

**RICHLAND COUNTY COUNCIL
REGULAR SESSION
APRIL 19, 2005
6:00 P.M.**

**CALL TO ORDER Honorable Anthony G. Mizzell,
Chairman**

INVOCATION Honorable Mike Montgomery

**PLEDGE OF ALLEGIANCE
 Honorable Mike Montgomery**

ADOPTION OF AGENDA

CITIZEN'S INPUT

APPROVAL OF MINUTES

Regular Session: April 5, 2005 [Pages 4-14]

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

REPORT OF THE COUNTY ADMINISTRATOR

REPORT OF THE CLERK OF COUNCIL

**OPEN/CLOSE PUBLIC HEARINGS
None**

APPROVAL OF CONSENT ITEMS
1.a., 1.b., 1.c., 1.d., 2.a., 2.b, 2.c., 2.d.

1. THIRD READING ITEMS

- a. 05-41MA**
V.W. Cate c/o Leah Browder
RS-1 to C-1 (1.08 acres)
Financial Planning Office
07303-0202
121 Arrowwood Drive
south of Bush River Road
[CONSENT] [Pages 15-17]
- b. 05-46MA**
Pioneer Land Co. LP
D-1 to C-3 (1.21)
Commercial
25808-03-03
Hwy 1, north of Spears Creek Church Road
[CONSENT] [Pages 18-20]
- c. 05-47MA**
Michael Morrisson
RU to C-3 (1.35 acres)
Framing & Art Gallery
15000-02-15
Wilson Boulevard (Hwy. 21)
[CONSENT] [Pages 21-23]
- d. 05-49MA**
Walgreens/Gene Dinkins
RU to C-3 (3.42 acres)
Commercial
2415-03-01/02
Hwy. 76 & Hwy. 6, Ballentine
[CONSENT] [Pages 24-26]

2. SECOND READING ITEMS

- a. Sheriff's Department: Holiday Pay
[CONSENT] [Pages 27-28]**
- b. Facilities and Grounds Maintenance:
Ordinance to authorize utility easement at
Columbia Owens downtown Airport
[CONSENT] [Page 29]**
- c. Legal Department: Budget Request
(Ordinance Amendment) [CONSENT]
[Pages 30-31]**
- d. An Ordinance consenting to an assignment
of the rights and obligations of American I
Italian Pasta Company under an inducement
Agreement, a lease agreement, a bond, and a
fee agreement between Richland County and
American Italian Pasta Company
[CONSENT] [Pages 32-34]**

CITIZEN'S INPUT

5. MOTION PERIOD

6. ADJOURNMENT

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION APRIL 5, 2005 6:00 P.M.

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

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MEMBERS PRESENT:

| | |
|------------|------------------------|
| Vice-Chair | L. Gregory Pearce, Jr. |
| Member | Joyce Dickerson |
| Member | Valerie Hutchinson |
| Member | Damon Jeter |
| Member | Paul Livingston |
| Member | Joseph McEachern |
| Member | Mike Montgomery |
| Member | Bernice G. Scott |
| Member | Doris M. Corley |
| Member | Kit Smith |

MEMBER ABSENT: Anthony G. Mizzell (out of town)

ALSO PRESENT: T. Cary McSwain, Michielle Cannon-Finch, Amelia Linder, Milton Pope, Tony McDonald, Ashley Bloom, Kendall Johnson, Stephany Snowden, Marsheika Martin, Sheriff Lott, Chief Harrell, Roxanne Matthews, Monique Walters, Joe Cronin, Jocelyn Jennings, Chris Eversman

CALL TO ORDER

The meeting was called to order at approximately 6:03 p.m.

POINT OF PERSONAL PRIVILEGE

Mr. Pearce announced that he would be chairing the meeting in Mr. Mizzell's absence. He stated that he was happy to be back and is on his way to full recovery.

INVOCATION

The Invocation was given by the Honorable Damon Jeter.

PLEDGE OF ALLEGIANCE

Mr. Pearce recognized Ms. Carrie Neal, Finance Director, in the audience.

ADOPTION OF AGENDA

Mr. McEachern moved, seconded by Ms. Corley, to adopt the agenda submitted. The vote in favor was unanimous.

PRESENTATIONS

Sheriff Leon Lott – Sheriff of the Year - On behalf of Council, Mr. McEachern, Ms. Scott and Ms. Hutchinson and Ms. Dickerson, presented a resolution to Sheriff Lott recognizing him as the South Carolina Sheriff of the Year for 2004.

Sheriff Lott thanked Council for their continued support and stated that it was an honor to be recognized Council and his peers.

Capital City Shamrocks Baseball Team – On behalf of Council, Ms. Scott presented a resolution recognizing the Central City Shamrocks Traveling Baseball Club.

On behalf of the team, Mr. Willie Minor, Head Coach, thanked Council for the recognition and stated it was an honor. He stated the young men are taught the principles of discipline, leadership, as well as baseball.

CITIZEN'S INPUT – No one spoke at this time.

APPROVAL OF MINUTES

Regular Session – March 15, 2005 – Mr. Livingston moved, seconded by Ms. Dickerson, to adopt the minutes as published. The vote in favor was unanimous.

Zoning Public Hearing: March 22, 2005 – Mr. Livingston moved, seconded by Ms. Dickerson, to adopt the minutes as published. The vote in favor was unanimous.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS

Mr. Larry Smith, County Attorney, stated if Council had any questions regarding the Employee Grievance, they would need to be asked in Executive Session.

REPORT OF COUNTY ADMINISTRATOR

Mr. T. Cary McSwain, County Administrator, welcomed Mr. Pearce back.

Basketball Championships – Mr. McSwain mentioned that the University of North Carolina-Chapel Hill and the University of South Carolina have both won national championships.

Employee Grievance – Mr. McEachern moved, seconded by Ms. Corley, to uphold the Administrator’s recommendation. The vote in favor was unanimous.

REPORT OF THE CLERK OF COUNCIL

Ms. Michielle Cannon-Finch, Clerk of Council, gave the following report:

Request from the Recreation Commission to set up a work session with Council before April 14th regarding capital improvement projects listed in the RCRC Ten-Year Master Plan for 2002-2012 – Ms. Finch stated this is an item that Chairman Mizzell asked to be placed on the agenda. She stated that the Recreation Commission has stated that the week of April 18th through the 22nd would be better for them.

Mr. Pearce stated this will be taken up during the Motion Period.

OPEN/CLOSE PUBLIC HEARING ITEMS

Conservation Easements Policy – Ordinance amending the Richland County Code of Ordinances, Chapter 2, Administration; Article VII, Boards, Commissions created and recognized; subsection (H), Richland County Conservation Commission; so as to establish policies for the endorsement of conservation easements by the Richland County Council

Mr. Pearce opened the floor to the public hearing.

The following person spoke to the item:

Ms. Lillie Bates spoke “against” the item.

The floor to the public hearing was closed.

- **Ordinance authorizing quit claim deed to 321 Fairfield, LLC**
- **Ordinance authorizing quit claim deed to Carolina Wrecking, Inc.**

Mr. Pearce opened the floor to the public hearings:

No one signed up to speak to these items.

The floor to the public hearing was closed.

Ordinance amending the fiscal year 2004-2005 road maintenance and storm water fund annual budget to transfer two full-time engineering technical positions from the road maintenance fund to the storm water fund. The positions are a grade nine (9) non-exempt. This will not require the transfer of any funds

Mr. Pearce opened the floor to the public hearing.

No one signed up to speak.

The floor to the public hearing was closed.

APPROVAL OF CONSENT ITEMS

Mr. Montgomery moved, seconded by Ms. Corley, to approve the following items for the Consent Agenda as amended:

- **05-41MA, V.W. Cate c/o Leah Browder, RS-1 to C-1 (1.08 acres), Financial Planning Office, 07303-0202, 121 Arrowwood Drive, south of Bush River Road [Second Reading]**
- **05-46MA, Pioneer Land Co. LP, D-1 to C-3 (1.21), Commercial, 25808-03-03, Hwy. 1, north of Spears Creek Church Road [Second Reading]**
- **05-47MA, Michael Morrisson, RU to C-3 (1.35 acres), Framing & Art Gallery, 15000-02-15, Wilson Boulevard (Hwy 21)**
- **05-49MA, Walgreens/Gene Dinkins, RU to C-3 (3.42 acres), Commercial, 2415-03-01/02, Hwy 76 & Hwy 6, Ballentine**
- **Facilities and Grounds Maintenance: Ordinance to authorize utility easement at Columbia Owens downtown Airport**
- **Hammond School: Approval of Resolution supporting JEDA Bond Issuance**
- **Community Development: Fair Housing Resolution**
- **Legal Department: Budget Request (Ordinance Amendment)**

The vote in favor was unanimous.

THIRD READING ITEMS

Conservation Easements Policy – Ordinance amending the Richland County Code of Ordinances, Chapter 2, Administration; Article VII, Boards, Commissions created and recognized; subsection (H), Richland County Conservation Commission; so as to establish policies for the endorsement of conservation easements by the Richland County Council

Mr. Montgomery moved to give Third Reading approval to the Conservation Easements Policy, reflecting that this does not have anything to do with the Conservation Commission. This policy merely establishes a structure by which Council will grant approval to the request for a conservation easement and sets fees so that the prospect of revenue neutral. Ms. Corley seconded. The vote in favor was unanimous.

Ordinance authorizing quit claim deed to 321 Fairfield, LLC

Mr. Tony McDonald, Assistant County Administrator, stated there has been a change in the value of the properties to be quit claimed to 321 Fairfield, LLC and Carolina Wrecking, Inc. He stated that when this was reported to the committee initially, the value

of the property was set at approximately \$29,000. Mr. McDonald stated that a review and re-evaluation of the properties by the Assessor has reduced the value down to \$10,000 (\$8,400 for the property to be received by 321 Fairfield and \$1,600 for the property to be received by Carolina Wrecking).

He stated when the Committee reported this out to Council, it was recommended that the County receives compensation for the properties. Therefore, based on the new property valuations, compensation would be in the total amount of \$10,000 as opposed to the \$29,000.

(Editorial Note: This information affects the following agenda item as well. Amended ordinances were provided to the Council with the revised amounts.)

Mr. McEachern moved, seconded by Ms. Corley, to approve this item for Third Reading. The vote in favor was unanimous.

Ordinance authorizing quit claim deed to Carolina Wrecking, Inc.

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

Ordinance amending the fiscal year 2004-2005 road maintenance and storm water fund annual budget to transfer two full-time engineering technical positions from the road maintenance fund to the storm water fund. The positions are a grade nine (9) non-exempt. This will not require the transfer of any funds

Ms. Scott questioned the intent of the amendment.

Mr. McSwain stated this amendment would move positions from one division to another within the Public Works Department. He stated it is a budgetary move and they would provide engineering technical assistance to the storm water management program.

Mr. Chris Eversman, Public Works Director, stated their duties would be very similar to what they do now. He stated this would reflect the current organization of the department. He went on to describe the duties of the engineering technicians. Mr. Eversman stated when the budget amendment is made; they would have all of the funding sources and organizations properly matched up.

The discussion continued.

Mr. Smith reminded Council that at the last Committee meeting, staff brought a proposal to create various divisions within the Department of Public Works. He stated it was decided to hold a Work Session to discuss this issue and he stated Mr. Eversman is talking about placing one or two of those individuals in a division which needs to be created by ordinance which is going to be discussed in the Work Session.

After discussions, Mr. Jeter moved, seconded by Mr. McEachern, to defer this item to a Work Session. The vote was in favor.

REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

Department of Public Works: Solid Waste Management Plan

Mr. Jeter stated the Committee recommended that Council adopt the version of the Richland County Solid Waste Management Plan with the understanding that questions Mr. Livingston had needed to be answered.

Mr. Montgomery made a substitute motion in the form of an amendment that Council adopts the recommendation of the staff with the following change: "With regard to Page 42, paragraph E replace that text with the following verbiage "Richland County currently hosts two Subtitle-D MSW Landfills. These two landfills each may increase their currently permitted annual waste acceptance rate up to 30% over the currently permitted annual waste acceptance rate within the bounds of their currently permitted footprint and vertical elevation limits, but may not expand or replace existing permitted capacity. No other replacements, expansions, facilities or new Subtitle-D Municipal Solid Waste Landfills will be necessary." Mr. Livingston seconded the motion. The vote in favor was unanimous.

Restructuring the membership to the Richland County Development Corporation

Mr. Jeter stated the Committee forwarded this item to Council for discussion.

Mr. McSwain gave a brief update on this item. He recommended that the board consists of County Administrator, County Finance Director, County Treasurer, County Auditor, County Council Chair and County Council Vice Chair.

Ms. Smith moved, seconded by Ms. Dickerson, to adopt Option 1 of staff's recommendation which is what the Administrator has recommended. The vote in favor was unanimous.

REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE

Central Midlands Council of Governments: Approval of a Resolution adopting the Natural Hazards Risk Assessment and Hazard Mitigation Plan

Mr. Livingston stated the Committee recommended that the Council approve the resolution. The vote in favor was unanimous.

Department of Public Works: Utilities Ordinance Amendment

Mr. Livingston stated the Committee recommended holding a Work Session for further discussion.

Mr. McEachern stated this is a Committee Work Session, as well as item-F (Department of Planning and Development Services: Planning Ordinance Amendment). Mr. Pearce stated a Work Session can be scheduled during the Motion Period.

Sheriff's Department: Holiday Pay

Mr. Livingston stated the Committee requested a more comprehensive analysis and fiscal impact of holiday pay by the County Administrator at the next Council meeting. He stated no specific recommendation was approved by Committee.

Mr. McSwain: *I asked the Budget Director and Chief Harrell to get together in terms of the misunderstanding or the different numbers that they had of what the Holiday Pay that the Sheriff contends is unfunded. The holiday pay is funded for all of the 11 normative holidays. The deputies who work on their holidays get double pay. That part is typically funded by a vacancy factor; that is where you have vacant positions, in all other departments. The Sheriff's Department is unique in that he has a schedule or a pool of people that have already been approved for employment; and if somebody leaves, they don't have much vacancy. So, it has created an anomaly. The Budget Director and Chief Harrell got together and I would support this budget amendment here that asks for \$172,556 to be added to the 5111 Account, the 5111 which is for salaries, to accommodate that extra holiday pay where deputies do not get a holiday and they are paid for working and they are paid for a holiday.*

Mr. Montgomery had asked that we look at EMS and the Detention Center....In keeping track of what it costs for each department, it really wouldn't be appropriate to move money from one department to another to fund their overage, or in this case, the unique circumstance. This money coming out of Fund Balance, if it isn't expended, it would go back to Fund Balance at the end of the year, if it is not needed. If there is any money left over in the other departments, it would go in the Fund Balance. So it basically works out to be the same.

In terms of keeping an account in the budget and for what we need to do for next year, I would recommend that Council adopt this budget amendment to put this money into the Sheriff's Salary Account to pay for that holiday pay because of his unique circumstance.

A discussion took place.

Mr. Montgomery moved, seconded by Mr. McEachern, to make the transfer of the designated amount from the projected vacancy funds in EMS.

A discussion took place.

Mr. Livingston made a substitute motion, seconded by Ms. Smith, to support the Administrator's recommendation to take it out of Fund Balance.

The vote for the substitute motion was as follows:

| | |
|-----------------|---------------|
| <u>In favor</u> | <u>Oppose</u> |
| Smith | Montgomery |
| Pearce | McEachern |
| Livingston | Corley |
| Hutchinson | Scott |
| Dickerson | Jeter |

The motion failed.

The vote for the main motion was as follows:

| | |
|-----------------|---------------|
| <u>In favor</u> | <u>Oppose</u> |
| Montgomery | Smith |
| McEachern | Pearce |
| Corley | Livingston |
| Scott | Hutchinson |
| Dickerson | |
| Jeter | |

The motion passed.

Report of the Clerk of Council: Personnel Matter

Mr. Livingston stated the Committee recommended that this item remain in Committee.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

An Ordinance consenting to an assignment of the rights and obligations of American Italian Pasta Company under an inducement agreement, a lease agreement, between Richland County and American Italian Pasta Company.

Mr. Livingston stated the Committee recommended approving the transfer of all current agreements to AIP South Carolina Incorporated. He stated they are simply changing names. The vote in favor was unanimous.

REPORT OF THE RULES AND APPOINTMENTS COMMITTEE

Notification of Vacancies on Boards, Commissions and Committees

Mr. McEachern made official notification of the following vacancies:

- **Board of Assessment Appeals – 1**
- **Board of Zoning Adjustments and Appeals-1**

He stated the Committee recommended for staff to advertise the vacancies. The vote in favor was unanimous.

Notification of Appointments to Boards, Commissions and Committees

Building Codes Board of Adjustments and Appeals – 1

Mr. McEachern stated no applications were received. The committee recommended staff re-advertising the vacancy. The vote in favor was unanimous.

Historic Columbia Foundation – 1

Mr. McEachern stated there is one vacancy to this board with one application received. He stated the committee recommended Mr. John W. Cullum. The vote in favor was unanimous.

Internal Auditor Committee – 1

Mr. McEachern stated there is one vacancy to this board with one incumbent re-applying. The committee recommended Mr. Melvin T. Miller. The vote in favor was unanimous.

Scheduling the Administration and Finance “Immediately Following the Development & Services”

Mr. McEachern stated the committee recommended that the A&F Committee will be scheduled “immediately following the D&S Committee meeting. The vote in favor was unanimous.

APPLICATION FOR LOCATING A COMMUNITY RESIDENTIAL CARE FACILITY IN AN UNINCORPORATED AREA OF RICHLAND COUNTY

Mr. Jeter moved, seconded by Mr. Montgomery, to approve this item. The vote in favor was unanimous. (Ms. Scott abstained.)

CITIZEN’S INPUT

The following persons signed up to speak:

- Mr. W.C. Hawley spoke of concerns regarding the definitions required under the new code of zoning.

Mr. Pearce informed Mr. Hawley to submit a letter of his concerns to the Chairman of the Development and Services Committee as this item will be discuss at the end of the month.

- Mr. Mike Duffy spoke regarding the economic impact of wholesale trade with the new land development code.

Ms. Scott stated that staff needs to respond to citizens in regards to their concerns and complaints of Richland County ordinances.

Mr. McEachern directed staff to forward requests, concerns and questions from citizens regarding policy issues to full Council.

MOTION PERIOD

Work Session regarding the Richland County Recreation Commission

Mr. Montgomery recommended holding the Work Session on April 19th at 5:00 p.m.

Work Session regarding the Ordinance dealing with the Administrative Structure of the County

Mr. McEachern stated this is a Committee Work Session, but other Council members were invited to attend.

Ms. Smith recommended holding the Work Session on April 26th at 4:00 p.m.

For Information: Resolution regarding the Physical Autonomy for the School Districts

Mr. Livingston stated recommendations will be coming forward regarding a resolution after members of Council meeting with the various school districts.

Resolution recognizing Keels Elementary School and Keenan High School

Mr. McEachern stated he and Mr. Jeter are requesting a resolution for being named Palmetto's Finest.

Sponsor Signature Line on Resolutions

Ms. Scott recommended for the Rules and Appointments Committee to look at placing a signature line on resolutions for the Council member who has sponsored it on behalf of Council. She stated it would be more personable.

Letter from the Homebuilders

Mr. McEachern questioned if the Planning Department has received the letter from the Homebuilders. He stated staff needed to respond to the letter and get back with Council.

ADJOURNMENT – Mr. Montgomery moved, seconded by Ms. Dickerson, to adjourn at approximately 7:24 p.m. The vote in favor was unanimous.

Anthony G. Mizzell, Chair

L. Gregory Pearce, Jr. Vice-Chair

Doris M. Corley

Joyce Dickerson

Valerie Hutchinson

Damon Jeter

Paul Livingston

Joseph McEachern

Mike Montgomery

Bernice G. Scott

Kit Smith

The minutes were transcribed by Marsheika G. Martin

**STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ___-05HR**

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, AS DEFINED IN SECTION 26-31 OF THE RICHLAND COUNTY CODE OF ORDINANCES, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED HEREIN (TMS # 07303-02-02) FROM RS-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO C-1 (OFFICE AND INSTITUTIONAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Article VIII of the South Carolina Constitution and Section 4-9-30 of the Code of Laws of South Carolina (the Home Rule Act) gives Richland County broad authority to provide a variety of services and functions within its jurisdiction, including, but not limited to, land use planning and land development regulation, and similar activities and services; and

WHEREAS, Title 6, Chapter 29, of the Code of Laws of South Carolina provides the statutory enabling authority for Richland County to engage in planning and regulation of development within its jurisdiction; and

WHEREAS, Section 6-29-720 of the Code of Laws of South Carolina requires the County to adopt the Land Use Element of its Comprehensive Plan in conformance with the requirements therein as a prerequisite to continuing implementation of its zoning authority; and

WHEREAS, the County Council adopted a Comprehensive Plan on May 3, 1999, in conformance with the requirements Title 6, Chapter 29, of the Code of Laws of South Carolina; and

WHEREAS, Section 6-29-760 of the Code of Laws of South Carolina provides the statutory authority and process to amend the Zoning Ordinance, codified as Chapter 26 of the Richland County Code of Ordinances; and

WHEREAS, this Ordinance complies with the requirements of Section 6-29-760 of the Code of Laws of South Carolina and the ordinance adoption process proscribed in Section 2-28 of the Richland County Code of Ordinances.

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

Section I. The Richland County Code of Ordinances, Chapter 26, Zoning; Article 3, Establishment of Districts and Zoning Maps; is hereby amended to change the property (TMS # 07303-02-02) described in Exhibit A, which is attached hereto, from RS-1 Single-Family Residential zoning to C-1 Office and Institutional zoning.

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

Section IV. This ordinance shall be enforced after the date of an affirmative Third Reading.

RICHLAND COUNTY COUNCIL

By: _____
Anthony G. Mizzell, Chair

Attest this _____ day of
_____, 2005.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: March 22, 2005
First Reading: March 22, 2005
Second Reading: April 5, 2005 (tentative)
Third Reading:

Exhibit A
Legal Description

All that certain lot of land, with the dwelling house and improvements thereon, on the west side of Arrowwood Road, in a development known as "Arrowwood", located about 5 miles northwest of the State House, near Bush River Road, in Fork Township, Richland County, South Carolina, being known, designated, and composed of lot "O" and lot "N" as shown and designated on a plat of "Arrowwood", surveyed for Ellis C. Byrd by James C. Covington, C.E., March 22, 1946, and recorded in the office of the Clerk of Court for Richland County in Plat Book "K" at page 133, said lots together being bounded on the north by lot "P" as shown on said plat and measuring thereon two hundred thirty-three and one-half (233½') feet; on the east by Arrowwood Road and fronting and measuring thereon four hundred (400') feet, that is to say 200 feet to each of the two above mentioned lots; on the south by lot "M" as shown on said plat, and measuring thereon two hundred and thirty-six and one-half (236½') feet; and on the west by property by R. D. Anderson (shown on the plat as property of Lancaster), and measuring thereon four hundred (400') feet, that is, 200 feet to each of the two said individual lots.

Purchased by M. N. Cato from Ellis C. Byrd on May 13, 1947. This being the same property conveyed to M. N. Cato, the decedent herein, by deed dated April 30, 1951, and recorded in Deed Book Volume 73, Page 11, in the RMC Office of Richland County.

TMS# 07303-02-02

**STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ___-05HR**

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, AS DEFINED IN SECTION 26-31 OF THE RICHLAND COUNTY CODE OF ORDINANCES, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED HEREIN (TMS # 25808-03-03) FROM D-1 (DEVELOPMENT DISTRICT) TO C-3 (GENERAL COMMERCIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Article VIII of the South Carolina Constitution and Section 4-9-30 of the Code of Laws of South Carolina (the Home Rule Act) gives Richland County broad authority to provide a variety of services and functions within its jurisdiction, including, but not limited to, land use planning and land development regulation, and similar activities and services; and

WHEREAS, Title 6, Chapter 29, of the Code of Laws of South Carolina provides the statutory enabling authority for Richland County to engage in planning and regulation of development within its jurisdiction; and

WHEREAS, Section 6-29-720 of the Code of Laws of South Carolina requires the County to adopt the Land Use Element of its Comprehensive Plan in conformance with the requirements therein as a prerequisite to continuing implementation of its zoning authority; and

WHEREAS, the County Council adopted a Comprehensive Plan on May 3, 1999, in conformance with the requirements Title 6, Chapter 29, of the Code of Laws of South Carolina; and

WHEREAS, Section 6-29-760 of the Code of Laws of South Carolina provides the statutory authority and process to amend the Zoning Ordinance, codified as Chapter 26 of the Richland County Code of Ordinances; and

WHEREAS, this Ordinance complies with the requirements of Section 6-29-760 of the Code of Laws of South Carolina and the ordinance adoption process proscribed in Section 2-28 of the Richland County Code of Ordinances.

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

Section I. The Richland County Code of Ordinances, Chapter 26, Zoning; Article 3, Establishment of Districts and Zoning Maps; is hereby amended to change the property (TMS # 25808-03-03) described in Exhibit A, which is attached hereto, from D-1 Development District zoning to C-3 General Commercial District zoning.

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

Section IV. This ordinance shall be enforced after the date of an affirmative Third Reading.

RICHLAND COUNTY COUNCIL

By: _____
Anthony G. Mizzell, Chair

Attest this _____ day of
_____, 2005.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: March 22, 2005
First Reading: March 22, 2005
Second Reading: April 5, 2005 (tentative)
Third Reading:

Exhibit A
Property Description

Richland County TMS 25808-03-03, 1.21 acres, Southside U.S. Highway No. 1 near Pontiac.

Beginning at a No. 4 rebar located on the southern right-of-way of U.S. Highway No. 1, approximately 215 feet from intersection of U.S. Highway No. 1 and Spears Creek Church Road (S-40-53); thence continuing along the southern edge of right-of-way of U.S. Highway No. 1 N72°04'45"E for a distance of 167.62 feet to a No. 4 rebar; thence turning and running S11°42'28"E along property now or formerly of Rhett M. Jacobs (TMS #25808-03-04) for a distance of 336.60 feet to a ¾" open stake; thence turning and running S70°22'39"W along property now or formerly of Carl Brazell (TMS #25807-01-09) and property now or formerly of Mike Taylor Properties, Inc. (TMS #25807-01-01) for a distance of 146.18 feet to a 1" open stake; thence turning and running N15°24'00"W along property now or formerly of Megadrosos (TMS #25808-03-08) and property now or formerly of Rhett M. Jacobs (TMS #25808-03-02) for a distance of 339.29' to the point of commencement.

**STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ___-05HR**

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, AS DEFINED IN SECTION 26-31 OF THE RICHLAND COUNTY CODE OF ORDINANCES, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED HEREIN (TMS # 15000-02-15) FROM RU (RURAL DISTRICT) TO C-3 (GENERAL COMMERCIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Article VIII of the South Carolina Constitution and Section 4-9-30 of the Code of Laws of South Carolina (the Home Rule Act) gives Richland County broad authority to provide a variety of services and functions within its jurisdiction, including, but not limited to, land use planning and land development regulation, and similar activities and services; and

WHEREAS, Title 6, Chapter 29, of the Code of Laws of South Carolina provides the statutory enabling authority for Richland County to engage in planning and regulation of development within its jurisdiction; and

WHEREAS, Section 6-29-720 of the Code of Laws of South Carolina requires the County to adopt the Land Use Element of its Comprehensive Plan in conformance with the requirements therein as a prerequisite to continuing implementation of its zoning authority; and

WHEREAS, the County Council adopted a Comprehensive Plan on May 3, 1999, in conformance with the requirements Title 6, Chapter 29, of the Code of Laws of South Carolina; and

WHEREAS, Section 6-29-760 of the Code of Laws of South Carolina provides the statutory authority and process to amend the Zoning Ordinance, codified as Chapter 26 of the Richland County Code of Ordinances; and

WHEREAS, this Ordinance complies with the requirements of Section 6-29-760 of the Code of Laws of South Carolina and the ordinance adoption process proscribed in Section 2-28 of the Richland County Code of Ordinances.

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

Section I. The Richland County Code of Ordinances, Chapter 26, Zoning; Article 3, Establishment of Districts and Zoning Maps; is hereby amended to change the property (TMS # 15000-02-15) described in Exhibit A, which is attached hereto, from RU Rural District zoning to C-3 General Commercial District zoning.

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

Section IV. This ordinance shall be enforced after the date of an affirmative Third Reading.

RICHLAND COUNTY COUNCIL

By: _____
Anthony G. Mizzell, Chair

Attest this _____ day of
_____, 2005.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: March 22, 2005
First Reading: March 22, 2005
Second Reading: April 5, 2005 (tentative)
Third Reading:

**STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ____-05HR**

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, AS DEFINED IN SECTION 26-31 OF THE RICHLAND COUNTY CODE OF ORDINANCES, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED HEREIN (TMS # 02415-03-01 AND 02) FROM RU (RURAL DISTRICT) TO C-3 (GENERAL COMMERCIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Article VIII of the South Carolina Constitution and Section 4-9-30 of the Code of Laws of South Carolina (the Home Rule Act) gives Richland County broad authority to provide a variety of services and functions within its jurisdiction, including, but not limited to, land use planning and land development regulation, and similar activities and services; and

WHEREAS, Title 6, Chapter 29, of the Code of Laws of South Carolina provides the statutory enabling authority for Richland County to engage in planning and regulation of development within its jurisdiction; and

WHEREAS, Section 6-29-720 of the Code of Laws of South Carolina requires the County to adopt the Land Use Element of its Comprehensive Plan in conformance with the requirements therein as a prerequisite to continuing implementation of its zoning authority; and

WHEREAS, the County Council adopted a Comprehensive Plan on May 3, 1999, in conformance with the requirements Title 6, Chapter 29, of the Code of Laws of South Carolina; and

WHEREAS, Section 6-29-760 of the Code of Laws of South Carolina provides the statutory authority and process to amend the Zoning Ordinance, codified as Chapter 26 of the Richland County Code of Ordinances; and

WHEREAS, this Ordinance complies with the requirements of Section 6-29-760 of the Code of Laws of South Carolina and the ordinance adoption process proscribed in Section 2-28 of the Richland County Code of Ordinances.

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

Section I. The Richland County Code of Ordinances, Chapter 26, Zoning; Article 3, Establishment of Districts and Zoning Maps; is hereby amended to change the property (TMS # 02415-03-01 and 02) described in Exhibit A, which is attached hereto, from RU Rural District zoning to C-3 General Commercial District zoning.

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

Section IV. This ordinance shall be enforced after the date of an affirmative Third Reading.

RICHLAND COUNTY COUNCIL

By: _____
Anthony G. Mizzell, Chair

Attest this _____ day of
_____, 2005.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: March 22, 2005
First Reading: March 22, 2005
Second Reading: April 5, 2005 (tentative)
Third Reading:

Exhibit A
Property Description

TMS PARCEL 02415-03-01:

Beginning at the intersection of the eastern right-of-way of Dreher Shoals Road (S.C. Hwy. No. 6) and the southern right-of-way of Dutch Fork Road (U.S Hwy. No. 76) at a ½" Rebar (o), thence turning and running N75°00'17"E along the southern right-of-way of Dutch Fork Road (U.S Hwy. No. 76) for a distance of 35.82 feet to a Point, this being the POINT OF BEGINNING (P.O.B.); thence turning and running N75°00'17"E along the southern right-of-way of Dutch Fork Road (U.S Hwy. No. 76) for a distance of 258.05 feet to a ½" Rebar (o); thence turning and running S14°59'40"E along the southern right-of-way of Dutch Fork Road (U.S Hwy. No. 76) for a distance of 22.50 feet to a ½" Rebar (o); thence turning and running N75°00'16"E along the southern right-of-way of Dutch Fork Road (U.S Hwy. No. 76) for a distance of 330.35 feet to a 1" Pipe (o); thence turning and running S19°19'45"W along Tract "A" (TMS 3303-03-03) for a distance of 292.57 feet to a ½" Rebar (o); thence turning and running S06°38'44"W along Tract "A" (TMS 3303-03-03) for a distance of 189.84 feet to a ½" Rebar (o); thence turning and running S73°48'55"W along Tract "A" (TMS 3303-03-03) for a distance of 172.25 feet to a ½" Rebar (o); thence turning and running N50°12'47"W along the eastern right-of-way of Dreher Shoals Road (S.C. Hwy. No. 6) for a distance of 70.24 feet to a Point; thence turning and running N14°16'05"W along property now or formerly John W. & Blanche B. Derrick for a distance of 260.26 feet to a Point; thence turning and running S89°23'55"W along property now or formerly John W. & Blanche B. Derrick for a distance of 157.20 feet to a Point; thence turning and running N09°36'05"W along property now or formerly John W. & Blanche B. Derrick for a distance of 87.85 feet to a Point, the POINT OF BEGINNING (P.O.B.).

TMS PARCEL 02415-03-02:

Beginning at the intersection of the eastern right-of-way of Dreher Shoals Road (S.C. Hwy. No. 6) and the southern right-of-way of Dutch Fork Road (U.S Hwy. No. 76) at a ½" Rebar (o), this being the POINT OF BEGINNING (P.O.B.); thence turning and running N75°00'17"E along the southern right-of-way of Dutch Fork Road (U.S Hwy. No. 76) for a distance of 35.82 feet to a Point; thence turning and running S09°36'05"E along property now or formerly John Willie Derrick for a distance of 87.85 feet to a Point; thence turning and running N89°23'55"E along property now or formerly John Willie Derrick for a distance of 157.20 feet to a Point; thence turning and running S14°16'05"E along property now or formerly John Willie Derrick for a distance of 260.26 feet to a Point; thence turning and running N50°12'47"W along the eastern right-of-way of Dreher Shoals Road (S.C. Hwy. No. 6) for a distance of 376.89 feet to a ½" Rebar (o); thence turning and running in a curved line of length 109.32 feet along the eastern right-of-way of Dreher Shoals Road (S.C. Hwy. No. 6) (curve of radius 50.00 feet, chord bearing of N12°22'22"E, chord distance of 88.81 feet) to a ½" Rebar (o), the POINT OF BEGINNING (P.O.B.).

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-05HR

AN ORDINANCE AMENDING THE FISCAL YEAR 2004-2005 GENERAL FUND ANNUAL BUDGET TO ADD ONE HUNDRED SEVENTY-TWO THOUSAND FIVE HUNDRED FIFTY SIX DOLLARS (\$172,556.00) TO INCREASE FUNDING TO THE SHERIFF DEPARTMENT FOR SALARIES.

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

SECTION I. That the amount of One Hundred Seventy-Two Thousand Five Hundred Fifty Six Dollars (\$172,556.00) be appropriated to the FY 2004-2005 Sheriff Department budget. Therefore, the Fiscal Year 2004-2005 General Fund Annual Budget is hereby amended as follows:

REVENUE

| | |
|--|----------------|
| Revenue appropriated July 1, 2004 as amended: | \$98,777,830 |
| Appropriation of General Fund unrestricted Fund Balance: | <u>172,556</u> |
| Total General Fund Revenue As Amended: | \$98,950,386 |

EXPENDITURES

| | |
|--|----------------|
| Expenditures appropriated July 1, 2004 as amended: | \$98,777,830 |
| Increase to Sheriff Department Budget: | <u>172,556</u> |
| Total General Fund Expenditures As Amended: | \$98,950,386 |

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 _____, 2005.

RICHLAND COUNTY COUNCIL

BY: _____ 27 of 34

Anthony G. Mizzell, Chair

ATTEST THIS THE ____ DAY

OF _____, 2005

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: April 5, 2005 (tentative)
Second Reading:
Public Hearing:
Third Reading:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-05HR

AN ORDINANCE AUTHORIZING A UTILITY EASEMENT TO SOUTH CAROLINA ELECTRIC & GAS COMPANY ON PROPERTY IDENTIFIED AS TMS NUMBER 13702-09-01A (ALSO KNOWN AS OWENS FIELD, COLUMBIA, SOUTH CAROLINA).

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

SECTION I. The County of Richland and its employees and agents are hereby authorized to grant a utility easement right-of-way to South Carolina Electric & Gas Company, upon land identified as TMS Number 13702-09-01A (also known as Owens Field, Columbia, South Carolina), and as described in the Easement Indenture, a copy of which is attached hereto and incorporated herein.

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

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

SECTION IV. Effective Date. This ordinance shall be effective from and after _____, 2005.

RICHLAND COUNTY COUNCIL

By: _____
Anthony G. Mizzell, Chair

Attest this _____ day of
_____, 2005.

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: April 5, 2005 (tentative)
Second Reading:
Public Hearing:
Third reading:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-05HR

AN ORDINANCE AMENDING THE FISCAL YEAR 2004-2005 GENERAL FUND ANNUAL BUDGET TO ADD ONE HUNDRED FORTY-TWO THOUSAND DOLLARS (\$142,000.00) TO INCREASE FUNDING TO THE LEGAL DEPARTMENT FOR LEGAL FEES.

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

SECTION I. That the amount of One Hundred Forty-Two Thousand Dollars (\$142,000.00) be appropriated to the FY 2004-2005 Legal Department budget. Therefore, the Fiscal Year 2004-2005 General Fund Annual Budget is hereby amended as follows:

REVENUE

| | |
|--|----------------|
| Revenue appropriated July 1, 2004 as amended: | \$98,635,830 |
| Appropriation of General Fund unrestricted Fund Balance: | <u>142,000</u> |
| Total General Fund Revenue As Amended: | \$98,777,830 |

EXPENDITURES

| | |
|--|----------------|
| Expenditures appropriated July 1, 2004 as amended: | \$98,635,830 |
| Increase to Legal Department Budget: | <u>142,000</u> |
| Total General Fund Expenditures As Amended: | \$98,777,830 |

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 _____, 2005.

RICHLAND COUNTY COUNCIL

BY: _____
Anthony G. Mizzell, Chair

ATTEST THIS THE ____ DAY

OF _____, 2005

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: April 5, 2005
Second Reading: April 19, 2005 (tentative)
Public Hearing:
Third Reading:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-05HR

AN ORDINANCE CONSENTING TO AN ASSIGNMENT OF THE RIGHTS AND OBLIGATIONS OF AMERICAN ITALIAN PASTA COMPANY UNDER AN INDUCEMENT AGREEMENT, A LEASE AGREEMENT, A BOND, AND A FEE AGREEMENT BETWEEN RICHLAND COUNTY AND AMERICAN ITALIAN PASTA COMPANY

WHEREAS, Richland County, South Carolina (the "County") has entered into a fee-in-lieu of taxes arrangement under Title 4, Chapter 29, Code of Laws of South Carolina 1976, as amended (the "Big Fee Act"), with American Italian Pasta Company, a Delaware corporation ("Original Affiliate"), in connection with which the County and Original Affiliate entered into a December 6, 1994 Inducement Agreement (the "Inducement Agreement") and a December 29, 1995 Corrective Lease Agreement (the "Lease") concerning certain land and certain buildings or other improvements thereon and all machinery, apparatus, equipment, office facilities and furnishings to be installed therein for the purpose of producing and/or distributing dried pasta products and related food products and any other related activities (the "First Project");

WHEREAS, in connection with the First Project, the County has issued to Original Affiliate that certain \$50,000,000 Richland County, South Carolina Industrial Development Revenue Bond (American Italian Pasta Company Project) Series 1995 (the "Bond");

WHEREAS, the County has entered into a fee-in-lieu of taxes arrangement under Title 12, Chapter 44, Code of Laws of South Carolina 1976, as amended (the "Non-Title Act"), with Original Affiliate in connection with which the County and Original Affiliate entered into a Fee Agreement dated as of December 1, 2003 (the "Fee Agreement") concerning certain buildings or other improvements thereon and/or machinery, apparatus, equipment, office facilities, furnishings and other personal property to be installed therein for the purpose of a project to add certain production lines and products and/or packaging capabilities and other expansion investments and any and all activities relating thereto (the "Second Project");

WHEREAS, in connection with a reorganization of the operations of Original Affiliate, all of the assets of the First Project and the Second Project have been or will be transferred (including the Inducement Agreement, the Lease, the Bond and the Fee Agreement), to AIPC South Carolina, Inc., a South Carolina corporation and subsidiary of Original Affiliate ("New Affiliate"), and all of the liabilities of the First Project and of the Second Project have been or will be assumed by New Affiliate;

WHEREAS, the County now wishes to provide any necessary consents, ratifications and approvals of such transfers and assignments as described above to the extent required by Section 4-29-67(O)(4) of the Big Fee Act and Section 12-44-120(D) of the Non-Title

Act and confirm the continuance of the benefits under the Inducement Agreement, the Lease, the Bond and the Fee Agreement;

NOW, THEREFORE, BE IT ORDAINED by Richland County, South Carolina, as follows:

Section 1. The County, pursuant to Section 4-29-67(O)(4) of the Big Fee Act and Section 12-44-120(D) of the Non-Title Act, hereby expressly consents to, ratifies and approves the transfers and assignments described above (including the assignment of all rights and obligations under the Inducement Agreement, the Lease Agreement, the Bond and the Fee Agreement to New Affiliate) and all of the transactions contemplated thereby effective as of such assignments and transfers. The County does hereby substitute New Affiliate in the place of Original Affiliate under the Inducement Agreement, the Lease, the Bond and the Fee Agreement and all other agreements and instruments related thereto or arising therefrom effective as of such assignments and transfers, and the County does hereby confirm that the New Affiliate is entitled to continue the benefits available under the Inducement Agreement, the Lease, the Bond and the Fee Agreement.

Section 2. Each of the Chair of County Council and the County Administrator be and each is hereby authorized and directed, in the name and on behalf of the County, to take such further actions and execute such further instruments as New Affiliate or Original Affiliate may reasonably request to evidence the consent, assignments and transfers described in this Ordinance and the substitution of New Affiliate in place of Original Affiliate as the party in interest under the Inducement Agreement, the Lease, the Bond and the Fee Agreement and all other agreements and instruments related thereto or arising therefrom.

Section 3. The provisions of this Ordinance are hereby declared to be severable and if any section, phrase or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereunder.

Section 4. All orders, resolutions, ordinances and parts thereof in conflict herewith are to the extent of such conflict hereby repealed and this Ordinance shall take effect and be in full force from and after its passage and approval.

Done, ratified and adopted this ___ day of _____, 2005.

RICHLAND COUNTY COUNCIL

BY: _____
Anthony G. Mizzell, Chair

Attest this the ____ day of

_____, 2005

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: April 5, 2005 (tentative)
Second Reading:
Public Hearing:
Third Reading: