other advisor employed for the purpose of making such recommendations. The Custodian/Trustee shall not be responsible for maintaining such insurance policies or copies thereof.

Section 7.8. No Free Service. The County covenants and agrees that no free service will be furnished by the System to the County or to any agency, instrumentality or person. The reasonable costs and value of any services of the System rendered to the County through the operation of the System shall be charged against the County and shall be paid as the service accrues from the current funds and such funds, when so paid, shall be accounted for in the same manner as other Revenues of the System.

Section 7.9. Annual Budget. Prior to the beginning of each Fiscal Year, the County covenants and agrees to prepare an annual budget for the ensuing Fiscal Year which shall set forth in reasonable detail the estimated Revenues and Operation and Maintenance Expenses, debt service requirements, payments to the Depreciation Fund and Contingent Fund and other expenditures of the System for such Fiscal Year. Following the end of each fiscal quarter and at such other times as the County shall determine, the County shall review its estimates set forth in the annual budget for such Fiscal Year, and in the event such estimates do not substantially correspond with actual Revenues, operation and maintenance expenses or other requirements, or if there are at any time during any such Fiscal Year extraordinary receipts or payments of unusual costs, the County may prepare an amended annual budget for the remainder of such Fiscal Year. The County also may at any time adopt an amended annual budget for the remainder of the then current Fiscal Year.

ARTICLE VIII

CUSTODIAN/TRUSTEE; CUSTODIANS

Section 8.1. Custodian/Trustee. Prior to the delivery of the initial Series of Bonds, the County shall designate a Custodian/Trustee in the Supplemental Ordinance and the Custodian/Trustee shall signify its acceptance of the powers, duties and obligations conferred and imposed upon it by this Ordinance by executing and delivering to the County a written instrument of acceptance.

The Custodian/Trustee shall (a) prior to the occurrence of an Event of Default as set forth in Article X hereof which the Custodian/Trustee has or is deemed to have notice hereunder and after the curing of all Events of Default which may have occurred, perform such duties and obligations, and only such duties and obligations, as are specifically set forth in this Ordinance, and no implied covenants or obligations shall be read into this Ordinance against the Custodian/Trustee, and (b) during the existence of any Event of Default which the Custodian/Trustee has or is deemed to have notice hereunder (which has not been cured or waived) exercise the rights and powers vested in it by this Ordinance and use the same degree of care and skill in their exercise, as a prudent man would exercise or use under the circumstances in the conduct of his own affairs.

No provisions of this Ordinance shall be construed to relieve the Custodian/Trustee from liability for its own negligence, intentionally wrongful action or failure to act.

At all times, (1) the Custodian/Trustee shall not be liable for any error of judgment made in good faith by an officer or employee of the Custodian/Trustee unless it shall be provided that the Custodian/Trustee was negligent in ascertaining the pertinent facts; (2) the Custodian/Trustee shall not be liable with respect to any action taken or omitted to be taken by it in good faith in accordance with the direction of the Holders of not less than a majority (or such lesser percentage as is specifically required or permitted by this Ordinance) in the aggregate principal amount of the Bonds at the time Outstanding relating to the time, method and place of conducting a proceeding for any remedy available to the Custodian/Trustee, or exercising any trust or power conferred upon the Custodian/Trustee under this Ordinance; (3) in the administration of the trusts of this Ordinance, the Custodian/Trustee may execute any of the trusts or powers hereof directly or through its agents or attorneys. The Custodian/Trustee may consult with counsel and the opinion or

advice of such counsel shall be full and complete authorization and protection in respect of any action taken or suffered by it hereunder in good faith and in accordance with the opinion of such counsel.

The Custodian/Trustee may conclusively rely upon the authenticity of, and the truth of the statements and the correctness of the opinions expressed in, and shall be protected in acting upon any note, resolution, request, consent order, certificate, report, opinion, note, or other paper or document furnished to it pursuant to any provision of this Ordinance, believed by it to be genuine and to have been signed and presented by the proper party. The Custodian/Trustee is not required to make any inquiry or investigation into the facts or matters stated in any resolution, certificate, statement, instrument, opinion, report, notice, request, direction, consent, order, approval, bond, debenture or other paper or document but the Custodian/Trustee, in its discretion, may make such further inquiry or investigation into such facts or matters as it may see fit and, if the Custodian/Trustee determines to make such further inquiry or investigation, it is entitled to examine the books, records and premises of the County, in person or by agent or attorney.

The Custodian/Trustee shall not be required to take notice or be deemed to have notice or actual knowledge of any event of default specified in Article X hereof other than a payment default described in subparagraphs A or B of Section 10.1 unless the Custodian/Trustee shall receive from the County or the Holder of any Bond written notice stating that an Event of Default hereunder has occurred and specifying the same, and, in the absence of such notice, the Custodian/Trustee may conclusively assume that there is no such Event of Default.

The Custodian/Trustee shall be entitled to payment of and reimbursement by the County for reasonable fees and expenses for its services rendered hereunder and all advances and counsel fees and expenses reasonably and necessarily made or incurred by the Custodian/Trustee in connection with such services.

The Custodian/Trustee shall not, in any event, be required to take, defend, or appear in any legal action or proceeding hereunder or to exercise any of the trusts or powers hereof unless it shall first be adequately indemnified to its satisfaction as to terms, coverage, duration, amount and otherwise against the costs, expenses, and liabilities which may be incurred thereby. Every provision of this Ordinance relating to the conduct or affecting the liability of or affording protection to the Trustee shall be subject to the provisions hereof.

The Custodian/Trustee may execute any of its trusts or powers or perform any duties under this Ordinance either directly or by or through agents or attorneys, and may in all cases pay, subject to reimbursement from the County, such reasonable compensation as it deems proper to all such agents and attorneys reasonably employed or retained by it, and the Custodian/Trustee shall not be responsible for any misconduct or negligence of any agent or attorney appointed with due care by it.

The Custodian/Trustee is not required to give any bond or surety with respect to the performance of its duties or the Custodian/Trustee shall not be responsible for any misconduct or negligence of any agent or attorney appointed with due care by it.

The Custodian/Trustee is not required to give any bond or surety with respect to the performance of its duties or the exercise of its powers under this Ordinance.

The Custodian/Trustee's immunities and protections from liability and its right to indemnification in connection with the performance of its duties under this Ordinance shall extend to the Custodian/Trustee's officers, directors, agents, attorneys, and employees. Such immunities and protections and right to indemnification, together with the Custodian/Trustee's right to compensation, shall survive the Custodian/Trustee's resignation or removal, the discharge of this Ordinance, and the final payment of all Bonds issued hereunder.

The permissive right of the Custodian/Trustee to take the actions permitted by this Ordinance shall not be construed as an obligation or duty to do so.

Whether or not expressly so provided, every provision of this Ordinance relating to the conduct or affecting the liability of or affording protection to the Custodian/Trustee is subject to the provisions of this Section.

Section 8.2. Resignation of Custodian/Trustee. The Custodian/Trustee may resign at any time and be discharged of its duties and obligations hereunder by giving 30 days' written notice to the County and to the Holders of the Bonds by first class mail, postage prepaid, of such resignation. No resignation will become effective until a successor Custodian/Trustee has been appointed and accepts such appointment as provided below. Upon receiving notice of resignation, the County shall promptly appoint such successor Custodian/Trustee by an instrument in writing executed by order of its Council. In the event a successor Custodian/Trustee has not been appointed within 60 days of the date notice of resignation is given, the Custodian/Trustee at the County's expense, may apply to any court of competent jurisdiction for the appointment of a successor Custodian/Trustee to act until such time as a successor is appointed as provided in this Section.

Unless otherwise ordered by a court or regulatory body having competent jurisdiction, or unless required by law, any successor Custodian/Trustee shall, if there is such an institution willing, qualified and able to accept the trust upon reasonable or customary terms, be a bank, bank holding company or trust company or wholly-owned subsidiary of a bank holding company or trust company in good standing, qualified to act hereunder, and having a capital and earned surplus of not less than \$25,000,000.

Any successor Custodian/Trustee appointed as provided in this section, shall execute, acknowledge and deliver to the County and its predecessor Custodian/Trustee an instrument accepting such appointment hereunder, and thereupon the resignation or removal of the predecessor Custodian/Trustee shall become effective, the predecessor Custodian/Trustee shall immediately be discharged and released from all duties and obligations hereunder and such successor Custodian/Trustee, without any further act, deed or conveyance, shall become vested with all the rights, powers, trusts, duties and obligations of its predecessor of the trust hereunder. Upon the request of any such successor Custodian/Trustee, the County shall execute any and all instruments in writing for more fully and certainly vesting in and confirming to such successor Custodian/Trustee all such rights, powers and duties. Upon acceptance of appointment by a successor Custodian/Trustee, the County shall notify the registered owner of each Bond then Outstanding by first-class mail, postage prepaid.

The predecessor Custodian/Trustee shall execute any and all documents necessary or appropriate to convey all interest it may have to the successor Custodian/Trustee. The predecessor Custodian/Trustee shall promptly transfer all funds to the successor Custodian/Trustee and deliver all records relating to the trust or copies thereof and communicate all material information it may have obtained concerning the trust to the successor Custodian/Trustee.

Any corporation or association into which the Custodian/Trustee may be merged or with which it may be consolidated, or any corporation or association resulting from any merger, or any corporation or association succeeding to the business of the Custodian/Trustee, shall be the successor of the Custodian/Trustee hereunder without the execution or filing of any paper or any further act on the part of any of the parties hereto.

Each, every and all funds and accounts held by the Trustee shall be impressed with a trust for the benefit of the Holders of the Bonds, under the provisions of this Ordinance and of the Act.

Section 8.3. Removal of Custodian/Trustee. Upon 30 days' written notice, the County, with the consent and approval of the Holders of not less than 50% of the Bonds then Outstanding, provided that an Event of Default shall not have occurred and be continuing, may remove the Custodian/Trustee. The removal of the Custodian/Trustee under this Section 8.3 shall not be effective until a successor Custodian/Trustee has been appointed and has accepted the duties of Custodian/Trustee.

The Holders of a majority in aggregate principal amount of the Bonds at the time outstanding may, upon 30 days' written notice to the Custodian/Trustee and the County, remove the Custodian/Trustee and appoint a successor Custodian/Trustee by instrument or instruments in writing signed by such Holders of the Bonds.

Section 8.4. Custodians. The Construction Fund shall be held by a bank, a trust company, a national banking association or a national association as Custodian under this Ordinance or a Supplemental Ordinance.

Section 8.5. Duties and Obligations of Custodian/Trustee and Custodians. The recitals of fact made in this Ordinance and in the Bonds shall be taken as statements of the County, and neither the Custodian/Trustee nor Custodian shall be deemed to have made any representations whatsoever as to the correctness of the same or as to the validity or sufficiency of this Ordinance or of the Bonds issued hereunder. Nor shall the Custodian/Trustee or any Custodian be under any responsibility or duty with respect to the issuance of the Bonds or the application of the proceeds thereof, except to the extent provided for herein, or in a Supplemental Ordinance. Nor shall the Custodian/Trustee or any Custodian be under any obligation or duty to perform any act which would involve it in expense or liability or to institute or defend any suit in response to this Ordinance, or to the Bonds issued hereunder, or to advance any of its own moneys, unless properly indemnified to its satisfaction. Nor shall the Custodian/Trustee or any Custodian be liable in connection with the performance of its duties hereunder, except for its own negligence or misconduct.

Section 8.6. Custodian/Trustee and Custodians Protected in Relying upon Resolutions, etc**Error! Bookmark not defined.** The Custodian/Trustee and all Custodians shall at all times be protected in acting upon any notice, resolution, request, consent, order, certificate, statement, opinion, bond, or other paper or document believed to be genuine and to have been signed by the proper party or parties.

ARTICLE IX

AMENDMENTS OR SUPPLEMENTS TO ORDINANCE

Section 9.1. Amendments or Supplements to Ordinance. The County shall not amend this Ordinance except in accordance with the provisions of this Article.

A. The County may, from time to time and without the consent of any Holder of the Bonds enact an ordinance amendatory hereof or supplemental thereto (a) for the purpose of providing for the issuance of Bonds pursuant to the provisions of Article III hereof, or (b) (i) making any amendments or modifications hereto which may be required to permit this Ordinance to be qualified under the Trust Indenture Act of 1939, as amended; (ii) making any modification or amendment to this Ordinance not inconsistent herewith required for the correction of language or to cure any ambiguity or defective provisions, omission, mistake or manifest error herein contained; (iii) making any amendments or supplements hereto to grant to or confer upon the Holders additional rights, remedies, power and authority, or to grant to or confer upon any Holders, committee or trustee for the Holders any additional rights, power or authority; or (iv) to add to the security of the Holders of the Bonds.

B. From time to time the Holders of 66-2/3% in principal amount of the Bonds then Outstanding, by an instrument or instruments in writing signed by such Holders and filed with the County and the Custodian/Trustee, shall have power to assent to and authorize any modification or amendment to the provisions of this Ordinance that may be proposed by the County or of the rights and obligations of the County and of the Holders of Bonds issued hereunder; and any action herein authorized to be taken with the assent and authority given as aforesaid of the Holders of 66-2/3% in principal amount of the Bonds at the time Outstanding shall be effective and binding upon all of the Holders of Bonds issued hereunder; and any action herein authorized to be taken with the assent and authority given as aforesaid of the Holders of 66-2/3% in principal amount of the Bonds at the time Outstanding shall be effective and binding upon all of the Holders of Bonds Outstanding and upon the County as fully as though such action were specifically and expressly authorized by the terms of this Ordinance; provided always, that without the consent of the Holder of each Bond affected thereby, no such modification shall be made which will (a) extend the time of payment of principal of or the interest on any Bond, or reduce the principal amount thereof or the rate of interest thereon or the premium payable upon the redemption thereof, or (b) give to any Bond or Bonds any preference over any other Bond or Bonds, or (c) authorize the creation of any pledge prior to or, except as provided herein for the issuance of Series of Bonds, on a parity with the pledge afforded by this Ordinance, or (d) reduce the percentage in principal amount of the Bonds required to assent to or authorize any such modification to this Ordinance. For the purpose of computations required by this paragraph, Bonds directly or indirectly owned or controlled by the County shall be disregarded.

Any modification or amendment or supplement to the provisions of this Ordinance or of any Supplemental Ordinance supplemental hereto shall be set forth in an ordinance to be enacted by the County.

ARTICLE X

EVENTS OF DEFAULT

Section 10.1. Events of Default. With respect to the Bonds, the following shall constitute “Events of Default”:

A. If payment of the principal of any Bond, whether at maturity or by proceedings for redemption, by declaration as provided in Article XI hereof, or otherwise, is not made by the County after the same has become due and payable; or

B. If payment of any installment of interest on any Bond is not made by the County as the same becomes due and payable; or

C. If the County shall fail in the due and punctual performance of any of the covenants, conditions, agreements and provisions contained in the Bonds or in this Ordinance or in any Supplemental Ordinance on the part of the County to be performed, and such failure continues for 30 days after written notice specifying such failure and requiring the same to be remedied has been given to the County by the Custodian/Trustee, or the Holders of not less than 20% in principal amount of the Bonds then Outstanding or any trustee or committee therefor; or

D. If any proceedings are instituted, with the consent or acquiescence of the County, for the purpose of effecting a composition between the County and its creditors and if the claim of such creditors is in any circumstance payable from any of the Revenues or any other moneys pledged and charged in this Ordinance or any Supplemental Ordinance for the payment of the Bonds, or any such proceedings are instituted for the purpose of adjusting the claims of such creditors, pursuant to any Federal or State statute now or hereafter enacted; or

E. If an order or decree is entered (a) with the consent or acquiescence of the County, appointing a receiver or receivers of the System or any of the facilities thereof; or (b) without the consent or acquiescence of the County, appointing a receiver or receivers of the System or any of the facilities thereof and if, in either case, such order or decree having been entered is not vacated or discharged or stayed on appeal within 60 days after the entry thereof; or

F. If, under the provisions of any law for the relief or aid of debtors, any court of competent jurisdiction assumes custody or control of the System or any of the facilities thereof, and such custody or control is not terminated within 90 days from the date of assumption of such custody or control; or

G. If the County is for any reason rendered incapable of fulfilling its obligations hereunder in any material respect.

Subject to the provisions, limitations and conditions of Sections 11.1 and 11.2 of Article XI hereof, insofar as the remedies provided in said provisions are concerned, nothing in Section 11.3 of Article XI hereof or in this Article, and particularly nothing in paragraph C of this Section 10.1, shall prohibit or limit, or be construed as prohibiting or limiting any Holder of a Bond from enforcing the duties of the County, or any of the officers thereof, under any provisions of this Ordinance (including, without limiting the generality of the foregoing, the duties imposed by or referred to in Section 11.3 hereof) by mandamus or other appropriate suit, action or proceeding in any court of competent jurisdiction, even though the failure of the County or any of the officers thereof to perform any such duty may not then constitute an “Event of Default” as defined in this Article.

ARTICLE XI

REMEDIES UPON EVENT OF DEFAULT

Section 11.1 Declaration of Principal and Interest as Due. Upon the occurrence of an Event of Default, and at any time thereafter while such Event of Default continues, then and in each and every case the Custodian/Trustee in its own name and as trustee of an express trust, on behalf and for the benefit and protection of the Holders of all Outstanding Bonds, may proceed, and upon the written request of the Holders of not less than 25% in principal amount of the Bonds then Outstanding, shall proceed to declare the principal of all Bonds then Outstanding, together with all accrued and unpaid interest thereon, if not already due, to be due and payable immediately, and upon any such declaration the same shall become and be due and payable immediately, anything contained in this Ordinance or any Supplemental Ordinance hereto or in any of the Bonds to the contrary notwithstanding. This provision is also subject, however, to the condition that, if at any time after the principal of the Bonds, together with the accrued and unpaid interest thereon and other moneys secured hereby, have been so declared due and payable and before any further action has been taken (other than the making of the above declaration), the principal amount of all Bonds which have matured either according to the maturity date or dates otherwise specified therein (except as a result of such declaration) and all arrears of interest upon all Bonds, except interest accrued but not yet due on said Bonds, have been paid or caused to be paid, and all other Events of Default, if any, which have occurred have been remedied, cured or secured, then and in each and every such case the Holders of 25% in principal amount of the Bonds then Outstanding, by notice in writing delivered to the Custodian/Trustee and the County, may waive such Default and its consequences and rescind and annul such declaration. No such waiver or rescission or annulment shall extend to or affect any subsequent default or impair or exhaust any right or power related to such subsequent Default.

Section 11.2. Appointment of a Receiver. Upon the occurrence of an Event of Default described in paragraphs A and B of Section 10.1 hereof, and at any time thereafter while such default continues, the Custodian/Trustee or the Holders of not less than 25% in principal amount of the Bonds then Outstanding or any custodian/trustee therefor, may apply to a court of competent jurisdiction for the appointment of a receiver. Any receiver so appointed shall (a) enter into and upon and take possession of the System, to the exclusion of the County if such court so directs; (b) have, hold, use, operate, manage and control the System as such receiver may deem best; and (c) exercise all rights and powers of the County with respect to the System as the County itself may do. In addition, the receiver shall (a) maintain, restore and insure the System and from

time to time make all necessary and proper repairs to the System as such receiver may deem expedient; (b) establish, levy, maintain and collect such fees, rentals and other charges in connection with the System as such receiver may deem necessary or proper and reasonable; and (c) collect and receive all revenues, deposit such revenues in a separate account and apply such revenues so collected and received in such manner as the court shall direct.

Notwithstanding anything contained in this Ordinance or the Act, such receiver shall have no power to sell, assign, mortgage or otherwise dispose of any assets of whatever kind or character of the County and useful to the System, other than in the ordinary course of System business.

Section 11.3. Suits at Law or in Equity and Mandamus. In case any one or more of the Events of Default shall happen and be continuing, then and in every such case, but subject to the provisions, limitations and conditions of Sections 11.1 and 11.2 of this Article so far as the remedies provided in said provisions are concerned, the Holder of any Bond at the time Outstanding, or Custodian/Trustee therefor, may, for the equal benefit and protection of all Holders of the Bonds similarly situated,

- (a) by mandamus or other suit, action or proceedings at law or in the equity, enforce such Bondholder's right against the County and require and compel the County to perform and carry out its duties and obligations under the Act and this Ordinance, and to perform and carry out its covenants and agreements with the Bondholders;
- (b) by action or suit in equity require the County to account as if such County were the trustee of an express trust;
- (c) by action or suit in equity enjoin any acts or things which may be unlawful or in violation of the rights of the Bondholders; or
- (d) bring suit upon the Bonds.

Section 11.4. Remedies Not Exclusive; Effect of Waiver of Default; Effect of Abandonment of Proceedings or Adverse Determination. The Holders from time to time of the Bonds shall be entitled to all the remedies and benefits of this Ordinance as are and as shall be provided by law, and, subject to the provisions of Sections 11.1 and 11.2 of this Article, nothing herein shall be construed to limit the rights or remedies of any such Holders under any applicable statute that may now exist or be enacted thereafter. No remedy conferred by the Act and this Article upon any Holder of any Bond is intended to be exclusive of any other remedy, and each and every such remedy shall be cumulative and shall be in addition to every other remedy and may be exercised without exhausting and without regard to any other remedy conferred by the Act and this Article or by any other law now or hereafter existing. Every substantive right and remedy conferred upon the Holders of the Bonds may be enforced and exercised from time to time and as often as may be deemed expedient.

No waiver of any default or breach of duty or contract by any Holder of any Bond shall extend to or affect any subsequent default or breach of duty or contract, or shall impair any

rights or remedies thereon. No delay or omission of any Holder of a Bond to exercise any right or power accruing upon any default shall impair any such right or power or shall be construed to be a waiver of any such default or acquiescence therein.

In case any suit, action or proceeding to enforce any right or exercise any remedy shall be brought or taken and then discontinued or abandoned, or shall be determined adversely to Holders of the Bonds then and in every such case, the County and such Holders shall be restored to their former positions and rights and remedies as if no suit, action or proceeding had been brought or taken.

Section 11.5. Restrictions on Bondholder's Action.

A. No Holder of any Bond shall have any right to institute any suit, action or proceeding at law or in equity for the enforcement of any provision of this Ordinance or the execution of any trust under this Ordinance or for any remedy under this Ordinance unless such Holder shall have previously given to the Custodian/Trustee written notice of the happening of an Event of Default and the Holders of at least twenty-five percent (25%) in principal amount of the Bonds then Outstanding shall have filed a written request with the Custodian/Trustee and shall have offered the Custodian/Trustee reasonable opportunity, either to exercise the powers granted in this Ordinance or by the laws of the State or to institute such action, suit or proceeding in its own name, and unless such Holders shall have offered to the Custodian/Trustee adequate security and indemnity against the costs, fees (including reasonable attorneys' fees), expenses and liabilities to be incurred therein or thereby, and the Custodian/Trustee shall have refused to comply with such request for a period of 60 days after receipt by it of such notice, request an offer of indemnity, it being understood and intended that no one or more Holders of Bonds shall have any right in any manner whatever by his or their action to affect, disturb or prejudice the pledge created by this Ordinance, or to enforce any right under this Ordinance, except in the manner therein provided; and that all proceedings at law or in equity to enforce any provision of this Ordinance shall be instituted, had and maintained in the manner provided in this Ordinance and for the equal benefit of all Holders of the Outstanding Bonds.

B. Nothing in this Ordinance or in the Bonds contained shall affect or impair the obligation of the County, which is absolute and unconditional, to pay at the respective dates of maturity and places therein expressed the principal of (and redemption premium, if any) and interest on the Bonds to the respective Holders thereof, or affect or impair the right of action, which is also absolute and unconditional, of any Holder to enforce such payment of his Bond.

Section 11.6. Application of Revenues and Other Moneys After Default. During the continuance of an Event of Default, all moneys received by the Custodian/Trustee pursuant to any right given or action taken under the provisions of this Article shall, after payment of the costs and expenses of the proceedings taken in efforts to collect such moneys and of the fees, expenses and advances incurred or made by the Custodian/Trustee with respect thereto, including reasonable attorneys fees, be deposited in the respective Bond and Interest Redemption Funds, and all amounts held by the Custodian/Trustee hereunder shall be applied as follows (provided if more than one Bond and Interest Redemption Fund has been established, such amounts shall be paid ratably):

A. Unless the principal of all Outstanding Bonds shall have become or have been declared due and payable:

First: To the payment to the persons entitled thereto of all installments of interest then due on the Bonds in the order of maturity of such installments, and, if the amount available shall not be sufficient to pay in full any installment or installments maturing on the same date, then to the payment thereof ratably, according to the amounts due thereon to the person entitled thereto, without any discrimination or preference; and

Second: To the payment to the persons entitled thereto of the unpaid principal amounts or redemption premium, if any, of any Bonds which shall have become due (other than Bonds previously called for redemption in accordance with the provisions hereof), whether at maturity or by call for redemption, in the order of their due dates, and if the amounts available shall not be sufficient to pay in full all the Bonds due on any date, then to the payment thereof ratably, according to the principal amounts or redemption premium, if any, due on such date, to the persons entitled thereto, without any discrimination or preference.

B. If the principal amounts of all Outstanding Bonds shall have become or have been declared due and payable, to the payment of the principal amounts and interest then due and unpaid upon the Bonds without preference or priority of principal over interest or of interest over principal, of any installment of interest over any other installment of interest, or of any Bond over any other Bond, ratably, according to the amounts due respectively for principal amounts and interest, to the persons entitled thereto without any discrimination or preference.

C. If the principal amounts of all Outstanding Bonds shall have been declared due and payable, and if such declaration shall thereafter have been rescinded and annulled under the provisions of this Article, then, subject to the provisions of paragraph (b) of this Section in the event that the principal amounts of all Outstanding Bonds shall later become due or be declared due and payable, the moneys shall be applied in accordance with the provisions of paragraph (A) of this Section.

Whenever moneys are to be applied by the Custodian/Trustee pursuant to the provisions of this Section, such moneys shall be applied by it at such times, and from time to time, as the Custodian/Trustee shall determine, having due regard for the amount of such moneys available for application and the likelihood of additional moneys becoming available for such application in the future. Whenever the Custodian/Trustee shall apply such moneys, it shall fix the date (which shall be a Bond payment date unless it shall deem another date more suitable) upon which such application is to be made and upon such date interest on the principal amounts to be paid on such dates shall cease to accrue. The Custodian/Trustee shall give such notice as it may deem appropriate of the deposit with it of any such moneys and of the fixing of any such date, and shall not be required to make payment to the Holder of any Bond until such Bond shall be presented to the Custodian for appropriate endorsement of any partial payment or for cancellation if fully paid.

Whenever all Bonds and interest thereon have been paid under the provisions of this Section and all expenses and charges of the Custodian/Trustee have been paid, any balance remaining shall be paid to the person entitled to receive the same; if no other person shall be entitled thereto, then the balance shall be paid to the County or as a court of competent jurisdiction may direct.

ARTICLE XII

MISCELLANEOUS

Section 12.1. Benefits of Ordinance Limited to the County, the Custodian/Trustee and Holders of the Bonds. With the exception of rights or benefits herein expressly conferred, nothing expressed or mentioned in or to be implied from this Ordinance or the Bonds is intended or should be construed to confer upon or give to any person other than the County, the Custodian/Trustee and the Holders of the Bonds, any legal or equitable right, remedy or claim under or by reason of or in respect to this Ordinance or any covenant, condition, stipulation, promise, agreement or provision herein contained. This Ordinance and all of the covenants, conditions, stipulations, promises, agreements and provisions hereof are intended to be and shall be for and inure to the sole and exclusive benefit of the County, the Custodian/Trustee and the Holders from time to time of the Bonds as herein and therein provided.

Section 12.2. Ordinance Binding Upon Successors or Assigns of the County. All the terms, provisions, conditions, covenants, warranties and agreements contained in this Ordinance shall be binding upon the successors and assigns of the County and shall inure to the benefit of the Custodian/Trustee, its successors or substitutes in trust and assigns, and the Holders of the Bonds.

Section 12.3. No Personal Liability. No recourse shall be had for the enforcement of any obligation, covenant, promise or agreement of the County contained in this Ordinance or the Bonds, against any member of the County, any officer or employee, as such, in his or her individual capacity, past, present or future, of the County, either directly or through the County, whether by virtue of any constitutional provision, statute or rule of law, or by the enforcement of any assessment or penalty or otherwise, it being expressly agreed and understood that this Ordinance and the Bonds are solely corporate obligations, and that no personal liability whatsoever shall attach to, or be incurred by, any member, officer or employee as such past, present or future, of the County, either directly or by reason of any of the obligations, covenants, promises, or agreements entered into between the County and the Custodian/Trustee or the Bondholder or to be implied therefrom as being supplemental hereto or thereto, and that all personal liability of that character against every such member, officer and employee is, by the adoption of this Ordinance and the execution of the Bonds, and as a condition of, and as a part of the consideration for, the adoption of this Ordinance and the execution of the Bonds, expressly waived and released. The immunity of members, officers and employees of the County under the provisions contained in this Section 12.4 shall survive the termination of this Ordinance.

Section 12.4. Effect of Saturdays, Sundays and Legal Holidays. Whenever this Ordinance requires any action to be taken on a Saturday, Sunday, legal holiday or bank holiday in the State of South Carolina, such action shall be taken on the first Business Day occurring thereafter. Whenever in this Ordinance the time within which any action is required to be taken or within which any right will lapse or expire shall terminate on a Saturday, Sunday, legal holiday or bank holiday, in the State of South Carolina, such time shall continue to run until midnight on the succeeding Business Day.

Section 12.5. Partial Invalidity. If any one or more of the covenants or agreements or portions thereof provided in this Ordinance on the part of the County or the Custodian or any Paying Agent to be performed should be determined by a court of competent jurisdiction to be contrary to law, then such covenant or covenants, or such agreement or agreements, or such portions thereof, shall be deemed severable from the remaining covenants and agreements and portions thereof provided in this Ordinance and the invalidity thereof shall in no way affect the validity of the other provisions of this Ordinance or of the Bonds, but the Holders of the Bonds shall retain all the rights and benefits accorded to them hereunder and under any applicable provisions of law.

If any provisions of this Ordinance shall be held or deemed to be or shall, in fact, be inoperative or unenforceable or invalid as applied in any particular case in any jurisdiction or jurisdictions or in all jurisdictions, or in all cases because of conflicts with any constitution or statute or rule of public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable or invalid in any other case or circumstance, or of rendering any other provision or provisions herein contained inoperative or unenforceable or invalid to any extent whatever.

Section 12.6. Law and Place of Enforcement of Ordinance. This Ordinance shall be construed and interpreted in accordance with the laws of the State of South Carolina and all suits and actions arising out of this Ordinance shall be instituted in a court of competent jurisdiction in said State.

Section 12.7. Effect of Article and Section Headings and Table of Contents. The headings or titles of the several Articles and Sections hereof, and any table of contents appended hereto or to copies hereof, shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation or effect of this Ordinance.

Section 12.8. Repeal of Inconsistent Ordinances and Resolutions. All ordinances and resolutions of the County, and any part of any ordinance or resolution, inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 12.9. Effectiveness of Ordinance. This Ordinance shall become effective upon its enactment; provided, however, that it shall not be necessary for the County to establish the funds and accounts created in Article VI hereof prior to the issuance of any Bonds.

Section 12.10. Notices. All notices, certificates, or other communications hereunder or under this Ordinance shall be sufficiently given and shall be deemed given when mailed by registered mail, postage prepaid, or given when dispatched by telegram addressed as follows:

If to the County:

Richland County
Post Office Box 192
Kingstree, South Carolina 29202-0192
Attn: County Administrator

The County and the Custodian/Trustee, may, by notice given to the other parties, designate any further or different addresses to which subsequent notices, certificates or other communications shall be sent.

Section 12.11. Codification. This Ordinance shall be forthwith codified in the Code of County Ordinances in the manner required by law and the name shall be indexed under the general heading “Ordinance Waterworks System Revenue Bonds.”

Enacted this ____ day of _____, 2010.

RICHLAND COUNTY, SOUTH CAROLINA

By: _____
Paul Livingston, Chairman
Richland County Council

(SEAL)

ATTEST THIS ____ DAY OF
_____, 2010:

Michielle R. Cannon-Finch
Clerk of County Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Date of First Reading:
Date of Second Reading:
Date of Third Reading:

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

AUTHORIZING AND PROVIDING FOR THE ISSUANCE OF A HOPKINS WATERWORKS SYSTEM IMPROVEMENT REVENUE BOND ANTICIPATION NOTE, SERIES 2010, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION OF RICHLAND COUNTY, SOUTH CAROLINA, IN AN AMOUNT NOT TO EXCEED \$2,033,000; AUTHORIZING THE COUNTY ADMINISTRATOR TO DETERMINE CERTAIN MATTERS RELATING TO THE NOTE; PROVIDING FOR FORM AND DETAILS OF THE NOTE; PROVIDING FOR THE PAYMENT OF THE NOTE; PROVIDING FOR 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 "Council") of Richland County, South Carolina (the "County"), hereby finds and determines:

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

(b) In the exercise of the powers vested in the County by the Constitution and statutes of the State of South Carolina, and in conformity with the provisions thereof, the County, pursuant to the favorable results of a referendum heretofore duly held on November 7, 1978, is authorized and empowered to acquire, construct and operate a waterworks system or systems in any of the unincorporated areas of the County.

(c) The System was created pursuant to General Bond Ordinance No. _____ enacted by the County Council on _____ and is administered as a department of the County.

(d) Article X, Section 14 of the Constitution of the State of South Carolina, 1895, as amended, provides that a county may incur indebtedness payable solely from a revenue-producing project which source does not involve revenues from any tax or license.

(e) Title 11, Chapter 17, Code of Laws of South Carolina 1976, as amended ("Title 11"), provides that any borrower (the definition of which includes the County) whenever authorized by general or special law to issue bonds, may, pending the sale and issuance thereof, borrow in anticipation of the receipt of the proceeds of such bonds.

(f) The County has made general provision for the issuance from time to time of waterworks system revenue bonds (the “Bonds”) of the County through the enactment of Ordinance No. _____ entitled “An Ordinance Providing For The Issuance Of Hopkins Waterworks System Revenue Bonds Of Richland County, South Carolina” (the “General Bond Ordinance”).

(g) The County propose to install approximately 11,000 linear fee of 12” water lines, 50,000 linear feet of 10” water lines, 35,500 linear fee of 8” water lines, construct a 300,000 gallon elevated water storage tank and rehabilitate existing wells to service the project area (hereinafter referred to as the “Project”).

(j) The total cost of the Project is estimated to be \$4,814,000 to be financed with a loan from the Federal Government in the amount of \$2,033,000, grants from the Federal Government in the amount of \$1,793,000, a grant from the South Carolina Department of Health and Environmental Control administrated Environmental Protection Agency grant and contributions from the County of \$488,000.

(k) The Government will, upon compliance by the County with the terms and conditions set forth in a letter dated March 26, 2007, to the Chairman of the County Council of the County, purchase a waterworks system improvement revenue bond of the County in the maximum amount of \$2,033,000.

(l) It is in the best interest of the County to authorize the issuance and sale of a revenue bond pursuant to the Revenue Bond Act for Utilities, the General Bond Ordinance and a Supplemental Ordinance in the principal amount of not exceeding \$2,033,000 for the purpose of defraying a portion of the costs and expenses of the Project.

(m) Pending the issuance and sale of such revenue bond, it is in the best interest of the County to provide for the issuance of a waterworks system improvement revenue bond anticipation note in a principal amount not exceeding \$2,033,000 (the “BAN”) in anticipation of the issuance of the aforesaid revenue bond and the receipt of the proceeds thereof.

Section 2. Delegation of Authority. The Council hereby delegates to the County Administrator the authority to offer the BAN by private sale at such time as deemed to be in the best interest of the County and to cause to be prepared and distributed an appropriate Notice of Sale. The County Administrator is hereby authorized and empowered to determine the principal amount of the BAN and to award the sale of the BAN to the bidder whose bid is in the best interest of the County in accordance with the terms of the Notice of Sale for the BAN, provided the net interest cost of the BAN does not exceed 6% per annum.

Section 3. Authorization of Bonds. Pursuant to the provisions of the Revenue Bond Act, there is hereby authorized to be issued, and the Council irrevocably obligates and binds itself to effect the issuance of, a waterworks system improvement revenue bond (the “Bond”) of the County in the principal amount of not exceeding \$2,033,000, the proceeds of which will be used to pay the principal of the BAN. Prior to the issuance and sale of the Bond, the Council shall enact an ordinance setting forth the form and details of the Bond, provided such details shall be within the limitations contained in the Revenue Bond Act.

Section 4. Authorization of Bond Anticipation Note. Pending the issuance and delivery of the Bond authorized by Section 3 hereof, and pursuant to the provisions of Title 11, Chapter 17 of the Code, and for the purpose of paying a portion of the cost of the improvements described in Section 1(g) and other costs incidental to the Project including, but without limiting the generality of such costs, engineering, financial and legal fees, there is hereby authorized to be issued the BAN in a principal amount of not exceeding \$2,033,000 in anticipation of the receipt of the proceeds of the Bond.

The BAN shall be in fully-registered form, registered as to principal and interest in the name of the Bank; shall be dated as of the date of its issuance; shall mature not later than twelve (12) months from the date of its issuance; shall be of the denomination of not exceeding \$2,033,000, or such lesser amount as may be paid from time to time for the BAN; and shall bear interest on the respective principal amounts of the BAN advanced to the County from time to time at the rate reflected thereon.

The County shall have the right to prepay the principal of or interest on the BAN, or both, in whole without penalty.

Both the principal of and interest on the BAN 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 at such place as may be agreed upon with the Bank. The County shall serve as the Registrar/Paying Agent for the BAN.

If payment for the BAN is made in installments, the amount and date of each payment shall be endorsed on the BAN in the space provided therefor by the County Administrator of the County. Interest shall accrue on the amount paid for the BAN from the date of payment thereof.

The BAN shall be executed on behalf of the County by the manual or facsimile signature of the County Administrator and the corporate seal of the County or a facsimile thereof shall be impressed or reproduced thereon and attested by the Clerk to County Council by his or her manual or facsimile signature.

Section 5. Registration of BAN. The BAN shall be registered as to principal and interest in the name of the registered owner thereof at the office of the Clerk to Council on registry books to be kept for that purpose, after which no transfer of such BAN shall be effectual unless made on said books by the registered holder in person, or by his duly authorized legal attorney.

Section 6. Form of Note. The BAN shall be issued in substantially the form attached hereto as Exhibit A and incorporated herein by reference.

Section 7. Covenants of the County. The County hereby covenants with the Bank as follows:

(a) The County covenants that as long as the BAN shall be outstanding under the provisions of this Ordinance and except as is otherwise permitted in this Ordinance, it will not sell, trade or lease or otherwise dispose of or encumber the System or any part thereof. The County may, however, from time to time, sell or dispose of any property, real or personal, which in the judgment of the Council of the County is no longer necessary or useful or profitable in the operation of the System or necessary to produce and maintain the revenues thereof, or which is to be or has been replaced by other property so as not to impair the operations of the System. Amounts received from such sale or disposition shall be deposited to the credit of the Revenue Fund established in the General Bond Ordinance.

(b) The County covenants that it has not issued, nor will it cause to be issued, any notes or certificates of indebtedness of any type in anticipation of the issuance of the Bond, except the BAN.

(c) The County hereby covenants and agrees with the Bank that it will not take any action which will, or fail to take any action which failure will, cause interest on the BAN to become includable in the gross income of the Bank for federal income tax purposes pursuant to the provisions of the Code and regulations promulgated thereunder in effect on the date of original issuance of the BAN. The County further covenants and agrees with the Bank that no use of the proceeds of the BAN shall be made which, if such use had been reasonably expected on the date of issue of the BAN, would have

caused the BAN to be an “arbitrage bond,” as defined in Section 148 of the Code, and to that end the County hereby shall:

- (i) comply with the applicable provisions of Sections 103 and 141 through 150 of the Code and any regulations promulgated thereunder so long as the BAN is outstanding;
- (ii) 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 Code relating to required rebates of certain amounts to the United States; and
- (iii) make such reports of such information at the time and places required by the Code.

Section 8. Payment of BAN. For the payment of the principal of and interest on the BAN as the same respectively mature, there are hereby pledged the proceeds of the Bond authorized in Section 3 hereof. Title 11 provides that the County may also, at its option, utilize any other funds available therefor for the payment of the principal of and interest on the BAN, and in accordance therewith, the County also hereby pledges the Revenues of the System for the payment of such principal and interest on the BAN.

The proceeds of the BAN shall be applied for the purpose for which the Bond is to be issued. Upon the delivery of the Bond in anticipation of which the BAN is authorized to be issued, a sufficient amount of the proceeds of the Bond shall be applied by the County to meet the payment of the principal of and, to the extent available, interest on the BAN.

Section 9. Tax Exemption. Both the principal of and interest on the BAN shall be exempt, in accordance with the provisions of Section 12-2-50 of the Code of Laws of South Carolina, 1976, 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 should be noted, however, that Section 12-11-20, Code of Laws of South Carolina, 1976, as amended, imposes upon every bank engaged in business in the State of South Carolina a fee or franchise tax computed on the entire net income of such bank which would include interest paid on the BAN to any such bank.

Section 10. Events of Default. The following shall constitute “Events of Default”:

- (a) If payment of the principal of the BAN is not made after the same has become due and payable; or
- (b) If payment of interest on the BAN is not made after the same has become due and payable; or
- (c) If the County fails or refuses to comply in any material respect in the due and punctual performance of the covenants, conditions, agreements and provisions contained in the BAN or in this Ordinance, and such failure continues for thirty days (30) after written notice specifying such failure and requiring the same to be remedied has been given to the County by the registered owner of the Note; or
- (d) If any order or decree is entered (i) with the consent or acquiescence of the County, appointing a receiver of the System or of any of the revenues of the System (the “Revenues”) or other moneys pledged and charged in the Ordinance for the payment of the BAN, or (ii) without the consent or acquiescence of the County, appointing a receiver of the System or any of the Revenues or other moneys pledged and charged in the Ordinance for the payment of the BAN and, in either case, such order or decree

having been entered is not vacated or discharged or stayed on appeal within sixty days (60) after the entry thereof; or

(e) If any proceedings are instituted, with the consent or acquiescence of the County, for the purpose of effecting a composition between the County and its creditors and if the claim of such creditors is in any circumstance payable from the Revenues or other monies pledged and charged in the Ordinance for the payment of the BAN, or any such proceedings are instituted for the purpose of adjusting the claims of such creditors, pursuant to any federal or state statute now or hereafter enacted; or

(f) If the County is for any reason rendered incapable of fulfilling its obligations hereunder in any material respect.

Nothing in this section shall prohibit the registered owner of the BAN from enforcing the duties of the County by mandamus or other appropriate suit, action or proceeding in any court of competent jurisdiction, even though the failure of the County to perform any such duty may not then constitute an Event of Default.

Section 11. Remedies Upon Event of Default. Upon the occurrence of an Event of Default and at any time thereafter while such Event of Default continues, the registered owner of the BAN may, upon notice in writing delivered to the County, declare the entire unpaid principal and interest on the BAN, as the case may be, then outstanding due and payable, and thereupon the entire unpaid principal of and interest on such BAN shall immediately be and become immediately due and payable.

The provisions of this Section are subject to the condition that if at any time after the entire principal of the BAN shall have been so declared due and payable and before any judgment or decree for the payment of the moneys due shall have been obtained or entered, the County shall pay to, or shall deposit with a trustee for payment to, the registered owner of the BAN a sum sufficient to pay principal on the BAN and interest upon the BAN, then the registered owner of the BAN may, by written notice to the County, rescind and annul such declaration and its consequences. No such rescission and annulment shall, however, extend to or affect any subsequent Event of Default.

Upon the occurrence of an Event of Default, the Bank (in addition to the power granted to it above) may proceed to protect and enforce its rights with respect to the BAN by any suit, action or special proceeding in equity or at law, either for the specific performance of any covenant or agreement contained herein or in aid of the execution of any power herein granted, or for the enforcement of any other appropriate legal or equitable remedy, as the trustee may deem most effective to protect and enforce any of its rights or interests under the BAN.

No waiver of any Event of Default, by the registered owners of the BAN shall extend to or shall affect any subsequent Event of Default or other default or shall impair any rights or remedies consequent thereto.

No delay or omission to exercise any right or power occurring upon any Event of Default or other default shall impair any such right or power or shall be construed to be a waiver of any such Event of Default or other default or acquiescence therein, and every such right and power may be exercised from time to time and as often as may be deemed expedient.

No remedy conferred upon or reserved to the registered owner of the BAN is intended to be exclusive of any other remedy, but each such remedy shall be cumulative and shall be in addition to any other remedy given to the registered owner of the BAN.

In case the registered owner of the BAN shall have proceeded to enforce any right or exercise any power under this Ordinance and such proceedings shall have been discontinued or abandoned for any reason, or shall have been determined adversely to the registered owner of the BAN, then and in every case the County and the registered owner of the BAN shall be restored to their former positions and rights hereunder, and all rights, remedies and powers of the registered owner of the BAN shall continue as if no such proceedings had been taken.

Section 12. Construction Fund. All payments for the Note shall be deposited in a separate special fund of the County to be designated “Richland County Construction Fund (Waterworks System Improvements – Hopkins Project), Interim Financing, 2010” (the “Construction Fund”), which fund shall be held by the bank designated by the County. The moneys deposited in the Construction Fund shall be disbursed for and applied to the payment of the costs and expenses of the Project and shall be made in the manner withdrawals from other funds of the County are made and in accordance with applicable rules and regulations of the Government.

The County Administrator is authorized to make disbursements from the Construction Fund to pay the costs and expenses of the Project. As each such payment is made, the County shall furnish the registered owner of the Note with a certificate duly executed by an authorized representative of the engineers for the Project and the County Administrator of the County, certifying that the sums to be paid are to pay costs and expenses incident to the construction of those aspects of the Project which will be reimbursed with the proceeds of the Bond, that such costs and expenses have been duly incurred by reason of work performed or materials furnished, and that no part of the items to be paid have been previously paid. Each certificate shall be approved in writing by an authorized representative of the Government and shall state that the disbursement is to pay costs and expenses of the Project that will be reimbursed with proceeds of the Bond. Copies of such certificates shall be made available, upon request, to the registered owner of the BAN.

Section 13. Designation of BAN. The County covenants that, in accordance with the provisions of the IRC, the BAN is designated as a “qualified tax-exempt obligation” as defined in the IRC. The County does not anticipate that it will issue more than \$30,000,000 in tax-exempt bonds or other tax-exempt obligations in 2010 except private activity bonds other than qualified 501(c)(3) bonds. The County represents that the sum of all tax-exempt obligations (other than such private activity bonds) issued by the County during calendar year 2010 is not reasonably expected to exceed \$30,000,000.

Section 14. General Authorization. The County Administrator of the County and the County Attorney are hereby authorized and directed to take any and all such further actions as shall be deemed necessary or desirable in order to effectuate issuance of the BAN and to carry out the intentions of this Ordinance. Council hereby retains McNair Law Firm, P.A., as bond counsel, in connection with the issuance of the BAN.

Section 15. Invalidity of Sections, Paragraphs, Clauses or Provisions. If any section, paragraph, clause or provision of this Ordinance is held invalid or unenforceable under any circumstances, such holding shall not affect the validity or enforceability thereof under other circumstances or the validity or enforceability of this Ordinance as a whole or of any other section, paragraph, clause or provisions of this Ordinance.

Section 16. Repeal of Conflicting Ordinances. All orders, ordinances and parts thereof, procedural or otherwise, in conflict herewith or the proceedings authorizing the issuance of the BAN are, to the extent of such conflict, hereby repealed from and after its passage and approval.

Section 17. Effective Date. This Ordinance shall be in full force and effect from and after its enactment as provided by law.

Enacted this ____ day of _____, 2010.

RICHLAND COUNTY, SOUTH CAROLINA

By: _____
Paul Livingston, Chairman
Richland County Council

(SEAL)

ATTEST THIS ____ DAY OF

_____, 2010:

Michielle R. Cannon-Finch
Clerk of County Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Date of First Reading:
Date of Second Reading:
Date of Third Reading:

(FORM OF NOTE)

UNITED STATES OF AMERICA
STATE OF SOUTH CAROLINA
RICHLAND COUNTY
WATERWORKS SYSTEM IMPROVEMENT REVENUE
BOND ANTICIPATION NOTE, SERIES 2010

_____, 2010

\$ _____

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 order of _____ in _____, South Carolina (the "Bank"), or its registered assigns, the principal sum of _____ Dollars (\$ _____), or such lesser amount as has been advanced hereunder as shown on the Certificate of Advances attached hereto, on the Note (unless this Note shall be prepaid at an earlier date). This Note shall bear interest on the principal amounts advanced hereunder as shown on the Certificate of Advances from the date or dates of such advances at the rate of ____% per annum.

Both the principal of and interest on this Note are payable upon presentation and surrender of this Note at the principal office of the Bank, in _____, South Carolina, 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.

The County shall have the right to prepay this Note in whole without penalty.

This Note is issued pursuant to and in accordance with the Constitution and laws of the State of South Carolina, including Title 11, Chapter 17, Code of Laws of South Carolina, 1976, as amended (the "Act"), General Bond Ordinance No. _____ duly enacted on _____; and Ordinance No. _____ duly enacted on _____ (the "Ordinances"), by the Council of the County, in anticipation of the issuance of a waterworks system improvement bond (the "Bond") to be issued by the County pursuant to Title 6, Chapter 21, Code of Laws of South Carolina, 1976, as amended. The proceeds of this Note shall be used, pending issuance of the Bond, to provide funds to defray a portion of the costs of the Project (as defined in the Ordinances).

This Note is payable, both as to principal and interest, from the proceeds of the Bond. This Note is a special obligation of the County, and there is hereby pledged to the payment of the principal hereof and interest hereon the proceeds of the Bond. The Act provides that the County may also, at its option, utilize any other funds available therefor for the payment of the principal of and interest on this Note, and in accordance therewith the County also hereby pledges the revenues of the System for the payment of such principal and interest.

This Note has been initially registered in the name of the Bank as to principal and interest at the office of the County on registry books to be kept for such purpose, such registration to be noted hereon. After such registration, the principal of and interest on this Note shall be payable only to the registered owner hereof. No transfer shall be valid unless made on such books by the registered owner, or by its legal representative, and similarly noted on this Note.

This Note 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 should be noted, however, that Section 12-11-20, Code of Laws of South Carolina, 1976, as amended, imposes upon every bank engaged in business in the State of South Carolina a fee or franchise tax computed on the entire net income of such bank which would include any interest paid on this Note to any such bank.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of the State of South Carolina to exist, to happen, and to be performed precedent to or in the issuance of this Note exist, have happened and have been done and performed in regular and due time, form and manner as required by law, and that the County has irrevocably obligated itself to issue and sell, prior to the stated maturity hereof, the Bond in anticipation of which this Note is issued.

In witness whereof, Richland County, South Carolina, has caused this Note to be executed in its name by the manual or facsimile signature of the County Supervisor and Chairman of County Council and attested by the manual or facsimile signature of the Clerk to County Council under the seal of the County.

RICHLAND
COUNTY, SOUTH CAROLINA

Chairman, County Council

(SEAL)

ATTEST:

Clerk to County Council

CERTIFICATE OF ADVANCES

Richland County, has received the following amounts of moneys in payment for this Note:

<u>Date of Advance</u>	<u>Principal Amount Advanced</u>	<u>Total Principal Amount Advanced</u>	<u>Signature of Authorized Officer of Richland County, South Carolina</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

REGISTRATION

This Note has been registered in the name of _____ in _____, South Carolina, on registry books kept by Richland County, South Carolina.

Dated this _____ day of _____, 2010.

 Clerk to County Council, Richland County,
 South Carolina

Richland County Council Request of Action

Subject

Coroner Budget Amendment for 2009/2010 [**PAGES 240-241**]

Notes

May 25, 2010: This item was forwarded to Council with no recommendation. The vote was in favor.

Richland County Council Request of Action

Subject: Coroner Budget Amendment for 2009/2010

A. Purpose

County Council is requested to approve a budget amendment to increase the Coroner's budget by \$95,000. The funds will be used to pay salaries and operating expenses for the remainder of FY 09-10.

A. Background / Discussion

The Coroner's Office is going to require additional funds in several budget line items to pay for the services it is required by law to provide to the citizens of Richland County. As is stated every year, it is not possible for the Coroner to predict the number of deaths that will occur during a given budget year. As a result of an ever increasing case load, it has been determined that the Coroner's budget will fall short this year.

B. Financial Impact

This request would require a budget amendment of \$95,000.00 with the funds designated as outlined below:

- Account #525500-Postmortem Pathology: Additional \$50,000.00
- Account #522600-Service Contracts: Body Transport- additional \$5,000.00
- Account #521600-Oil & Lubricants: Additional \$8,000.00
- Account #511300-Part-Time Wages: Additional \$32,000.00

C. Alternatives

1. Approve the request to amend the Coroner's budget by adding an additional \$95,000.00. Approval would allow the Coroner to pay for the services that will be performed by him as required by state law.
2. Do not approve the request. Not approving this request will cause the Coroner's budget to show a negative balance for FY 09-10.

D. Recommendation

Recommended by: Gary Watts Department: Coroner
Date: 05/21/2010

It is recommended that Council approve the request to amend the Coroner's budget by adding and additional \$95,000 so that we can provide the service to the citizens of Richland County as required by law.

Item# 37

Attachment number 1
Page 1 of 2

F. Approvals

Legal

Approved by: _____ Date _____
Comments:

Finance

Approved by: _____ Date _____
Comments:

Procurement

Approved by: _____ Date _____
Comments:

Grants

Approved by: _____ Date _____
Comments:

Administration

Approved by: _____ Date _____
Comments:

Richland County Council Request of Action

Subject

Business Service Center Appeals Board-1 [William Quatlebaum, June 3, 2010*]

Richland County Council Request of Action

Subject

East Richland Public Service Commission-2 [O. Stanly "Chip" Smith, July 12, 2010; Diane Sumpter, July 24, 2012 (resigned)]

Richland County Council Request of Action

Subject

Historic Columbia Foundation-1 [Patricia Williams, June 6, 2010 (un-expired term)*]

Richland County Council Request of Action

Subject

Richland County Public Library-6 [John Baker, July 12, 2009*; David Campbell, July 12, 2009; Noble P. Cooper, Jr., July 12, 2009; George C. Johnson, July 12, 2009*; Pamela Rogers Melton, July 12, 2009; Rox W. Pollard, July 12, 2009*]

Richland County Council Request of Action

Subject

Building Codes Board of Adjustments and Appeals-1 [position for a licensed contractor; no applications was received]

Richland County Council Request of Action

Subject

Historic Columbia Foundation-1 [one application was received from W. James Kitchens, Jr.] **[PAGES 248-250]**



APPLICATION FOR SERVICE ON RICHLAND COUNTY
COMMITTEE, BOARD OR COMMISSION

Applicant must reside in Richland County.

Name: W. James Kitchens, Jr.

Home Address: 2822 Canterbury Road, Columbia, SC 29204

Telephone: (home) 803-254-7603 (work) 803-256-1099

Office Address: 2711 Middleburg Drive, Suite 316, Columbia, SC 29204

Email Address: jkitchens@kitchensfirm.com

Educational Background: **BS, The University of the South (1984); MBA, Duke University (1984)**

Professional Background: Certified Public Accountant

Male Female Age: 18-25 26-50 Over 50

Name of Committee in which interested: Historic Columbia Foundation

Reason for interest: As a lifelong resident of Columbia, I am interested in learning more about its history and working to preserve its historic structures

Your characteristics/qualifications, which would be an asset to Committee, Board or Commission:

As an accountant, I have financial skills that I believe would be an asset to the Foundation board

Presently serve on any County Committee, Board or Commission? No

Any other information you wish to give? _____

Recommended by Council Member(s): L. Gregory Pearce, Jr.

Hours willing to commit each month: 4

CONFLICT OF INTEREST POLICY

It is the policy of Richland County to require disclosure of any personal or financial interest that may be influenced by decisions of the Committee, Board or Commission for which any citizen applies for membership.

Such conflict of interest does not preclude service but shall be disclosed before appointment. The Clerk of Council shall be notified of any change on an annual basis and members of all Committees, Boards or Commissions shall be required to abstain from voting or influencing through discussion or debate, or any other way, decisions of the Committee, Board or Commission affecting those personal and financial interests.

All statements so filed shall be signed and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his or her knowledge, it is true and complete.

Any person who willfully files a false or incomplete statement of disclosure or no change of condition, or who willfully fails to make any filing required by this article, shall be subject to such discipline, including censure and disqualification from the Committee, Board or Commission, by majority vote of the council.

Have you been convicted or pled no contest of a crime other than minor traffic violations; checking yes does not automatically preclude you from consideration for appointment.

Yes _____

No _____

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the Committee, Board or Commission?

Yes _____

No _____

If so, describe: _____



Applicant's Signature

4-29-10

Date

**Return to:
Clerk of Council, Post Office Box 192, Columbia, SC 29202.
For information, call 576-2060.**

One form must be submitted for each Committee, Board or Commission on which you wish to serve.

Applications are current for one year.

Staff Use Only	
Date Received: _____	Received by: _____
Date Sent to Council: _____	
Status of Application: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file	

Richland County Council Request of Action

Subject

Appearance Commission Ordinance regarding the position of Landscaper/Landscape Architect **[PAGE 252]**

persons or entities owning title thereto, and all real property used, acquired or leased for commission purposes shall be owned, purchased, leased, held, conveyed, or disposed of in the name of the county by the Richland County Council. All such property or interests in property shall be listed on a fixed asset ledger, which shall be maintained. Such ledger shall show the value of property or interests in property acquired, leased, held, owned, preserved, protected, maintained, or developed, in whole or in part, from funds allocated from the Richland County Conservation Commission Fund.

(i) *Richland County Appearance Commission.*

(1) *Creation.* There is hereby created a Richland County Appearance Commission, which shall be a permanent county commission, appointed in whole by the county council.

(2) *Membership.* The Richland County Appearance Commission shall consist of at least 11 members who are individually appointed by the representing councilperson to represent each council district. Additionally, two members shall be appointed at-large by majority vote of the full council, for a maximum number of 13 commission members. At least one member of the commission must be a landscape architect and one member must be a horticulturist; and the other members being interested citizens residing in Richland County. Appropriate representatives from the South Carolina Department of Transportation, City of Columbia, and the county will serve as ex-officio members.

(3) *Purpose.* The Richland County Appearance Commission will seek to improve and

enhance the overall appearance of Richland County. Responsibilities include:

- a. To identify and work with municipalities, state agencies, and interested organizations to coordinate and collaborate in improving the appearance of Richland County.
- b. To make a recommendation to the county council, no later than June 1, 1999, as to the implementation of the Landscaping Investment and Major Boulevards Plan (LIMB) approved by county council.
- c. To undertake the development and implementation of a five-year overall beautification plan to complement and expand upon the LIMB Plan. This five-year plan will address long-term efforts to improve the appearance and natural beauty of the county and will include appearance standards and principles.
- d. To develop a maintenance plan for the above LIMB Plan and five-year plan.
- e. To identify outside public and/or private funding sources for beautification and recommend to council grant opportunities and if needed, county funding, for the beautification efforts.

(4) *Terms of members; election of officers; and meetings.*

- a. An at-large Commission member shall serve a term of four years or until his or her successor is appointed. The term of a member of the Commission individually appointed by a Council member shall be coterminous with the term of the appointing Council

Richland County Council Request of Action

Subject

Richland County Library Board Terms

Richland County Council Request of Action

Subject

C&D Landfill Bid Award

Richland County Council Request of Action

Subject

- a. I move that the Council automatically have a roll call vote unless the vote is unanimous. If the Chair declares an unanimous vote, and no member calls for division, no member will be recorded as dissenting from the majority
[SMITH]
- b. Resolution honoring the Blythewood High School Bengals for winning their first golf state championship **[DICKERSON]**
- c. Resolution for the Speight's Family Reunion **[DICKERSON]**

Richland County Council Request of Action

Subject

Must Pertain to Items Not on the Agenda