

**RICHLAND COUNTY COUNCIL  
REGULAR SESSION  
COUNCIL CHAMBERS  
JUNE 6, 2006  
6:00 P.M.**

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

**INVOCATION            Honorable Michael Montgomery**

**PLEDGE OF ALLEGIANCE  
                                 Honorable Michael Montgomery**

**ADOPTION OF AGENDA**

**CITIZEN'S INPUT**

**APPROVAL OF MINUTES**

**Budget Work Session:    May 9, 2006 [Pages 9-12]**

**Budget Work Session:    May 11, 2006 [Pages 13-15]**

**Budget Work Session:    May 16, 2006 [Pages 16-17]**

**Regular Session:            May 16, 2006 [Pages 18-24]**

**Zoning Public Hearing:    May 23, 2006 [Pages 25-27]**

**Budget Work Session:    May 25, 2006 [Pages 28-30]**

**Regular Session:            May 30, 2006 [Pages 31-33]**

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

- a. Columbia Venture Pending Litigation**

**REPORT OF THE COUNTY ADMINISTRATOR**

**REPORT OF THE CLERK OF COUNCIL**

**REPORT OF THE CHAIRMAN**

**OPEN/CLOSE PUBLIC HEARING ITEMS**

- 1.a., 1.b., 1.c., 1.d., 1.e., 1.f., 1.g., 2.b.**

**APPROVAL OF CONSENT ITEMS**

- 1.a., 1.b., 1.c., 1.d., 1.e., 1.f., 1.g., 2.a., 2.b., 2.c., 2.d., 2.e.,  
2.f., 2.g., 2.h., 3.a., 3.b., 3.c., 3.d., 3.e., 3.f., 4.a., 4.b., 4.c.,  
4.d., 4.e.1., 4.e.2., 4.e.3., 4.e.4., 4.f., 4.g.**

**1. THIRD READING ITEMS**

- a. Ordinance authorizing deed to Tripoint  
Development Company (Public sale of County  
property located at 401 Powell Road  
[PUBLIC HEARING] [CONSENT] [Page 34]**
- b. Ordinance authorizing the Legal Department  
Budget Amendment [PUBLIC HEARING]  
[CONSENT] [Pages 35-36]**
- c. Ordinance authorizing the sale and issuance  
of \$5,200,000 Hospitality Tax Special  
Obligation Bond Anticipation Note [PUBLIC  
HEARING] [CONSENT] [Pages 37-43]**

- d. Ordinance amending Chapter 17, Article II, Section 17-10 (Parking in Residential Zones of the County) to include restrictions on the parking of inoperable vehicles and trailers in residential zoning districts for more than 30 consecutive days [PUBLIC HEARING] [CONSENT] [Pages 44-46]**
- e. Ordinance prohibiting careless driving and driving across property to avoid a traffic control device [PUBLIC HEARING] [CONSENT] [Pages 47-48]**
- f. Ordinance to a authorize deed to Miller Valentine Partners, LTD, Lot 2 & portion of Lot 18 [PUBLIC HEARING] [CONSENT] [Page 49]**
- g. Budget amendment to appropriate funding from Fund balance to cover General Fund revenue shortfall to appropriate SRO funds [PUBLIC HEARING] [CONSENT] [Pages 50-51]**
- h. 06-07MA  
Rhonda Jacobs  
Westcott Development Co.  
TMS 02600-09-04  
Broad River Rd. & Bookie Richardson Rd.  
M-1/RU to RM-MD [Pages 52-54]**
- i. 06-06MA  
Rhonda Jacobs  
Westcott Development Co.  
TMS 01600-06-01 & 02600-09-01/08/09(p)  
Broad River Rd. & Bookie Richardson Rd.  
RU to RS-MD [Pages 55-58]**

## **2. SECOND READING ITEMS**

- a. Ordinance authorizing the sale and issuance of Bond Anticipation Note for the Broad River Regional Wastewater Treatment Plant Construction [CONSENT] [Pages 59-74]**
- b. Ordinance authorizing certain economic incentives, including payment of a fee in lieu of property taxes, the award of infrastructure improvement credits and other related matters, pursuant to a fee agreement between Richland County and McEntire Produce, Inc. [PUBLIC HEARING][CONSENT] [Pages 75-78]**
- c. Ordinance authorizing the extension of the project acquisition period under that certain lease agreement by and between Richland County and Sysco Food Services of Columbia, LLC [CONSENT] [Pages 79-81]**
- d. 06-12MA  
Blythewood Farms (Cliff Kinder)  
RU to PDD (249 acres)  
Single Family Residential S/D  
15100-06-07 & 17800-04-68  
SE Quadrant of Langford Rd. & Wilson Blvd.  
[CONSENT] [Pages 82-84]**
- e. 06-19MA  
Joe Clark  
RU to GC (3.5 acres)  
General Commercial  
01500-02-15  
Corner of Dutch Fork Rd/Three Dog Road  
[CONSENT] [Pages 85-86]**
- f. 06-26MA  
Paul Levine**

**Copper Beech Town homes  
HI to RM-HD  
Multi-family Residential  
13607-02-01 (p)  
Bluff Road and Southern Drive [CONSENT]  
[Pages 87-90]**

- g. 06-02MA  
William Burch  
RU TO GC  
Transfer Yard  
02412-01-10  
Dutch Fork Road & Gates Road [CONSENT]  
[Pages 91-92]**
- h. Budget Amendment: Sheriff's Department  
Administrative Fee [CONSENT]  
[Pages 93-94]**

**3. REPORT OF DEVELOPMENT AND SERVICES  
COMMITTEE [Pages 95-96]**

- a. Acceptance of Fee Interest Title for a 77-acre  
parcel located off Cabin Creek Road  
[CONSENT]**
- b. Solid Waste Management Plan Revision  
[CONSENT]**
- c. Homeless Commission Intergovernmental  
Agreement [CONSENT] [Pages 97-101]**
- d. Emergency Services Station Site Purchases  
[CONSENT]**
- e. Jackson Creek Emergency Services Station  
Construction [CONSENT]**
- f. Emergency Services Purchase Orders  
[CONSENT]**

- 4. REPORT OF ADMINISTRATION AND FINANCE COMMITTEE [Pages 102-103]**
- a. Purchase of County Crime Bond (St. Paul Travelers/Willis of Greenville) [CONSENT]**
  - b. Liability Claims Administrator (Hewitt Coleman) [CONSENT]**
  - c. Approval of Workers' Compensation Claims Administrator and Excess Insurer (The South Carolina Counties Workers' Compensation Trust) [CONSENT]**
  - d. Purchase of Property Insurance (St. Paul Travelers) [CONSENT]**
  - e. Detention Center Contracts:**
    - 1. Food Service Management Contract (Aramark Correctional Service) [CONSENT]**
    - 2. Maintenance Contract for the Bluff Road Facility Housing and Energy Plant (W.B. Guimarin & Company, Inc.) [CONSENT]**
    - 3. Bluff Road Fire & Security System Maintenance Contract (Honeywell, Inc.) [CONSENT]**
    - 4. Detention Officer Uniforms Contract Renewal (Wright-Johnson) [CONSENT]**
  - f. Resolution designating June 2006 as Homeownership Month [CONSENT]**

- g. Coroner's Request: Approval of Mass Fatalities Management Program Grant [CONSENT]**

**5. REPORT OF RULES AND APPOINTMENTS COMMITTEE [Pages 104-105]**

**I. Notification of Vacancies on Boards, Commissions, and Committees**

- a. Employee Grievance Committee-1**

**II. Notification of appointments to Boards, Commissions, and Committees**

- a. Accommodations Tax Committee-2 [Pages 106-109]**

- b. Historic Columbia Foundation-1 [Pages 110-113]**

- c. Internal Audit Committee-1 [Pages 114-115]**

**III. Items For Discussion**

- a. Update on Electronic Agenda**
- b. Amending the Ordinance requirements regarding residence for Board and Committee members [Pages 116-119]**
- c. Time Certain for Administrator to make recommendations after receiving recommendation from Grievance Committee**
- d. Granting the Grievance Committee a budget of \$250.00 towards supplies [Page 120]**

**6. REPORT OF ECONOMIC DEVELOPMENT COMMITTEE**

- a. An Ordinance amending Ordinance No. 038-06HR, which authorized two deeds to Forum Development II, LLC for certain parcels of land known as Lot 12 (approximately 9.665 acres) and Lot 28 (approximately 2.713 acres) in the Richland Northeast Industrial Park; so as to delete any reference to Lot 28 [Pages 121-122]**
- b. An Ordinance authorizing an amendment to the Master Agreement Governing the I-77 Corridor Regional Industrial Park by and between Richland County, South Carolina and Fairfield County, South Carolina, in order to expand the boundaries of the Park to include certain property owned by Vulcan Construction Materials, L.P., and other matters related thereto [Pages 123-124]**
- c. An Ordinance authorizing deed to L-J Inc., for certain parcels of land known as Lots 18, 19, and 33; Approximately 25.53 acres, in the Richland Northeast Industrial Park. [Page 125]**

**7. CITIZEN'S INPUT**

**8. MOTION PERIOD**

**9. ADJOURNMENT**



**RICHLAND COUNTY COUNCIL  
BUDGET WORK SESSION  
MAY 9, 2006  
4:00P.M.**

**MEMBERS PRESENT:** Anthony Mizzell, L. Gregory Pearce, Jr.; Paul Livingston; Mike Montgomery; Bernice G. Scott (arrived at 4:31); Joe McEachern (arrived at 5:10); Joyce Dickerson (arrived at 5:13)

**OTHERS PRESENT:** Milton Pope, Michielle Cannon-Finch , Tony McDonald, Roxanne Matthews, Daniel Driggers, Angie McInchok, James Hayes, Anna Almeida, Chief Harrell, Stephany Snowden, Jennifer Dowden, Teresa Smith, Larry Smith, Monique Walters, Michelle Onley

**CALL TO ORDER:** The meeting was called to order at approximately 4:21 p.m.

**2006-2007 Fiscal Year Budget**

Mr. Pope stated that focus was the General Fund Revenue, General Fund Capital and process in that.

Mr. Pope stated that the revenue portion is pretty self-explanatory, but if there are specific questions he would be glad to answer those.

Mr. Livingston stated that there was a huge boost in revenue because of the Business Service Center taking over the business licensing and inquired if the same projected increase would be in the budget next year. Mr. Driggers stated that there was a boost in collections, but not in the budget.

Mr. Mizzell inquired what the use of the fund balance was. The one-time appropriation is for J. D. Edwards financial software.

**Capital Request:**

Mr. Driggers stated that Mr. John Hixon, Bill Peters, and Janet Claggett were asked for their input when the request pertained to their respective expertise. Mr. Pope stated that they heavily depended on the suggestions of the above-named person for the items that are mission critical or needed.

The FY07 request is \$12 million and the recommendation is \$5.7 million. There is a reduction of \$235,000.00 which are capital recommendation that are funded from other sources other than the General Fund. The General Fund Recommendation is \$5.4 million (\$2 million Fund Balance + \$3.4 million Capital Millage).

Mr. Livingston inquired why automotive equipment is less in FY07 than it was in FY06. Mr. Driggers stated that they looked at the capital in total and the Fleet Manager

prioritized requests for vehicles. They went down the list to where they felt was a reasonable place to stop.

Mr. Pearce inquired if this was the total fleet request. Mr. Driggers stated that this did not include the \$2 million bond for Sheriff's Department.

Accounts 5302, 5303, 5304 and 5307 are Building and Grounds accounts. All of the items listed are high priority items with the exception of HVAC control replacement and it was a medium priority. The \$1 million request for Judicial Center renovations was not included in the FY07 recommendation.

Mr. Pearce stated that \$2.2 million had been appropriated for the Judicial Center HVAC and he inquired how much had been spent. Mr. McDonald stated that very little of the money had been spent.

Ms. Scott stated that she was worried about putting the \$2.2 million into the Judicial Center and we're exploring the possibility of building another Judicial Center in the near future. Mr. Pope stated that some of the improvements will have to be made to make the present Judicial Center livable and functional.

Mr. Pearce commented on the \$50,000 requested and recommended to replace an exit door at the Township. Mr. Pope stated that this was a safety issue. It was pointed out that there is more than one door being replaced.

**Account 5313—Automotive Equipment**

- Approximately 40 vehicles requested
- 13 vehicles funded
- Funding includes 6 ambulances

Ms. Scott inquired if we were up-to-date on purchasing EMS vehicles. Mr. Pope stated that we are still trying to catch up. Ms. Scott then inquired about the Sheriff's Department vehicles. Mr. Driggers stated that no new vehicles are allocated through the General Fund. The bond allows for 80 new vehicles per year.

Mr. Mizzell then stated that the Sheriff had requested 20 new employees and 20 cars, but he could do 10 and 10 and then stagger the other 10 and 10. Mr. Mizzell stated that he had personally spoken to the Sheriff about getting a Council committee together to help the Sheriff with his budget. Ms. Scott, Mr. Pearce, Mr. Montgomery are going to be on that committee.

Mr. Livingston inquired if the \$600,000 allocated for Emergency Services was broken down by item somewhere. Mr. Pope stated that we could not fund each line item;

therefore, they appropriated a certain amount of money and the funds are to be spent at the discretion of the Department Director.

Mr. Livingston inquired about what the mobile data terminals are. Chief Harrell stated that they are in-car computers that are used to check license plates without going through dispatch, check for outstanding warrants, and will eventually they plan to have computer-aided dispatch. The terminals are only in patrol cars not the civil process cars.

Mr. Livingston inquired about what is included when a Sheriff's Department car is purchased. Chief Harrell stated that you have a standard pursuit package: cage, bar lights, and decals. Mr. Livingston requests a breakdown of how much it costs to hire a new deputy: salary, uniforms, car, etc.

**Account 5315: Data Processing Equipment**

Mr. Pope briefed Council regarding the paperless paramedic report system.

**Account 5316: Software**

Mr. Driggers stated the only thing in this account was software for the Auditor's Office.

**Account 5329: Miscellaneous Construction**

Mr. Pearce inquired about the \$198,000 to repair the 4<sup>th</sup> Floor of the Judicial Center to abate the water problem. Mr. Pope stated that is what he had meant when he said there were some critical needs at the Judicial Center. Mr. Pearce inquired if the problem would be taken care of this year.

Mr. Montgomery inquired if the \$100,000 ADA Construction study and the \$100,000 space allocation are separate items. Mr. Pope stated that they are separate items. A discussion took place.

Mr. Pope stated that it was discussed at the last meeting the possibility of items that could be bonded. They have identified Short Term and Long Term Bond Projects.

**Short Term Bond Projects:**

2020 Hampton Parking Garage Repairs — County Engineer has stated that there are some significant structural items that need to be repaired.

Judicial Center Renovation/Repairs – Items that expand beyond our ability to fund in the budget can be addressed in some kind of bond.

HVAC Controls 2020 Hampton – At present included in bond.

ADA Retrofit – Dependant upon analysis. Retrofits are usually quite expensive.

Animal Shelter – Waiting on final geo technical information from the City of Columbia. Based upon what we're proposing now and what the City consented to at the last joint meeting is that we will expand on the existing facility. The estimate was \$850,000.00, but the price will probably escalate. Mr. Mizzell requested an intergovernmental agreement to lock this agreement down.

Project Pet – A rollover item from last year. \$350,000 was discussed last year.

**Long Term Bond Projects:**

Magistrate Offices – Lease renewal dates have been identified on several magistrate offices. There is a desire to have those magistrate offices to be County facilities. Beatty Road facility is coming on line. The Sheriff's Department has moved there region into it. There is still a parking issue to be worked out by the purchase of adjacent land, but the magistrate is going to be moving in.

Mr. Livingston suggested adopting a policy regarding this issue. Mr. Pope stated that this issue had been brought up several times, but wasn't sure if there was ever any policy put into place.

New Judicial Center Complex – There is a possibility that this will come to fruition after the space allocation study is completed. Mr. Pope feels that Central Court should be incorporated into the new Judicial Center.

Public Works Relocation – (tape ended)

LRADAC Capital Expansion – Present building is wholly inadequate. LRADAC has been negotiating with Columbia Area Mental Health about locating on their campus. The original plan was to lease the property for 99 years at \$1 a year, but the Budget and Control Board said that couldn't be done. Then the second offer was \$500,000 and in kind service, but again the Budget and Control Board said no. Now they want LRADAC to buy the 6 acres of land adjacent to the Columbia Area Mental Health for \$1.2 million. LRADAC has requested a third of the cost, which is \$4 million. Lexington County and the State will be taking on the other two-thirds.

**ADJOURNMENT** – The meeting adjourned at approximately 5:45 p.m.

**RICHLAND COUNTY COUNCIL  
BUDGET WORK SESSION  
MAY 11, 2006  
4:00P.M.**

**MEMBERS PRESENT:** Anthony Mizzell, Paul Livingston, Mike Montgomery, Bernice G. Scott, Valerie Hutchinson, Damon Jeter (arrived at 4:39), Joe McEachern (arrived at 4:39); Joyce Dickerson (arrived at 5:16)

**OTHERS PRESENT:** Milton Pope, Michielle Cannon-Finch , Tony McDonald, Roxanne Matthews, Andy Metts, Joe Cronin, Audrey Shifflett, Daniel Driggers, Angie McInchok, James Hayes, Chief Harrell, Stephany Snowden, Teresa Smith, Larry Smith, Monique Walters, Michelle Onley

**CALL TO ORDER:** The meeting was called to order at approximately 4:17 p.m.

**2006-2007 Fiscal Year Budget**

Mr. Pope stated that focus was the general fund, personnel operating, outside agency funding, the discretionary grant program, special revenue and enterprise.

A list of critical needs not included in the FY07 recommended budget was distributed.

Direct reports and elected officials were asked to submit any possible mission critical items that may have been missed.

Mr. Montgomery inquired if there was anything on the list of critical needs that is more important than something that we are carrying forward or retaining and if so to make a recommendation along those lines. Mr. Pope stated that in the recommended budget they attempted to take care of those mission critical things that we have ongoing obligations and responsibilities to. Mr. Pope stated that he would be more than willing to prioritize the list of critical needs because some of the needs are more important than others.

Ms. Scott advised staff to consult with the departments before cutting things from their budgets.

Mr. Livingston suggested that the elected officials be allotted a certain dollar amount and then let them decide what is essential. A discussion took place.

Mr. Pope stated that all promotions, increases, etc. have been taken care of in the recommended budget. Each department knows within the line items where all of the dollars are. Mr. Pope committed to the departments that any recommended changes would be brought back to them to make sure the communication is there and they know exactly what is going on with their budgets.

Mr. Montgomery stated that the budget was increased \$11 million from last year which comes out to about a 10% increase over last year.

The new positions requested with the most priority were compiled and distributed.

Ms. Scott inquired about the vehicles not being recommended with the new deputy sheriff positions. Mr. Pope stated that the 10 best vehicles from the 80 being replaced would be issued to them.

### **OUTSIDE AGENCY FUNDING**

Mr. Pope requested direction on the hospitality tax issue. He needs to know if Council would like to continue with the existing ordinance, change to a 3% increase or going with another option altogether. A discussion took place. Council will discuss this and let Mr. Pope know how to proceed.

Ms. Shifflett stated that there were 21 requests for Accommodations Tax funding. The committee came back with 17 recommendations.

### **SPECIAL REVENUE**

Victims Assistance Program – The funds are obtained from a portion of the fines collected on ordinance summons and traffic tickets.

Mr. Montgomery would be interested in seeing exactly how they would assess the program. Mr. Montgomery would like to see the changes that are anticipated in the program if it were funded for \$550,000.00.

Fire Service – Mr. Pope stated that any increase in funding will have a direct impact on the fire millage. Mr. Cronin provided Council with a comparison of other county fire services.

Mr. Mizzell inquired as to what the \$2 million one time capital expenditure was to be used for and if the County was getting back on track with acquiring and replacing equipment. Mr. Pope stated that he would have to get the breakdown of the \$2 million, but that the County was acquiring the needed equipment.

Hospitality – Will work on.

Stormwater – The recommended budget is \$2.7 million, which is a rate increase of 1.5 mill. This amount includes the fine negotiated from the lawsuit. A discussion took place regarding the negotiation of the lawsuit.

Mr. Livingston inquired if there was any additional funding included in the budget to deal with demolition of unsafe housing. A discussion took place regarding this issue and the issue of overgrown lots.

**ENTERPRISE FUNDS**

Utilities – The budget is balanced. The use of \$1.6 million fund balance is for the purchase of a pump station that is part of the existing facility and the sewer systems network.

Parking Garage – Proposed budget is \$162,350.00. This is used for the maintenance of the parking garage at 2020 Hampton and the Judicial Center.

Owens Field – The budget is balanced. The three items listed are: the Airport Commission's Operating Fund, the maintenance and the depreciation amount.

**ADJOURNMENT** – The meeting adjourned at approximately 5:50 p.m.

**RICHLAND COUNTY COUNCIL  
BUDGET WORK SESSION  
MAY 16, 2006  
4:00P.M.**

**MEMBERS PRESENT:** Anthony Mizzell (arrived @ 4:20); L. Gregory Pearce, Jr.; Paul Livingston; Mike Montgomery; Bernice G. Scott; Valerie Hutchinson; Joe McEachern

**OTHERS PRESENT:** Milton Pope, Michielle Cannon-Finch , Tony McDonald, Roxanne Matthews, Daniel Driggers, Angie McInchok, Chief Harrell, Michelle Onley

**CALL TO ORDER:** The meeting was called to order at approximately 4:17 p.m.

**2006-2007 Fiscal Year Budget**

Mr. Pope stated the purpose of this meeting was to review the millage requests and receive any specific direction and to review the Solid Waste recommendation.

**Millage Agencies**

The distributed sheet outlined what was approved over the last five years for the millage agencies and what the base request is for this year. Of course, in the school's cases what is over the minimum funding level and the total request.

Mr. Pearce stated that there was no estimate of what the mill increase would be. Mr. Driggers stated that they are awaiting the mill values from Mr. Harry Huntley. Mr. Huntley's direction was to keep the same mill value as the current year.

Mr. Montgomery stated that from his view that if we are going to be trying to hold this budget as close as we can, we need to try to look at what the millage is going to be and say we don't want a millage increase. The paperwork distributed makes it hard to evaluate because you can't tell if this is going to be a tax increase or not.

Mr. Montgomery inquired how much the assessed value was going up.

Mr. Pearce inquired what the base required funding level based on last year's mill value.

Discussion on this matter was postponed until Mr. Huntley provides the needed information.

**Solid Waste**

Budget paperwork was distributed to Council regarding this matter.



This budget is based upon two major areas: the collections area and the millage portion. In this recommendation there is not an increase in the millage (the landfill area). However, there is an increase on the collections side.

Mr. Pope stated that they try to give you rates where it's not necessary to come back each year to up the rate, but to give a three-year level rate.

The current rate is \$168 for roll carts and \$328 for backyard. The recommendation is a 3-year rate including general support which will be a new roll cart rate of \$229 and \$447 for backyard.

Mr. Montgomery requested a history of what the roll cart rates have been for the last eight years. Mr. Montgomery inquired if there were a limited amount of backyard collections. Is that an actual cost expense or differential cost? How are we calculating that differential cost? Mr. McDonald stated that the backyard rate is basically 1.95 times the standard rate.

Mr. Pope stated that right now the general support is funded out of the general fund.

Mr. Mizzell would like to take a look at how other entities are handling the "fuel surcharge" for increase in fuel prices. He would rather see a fuel charge added for a year than arbitrarily raising the fees.

Mr. McEachern inquired about what rate we are at if we stay within the contracts. Mr. McDonald stated that the negotiation process is about to begin and there is a good assumption as to what those rates will be.

**ADJOURNMENT** – The meeting adjourned at approximately 4:43 p.m.

# MINUTES OF



## RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, MAY 16, 2006 6:00 p.m.

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

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### MEMBERS PRESENT:

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

**OTHERS PRESENT** – Michielle Cannon-Finch, Milton Pope, Tony McDonald, Roxanne Matthews, Joe Cronin, Larry Smith, Amelia Linder, Michael Criss, Anna Almeida, Monique Walters, Stephany Snowden, Kendall Johnson, Jennifer Dowden, Teresa Smith, John Hixon, Bill Peters, Srinivas Valavala, Carlton Hayden, Dee Dee Johnson, Howard Boyd, Daniel Driggers, Audrey Shifflett, Chief Harrell, Michelle Onley

### CALL TO ORDER

The meeting was called to order at approximately 6:00 p.m.

### INVOCATION

The Invocation was given by Rev. Preston Winkler

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Lower Richland High School  
Lady Diamonds Basketball Team

## PRESENTATION

**Lower Richland Lady Diamonds, Basketball 4A SC State Champions** – Mr. Mizzell and Ms. Scott recognized the Lady Diamonds for being the AAAA Girls' Basketball State Champions.

**POINT OF PERSONAL PRIVILEGE** – Ms. Dickerson acknowledged that the Mayor of Blythewood was in the audience.

**POINT OF PERSONAL PRIVILEGE** – Mr. Jeter acknowledged that John Rickenbacker, Orangeburg County Council Chairman, was in the audience.

**POINT OF PERSONAL PRIVILEGE** – Ms. Dickerson asked that her dentist excuse be entered in the record for her earlier absence at the presentations and work session.

**Rev. Preston Winkler, Executive Director, Community Relations Council** – Rev. Winkler congratulated Richland County on being a finalist in the All America City competition.

Rev. Winkler stated the 42<sup>nd</sup> Annual CRC Luncheon will be held on June 14<sup>th</sup> at 12:30 p.m. at Seawell's with the keynote speaker being U. S. Attorney for South Carolina Reginald Lloyd.

Rev. Winkler highlighted the impact the Community Relations Council's services have had on the community.

**Proclamation Honoring Public Works Week** – Mr. McEachern presented the proclamation to the Public Works Department in honor of Public Works Week. Mr. Hixon and Ms. Teresa Smith thanked Council for their support of Public Works and acknowledged the employees from Public Works in the audience.

**Mr. Bill Clark, Orangeburg County Administrator, All America City** – Mr. Clark and Councilman John Rickenbacker spoke to Council regarding the impact winning the All America City Award last year has had on Orangeburg County and what Richland County should expect when they go to Anaheim to compete for All America City in June.

## ADOPTION OF AGENDA

Mr. Smith stated that the following items need to be added as Executive Session items under the Report of the County Attorney: Contractual Matter – TIF; Pending Litigation – Kershaw County vs. Palmetto Utilities; Contractual Matter – Owens Field; and Pending Litigation – Davis and Richland County Recreation Commission vs. Richland County.

Ms. Finch stated that the tax map number for item 2g was incorrectly printed and that the correct numbers were 17400-11-03 & 14781-04-14/13/12.

Mr. Livingston moved, seconded by Ms. Dickerson, to approve the agenda as amended. The vote in favor was unanimous.

## CITIZEN'S INPUT

No one signed up to speak.

**APPROVAL OF MINUTES**

**Zoning Public Hearing: April 25, 2006** – Ms. Hutchinson moved, seconded by Ms. Dickerson, to approve the minutes as submitted. The vote in favor was unanimous.

**Regular Session: May 2, 2006** – Mr. Pearce moved, seconded by Mr. Montgomery, to approve the minutes as submitted. The vote in favor was unanimous.

**Budget Work Session: May 4, 2006** – Mr. Jeter moved, seconded by Ms. Hutchinson, to approve the minutes as submitted. The vote in favor was unanimous.

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

Mr. Montgomery moved, seconded by Ms. Dickerson, to go into Executive Session. The vote in favor was unanimous.

=====  
**Council went into Executive Session at approximately 6:42 p.m. and came out at approximately 7:16 p.m.**  
=====

Mr. Pearce moved, seconded by Ms. Dickerson, to come out of Executive Session. The vote in favor was unanimous.

1. **Davis, et. al. vs. Richland County—Legal Briefing** – Mr. Montgomery moved, seconded by Ms. Dickerson, to instruct the County Attorney to prepare a letter to be executed by the Chairman, on behalf of Council, to the Governor concurring with the request of the legislative delegation that certain members of the Richland County Recreation Commission be removed from office for misconduct.
2. **TIF—Legal Briefing** – No action was taken.
3. **Owens Field – Contractual Matter** – No action was taken.
4. **Kershaw County v. Palmetto Utilities – Legal Briefing** – No action taken.

**REPORT OF THE COUNTY ADMINISTRATOR**

No report was given at this time.

**REPORT OF THE CLERK OF COUNCIL**

**Oldest and Youngest Voter Resolution** – Ms. Finch stated that Voter Registration requested that each Council member help to identify the youngest and oldest voter from their district. Mr. Pearce stated that the request was noted.

**REPORT OF THE CHAIRMAN**

No report was given at this time.

### PUBLIC HEARING ITEMS

- **Ordinance Authorizing Development Agreement with Bright-Myers 2001, LLC** – Ms. Lindler requested the public hearing and second reading be deferred to give the applicant and planning staff a chance to further work on the development agreement. Mr. McEachern moved, seconded by Ms. Dickerson, to defer the public hearing until June 6<sup>th</sup>. The vote in favor was unanimous.

### APPROVAL OF CONSENT ITEMS

Ms. Scott moved, seconded by Ms. Dickerson, to approve the following consent items:

- **An Ordinance Amending the Fiscal Year 2005-2006 Industrial Park Budget to add Forty Thousand Dollars (\$40,000) to Provide Funds for Kolorpro** [Third Reading]
- **An Ordinance Extending the Moratorium on Either the Approval or Denial of Floodplain Management Permits for Development or Construction Within a Portion of the Congaree River Floodplain** [Third Reading]
- **An Ordinance Authorizing an Amendment to the I-77 Fairfield/Richland County Regional Industrial Park Master Agreement: Expand Boundaries of Park to Include Guardian Fiberglass, Inc.** [Third Reading]
- **An Ordinance Authorizing an Amendment to the I-77 Fairfield/Richland County Regional Park Master Agreement: Expand Boundaries of Park to Include Elite ES, LLC** [Third Reading]
- **05-112MA, Bob Alexander, RU to GC, 1.7 acres, General Commercial, 03300-03-19 & 03300-01-08/09, Dutch Fork and Broad River Road** [Third Reading]
- **05-117MA, Tom Milliken, RU to LI, 51 Acres, Develop a Light Industrial Park, 16200-04-18(p), Harlem Street and Sparkman Drive** [Third Reading]
- **06-13MA, Sunshine House of South Carolina, RU to OI, 3.6 Acres, Construct a Sunshine House Facility, 02416-01-05, Across from Bickley Road Elem. School** [Third Reading]
- **06-14MA, Sam Agee, RU to GC, Construct a Hotel, 17109-02-07, SW Quadrant of Two Notch Rd. & 1-77** [Third Reading]
- **06-15MA, Otha Gibson, RM-HD to OI, Construct a Day Care Facility, 16911-02-10, Kneece Rd. near O'Neil Ct. & Decker Blvd.** [Third Reading]
- **06-16MA, Herbert Hobgood, RU to RC, Retail & Food Services, 06700-01-03, NW Quadrant of Monticello Rd. & Montgomery Rd.** [Third Reading]
- **Ordinance Authorizing Deed to Tripoint Development Company (the Public Sale of County Property located 401 Powell Road)** [Second Reading]
- **Ordinance Authorizing the Legal Department Budget Amendment** [Second Reading]
- **Ordinance Authorizing the Sale and Issuance of \$5,200,000 Hospitality Tax Special Obligation Bond Anticipation Note** [Second Reading]
- **Ordinance Amending Chapter 17, Article II, Section 17-10 (Parking in Residential Zones of the County) to Include Restrictions on the Parking of Inoperable Vehicles and Trailers in Residential Zoning Districts for more than 30 Consecutive Days** [Second Reading]
- **Ordinance Prohibiting Careless Driving and Driving Across Property to Avoid a Traffic Control Device** [Second Reading]
- **Ordinance Authorizing Certain Economic Incentives, Including Payment of a Fee in Lieu of Property Taxes, the Award of Infrastructure Improvement Credits, and Other Related Matters, Pursuant to a Fee Agreement Between Richland County and McEntire Produce, Inc.** [First Reading]

- **Ordinance Authorizing the Extension of the Project Acquisition Period Under that Certain Lease Agreement by and between Richland County and Sysco Food Services of Columbia, LLC (Project Butler) [First Reading]**
- **Resolution Authorizing the Extension of the Investment Period Under the Fee Agreement by and between Richland County and Sysco Food Services of Columbia, LLC (Project Butler) [First Reading]**

The vote in favor was unanimous.

### THIRD READING ITEMS

**06-07MA, Rhonda Jacobs, Westcott Development Co., M-1 & RU to RM-MD, 82 acres, Multi-Family Residential Project, 02600-09-04, Broad River Rd. & Bookie Richardson Road** – Mr. Jeter moved, seconded by Ms. Scott, to defer this item until June 6<sup>th</sup>. The vote in favor was unanimous.

**06-06MA, Rhonda Jacobs, Westcott Development Co., RU to RS-MD, 73 acres, Single-Family Residential S/D, 01600-06-01 & 02600-09-01/08/09 (p), Broad River Rd., & Bookie Richardson Road** – Mr. Jeter moved, seconded by Ms. Scott, to defer this item until June 6<sup>th</sup>. The vote in favor was unanimous.

### SECOND READING ITEMS

**Ordinance Authorizing Development Agreement with Bright-Myers 2001, LLC** – Mr. McEachern moved, seconded by Ms. Dickerson, to defer this item until June 6<sup>th</sup>. The vote in favor was unanimous.

**06-09MA, Bright-Myers 2001, LLC, Robert Fuller, M-1 & RU to GC, Walmart and Associated Development, 17400-11-03 & 14781-04-14/13/12, NW Quadrant of Killian Rd. & I-77** – Mr. McEachern moved, seconded by Ms. Dickerson, to defer this item until June 6<sup>th</sup>. The vote in favor was unanimous. Ms. Scott abstained.

### FIRST READING ITEMS

**FY 2006-2007 Millage Ordinance** – Mr. Montgomery moved, seconded by Mr. Livingston, to approve this item by title only. The vote in favor was unanimous.

**Ordinance Authorizing the Sale and Issuance of Bond Anticipation Note for the Broad River Regional Wastewater Treatment Plant Construction** – Mr. Livingston moved, seconded by Ms. Dickerson, to approve this item.

<u>In favor</u>	<u>Oppose</u>
Jeter	Montgomery
Pearce	McEachern
Livingston	Hutchinson
Scott	
Dickerson	

The vote was in favor.

**APPROVAL OF RESOLUTION**

**A Resolution to Appoint and Commission Pamela C. Davis as a Code Enforcement Officer for the Proper Security, General Welfare, and Convenience of Richland County – Mr.**

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

**CITIZEN'S INPUT**

No one signed up to speak.

**MOTION PERIOD**

**Request that County Council Approve \$55,000 from Undesignated H-Tax Funds for the All-America Community Award. (The funds are appropriated and therefore will not require a budget amendment.)** – Ms. Dickerson moved, seconded by Ms. Scott, to approve this item.

A discussion took place.

Mr. McEachern made a substitute motion to amend the motion to appropriate from Hospitality Tax up to \$55,000 for the All-America City finalist budget. The vote was in favor.

**ADJOURNMENT**

The meeting adjourned at approximately 7:43 p.m.

\_\_\_\_\_  
Anthony G. Mizzell, Chair

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L. Gregory Pearce, Jr. Vice-Chair

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Doris M. Corley

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Joyce Dickerson

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Valerie Hutchinson

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Joseph McEachern

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Mike Montgomery

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Bernice G. Scott

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Kit Smith

The minutes were transcribed by Michelle M. Onley



## MINUTES OF



### RICHLAND COUNTY COUNCIL ZONING PUBLIC HEARING TUESDAY, MAY 23, 2006 7:00 p.m.

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

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#### **MEMBERS PRESENT:**

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

Absent      Kit Smith

**OTHERS PRESENT:** Milton Pope, Amelia Linder, William Simon, Geo Price, Suzie Haynes, Monique Walters, Michelle Onley

#### **CALL TO ORDER**

The meeting was called to order at approximately 7:02 p.m.

**ADDITIONS/DELETIONS TO AGENDA** – Mr. Price stated that 06-21MA needed to be deferred to allow Planning to review new information received from the applicant. Mr. Mizzell stated that the deferral would be taken up during the motion period on that particular item.

## MAP AMENDMENTS

**06-12MA, Blythewood Farms (Clif Kinder), RU to PDD, 249 Acres, Single Family Residential S/D, 15100-06-07 & 17800-04-68, SE Quadrant of Langford Rd. & Wilson Blvd.**

Mr. Mizzell opened the floor to the public hearing.

Mr. H. B. McLain, Ms. Margaret Dubard, Mr. Pendleton Grove, Mr. Cliff Kinder, Mr. Turner Pope, Mr. Ed Garrison, Mr. Dan Dennis, Mr. Scott Smith, Mr. Dan Creed, and Mr. Ken Simmons spoke in favor of this item.

Mr. Keith Bailey, Mr. Wade Dorsey and Mayor Pete Amoth spoke against this item.

The floor to the public hearing was closed.

A discussion took place.

Ms. Dickerson moved, seconded by Ms. Scott, to approve the re-zoning request for First Reading contingent upon an agreement being worked out before Second Reading. The vote in favor was unanimous.

**06-19MA, Joe Clark, RU to GC, 3.5 Acres, General Commercial, 01500-02-15, Corner of Dutch Fork Rd./Three Dog Rd.**

Mr. Mizzell opened the floor to the public hearing.

The citizens signed up in favor of this item declined to speak at this time.

The floor to the public hearing was closed.

Ms. Corley moved, seconded by Ms. Scott, to approve the re-zoning request for First Reading. The vote in favor was unanimous.

**06-21MA, Harold Pickrel, RU to RS-MD, 33 Acres, Residential Subdivision, 17500-03-32(p), West Side of Longtown Rd. & Holly Ridge**

Mr. Pearce moved, seconded by Ms. Corley, to defer the public hearing and First Reading on this item to the June Zoning Public hearing meeting. The vote in favor was unanimous.

**06-26MA, Copper Beech Townhomes (Paul Levine), HI to RM-HD, 24 Acres, Multi-Family Residential, 13607-02-01(p), Bluff Road and Southern Drive**

Mr. Mizzell opened the floor to the public hearing.

The citizens signed up in favor of this item declined to speak at this time.

The floor to the public hearing was closed.

Ms. Scott moved, seconded by Ms. Dickerson, to approve the re-zoning request for First Reading contingent upon a community meeting being held before Second Reading. The vote in favor was unanimous.

**06-02MA, William Burch, RU to GC, 0.9 Acres, Transfer Yard, 02412-01-10, Dutch Fork Road & Gates Road**

Mr. Mizzell opened the floor to the public hearing.

The citizens signed up in favor of this item declined to speak at this time.

The floor to the public hearing was closed.

Ms. Corley moved, seconded by Ms. Scott, to approve the re-zoning request for First Reading. The vote in favor was unanimous.

**ADJOURNMENT** – Mr. Pearce moved, seconded by Ms. Corley to adjourn. The meeting adjourned at approximately 7:42 p.m.

Submitted respectfully by,

Anthony Mizzell  
Chair

**RICHLAND COUNTY COUNCIL  
BUDGET WORK SESSION  
MAY 25, 2006  
4:00P.M.**

**MEMBERS PRESENT:** Anthony Mizzell; L. Gregory Pearce, Jr.; Paul Livingston; Mike Montgomery; Bernice G. Scott; Valerie Hutchinson; Joe McEachern; Kit Smith; Joyce Dickerson

**OTHERS PRESENT:** Milton Pope, Michielle Cannon-Finch , Tony McDonald, Roxanne Matthews, Daniel Driggers, Angie McInchok, Monique Walters, Stephany Snowden, Harry Huntley, James Hayes, Audrey Shifflett, Susan Britt, Michael Criss, Larry Smith, Geo Price, David Adams, Michelle Onley

**CALL TO ORDER:** The meeting was called to order at approximately 4:24 p.m.

**2006-2007 Fiscal Year Budget**

Mr. Pope stated the budget amendment list that was distributed will ultimately become the motions list. If there are any additional items, please let staff know so they can be added to this list. An "official" motions list will be distributed at the Second Reading of the budget.

Mr. Pope stated that the purpose of this work session was to allow Council to ask any questions about the process, to discuss the budget amendment list and for Mr. Huntley to give a brief overview of the millage information.

Mr. McEachern requested staff to look at bonding the capital costs for fire service and using the fund balance to fund additional personnel for the fire service.

Mr. McEachern requested that staff look at funding ten new positions for the Sheriff's Department by transferring funds from the Detention Center expansion budget. Mr. Pope stated that he could certainly look into that, but he doesn't believe there are any funds available even though the expansion has not been brought online.

Mr. Mizzell stated that during an earlier work session staff recommended raising the road maintenance fee. Mr. Pope stated that increase was not included in the proposed budget. Mr. Mizzell stated that he would be recommending an increase to the road maintenance fee to provide funding to improvement drainage.

Mr. Mizzell inquired if staff's budget recommendations regarding the Detention Center took into consideration the situation and problems that the Detention Center is facing. Mr. Pope stated that his budget recommendation is under the Comp & Class numbers that are budgeted. Within the dollars decisions have to be made as to how it is divided up. The draft that was received gives a certain market level for positions and has a longevity amount with it also. Ms. Smith questioned Council members meeting directly with

employees on the Detention Center budget rather than working through Administration. Mr. Pearce stated that there were no negotiations taking place. The only listened to the employees' concerns.

Mr. Livingston inquired about the budget for Probate Court. Mr. Pearce inquired as to why the Mental Health Court was not funded in the budget. Mr. Pope stated the grant funds have been exhausted.

Mr. Livingston inquired about how the SRO program is funded. Ms. Smith inquired if the schools are given funding and then they give a portion of the funds back for the SROs. Mr. Pope stated that is correct. The revenue source should be listed as general fund millage. Either Council has to increase school funding or raise the general fund millage to get the funding for the SROs.

Mr. Livingston suggested funding the Renaissance Foundation by giving them \$500,000 in \$1,000 increments. He also suggested that a MOU be drafted to clearly define how the monies are being spent. He may also ask that the funding be contingent upon funding from the City of Columbia in order to get what is expected from the project funding.

Mr. Livingston stated that the Business Improvement District should be funded in the same way that it was funded last year.

Mr. Livingston stated that the Montieth project is a one-time expenditure to assist in the completion of this Conservation Commission project.

Mr. Livingston inquired if any of these items were tied to revenue.

Ms. Smith requested budgets on the agencies and council members that are requesting funds. Ms. Smith requested clarification on issue of the Hospitality Tax ordinance.

Ms. Scott stated that the funding for the senior programs has been cut and Meal on Wheels funding was discussed. Ms. Scott stated that sometimes that is the only hot meal that seniors receive during the week.

The matter of paving Banning Drive was discussed.

Mr. Montgomery requested that Administration provide Council clarification of cash flow in regard to the Sheriff's Department SROs.

Mr. Montgomery requested an outlying recommendation from Administration on the effect of the budget amendment items.

Mr. Pearce stated there should be a way to prioritize the most critical needs in the Probate Judge's budget. The costs of the Mental Health Court is  $\$39,498 + \$8,704 = \$48,202$ .

Ms. Smith stated that Sexual Trauma Services needs to be added to the motions list. Mr. Pearce stated that he was trying to locate a funding source somewhere in the budget. If one cannot be located his intention is to have Sexual Trauma Services funded through the Victims Assistance Program.

Mr. Huntley briefed Council on the matter of the millage calculations. Ms. Smith stated that it was approximately \$4.00 a mill per \$100,000 house. Mr. Huntley stated that the local option sales tax should be close to what he projected.

Mr. Smith stated that he would recommend that Council re-advertise the Budget Public Hearing since the previous Budget Public Hearing that was held there was not a quorum present. Ms. Smith stated that the Public Hearing should be held on June 15 with Second Reading being held directly after the Public Hearing.

**ADJOURNMENT** – The meeting adjourned at approximately 4:43 p.m.

# MINUTES OF



## RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, MAY 30, 2006 6:00 p.m.

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

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### MEMBERS PRESENT:

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

**OTHERS PRESENT** – Michielle Cannon-Finch, Milton Pope, Tony McDonald, Roxanne Matthews, Joe Cronin, Brad Farrar, Amelia Linder, Michael Criss, Susan Britt, Monique Walters, Stephany Snowden, Kendall Johnson, Jennifer Dowden, Audrey Shifflett, Angie McInchok, Chief Harrell, Michelle Onley

### CALL TO ORDER

The meeting was called to order at approximately 6:00 p.m.

### INVOCATION

The Invocation was given by the Honorable Joseph McEachern

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Joseph McEachern

**ADOPTION OF AGENDA**

Mr. Montgomery moved, seconded by Mr. McEachern, to approve the agenda with the addition of the Sheriff's Budget Amendment Request. The vote in favor was unanimous.

**SECOND READING ITEMS**

- a. **FY 2006-2007 Budget Ordinance** – Mr. Pearce moved, seconded by Ms. Scott, to hold the budget public hearing on June 15<sup>th</sup>, defer Second Reading to directly after the public hearing and schedule Third Reading for June 22<sup>nd</sup>. The vote in favor was unanimous.
- b. **FY 2006-2007 Millage Ordinance** – Mr. Pearce moved, seconded by Ms. Scott, to defer Second Reading until June 15<sup>th</sup>. The vote in favor was unanimous.

**Sheriff's Budget Amendment Request** – Chief Harrell briefed Council regarding this item.

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

**EXECUTIVE SESSION ITEMS**

Mr. Livingston moved, seconded by Ms. Scott, to go into Executive Session following Item 4. The vote in favor was unanimous.

=====  
**Council went into Executive Session at approximately 6:11 p.m. and came out at approximately 6:52 p.m.**  
=====

Mr. Livingston moved, seconded by Ms. Hutchinson, to come out of Executive Session. The vote in favor was unanimous.

**Pending Litigation: Kershaw County/Palmetto Utilities** – Mr. Montgomery moved, seconded by Ms. Scott, to approve the settlement agreement entered into between Richland County, DHEC, Kershaw County, Palmetto Utilities and other relative parties, including the COG, as it has been presented and previously signed by the County Attorney. The vote in favor was unanimous.

**Pending Litigation: Recreation Commission** – Received as information. No action was taken on this item at this time.

**ADJOURNMENT**

The meeting adjourned at approximately 7:00.

\_\_\_\_\_  
Anthony G. Mizzell, Chair



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L. Gregory Pearce, Jr. Vice-Chair

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Doris M. Corley

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Joyce Dickerson

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Joseph McEachern

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Mike Montgomery

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Bernice G. Scott

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Kit Smith

The minutes were transcribed by Michelle M. Onley

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-06HR

AN ORDINANCE AUTHORIZING DEED TO TRIPOINT DEVELOPMENT COMPANY FOR A CERTAIN PARCEL OF LAND LOCATED AT THE SW INTERSECTION OF POWELL ROAD AND TWIN EAGLES DRIVE, COLUMBIA, SOUTH CAROLINA (APPROXIMATELY .5 ACRE), A PORTION OF RICHLAND COUNTY TMS # 14500-02-37.

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 deed to TRIPOINT DEVELOPMENT COMPANY for certain real property located at the SW intersection of Powell Road and Twin Eagles Drive, Columbia, South Carolina, as more specifically described in the attached Deed (approximately .5 acre, a portion of Richland County TMS # 14500-02-37), which is attached hereto and incorporated herein.

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

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

SECTION IV. Effective Date. This ordinance shall be enforced from and after \_\_\_\_\_, 2006.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Anthony G. Mizzell, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2006.

\_\_\_\_\_  
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 2, 2006  
Second Reading: May 16, 2006  
Public Hearing: June 6, 2006 (tentative)  
Third reading: June 6, 2006 (tentative)

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-06HR

AN ORDINANCE AMENDING THE FISCAL YEAR 2005-2006 GENERAL FUND ANNUAL BUDGET TO ADD ONE HUNDRED THOUSAND DOLLARS (\$100,000) TO INCREASE THE LEGAL DEPARTMENT'S BUDGET FOR THE PURPOSE OF PAYING LEGAL FEES AND LITIGATION COSTS.

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

SECTION I. That the amount of One Hundred Thousand Dollars (\$100,000) be appropriated to the FY 2005-2006 General Fund Annual Budget. Therefore, the Fiscal Year 2005-2006 General Fund Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2005 as amended:	\$108,200,624
Appropriation of unrestricted General Fund Balance:	<u>100,000</u>
Total General Fund Revenue as Amended:	\$108,300,624

EXPENDITURES

Expenditures appropriated July 1, 2005 as amended:	\$108,200,624
Increase in Legal Department's Budget:	<u>100,000</u>
Total General Fund Expenditures as Amended:	\$108,300,624

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 \_\_\_\_\_, 2006.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Anthony G. Mizzell, Chair

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

OF \_\_\_\_\_, 2006

\_\_\_\_\_  
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 2, 2006  
Second Reading: May 16, 2006  
Public Hearing: June 6, 2006 (tentative)  
Third Reading: June 6, 2006 (tentative)

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_ -06HR

AN ORDINANCE AUTHORIZING THE SALE AND ISSUANCE OF A NOT EXCEEDING \$5,200,000 HOSPITALITY TAX SPECIAL OBLIGATION BOND ANTICIPATION NOTE, SERIES 2006, OF RICHLAND COUNTY, SOUTH CAROLINA; PROVIDING FOR THE 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. Definitions. The terms defined in this Section for all purposes of this Ordinance shall have the respective meanings as set forth in this Section. The term:

“2005 Hospitality Tax Special Obligation Bond Anticipation Note” shall be the \$5,000,000 Hospitality Tax Special Obligation Bond Anticipation Note, Series 2005, issued by the County on July 29, 2005.

“County” means Richland County, South Carolina.

“Code” means the Internal Revenue Code of 1986, as amended, from time to time, or any successor internal revenue laws of the United States enacted by the Congress of the United States in replacement thereof. References to the Code and sections of the Code include relevant applicable regulations, temporary regulations and proposed regulations thereunder and any successor provisions to those sections, regulations, temporary regulations or proposed regulations.

“Council” means the County Council of Richland County, South Carolina.

“Hospitality Tax” means the local Hospitality Tax imposed by the County pursuant to South Carolina Code Sections 6-1-700 to 6-1-770 and the Hospitality Tax Ordinance, which fee is equal to two percent (2%) on the gross proceeds derived from the sale of prepared meals and beverages for immediate consumption within the unincorporated area of the County.

“Hospitality Tax Special Obligation Bond Anticipation Note” shall be the not exceeding \$5,200,000 Hospitality Tax Special Obligation Bond Anticipation Note, Series 2006 authorized herein.

“Hospitality Tax Ordinance” means Ordinance No. 025-03HR enacted by the County Council on May 6, 2003, which imposed the Hospitality Tax.

“Ordinance” means this Ordinance of the County.

“South Carolina Code” shall mean South Carolina Code of Laws 1976 as amended.

Section 2. 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 County operates under the Council-Administrator form of government and the County Council constitutes the governing body of the County.

(b) Pursuant to the authorization granted by the General Assembly to counties in Sections 6-1-700 to 6-1-770 of the South Carolina Code (collectively, the "Act"), the County Council imposed the Hospitality Tax.

(c) It is a well established principle of South Carolina law that the use of a particular word is not determinative of its characterization. Jackson v. Breeland, 88 S.E. 128, 103 S.C. 184 (1915). As set forth in Brown v. County of Horry, 417 S.E.2d 565, 308 S.C. 180 (1992), the factors that are of paramount importance to the analysis of whether a charge constitutes a "tax" or a "fee" are the following: (1) the purpose behind its imposition; (2) the intended portion of the community that will be charged; and (3) the dedication of the sums so collected to the purpose for which it is charged. The Council finds that its actions in (1) imposing the Hospitality Tax; and (2) segregating the collections received from such fees in order that such sums be utilized according to the Act meet the test enunciated in Brown such that the charges imposed pursuant to the provisions of the Hospitality Tax Ordinance constitute fees.

(d) A vibrant tourism industry fosters and enhances the economic growth and well being of a community and its residents. Tourism has been and continues to be a growing industry for the County. The State Farmer's Market at Columbia will be a major tourist attraction located within the County.

(e) The new State Farmer's Market at Columbia will be a premier attraction, drawing visitors and tourists to its many and varied shopping opportunities. Additionally, the State Farmer's Market at Columbia will be an excellent venue for numerous activities and special events, all of which will contribute to its use as a tourist-related facility.

(f) Pursuant to the Act and Ordinance No. 036-05HR enacted by the County on June 7, 2005, the County issued the 2005 Hospitality Tax Special Obligation Bond Anticipation Note on July 29, 2005, the proceeds of which were used to defray the cost of: (i) the acquisition of property for use as the State Farmer's Market at Columbia; and (ii) the costs of issuance including professional fees.

(g) There is a need to issue the Hospitality Tax Special Obligation Bond Anticipation Note to pay at maturity the principal of and accrued interest on the 2005 Hospitality Tax Special Obligation Bond Anticipation Note and to pay costs of issuance of the Hospitality Tax Special Obligation Bond Anticipation Note.

(h) The Hospitality Tax may be used only for the purposes stated in Section 6-1-730 of the South Carolina Code. The Hospitality Tax constitutes an "enterprise charge" within the meaning of Section 11-27-110(A)(4) of the South Carolina Code and the Hospitality Tax Special Obligation Bond Anticipation note constitutes an "enterprise financing agreement" within the meaning of Section 11-27-110(A)(5) of the South Carolina Code and as such the Hospitality Tax Special Obligation Bond Anticipation Note shall not be included within the County's constitutional debt limitation.

(i) The Council finds that the proceeds of the Hospitality Tax Special Obligation Bond Anticipation Note authorized by this Ordinance, as well as the Hospitality Tax pledged in connection therewith, will be used for a public purpose and that the execution and delivery of the Hospitality Tax Special

Obligation Bond Anticipation Note as well as all related documents is necessary and in the best interest of the County.

(j) For the purposes set forth in Paragraph (g) above, it is necessary and in the best interest of the County to issue the Hospitality Tax Special Obligation Bond Anticipation Note authorized by this Ordinance. Such transaction will serve a proper public and corporate purpose of the County.

Section 3. Authorization and Details of Hospitality Tax Special Obligation Bond Anticipation Note. There is hereby authorized to be issued the Hospitality Tax Special Obligation Bond Anticipation Note in fully-registered form payable to the named payee as may be designated by the purchaser thereof. The Hospitality Tax Special Obligation Bond Anticipation Note shall be offered for sale at one time. The Council hereby delegates to the County Administrator the authority to offer the Hospitality Tax Special Obligation Bond Anticipation Note for sale at such time as he deems to be in the best interest of the County. The County Administrator may arrange the sale of the Hospitality Tax Special Obligation Bond Anticipation Note by negotiation or may cause the Hospitality Tax Special Obligation Bond Anticipation Note to be advertised and bids received therefor. If so advertised, a Notice of Sale may be prescribed and distributed as deemed advisable. The County further delegates to the County Administrator the authority to receive responses on behalf of the County and the authority to award the sale of the Hospitality Tax Special Obligation Bond Anticipation Note to the bank offering to purchase the Hospitality Tax Special Obligation Bond Anticipation Note at the lowest net interest cost to the County provided the interest rate on the Hospitality Tax Special Obligation Bond Anticipation Note shall not exceed 6%. After the sale of the Hospitality Tax Special Obligation Bond Anticipation Note, the County Administrator shall submit a written report to the Council setting forth the results of the sale of the Hospitality Tax Special Obligation Bond Anticipation Note.

The Hospitality Tax Special Obligation Bond Anticipation Note issued in fully-registered form shall be registered as to both principal and interest; shall be dated as of the date of delivery; shall mature not later than one (1) year from the date thereof; and shall not be subject to penalty if paid prior to maturity.

Both the principal of and interest on the Hospitality Tax Special Obligation Bond Anticipation Note 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 a bank or trust company organized under the laws of the State of South Carolina or the laws of the United States of America.

The Hospitality Tax Special Obligation Bond Anticipation Note shall be executed in the name of the County with the facsimile signature of the Chairman of County Council attested by the facsimile signature of the Clerk of the County Council under the seal of the County to be imprinted, impressed or reproduced thereon.

The Hospitality Tax Special Obligation Bond Anticipation Note in fully-registered form shall be issued in substantially the form attached hereto as Exhibit A and incorporated herein by reference.

Section 4. Security. The County Council irrevocably obligates and binds the County to effect the issuance of a sufficient amount of hospitality tax special obligation bonds prior to the stated maturity of the Hospitality Tax Special Obligation Bond Anticipation Note. At the time of issuance of the hospitality tax special obligation bonds, the County will enact an ordinance setting forth the details thereof.

Section 5. Pledge of Hospitality Tax. As additional security for its obligation to make payments pursuant to the Hospitality Tax Special Obligation Bond Anticipation Note, the County hereby pledges the Hospitality Tax to the extent necessary to make all required payments under the Hospitality Tax Special Obligation Bond Anticipation Note.

Section 6. Tax Covenants. The County covenants that no use of the proceeds of the sale of the Hospitality Fee Special Obligation Bond Anticipation Note shall be made which, if such use had been reasonably expected on the date of issue of such Hospitality Fee Special Obligation Bond Anticipation Note would have caused the Hospitality Fee Special Obligation Bond Anticipation Note to be “arbitrage bonds”, as defined in Section 148 of the Internal Revenue Code of 1986 (the “IRC”), and to that end the County hereby shall:

(a) Comply with the applicable provisions of Section 103 and Sections 141 through 150 of the IRC and any regulations promulgated thereunder so long as any of the Hospitality Fee Special Obligation Bond Anticipation Note is outstanding;

(b) Establish such funds, make such calculations and pay such amounts, in the manner and at the times required in order to comply with the requirements of the IRC relating to required rebates of certain amounts to the United States;

(c) Make such reports of such information at the times and places required by the IRC; and

(d) Not take any action which will, or fail to take any action which failure will, cause interest on the Hospitality Fee Special Obligation Bond Anticipation Note to become includable in the gross income of the bondholders for federal income tax purposes pursuant to the provisions of the IRC and regulations promulgated thereunder in effect on the date of original issuance of the Hospitality Fee Special Obligation Bond Anticipation Note.

Section 7. Deposit and Use of Proceeds. The proceeds derived from the sale of the Hospitality Tax Special Obligation Bond Anticipation Note shall be deposited with the Treasurer of the County in a special fund to the credit of the County, separate and distinct from all other funds, and shall be expended for the purposes authorized herein.

Section 8. Miscellaneous. The County Council hereby authorizes any one or more of the following officials to execute such documents and instruments as necessary to effect the issuance of the Hospitality Fee Special Obligation Bond Anticipation Note: Chairman of the County Council, Interim County Administrator, Clerk to the County Council and County Attorney. The County Council hereby retains McNair Law Firm, P.A. as bond counsel in connection with the issuance of the Hospitality Fee Special Obligation Bond Anticipation Note.

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

[Signature page to follow]



Enacted this \_\_\_\_ day of \_\_\_\_\_, 2006.

RICHLAND COUNTY, SOUTH CAROLINA

By: \_\_\_\_\_  
Anthony G. Mizzell, Chair  
Richland County Council

(SEAL)

ATTEST THIS \_\_\_\_ DAY OF  
\_\_\_\_\_, 2006:

\_\_\_\_\_  
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: May 2, 2006  
Date of Second Reading: May 16, 2006  
Date of Public Hearing: June 6, 2006 (tentative)  
Date of Third Reading: June 6, 2006 (tentative)

(FORM OF NOTE)

UNITED STATES OF AMERICA  
STATE OF SOUTH CAROLINA  
RICHLAND COUNTY  
HOSPITALITY TAX SPECIAL OBLIGATION  
BOND ANTICIPATION NOTE, 2006

\_\_\_\_\_, 2005

\$ \_\_\_\_\_

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 "Purchaser"), or its registered assigns, the principal sum of \_\_\_\_\_ Dollars (\$ \_\_\_\_\_), on \_\_\_\_\_, 2006 (unless this note shall be prepaid at an earlier date). This Note shall bear interest on the principal amounts from its date 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 Purchaser, 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 the principal of or interest on this note, or both, in whole or in part, from time to time, without penalty.]

This Note is issued pursuant to and in accordance with the Constitution and laws of the State of South Carolina and an ordinance duly enacted on \_\_\_\_\_, 2006 (the "Ordinance"), by the County Council, in anticipation of the issuance of a hospitality tax special obligation bond (the "Bond") to be issued by the County.

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. As additional security for its obligation to make payments hereon, the County hereby pledges the Hospitality Tax to the extent necessary to make all required payments hereunder.

This note has been initially registered in the name of the Purchaser 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 Chairman of the County Council and attested by the manual or facsimile signature of the Clerk to Council under the seal of the County and this note to be dated the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

COUNTY OF RICHLAND, SOUTH CAROLINA

\_\_\_\_\_  
Chairman, Richland County Council

(SEAL)

ATTEST:

\_\_\_\_\_  
Clerk to Council

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-06HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 17, MOTOR VEHICLES AND TRAFFIC; ARTICLE II, GENERAL TRAFFIC AND PARKING REGULATIONS; SECTION 17-10, PARKING IN RESIDENTIAL ZONES OF THE COUNTY.

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 17, Motor Vehicles and Traffic; Article II, General Traffic and Parking Regulations; Section 17-10, Parking in Residential Zones of the County; is hereby amended to read as follows:

**Section 17-10. Parking in residential zones of the county.**

a. It shall be unlawful for a truck tractor, a semi-trailer having more than two (2) axles, or a trailer having more than two (2) axles to be parked on any public street, road, right-of-way or as otherwise prohibited by the Richland County Code of Ordinances in the unincorporated portions of the county which are or hereafter shall be designated as Rural Residential, Single-Family Residential, Manufactured Home, or General Residential under the Richland County Zoning Ordinance and the "Zoning Map of Unincorporated Richland County", as amended. For the purpose of this paragraph, the following definitions shall apply:

1. *Truck tractor* means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the weight of the vehicle and the load so drawn.
2. *Semi-trailer* means every vehicle having more than two (2) axles, with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.
3. *Trailer* means every vehicle having more than two (2) axles, with or without motive power, other than a pole trailer, designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

b. It shall be unlawful for an automobile, motor vehicle, or wheeled conveyance of any kind required by law to be licensed that is unlicensed, or is displaying an expired or invalid licenses to be parked on any public street, road, right-of-way or as otherwise

prohibited by the Richland County Code of Ordinances in the unincorporated portions of the county which are or hereafter shall be designated as Rural Residential, Single-Family Residential, Manufactured Home, or ~~General~~ Multi-Family Residential under the Richland County Zoning Ordinance and the "Zoning Map of Unincorporated Richland County", as amended.

c. All motor vehicles and/or trailers without a valid state issued license plate permitting operation on public roads and highways, which are stored, parked, or located on a lot in any zoning district in the unincorporated areas of the county, except for those parcels that are five (5) acres or greater in the (RU) Rural zoning district, are required to be kept in a garage, carport, or protected from the elements by a fitted cover; provided, however, in the case of a vehicle protected from the elements by a cover, such covered vehicle shall not be visible from the public right-of-way. Licensed automobile dealerships, persons licensed to conduct businesses involving storage and sale of junk and scrap, trailers utilized as temporary structures in conjunction with construction activities, and vehicles used in agricultural operations and which are not operated on the public roads and highways are exempt.

d. Any motor vehicle and/or trailer that is not capable of operating in accordance with South Carolina law and/or capable of moving under its own power (even if it has a valid state-issued license plate permitting operation on public roads and highways) shall not be stored, parked, or located on a lot in any residential zoning district in the unincorporated areas of the county (except for those parcels that are five (5) acres or greater in the (RU) Rural zoning district) for more than a single period of thirty (30) consecutive days during any calendar year unless it is kept in an enclosed garage, in a carport attached to the residence, or protected from the elements by a fitted cover; provided, however, in the case of a vehicle protected from the elements by a cover, such vehicle shall not be visible from the public right-of-way.

~~d.~~ e. Penalties: Unless otherwise prescribed by law, any owner and/or operator of a motor vehicle and/or trailer violating the provisions of this Section shall be deemed guilty of a misdemeanor. In addition, any owner and/or occupant of the residential property on which a motor vehicle and/or trailer is parked in violation of this Section shall be deemed guilty of a misdemeanor.

e. f. Administration and enforcement: The sheriff of the county shall be authorized to enforce the provisions of this Section, and may engage a towing service to remove any vehicle parked in violation of these regulations, provided the cost of towing services shall be charged to the registered owner of any vehicle so removed.

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 \_\_\_\_\_, 2006.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Anthony G. Mizzell, Chair

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

OF \_\_\_\_\_, 2006

\_\_\_\_\_  
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 2, 2006  
Second Reading: May 16, 2006  
Public Hearing: June 6, 2006 (tentative)  
Third Reading: June 6, 2006 (tentative)

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-06HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 17, MOTOR VEHICLES AND TRAFFIC; ARTICLE II, GENERAL TRAFFIC AND PARKING REGULATIONS; SO AS TO PROHIBIT CARELESS DRIVING AND DRIVING ACROSS PROPERTY TO AVOID A TRAFFIC CONTROL DEVICE.

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 17, Motor Vehicles and Traffic; Article II, General Traffic and Parking Regulations; is hereby amended by the addition of two new sections, to read as follows:

**Sec. 17-11. Careless driving.**

(a) It shall be unlawful for any person to operate any vehicle without care and caution, without full regard for the safety of persons or property, or when the vehicle or its appliances are not in proper or safe condition.

(b) Any person who violates this section shall, upon conviction thereof, be fined not less than \$25.00 and not more than \$200.00.

(c) This offense shall in no way whatsoever be used as an alternative or lesser charge for driving under the influence of intoxicants, driving under suspension of driver's license, passing a stopped school bus, or reckless driving, or to contravene any state statutes which impose criminal liability.

**Sec. 17-12. Driving across public or private property in order to evade traffic control device.**

(a) It shall be unlawful for any person operating a motor vehicle to use public or private property, not recognized as a roadway or thoroughfare, with the intention or purpose of avoiding a traffic signal or sign.

(b) Any person who violates this section shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not more than \$500.00 or be imprisoned for not more than 30 days.

SECTION II. The Richland County Code of Ordinances; Chapter 17, Motor Vehicles and Traffic; Article II, General Traffic and Parking Regulations; Secs. 17-11--17-17, Reserved; is hereby amended to read as follows:

**Secs. 17-13--17-17. Reserved.**

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

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

SECTION V. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2006.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Anthony G. Mizzell, Chair

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

OF \_\_\_\_\_, 2006

\_\_\_\_\_  
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 2, 2006  
Second Reading: May 16, 2006  
Public Hearing: June 6, 2006 (tentative)  
Third Reading: June 6, 2006 (tentative)



STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-06HR

AN ORDINANCE AUTHORIZING DEED TO MILLER VALENTINE PARTNERS, LTD., II, FOR CERTAIN PARCELS OF LAND KNOWN AS LOT 2 AND A PORTION OF LOT 18 (APPROXIMATELY 6.11 ACRES TOTAL) IN THE RICHLAND NORTHEAST INDUSTRIAL PARK, A PORTION OF RICHLAND COUNTY TMS # 25800-04-01.

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 deed to MILLER VALENTINE PARTNERS, LTD., II, for certain real property, as specifically described in the attached Deed, Lot 2 and a portion of Lot 18 (approximately 6.11 acres) in the Richland Northeast Industrial Park, a portion of Richland County TMS # 25800-04-01, which is attached hereto and incorporated herein.

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

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

SECTION IV. Effective Date. This ordinance shall be enforced from and after \_\_\_\_\_, 2006.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Anthony G. Mizzell, Chair

Attest this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
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 18, 2006  
Second Reading: May 2, 2006  
Public Hearing: June 6, 2006 (tentative)  
Third reading: June 6, 2006 (tentative)

# Amended Draft

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-06HR

AN ORDINANCE AMENDING THE FISCAL YEAR 2005-2006 GENERAL FUND ANNUAL BUDGET TO ~~APPROPRIATE~~ ADD TWO HUNDRED NINETEEN THOUSAND SEVEN HUNDRED THIRTY-SIX DOLLARS (\$219,736) TO ~~COVER THE GENERAL FUND REVENUE SHORTFALL~~ INCREASE THE SHERIFF'S DEPARTMENT BUDGET TO COVER THE COST OF THE SCHOOL RESOURCE OFFICERS (SRO) PROGRAM.

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 Two Hundred Nineteen Thousand Seven Hundred Thirty-Six Dollars (\$219,736.00) be appropriated to the FY 2005-2006 Sheriff's Department budget. Therefore, the Fiscal Year 2005-2006 General Fund Annual Budget is hereby amended as follows:

## REVENUE

Revenue appropriated July 1, 2005 as amended:	\$107,250,788	<u>\$107,980,888</u>
Appropriation of General Fund unrestricted Fund Balance:		<u>219,736</u>
Total General Fund Revenue As Amended:	\$107,470,524	<u>\$108,200,624</u>

## EXPENDITURES

Expenditures appropriated July 1, 2005 as amended:	\$107,250,788	<u>\$107,980,888</u>
Add to Sheriff's Department Radio Service:		49,248
Add to Sheriff's Department Beepers and Cell Phones:		57,888
Add to Sheriff's Department Uniforms and Equipment:		42,600
Add to Sheriff's Department Employee Training:		<u>70,000</u>
Total General Fund Expenditures As Amended:	\$107,470,524	<u>\$108,200,624</u>

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 \_\_\_\_\_, 2006.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Anthony G. Mizzell, Chair

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

OF \_\_\_\_\_, 2006

\_\_\_\_\_  
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:           October 4, 2005  
Second Reading:        May 2, 2006  
Public Hearing:           June 6, 2006 (tentative)  
Third Reading:          June 6, 2006 (tentative)

**STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-06HR**

**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 HEREIN (TMS # 026000-09-04) FROM M-1 (LIGHT MANUFACTURING DISTRICT) AND RU (RURAL DISTRICT) TO RM-MD (RESIDENTIAL, MULTI-FAMILY, MEDIUM DENSITY 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 Zoning Map of unincorporated Richland County is hereby amended to change the property (TMS # 026000-09-04) described in Exhibit A, which is attached hereto, from M-1 Light Manufacturing District and RU Rural District zoning to RM-MD Residential, Multi-Family, Medium Density 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 effective from and after \_\_\_\_\_, 2006.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Anthony G. Mizzell, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2006.

\_\_\_\_\_  
Michielle R. Cannon-Finch  
Clerk of Council

Public Hearing: April 25, 2006  
First Reading: April 25, 2006  
Second Reading: May 2, 2006  
Third Reading: June 6, 2006 (tentative)

**Exhibit A**  
**Property Description**

TMS # 02600-09-04

Beginning at an iron on the Southern right-of-way of Broad River Road (US 176) ±3.5 miles Northwest of the Intersection with US Highway 76, turning and running away from the road S 53°05' W for a distance of 1059' to a rock, said line being bounded on the South by lands of N/F E. T. Rauch; thence turning and running S 25°45' E for a distance of 1075.5 to an iron, said line being bounded on the East by lands of N/F E. T. Rauch; thence turning and running S 65°33' W for a distance of 1570.7' to an iron, said line being bounded on the South by lands of N/F The Lowman Home; thence turning and running N 17°55' E for a distance of 87.4' to an iron, said line being bounded on the West by lands of N/F Burley Metz; thence turning and running N 36°38' E for a distance of 384.5' to a pine, said line being bounded on the West by lands of N/F Lucy Dell Hallman; thence turning and running along the centerline of a ditch N 57°33' W for a distance of 1825.7' to an iron at the head of the ditch, with the ditch being the line, said line being bounded on the South by lands of N/F Lucy Dell Hallman; thence turning and continuing N 50°58' W for a distance of 402.6' to an iron, said line being bounded on the South by lands of N/F Lucy Dell Hallman; thence turning and continuing N 42°56' W for a distance of 137.8' to an iron, said line being bounded on the West by lands of N/F C. B. Graham; thence turning and running N 68°15' E for a distance of 1274.4' to an iron, said line being bounded on the North by lands of N/F Mrs. Martha Derrick; thence turning and continuing N 68°48' E for a distance of 340.0' to an iron, said line being bounded on the North by lands of N/F Richardson; thence turning and running S 55°17' E for a distance of 324.9' to an iron, said line being bounded on the North by lands of N/F Richardson; thence turning and running N 67°50' E for a distance of 387.0' to an iron, said line being bounded on the North by lands of N/F Richardson; thence turning and running N 57°17' E for a distance of 103.2' to an iron, said line being bounded on the North by lands of N/F Richardson; thence turning and running N 47°17' E for a distance of 321.4' to an iron, said line being bounded on the North by lands of N/F Richardson; thence turning and running N 50°17' E for a distance of 407.2' to an iron, said line being bounded on the North by lands of N/F Richardson; thence turning and running N 45°39' E for a distance of 193.7' to an iron on the right-of-way of Broad River Road (US 176), said line being bounded on the North by lands of N/F Richardson; thence turning and running Southeast along the Southern most right-of-way with the curve for a distance of 98.0' to a point; thence continuing along the Southern most right-of-way of Broad River Road S 42°02' E for a distance of 440.7' to an iron; thence turning and continuing along the Southern most right-of-way of Broad River Road S 47°58' W for a distance of 22.5' to an iron; thence turning and continuing along the Southern most right-of-way of Broad River Road S 42°02' W for a distance of 451.3' to an iron, said iron being the point of beginning.

Property contains ±81.42 total acres (67.38 acres North of I-26 & 13.76 acres South of I-26) with property description taken from Plat of Property Surveyed for Adella Shealy by William Wingfield dated Feb. 20, 1958 and recorded in Richland County R.O.D. at R-187.

**STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-06HR**

**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 PROPERTIES DESCRIBED HEREIN (TMS # 01600-06-01 & TMS # 02600-09-01/08/09(P)) FROM RU (RURAL DISTRICT) TO RS-MD (RESIDENTIAL, SINGLE-FAMILY, MEDIUM DENSITY 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 Zoning Map of unincorporated Richland County is hereby amended to change the properties (TMS # 01600-06-01 & TMS # 02600-09-01/08/09(p)) described in Exhibit A, which is attached hereto, from RU Rural District zoning to RS-MD Residential, Single-Family, Medium Density 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 effective from and after \_\_\_\_\_, 2006.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Anthony G. Mizzell, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2006.

\_\_\_\_\_  
Michielle R. Cannon-Finch  
Clerk of Council

Public Hearing: March 28, 2006  
First Reading: April 25, 2006  
Second Reading: May 2, 2006  
Third Reading: June 6, 2006 (tentative)



**Exhibit A**  
**Property Description**

TMS #01600-06-01

Beginning at a point at the intersection of the Northern right-of-way of Interstate 26 and the centerline of Bookie Richardson Road, said point being where the dirt portion of the road turns North away from Interstate 26, running Northeast along the centerline of Bookie Richardson Road for a distance of 570' ± to a point; thence turning and leaving the road, S 50°53' E for a distance of 1310' ± to an iron, said line being bounded on the North by lands N/F Derrick; thence turning and running back to the right-of-way of Interstate 26, S 64°53' W for a distance of 20.89'± to an iron, said line being bounded on the South by lands of N/F Shealy Estate; thence turning and running West along the Northern right-of-way of Interstate 26, N 69°25' W for a distance of 521.14'± to a Concrete R/W Monument; thence continuing along said right-of-way, N 69°15' W for a distance of 695.40'± to a point; thence continuing along said right-of-way, N 69°46' W for a distance of 380'± to a point in the centerline of Bookie Richardson Road, said point being the point of beginning.

Property contains 9.45± acres with property description taken from Compiled Plat prepared for Joan S. Geiger by Michael C. Hammack dated 3/15/94 and recorded in Richland County R.O.D. at Book 55, Page 3585.

TMS #02600-09-01

Commencing at a point on the Northern right-of-way of Interstate 26, said point being the Southern most corner on the property shown as TMS 01600-06-01 and N/F Robert L. Geiger, Jr., running N 64°57'03" E for a distance of 20.70' to an iron, said iron being the Point of Beginning; thence from the Point of Beginning, running N 50°53'00" W for a distance of 1325.21' to an old iron, said line being bounded on the South by lands N/F Robert L. Geiger, Jr.; thence along same line, N 50°53'00" W for a distance of 28.22' to a point in the centerline of Bookie Richardson Road; thence turning and continuing Northeast along the centerline of Bookie Richardson Road, N 68°03'34" E for a distance of 145.88' to a point; thence continuing along the centerline of Bookie Richardson Road, N 83°56'37" E for a distance of 301.86' to an iron; thence continuing along the centerline of Bookie Richardson Road, N 67°36'37" E for a distance of 90.00' to a point; thence continuing along the centerline of Bookie Richardson Road, N 70°45'18" E for a distance of 118.02' to a point; thence continuing along the centerline of Bookie Richardson Road, N 67°58'19" E for a distance of 112.36' to a point; thence continuing along the centerline of Bookie Richardson Road, N 66°49'34" E for a distance of 224.20' to a point; thence continuing along the centerline of Bookie Richardson Road, N 67°28'24" E for a distance of 710.39' to a point; thence turning South and running away from Bookie Richardson Road, S 17°12'22" E for a distance of 25.15' to an iron, said line being bounded on the east by lands of N/F Eva Amick Richardson & Julia R. Faust; thence continuing along same line, S 17°12'22" E for a distance of 223.25' to an iron, said line being bounded on the east by lands of N/F Eva Amick Richardson & Julia R. Faust; thence continuing along same line, S 16°46'00" E for a distance of 192.35' to an iron; thence continuing along same line, S 15°08'45" E for a distance of 236.83' to an iron; thence continuing along same line, S 17°30'51" E for a distance of 168.41' to

an iron; thence continuing along same line, S 16°52'47" E for a distance of 110.18' to an iron; thence continuing along same line, S 15°18'08" E for a distance of 106.01' to an iron; thence turning and running in a Westerly direction, S 64°52'48" W for a distance of 936.59' to an iron, said iron being the Point of Beginning and said line being bounded on the south by lands of N/F Claire Towers Associates.

Said property containing ±32.59 Acres with property description taken from plat of Property Survey for Julie D. Allen & Martha D. Monts by Lucius D. Cobb, Sr. dated March 31, 2004.

TMS # 02600-09-08 combined (includes 02600-09-08 and a portion of 09)

Commencing at a point near the Northern right-of-way of Broad River Road (US 176) and in the intersection of Mike Eleazer and Hopewell Church Road and running S 88°14'00" W for a distance of 106.1' to an iron on the Southern right-of-way of Broad River Road (US 176), said iron being the Point of Beginning; thence from the Point of Beginning turning and leaving the road, S 52°54'17" W for a distance of 455.21' to an iron, said line being bounded on the Southeast by lands of N/F Robert D. & Catherine R. Faust; thence turning and running S 23°27'17" E for a distance of 729.29' to an iron, said line being bounded on the East by lands of N/F Robert O. & Catherine R. Faust; thence turning and running S 47°08'56" W for a distance of 129.98' to an iron, said line being bounded on the Southeast by lands of N/F Claire Towers Associates; thence turning and running S 57°07'45" W for a distance of 103.12' to an iron, said line being bounded on the Southeast by lands of N/F Claire Towers Associates; thence turning and running S 67°37'40" W for a distance of 387.06' to an iron, said line being bounded on the South by lands of N/F Claire Towers Associates; thence turning and running N 55°28'33" W for a distance of 324.76' to an iron, said line being bounded on the Southwest by lands of N/F Claire Towers Associates; thence turning and running S 68°41'29" W for a distance of 341.85' to a point, said line being bounded on the South by lands of N/F Claire Towers Associates; thence turning and running N 12°39'55" W for a distance of 1037.11' to an iron near the edge of Bookie Richardson Road, said line being bounded on the West by lands of N/F Julie D. Allen & Martha D. Monts; thence turning and running N 13°24'00" W for a distance of 25.15' to a point in the centerline of Bookie Richardson Road, said line being bounded on the West by lands of N/F Julie D. Allen & Martha D. Monts; thence turning and running N 71°20'57" E for a distance of 1087.84' to an iron on the Southern right-of-way of Broad River Road (US 176), said line being bounded by lands of N/F Hendrix and lands N/F SIKH Religious Society; thence turning and running along the Southern right-of-way of Broad River Road (US 176) on a curve with a chord bearing of S 62°31'28" E and a chord distance of 452.24' to an iron, said iron being the Point of Beginning.

Property contains ±31.42 acres with property description taken from Plat of Boundary Survey of TMS 02600-09-01,04,08 and TMS 01600-06-01 dated September 21, 2005 and revised January 27, 2006 by Civil Engineering of Columbia.

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-06HR

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF SEWER SYSTEM GENERAL OBLIGATION BOND ANTICIPATION NOTES OF RICHLAND COUNTY, SOUTH CAROLINA, SERIES 2006A OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$12,000,000; FIXING THE FORM AND DETAILS OF THE NOTES; AUTHORIZING THE COUNTY INTERIM ADMINISTRATOR TO DETERMINE CERTAIN MATTERS RELATING TO THE NOTES; PROVIDING FOR AN INCREASE IN THE RATES TO BE PAID BY USERS OF THE SEWER SYSTEM; PROVIDING FOR THE PAYMENT OF THE NOTES AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO.

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

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

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

(b) The County Council has previously determined to establish, operate, and maintain a wastewater collection and treatment system in the Nicholas Creek and Hollingshed Creek drainage basins and a portion of Lake Murray now known as the Broad River Regional Sewer System (the "System") pursuant to the favorable results of a referendum held in Richland County on November 7, 1978, on the question of the County's providing sewage services and the provisions of Section 44-55-1410 of the Code of Laws of South Carolina 1976, as amended and other provisions of law; and

(c) By virtue of Title 4, Chapter 15 of the Code of laws of South Carolina 1976, as amended (the "County Bond Act") and continued by Title 11, Chapter 27, Code of Laws of South Carolina 1976, as amended (the County Bond Act, as so amended and continued, being hereinafter called the "Enabling Act"), County Council is authorized to issue general obligation bonds of the County for the purpose of defraying the cost of any purpose for which the County may, under applicable constitutional provisions, issue bonds or levy taxes, and for any amount not exceeding the constitutional debt limit applicable to the County.

(d) Article X, Section 12 of the South Carolina Constitution prohibits the issuance of general obligation bonds of any county to finance wastewater collection and treatment facilities benefiting only a particular geographic section of a county unless a special assessment, tax, or service charge in an amount designated to provide debt service shall be imposed upon the areas or persons receiving the benefit therefrom.

(e) Sections 11-23-10 et seq. of the Code of Laws of South Carolina 1976, as amended, authorizes County Council to provide in the ordinance which makes provision for the issuance of sewer system general obligation bonds to finance the construction of the Project (hereinafter defined), that the bonds shall be additionally secured by all or any portion of the revenues to be derived from the operation of the System.

(f) Pursuant to the provisions of the Enabling Act, Article X, Section 12 of the South Carolina Constitution, and Section 11-23-10, Code of Laws of South Carolina 1976 as amended, the County has provided for the imposition and collection of service charges and user fees to be paid by customers of the System in an amount sufficient to pay, when due, debt service on bonds to be authorized hereunder.

(g) After due investigation, County Council has determined and hereby finds that the imposition and collection of service charges, user fees and tap fees as established in this Ordinance and as may be increased from time to time to be paid by customers of the System will be sufficient to provide for the payment of the principal and interest on the bonds to be issued hereunder, and the requirements of Article X, Section 12 of the South Carolina Constitution with respect to the issuance of the sewer system general obligation bonds provided for herein have been met.

(h) Article X, Section 14 of the Constitution further provides that general obligation notes may be issued in anticipation of the proceeds of general obligation bonds which may lawfully be issued under such terms and conditions that the General Assembly may prescribe by law.

(i) Pursuant to the provisions of Title 11, Chapter 17 of the Code of Laws of South Carolina, 1976, as amended, any 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 the bonds.

(j) Pending the sale and issuance of the aforesaid general obligation bonds, it is in the best interest of the County to provide for the issuance of sewer system general obligation bond anticipation notes in the principal amount of not exceeding \$12,000,000 in anticipation of the sale and issuance of such sewer system general obligation bonds and the receipt of the proceeds thereof for the purposes of providing funds for (i) completion of construction of a 6,000,000 gallon per day wastewater treatment facility to be located near the Broad River in the Northwest portion of the County (the "Project"); and (ii) legal fees and costs of issuance of the notes.

(k) The Project is necessary and in the best interest of the County. The issuance of the sewer system general obligation bond anticipation notes authorized by this Ordinance for such purpose is necessary and such sewer system general obligation bond anticipation notes will be issued for a corporate purpose and a public purpose of the County.

SECTION 2. Issuance of Bonds. There is hereby authorized to be issued sewer system general obligation bonds (the "Bonds") of the County in the principal amount of not exceeding \$12,000,000. The County irrevocably obligates and binds the County to effect the issuance of a sufficient amount of Bonds prior to the stated maturity of the sewer system general obligation bond anticipation notes authorized by Section 3 hereof, the proceeds of which shall be used to meet the payment of principal and interest, if necessary, on such sewer system bond anticipation notes. The full faith, credit and taxing power of the County are hereby irrevocably pledged for the payment of the principal of and interest on the Bonds. Prior to the sale and issuance of the Bonds, the County shall enact an Ordinance setting forth the form and details of such Bonds.

SECTION 3. Authorization and Details of Notes. Pending the issuance and delivery of the Bonds and pursuant to Title 11, Chapter 17 of the Code of Laws of South Carolina 1976, as amended, there is hereby authorized to be issued not exceeding \$12,000,000 sewer system general obligation bond anticipation notes of the County to be designated "(\$ principal amount issued) Sewer System General Obligation Bond Anticipation Notes, Series 2006A, of Richland County, South Carolina." The proceeds of the Notes shall be applied for the purposes set forth in Section 1(j) hereof and other costs incidental thereto, including without limitation, engineering, architectural, financial and legal expenses.

The Notes shall be issued in fully registered form; shall be dated as of the date of their initial delivery or as otherwise determined by the Chairman of County Council or the Interim County Administrator; shall be in the denominations of \$5,000 or any integral multiple thereof; shall be numbered R-1 upward; shall be subject to redemption upon such terms as the Chairman of County Council or the Interim County Administrator determines; shall bear interest (calculated on the basis of a 360-day year of twelve 30-day months) from their date at such rates of interest approved by the Chairman of County Council or the Interim County Administrator; and shall mature not more than one year from their respective dates.

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

SECTION 4. Delegation of Authority to Determine Certain Matters Relating to the Notes. The Council hereby delegates to the Chairman of County Council and the Interim County Administrator the authority to offer the Notes for sale at such time or times as deemed to be in the best interest of the County. A Notice of Sale shall be distributed in the manner provided in Section 11 hereof. The Chairman of County Council or the Interim County Administrator is hereby authorized and empowered to determine the aggregate principal amount of the Notes and to award the sale of the Notes to the respective lowest bidder therefor in accordance with the terms of the Notice of Sale for the Notes, provided the net interest cost of the Notes does not exceed 6% per annum.

SECTION 5. Book-Entry System; Recording and Transfer of Ownership of the Notes. The Notes initially issued (the "Initial Notes") will be eligible securities for the purposes of the Book-Entry System of transfer maintained by the Depository Trust Company (the "Depository"), and transfers of beneficial ownership of the Initial Notes shall be made only through the Depository and its participants in accordance with rules specified by the Depository. Such beneficial ownership must be of \$5,000 principal amount of the Notes or any integral multiple of \$5,000.

The Initial Notes will be issued in fully registered form, as a single note, in the name of Cede & Co., as the nominee of the Depository. When the principal of and interest on the Initial Notes becomes due, the County shall transmit or cause the Paying Agent to transmit to the Depository an amount equal to such principal and interest. Such payments will be made to Cede & Co. or other nominee of the Depository as long as it is owner of record on the Record Date. Cede & Co. or other nominee of the Depository shall be considered to be the owner of the Initial Notes so registered for all purposes of this Ordinance, including, without limitation, payments as aforesaid and receipt of notices. The Depository shall remit such payments to the Beneficial Owners of the Notes or their nominees in accordance with its rules and regulations.

The Depository is expected to maintain records of the positions of Participants in the Initial Notes, and the Participants and persons acting through Participants are expected to maintain records of the Beneficial Owners in the Initial Notes. The County, the Paying Agent and the Registrar make no assurances that the Depository and its Participants will act in accordance with such rules or expectations on a timely basis, and the County, the Paying Agent and the Registrar shall have no responsibility for any such maintenance of records or transfer of payments by the Depository to its Participants, or by the Participants or persons acting through Participants to the Beneficial Owners.

The County, the Paying Agent and the Registrar may treat the Depository (or its nominee) as the sole and exclusive owner of the Notes registered in its name for the purpose of payment of the principal of, interest or premium, if any, on the Notes, giving any notice permitted or required to be given to Holders under this Ordinance, registering the transfer of Notes, obtaining any consent or other action to be taken by Holders and for all other purposes whatsoever, and shall not be affected by any notice to the contrary. The

County, the Paying Agent and the Registrar shall not have any responsibility or obligation to any Participant, any person claiming a beneficial ownership interest in the Notes under or through the Depository or any Participant, or any other person which is not shown on the Books of Registry of the County maintained by the Registrar as being a Holder, with respect to: the accuracy of any records maintained by the Depository or any Participant or the maintenance of any records; the payment by the Depository or any Participant of any amount in respect of the principal of or interest, if any, on the Notes or the sending of any transaction statements; any notice which is permitted or required to be given to Holders thereunder; the selection of Holders to receive payments upon any partial redemption of the Notes; or any consent given or other action taken by the Depository as a Holder.

SECTION 6. Successor Depository. If (a) the Depository determines not to continue to act as Depository for the Notes and gives reasonable notice to the Registrar or the County, or (b) the County has advised the Depository of the County's determination that the Depository is incapable of discharging its duties, the County shall attempt to retain another qualified securities depository to replace the Depository. Upon receipt by the County or the Registrar of the Initial Notes together with an assignment duly executed by the Depository, the County shall execute and deliver to the successor Depository the Notes of the same principal amount, interest rate, redemption provisions, if any, and maturity. If the County is unable to retain a qualified successor to the Depository, or the County has determined that it is in its best interest not to continue the Book-Entry System of transfer or that interests of the Beneficial Owners of the Notes might be adversely affected if the Book-Entry System of transfer is continued (the County undertakes no obligation to make any investigation to determine the occurrence of any events that would permit it to make any such determination), and has made provision to so notify Beneficial Owners of the Notes by mailing an appropriate notice to the Depository, upon receipt by the County of the Initial Notes together with an assignment duly executed by the Depository, the County shall execute, authenticate and deliver to the Depository Participants' Notes in fully-registered form, in substantially the form set forth in Exhibit A of this Ordinance in the denomination of \$5,000 or any integral multiple thereof.

SECTION 7. Execution and Form of Notes. The Notes shall be executed in the name of the County with the manual or facsimile signature of the Chairman of County Council attested by the manual or facsimile signature of the Clerk to County Council with the seal of the County impressed or affixed thereon or a facsimile thereof. The Notes shall be issued in substantially the form attached hereto as Exhibit A. The Notes set forth shall not be valid or become obligatory for any purpose unless there shall have been endorsed thereon a certificate of authentication. The Notes shall bear a certificate of authentication manually executed by the Registrar in substantially the form set forth in Exhibit A.

SECTION 8. Establishment of User Fee Rates and Tap Fees; Rate Covenant.

(a) Until changed by subsequent action of the County Council or a change required to comply with any covenant made by the County, the monthly user fee rate for each customer of the System shall be \$\_\_\_\_\_.

(b) Until changed by subsequent action of the County Council or a change required to comply with any covenant made by the County, the tap fee for each customer connecting to the System shall be \$\_\_\_\_\_.

(c) 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 for the usual and customary costs of operating

and maintaining the System; (b) one hundred twenty percent (120%) of the amounts required to be deposited into each the sinking fund for the then current Fiscal Year to pay debt service on any outstanding bonds including the Bonds authorized herein; and (c) the amounts necessary to comply in all respects with the terms of this Ordinance or any other contract or agreement.

SECTION 9. Books of Registry. The County shall cause the Books of Registry to be kept at the offices of the Registrar for the registration and transfer of the Notes. Upon presentation at its office for such purpose, the Registrar shall register or transfer, or cause to be registered or transferred, on such registry books, the Notes under such reasonable regulations as the Registrar may prescribe.

The Note shall be transferable only upon the Books of Registry of the County, which shall be kept for such purpose at the office of the Registrar, by the registered owner thereof in person or by his duly authorized attorney upon surrender thereof together with a written instrument of transfer satisfactory to the Registrar duly executed by the registered owner or his duly authorized attorney. Upon the transfer of the Note, the Registrar on behalf of the County shall issue in the name of the transferee a new fully registered Note of the same aggregate principal amount, interest rate and maturity as the surrendered Note. Any Note surrendered in exchange for a new registered Note pursuant to this Section 10 shall be canceled by the Registrar.

The County, the Registrar and the Paying Agent may deem or treat the person in whose name any fully registered Note shall be registered upon the registry books as the absolute owner of such Note, whether such Note shall be overdue or not, for the purpose of receiving payment of the principal of and interest on such Note and for all other purposes, and all such payments so made to any such registered owner or upon his order shall be valid and effectual to satisfy and discharge the liability upon such Note to the extent of the sum or sums so paid, and neither the County nor the Registrar nor the Paying Agent shall be affected by any notice to the contrary.

SECTION 10. Sale of Notes; Form of Notice of Sale. The Notes shall be sold at public sale. A Notice of Sale for the Notes shall be provided to prospective purchasers of the Notes. In the Notice of Sale, the County may either fix the sale date or reserve the right to set the actual sale date by 48 hours notice disseminated by an electronic information service. If a fixed date is set, the County may reserve the right to modify such date by notice disseminated by an electronic information service at least 48 hours prior to the time set for receipt of proposals. The Notice of Sale shall be in substantially the form set forth in Exhibit B hereto. The Chairman of County Council or the Interim County Administrator may provide for proposals to be received in electronic format.

SECTION 11. Deposit and Use of Proceeds. The proceeds derived from the sale of the Notes shall be deposited with the County in a special fund to the credit of the County, and shall be applied solely to the purposes set forth in this Ordinance.

SECTION 12. Pledge of Bond Proceeds. Upon the delivery of the Bonds in anticipation of which the Notes are issued, sufficient of the proceeds of the Bonds shall be applied by the County to meet the payment of the principal of and, if necessary, interest on the Notes. For the payment of the principal and interest on the Bonds as they respectively mature, and for the creation of a sinking fund as may be necessary therefor, the full faith, credit, and taxing power of the County are irrevocably pledged, and there shall be levied annually by the County Auditor, and collected by the County Treasurer, in the same manner as other County taxes are levied and collected, a tax, without limit, on all taxable property in the County, sufficient to pay the principal of and interest on the Bonds as they respectfully mature, and to create a sinking fund as may be necessary therefor; provided, however, that the County Council does hereby pledge the revenues derived from the operation of the System after defraying the costs of operation and maintenance of the System to the payment of principal of and interest on the Bonds, as authorized by

Chapter 23 of Title 11 of the Code of Laws of South Carolina 1976, as amended; provided, further, that County Council does hereby covenant to establish and maintain rates and charges as are sufficient to provide funds to pay the principal of and interest on the Bonds when due, and sufficient revenues must be available for the payment of principal of and interest on the Bonds, and must be delivered to the County Treasurer for payment of principal of and interest on the Bonds and for no other purpose, prior to the occasion when the Richland County Auditor fixes the annual tax levy, and the annual ad valorem tax to be levied for the payment of the principal of and interest on the Bonds on all taxable property in the County shall be reduced in each year in accordance with Chapter 23 of Title 11 of the Code of Laws of South Carolina 1976, as amended, by the amount of revenue derived from the operation of the System which is actually in the custody and control of the County Treasurer for the payment of the principal of and interest on the Bonds at the time the tax for the year is required to be levied; provided, further, that the Bonds are primarily the obligation of the System and for the payment of principal of and interest thereof, as the same mature, there must be revenues derived from operation of the System, and resort to the County tax levy required by the preceding provisions of this Section must be made only in the event that revenues derived from the operation of the System prove insufficient to meet the payment of principal of an interest on the Bonds; this provision shall not preclude the issuance of additional bonds (whether general obligation bonds or revenue bonds) secured by a pledge of the revenues on a parity with the pledge herein made to secure the Bonds secured by a pledge superior to the pledge herein made to secure the Bonds.

SECTION 13. Exemption from State Taxes. Both the principal of and interest on the Notes shall in accordance with the provisions of Section 12-2-50 of the Code of Laws of South Carolina 1976, as amended, be exempt from all State, county, municipal, County, and all other taxes or assessments, except estate or other transfer taxes, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise.

SECTION 14. Preliminary and Final Official Statements. The Council hereby authorizes the Chairman of County Council and the Interim County Administrator to prepare, or cause to be prepared, a Preliminary Official Statement to be distributed to prospective purchasers of the Notes together with a Notice of Sale. The Interim County Administrator is hereby authorized to deem "final" the Preliminary Official Statement for purposes of complying with the requirements set forth in Rule 15c2-12 of the Securities and Exchange Commission, promulgated under the Securities Exchange Act of 1934, as amended.

The Council hereby authorizes the Final Official Statement of the County, to be dated of even date of the sale date of the Notes, substantially in the form of the Preliminary Official Statement, with such modifications as the Chairman of County Council or the Interim County Administrator approves; the Chairman of County Council or the Interim County Administrator is hereby authorized and directed to execute copies of the Final Official Statement and deliver the same to the successful purchaser of the Notes, which execution and delivery shall be conclusive evidence of the approval of any such modifications; and the County hereby authorizes the use of the Preliminary Official Statement, the Final Official Statement, this Ordinance and the information contained herein and therein in connection with the public offering and sale of the Notes.

SECTION 15. Defeasance. The obligations of the County under this Ordinance and the pledges, covenants and agreements of the County herein made or provided for shall be fully discharged and satisfied as to any portion of the Notes, and such Notes shall no longer be deemed to be outstanding hereunder when:

(a) such Notes shall have been purchased by the County and surrendered to the County for cancellation or otherwise surrendered to the County or the Paying Agent and are canceled or subject to cancellation by the County or the Paying Agent; or



(b) payment of the principal of and interest on such Notes either (i) shall have been made or caused to be made in accordance with the terms thereof, or (ii) shall have been provided for by irrevocably depositing with a corporate trustee in trust and irrevocably setting aside exclusively for such payment, (1) moneys sufficient to make such payment, or (2) Government Obligations (hereinafter defined) maturing as to principal and interest in such amounts and at such times as will ensure the availability of sufficient moneys to make such payment and all necessary and proper fees, compensation and expenses of the Paying Agent. At such time as the Notes shall no longer be deemed to be outstanding hereunder, such Notes shall cease to draw interest from the due date thereof and, except for the purposes of any such payment from such moneys or Government Obligations as set forth in (ii) above, shall no longer be secured by or entitled to the benefits of this Ordinance.

"Government Obligations" shall mean any of the following:

- (a) direct obligations of the United States of America or agencies thereof or obligations, the payment of principal or interest on which, in the opinion of the Attorney General of the United States, is fully and unconditionally guaranteed by the United States of America; and
- (b) non-callable, U. S. Treasury Securities - State and Local Government Series ("SLGS").

SECTION 16. Federal Tax Covenants. The County hereby covenants and agrees with the Holders of the Notes that it will not take any action which will, or fail to take any action which failure will, cause interest on the Notes to become includable in the gross income of the owners thereof 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 Notes; and that use of the proceeds of the Notes shall be made which, if such use had been reasonably expected on the date of issue of the Notes would have caused the Notes to be "arbitrage bonds", as defined in Section 148 of the Code, and to that end the County hereby shall:

- (a) comply with the applicable provisions of Section 103 and Sections 141 through 150 of the Code and any regulations promulgated thereunder so long as the Notes are outstanding;
- (b) establish such funds, make such calculations and pay such amounts, in the manner and at the times required in order to comply with the requirements of the Code relating to required rebates of certain amounts to the United States; and
- (c) make such reports of such information at the time and places required by the Code.

SECTION 17. Filings with Central Repository. In compliance with Section 11-1-85 of the Code of Laws of South Carolina 1976, as amended, the County covenants that it will file or cause to be filed with a central repository for further availability in the secondary bond market when requested: (a) a copy of the annual audit of the County within thirty (30) days of the County's receipt thereof; and (b) within thirty days of the occurrence thereof, relevant information of an event which, in the opinion of the County, adversely affects more than five percent (5%) of the County's revenue or its tax base.

SECTION 18. Notice of Initiative and Referendum. The County Council hereby delegates to the Chairman and the Interim County Administrator the authority to determine whether the Notice prescribed under the provisions of Title 11, Chapter 27, relating to the Initiative and Referendum provisions contained in Title 4, Chapter 9 of the Code of Laws of South Carolina 1976, as amended, shall

be given with respect to this Ordinance, such notice being in substantially the form attached hereto as Exhibit C. If such notice is given, the Chairman and the Interim County Administrator are authorized to cause such notice to be published in a newspaper of general circulation in the County.

SECTION 19. Notice of Public Hearing. The County Council hereby ratifies and approves the publication of a notice of public hearing regarding the 2006 Notes and this Ordinance, such notice in substantially the form attached hereto as Exhibit D, having been published in The State, a newspaper of general circulation in the County, not less than 15 days prior to the date of such public hearing.

SECTION 20. Miscellaneous. The Council hereby retains the McNair Law Firm, P.A., as Bond Counsel with regard to the issuance of the Notes and the Bonds.

SECTION 21. Effective Date. This Ordinance shall be effective from and after \_\_\_\_\_, 2006.

RICHLAND COUNTY, SOUTH CAROLINA

By: \_\_\_\_\_  
Anthony G. Mizzell, Chair  
Richland County Council

(SEAL)

ATTEST THIS \_\_\_\_ DAY OF  
\_\_\_\_\_, 2006:

\_\_\_\_\_  
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

First Reading: May 16, 2006  
Second Reading: June 6, 2006 (tentative)  
Public Hearing:  
Third Reading:

[FORM OF NOTES]

UNITED STATES OF AMERICA  
STATE OF SOUTH CAROLINA  
RICHLAND COUNTY  
SEWER SYSTEM GENERAL OBLIGATION BOND ANTICIPATION NOTE, SERIES 2006

No. R-\_\_

<u>INTEREST RATE</u>	<u>MATURITY DATE</u>	<u>ORIGINAL ISSUE DATE</u>	<u>CUSIP</u>
--------------------------	--------------------------	--------------------------------	--------------

REGISTERED HOLDER: Cede & Co.

PRINCIPAL AMOUNT: \_\_\_\_\_ (\$ \_\_\_\_\_) Dollars

FOR VALUE RECEIVED, Richland County, South Carolina (the "County"), hereby promises to pay to the registered holder named above, or registered assigns, the principal amount shown above on the maturity date shown above, upon presentation and surrender of this Note at the principal office of \_\_\_\_\_ (the "Paying Agent"), in \_\_\_\_\_, to pay interest at the rate per annum shown above (based on 30-day month, 360-day year). Both principal of and interest on this Note are payable by check or draft mailed to the person in whose name this Note is registered on the registration books of the County maintained by the registrar, presently \_\_\_\_\_ (the "Registrar"), in \_\_\_\_\_, \_\_\_\_\_. The principal and interest on this Note are payable in any coin or currency of the United States of America which is, at the time of payment, legal tender for public and private debts.

This Note shall not be entitled to any benefit under the Ordinance of the County authorizing the Notes, nor become valid or obligatory for any purpose, until the Certificate of Authentication hereon shall have been duly executed by the Registrar.

This Note is issued pursuant to and in accordance with the Constitution and laws of the State of South Carolina, including Article X, Sections 12 and 14 of the Constitution of the State of South Carolina, 1895, as amended; Title 11, Chapter 17 of the Code of Laws of South Carolina 1976, as amended; and Ordinance No. \_\_\_\_\_ duly enacted by the County Council of the County on \_\_\_\_\_ (the "Ordinance"), in anticipation of the issuance of general obligation bonds (the "Bonds") to be issued by the County pursuant to the Ordinance and an ordinance providing for the form and details of the Bonds to be enacted by the County Council.

This Note is issued in anticipation of the issuance of general obligation bonds to be issued by the County and is payable, both as to principal and, if necessary, interest from the proceeds thereof.

This Note is a general obligation of the County and there is hereby pledged to the payment of the principal hereof and interest hereon, the full faith, credit and taxing power of the County. The County at its option may also utilize any other funds available therefor for the payment of the principal of and interest on this Note.

This Note is [not] subject to redemption prior to maturity.

This Note is transferable as provided in the Ordinance, only upon the books of the County kept for that purpose at the principal office of the Registrar by the registered holder in person or by his duly authorized attorney upon surrender of this Note together with a written instrument of transfer satisfactory to the Registrar duly executed by the registered holder or his duly authorized attorney. Thereupon a new fully registered Note or Notes of the same aggregate principal amount, interest rate, and maturity shall be issued to the transferee in exchange therefor as provided in the Ordinance. The County, the Registrar and the Paying Agent may deem and treat the person in whose name this Note is registered as the absolute owner thereof for the purpose of receiving payment of or on account of the principal hereof and interest due hereon and for all other purposes.

Under the laws of the State of South Carolina, this 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 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 performed in regular and due time, form and manner as required by law; that the County has irrevocably obligated itself to issue and sell, prior to the stated maturity hereof, the general obligation bonds in anticipation of which this Note is issued; and that the amount of this Note, together with all other indebtedness of the County, does not exceed the applicable limitation of indebtedness under the laws of the State of South Carolina.

IN WITNESS WHEREOF, RICHLAND COUNTY, SOUTH CAROLINA, has caused this Note to be signed with the facsimile signature of the Chairman of County Council, attested by the facsimile signature of the Clerk to County Council with the seal of the County impressed or affixed hereon.

RICHLAND COUNTY, SOUTH CAROLINA

\_\_\_\_\_  
Chairman, County Council

(SEAL)  
ATTEST:

\_\_\_\_\_  
Clerk, County Council

REGISTRAR'S CERTIFICATE OF AUTHENTICATION

This Note is the note described in the within mentioned Ordinance of Richland County, South Carolina.

\_\_\_\_\_, as Registrar

Date of Authentication: \_\_\_\_\_

By: \_\_\_\_\_  
Authorized Officer

CERTIFICATE

IT IS HEREBY CERTIFIED that the following is a true and correct copy of the respective complete final approving opinion of McNair Law Firm, P.A., Columbia, South Carolina, approving the issue of bond anticipation notes of which the within bond anticipation note is one, the original of which opinion was manually executed, dated and issued as of the date of delivery of and payment for the bond anticipation notes, and a copy of which is on file with Richland County, South Carolina.

RICHLAND COUNTY, SOUTH CAROLINA

By: \_\_\_\_\_  
Clerk, County Council

NOTICE OF SALE

\$ \_\_\_\_\_ SEWER SYSTEM GENERAL OBLIGATION BOND ANTICIPATION NOTES,  
SERIES 2006A OF RICHLAND COUNTY, SOUTH CAROLINA

**Bid Date:** \_\_\_\_\_, 2006; 11:00 a.m.

**Time and Place of Sale:** NOTICE IS HEREBY GIVEN that bids for the purchase of \$ \_\_\_\_\_ Sewer System General Obligation Bond Anticipation Notes, Series 2006A (the "Notes"), of Richland County, South Carolina (the "County"), will be received by the Interim County Administrator until 11:00 a.m. (South Carolina time) on \_\_\_\_\_, 2006, in the office of the County Administrator, 2020 Hampton Street, 4<sup>th</sup> Floor, Columbia, South Carolina.

**Sealed Bids:** Each hand-delivered proposal shall be enclosed in a sealed envelope marked "Proposal for \$ \_\_\_\_\_ Sewer System General Obligation Bond Anticipation Notes, Series 2006A, of Richland County, South Carolina" and should be directed to the Interim County Administrator in the first paragraph hereof.

**Facsimile Bids:** The County will accept the facsimile transmission of a manually signed Official Bid Form at the risk of the bidder. The County shall not be responsible for any failure, misdirection, delay or error resulting from the selection by any bidder of any particular means of delivery of bids. The County will take reasonable steps to ensure the confidentiality of all bids transmitted to it by facsimile transmission, but cannot guarantee the confidentiality of information transmitted by such means. Bids by facsimile should be transmitted to the attention of J. Milton Pope, Interim County Administrator at (803) 576-2106.

**Electronic Bids:** Electronic proposals must be submitted through i-Deal's Parity Electronic Bid Submission System ("Parity"). No electronic bids from any other providers of electronic bidding services will be accepted. Information about the electronic bidding services of Parity may be obtained from i-Deal, 1359 Broadway, 2<sup>nd</sup> Floor, New York, New York 10018, telephone (212) 849-5000.

PROPOSALS MAY BE DELIVERED BY HAND, BY MAIL, BY FACSIMILE TRANSMISSION OR BY ELECTRONIC BID, BUT NO PROPOSAL SHALL BE CONSIDERED WHICH IS NOT ACTUALLY RECEIVED BY THE COUNTY AT THE PLACE, DATE AND TIME APPOINTED, AND THE COUNTY SHALL NOT BE RESPONSIBLE FOR ANY FAILURE, MIDSIRECTION, DELAY OR ERROR RESULTING FROM THE SELECTION BY ANY BIDDER OF ANY PARTICULAR MEANS OF DELIVERY OF BIDS.

**Good Faith Deposit:** No good faith deposit will be required.

**Notes:** The Notes will be issued in book-entry form in the denomination of [\$100,000] or any integral multiple thereof. The Notes will be dated as of \_\_\_\_\_, 2006, the expected date of delivery, and will mature on \_\_\_\_\_, 200\_\_. Interest shall be computed on a 360-day year, 30-day month basis.

**Redemption Provisions:** The Notes are not subject to optional redemption prior to maturity.

**Legal Authority and Security:** The Notes are issued pursuant to the Constitution and laws of the State of South Carolina. The Notes are issued in anticipation of the receipt of proceeds of general obligation bonds to be issued by the County and are payable from the proceeds thereof. In addition, the full faith, credit and taxing power of the County will be pledged for the payment of the Notes.

**Bid Requirements:** Bidders must specify a single, fixed rate of interest per annum which the Notes shall bear according to the following restrictions: (a) the interest rate may not exceed five percent (5%); and (b) the interest rate specified must be a multiple of 1/100<sup>th</sup> of one percent. NO PROPOSAL FOR THE PURCHASE OF LESS THAN ALL THE NOTES OR AT A PRICE LESS THAN \_\_\_% OF THEIR PAR VALUE WILL BE CONSIDERED. Such premium shall be paid in cash as part of the purchase price. For purposes of bid computations, it is assumed the Notes will be dated \_\_\_\_\_, 2006. The Notes are being sold at par.

The Notes will be awarded to the bidder or bidders offering to purchase the Notes at the lowest net interest cost to the County. Such interest cost will be determined by computing the total dollar interest cost from the date of the Notes to maturity and deducting therefrom the premium offered over and above the principal amount. Any fees or costs to be paid by the County to the bidder will be treated as additional interest cost. In the event two or more bids have the same net interest cost, the Notes will be awarded jointly to such bidders submitting the same bid.

The Interim County Administrator reserves the right to reject any and all bids or waive irregularities in any bid. A bid for less than the face amount of the Notes will not be considered. Bids will be accepted or rejected by 3:00 p.m. on the day of sale.

**Bid Form:** No good faith check is required. It is requested, but not required, that your bid be submitted on the attached bid form. Each proposal should be enclosed in a sealed envelope marked "Proposal for \$\_\_\_\_\_ Sewer System General Obligation Bond Anticipation Notes, Series 2006A, of Richland County, South Carolina" and should be directed to the Interim County Administrator at the address in the first paragraph hereof.

**Interest and Principal Payments:** Payment of principal of and interest on the Notes will be made directly by the County to Cede & Co., as the registered owner of the Notes and nominee for The Depository Trust Company ("DTC"), on \_\_\_\_\_, 2006, in immediately available funds.

**CUSIP Numbers:** It is anticipated that CUSIP numbers will be printed on the Notes, but neither the failure to print such numbers on the Notes nor any error with respect thereto shall constitute cause for failure or refusal by the successful bidder to accept delivery of and pay for the Notes.

**Delivery and Payment:** Delivery of the properly executed Notes is expected to be made through DTC on \_\_\_\_\_, 2006. Payment for the Notes shall be made in immediately available funds.

**Official Statement:** The Preliminary Official Statement dated \_\_\_\_\_, 2006, has been deemed final by the County for purposes of paragraph (b)(1) of Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") but is subject to revision, amendment and completion in a final Official Statement as provided in the Rule. Within seven (7) business days of the bid opening date, the County

will deliver the final Official Statement to the successful bidder in sufficient quantity to comply with the Rule.

**Legal Opinion:** The final approving opinion of McNair Law Firm, P.A., Columbia, South Carolina, Columbia, South Carolina, will be furnished without charge to the purchaser of the Notes at the time of their delivery.

**Miscellaneous:** Bidders are also requested to indicate whether any commitment fee will be required or whether the County will be requested to reimburse the successful bidder for out-of-pocket expenses and counsel fees.

**Additional Information:** The Preliminary Official Statement of the County with respect to the Notes is available and will be furnished to any person interested in bidding for the Notes upon request to the county's Bond Counsel, Francenia B. Heizer, Esquire, Post Office Box 11390, Columbia, South Carolina 29211, (803) 799-9800, [fheizer@mcnair.net](mailto:fheizer@mcnair.net). The Preliminary Official Statement shall be reviewed by bidders prior to submitting a bid. Bidders may not rely on this Notice of Sale as to the complete information concerning the Notes. Persons seeking information should communicate with: J. Milton Pope, Interim County Administrator, Richland County, South Carolina, 2020 Hampton Street, Columbia, South Carolina 29205, (803) 576-2054, [miltonpope@richlandonline.com](mailto:miltonpope@richlandonline.com) or Francenia B. Heizer, Esquire, Post Office Box 11390, Columbia, South Carolina 29211, (803) 799-9800, [fheizer@mcnair.net](mailto:fheizer@mcnair.net).

s/J. Milton Pope  
Interim County Administrator, Richland County,  
South Carolina

\_\_\_\_\_, 2006



**NOTICE**

NOTICE IS HEREBY GIVEN that the County Council (the "County Council") of Richland County, South Carolina (the "County"), on \_\_\_\_\_, enacted Ordinance No. \_\_\_\_\_ entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF SEWER SYSTEM GENERAL OBLIGATION BOND ANTICIPATION NOTES OF RICHLAND COUNTY, SOUTH CAROLINA, SERIES 2006A OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$12,000,000; FIXING THE FORM AND DETAILS OF THE NOTES; AUTHORIZING THE COUNTY INTERIM ADMINISTRATOR TO DETERMINE CERTAIN MATTERS RELATING TO THE NOTES; PROVIDING FOR AN INCREASE IN THE RATES TO BE PAID BY USERS OF THE SEWER SYSTEM; PROVIDING FOR THE PAYMENT OF THE NOTES AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO" (the "Ordinance"). The Ordinance authorizes the issuance and approves the sale of not exceeding \$12,000,000 Sewer System General Obligation Bond Anticipation Notes, Series 2006A (the "Notes") of the County.

The proceeds of the Notes will be used to provide funds for (i) completion of construction of a 6,000,000 gallon per day wastewater treatment facility to be located near the Broad River in the Northwest portion of the County (the "Project"); and (ii) legal fees and costs of issuance of the notes.

Unless a notice, signed by not less than five (5) qualified electors of the County, of the intention to seek a referendum is filed both in the office of the Clerk of Court of Richland County and with the Clerk of the County, the initiative and referendum provisions of South Carolina law, Sections 4-9-1210 to 4-9-1230, South Carolina Code of Laws, 1976, as amended, shall not be applicable to the Ordinance. The intention to seek a referendum must be filed within twenty (20) days following the publication of this notice.

/s/Chairman, County Council,  
Richland County, South Carolina

**NOTICE OF PUBLIC HEARING**

Notice is hereby given that a public hearing will be held by the County Council of Richland County, South Carolina (the "County"), in County Council Chambers located at 2020 Hampton Street, Columbia, South Carolina, at 6:00 p.m. on \_\_\_\_\_, 2006, or at such other location as proper notice on the main entrance to the said building might specify.

The purpose of the public hearing is to consider an Ordinance providing for the issuance and sale of not exceeding \$12,000,000 Sewer System General Obligation Bond Anticipation Notes, Series 2006A (the "Notes") of the County, the proceeds of which will be used to provide funds for (i) completion of construction of a 6,000,000 gallon per day wastewater treatment facility to be located near the Broad River in the Northwest portion of the County (the "Project"); and (ii) legal fees and costs of issuance of the Notes.

The full faith, credit and taxing power of the County will be irrevocably pledged for the payment of the principal of and interest on the Notes as they respectively mature, and for the creation of such sinking fund as may be necessary therefor.

At the public hearing all taxpayers and residents of the County and any other interested persons who appear will be given an opportunity to express their views for or against the Ordinance and the issuance of the Bonds.

COUNTY COUNCIL OF RICHLAND COUNTY,  
SOUTH CAROLINA

s/ \_\_\_\_\_  
Chair

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-06HR

AN ORDINANCE AUTHORIZING CERTAIN ECONOMIC INCENTIVES, INCLUDING PAYMENT OF A FEE IN LIEU OF PROPERTY TAXES, THE AWARD OF INFRASTRUCTURE IMPROVEMENT CREDITS, AND OTHER RELATED MATTERS, PURSUANT TO A FEE AGREEMENT BETWEEN RICHLAND COUNTY, SC AND MCENTIRE PRODUCE, INC., A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF SOUTH CAROLINA, AND CERTAIN AFFILIATES OF MCENTIRE PRODUCE, INC., INCLUDING R.C. MCENTIRE TRUCKING, INC., A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF SOUTH CAROLINA, AND MCENTIRE LIMITED PARTNERSHIP, A LIMITED PARTNERSHIP ORGANIZED AND EXISTING UNDER THE LAW AND STATE OF SOUTH CAROLINA PURSUANT TO TITLE 12, CHAPTER 44, CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED, FOR A PROJECT INVOLVING AN INVESTMENT OF NOT LESS THAN \$25,000,000.

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

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

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

WHEREAS, the County and Fairfield County have established a multi-county industrial park in accordance with the provisions of Title 4, Chapter 1, Section 170 of the Code (the "Park"); and,

WHEREAS, McEntire Produce, Inc. a corporation organized and existing under the laws of the State of South Carolina, along with certain affiliates, including R.C. McEntire Trucking, Inc., a corporation organized and existing under the laws of the State of South Carolina, and McEntire Limited Partnership, a limited partnership organized and existing under the laws of the State of South Carolina (collectively, the "Company"), desire to purchase property located in the County and to construct thereon a facility for the production of finished produce products and the distribution of such products (the "Project" as further defined herein) and has requested the County to commit to provide certain inducements to the Company by entering into an inducement agreement; and,

WHEREAS, the Project involves an anticipated investment by the Company of at least \$25,000,000; and,

WHEREAS, the Project involves the possible creation of at least 200 new jobs in the County; and,

WHEREAS, the County, by proper corporate action committed to provide certain economic development incentives by proper resolution of the County Council setting forth the commitment to and the general terms of the Inducement Agreement (the "Inducement Agreement") with the Company concerning the Project (the "Inducement Resolution"); and,

WHEREAS, in connection with the economic development incentives hereby authorized, the County and the Company are prepared to enter into a fee agreement as set forth in the Act (the "Fee Agreement") pursuant to which the property comprising the Project will be exempted from *ad valorem* property tax and the Company shall make certain payments to the County in lieu of *ad valorem* property taxes, after a deduction therefrom for infrastructure improvement credits ("FILOT Payments"), as committed to in the Inducement Agreement and as described more fully in the Fee Agreement; and,

WHEREAS, the County has reviewed the Fee Agreement, the form of which is attached to this ordinance and incorporated herein, and determined that the same is appropriate in form and substance for execution by the County.

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

Section 1. Findings and Determinations. It is hereby declared that the facts set forth in the recitals to this Ordinance are true and correct in all respects. It further is found, determined, and declared by the County Council, as follows:

(a) the Project will constitute a "project" as defined in the Act, and the County's actions with respect to the Project will subserve the purposes of and conform to the Act;

(b) the Project is anticipated to benefit the general public welfare of Richland County by providing services, employment, recreation, or other public benefits not otherwise adequately provided locally;

(c) the Project gives rise to no pecuniary liability of the County or incorporated municipality or results in a charge against the general credit or taxing power of either;

(d) the purposes to be accomplished by the Project, including, without limitation, economic development, jobs creation, and expansion of the County's tax base, are proper governmental and public purposes and the benefits of the Project are greater than the costs;

(e) the County is expected to derive substantial direct economic benefits and numerous indirect benefits, such as indirect employment, indirect payroll income generated through direct, indirect, and induced income, and indirect investment (all as determined under generally accepted economic impact methodology);

(f) the inducement of the Project within South Carolina by means of the economic development incentives authorized herein is of paramount importance;

(g) the Project will serve the purposes of the Act by promoting industrial development in the County and in the State; and

(h) the form of the Fee Agreement, which includes provision for the Company's receipt of Infrastructure Improvement Credits in amounts set forth in that Fee Agreement, presented to this meeting and filed with the Clerk of the County Council (the "Clerk"), contains all provisions required by the Act, and 1) ensures the Fee Agreement does not contain or constitute a general obligation of the County or any incorporated municipality, but an obligation only payable from the FILOT payments received by the County hereunder and under Article VIII of the Constitution of the State with respect to the Project; 2) ensures the County's obligations hereunder with respect to such Infrastructure Improvement Credits are not secured by, or in any way entitled to a pledge of the full faith, credit or taxing power of the County or any incorporated municipality; 3) ensures the Fee Agreement and Infrastructure Improvement Credits do not constitute an indebtedness of the County or any incorporated municipality within the meaning of any State constitutional provision or statutory limitation but are payable solely from the source of payments pledged hereunder, which source does not include revenues from any tax or license, and are not a pecuniary liability of the County or an incorporated municipality or a charge against the County or any incorporated municipality's general credit or taxing power.

Section 2. Approval of Fee Agreement. The Fee Agreement is approved as follows:

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

(b) The Fee Agreement to be executed on behalf of the County shall be in substantially the form now before the County Council, and shall include only changes that are approved by the County officials executing the Fee Agreement. The County officials shall consult the County Attorney with respect to any changes to the Fee Agreement. The execution of the Fee Agreement by County officials shall constitute conclusive evidence that they have approved all changes to or revisions of the Fee Agreement now before this meeting.

(c) If under the Fee Agreement or the Act any future actions of the Company (including, without limitation, the supplementation of the Exhibits and/or any assignments of the Project) require the approval of the County, such approval can be given on behalf of the County by the County officials executing the Fee Agreement or their successors in office upon affirmative resolution of the County Council. The County officials shall consult the County Attorney with respect to such approval. The execution of a written approval by County officials shall constitute conclusive evidence that the County has approved the respective actions of the Company.

Section 3. Execution of Document. The Chairman, the County Administrator, the Clerk, and the County Attorney are each authorized and directed to do all things necessary to effect the execution and delivery of the Fee Agreement and the County's performance of its obligations under the Fee Agreement.

Section 4. Severability. The provisions of this Ordinance are declared to be separable. If any section, phrase, or provision shall be declared by a court of competent jurisdiction to be invalid or unenforceable for any reason, the remaining sections, phrases, and provisions of the Ordinance shall remain valid.

Section 5. Repeal of Conflicting Ordinances. All orders, resolutions, and other ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

Section 6. Ordinance Modification. This Ordinance shall not be amended, rescinded or modified except with the prior written consent of the Company.

Section 7. Effective Date of Ordinance. This Ordinance shall take effect immediately upon third reading of the County Council and shall supersede any inconsistent ordinances.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Anthony G. Mizzell, Chair

(SEAL)

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2006.

\_\_\_\_\_  
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 16, 2006  
Public Hearing: June 6, 2006 (tentative)  
Second Reading: June 6, 2006 (tentative)  
Third Reading: \_\_\_\_\_, 2006

**STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-06HR**

**AN ORDINANCE AUTHORIZING THE EXTENSION OF THE PROJECT ACQUISITION PERIOD UNDER THAT CERTAIN LEASE AGREEMENT BY AND BETWEEN RICHLAND COUNTY, SOUTH CAROLINA, AND SYSCO FOOD SERVICES OF COLUMBIA, LLC DATED AS OF NOVEMBER 1, 2001, TO ALLOW THE COMPLETION OF THE PROJECT, THE AMENDMENT OF SUCH LEASE AGREEMENT TO REFLECT SUCH EXTENSION AND OTHER MATTERS RELATING THERETO.**

WHEREAS, Richland County, South Carolina (the "County"), acting by and through its County Council (the "County Council"), is authorized and empowered under and pursuant to the provisions of the South Carolina Constitution (the "Constitution") and the Code of Laws of South Carolina 1976, as amended, the (the "Code"), and the case law of the Courts of the State of South Carolina, to offer and provide certain privileges, benefits, and incentives to prospective industries as inducements for economic development within the County; is authorized and empowered under and pursuant to the provisions of Title 4, Chapter 12, Code of Laws of South Carolina, 1976, as in effect on the date hereof (the "Act"), to acquire, or cause to be acquired, properties (which properties constitute "projects" as defined in the Act) and to enter into agreements with any industry to construct, operate, maintain and improve such projects; to enter into or allow financing agreements with respect to such projects; and to accept any grants for such projects through which powers the industrial development of the State of South Carolina (the "State") will be promoted and trade developed by inducing manufacturing and commercial enterprise to locate and remain in the State and thus utilize and employ the manpower, agricultural products and natural resources of the State and benefit the general public welfare of the County by providing services, employment, recreation or other public benefits not otherwise provided locally;

WHEREAS, in the exercise of the foregoing powers, the County and Sysco Food Services of Columbia, LLC, a limited liability company organized and existing under the laws of the State of Delaware (the "Company"), have heretofore entered into an Agreement dated November 1, 2001 (the "Fee Agreement") providing for certain incentives, including, without limitation, payment of a fee in lieu of taxes;

WHEREAS, the Company has not completed the Project (as such term is defined in the Fee Agreement) and has requested, in accordance with Section 3.2(b) of the Fee Agreement, that the County extend the Investment Period (as defined in the Fee Agreement) as permitted by Section 12-44-30(13) of the Act from the end of the fifth year following the Commencement Date until the last day of the tenth year following the Commencement Date;

WHEREAS, the County has determined that the extension of the Project Acquisition Period (the "Extension") would directly and substantially benefit the general public welfare of the County by allowing the Company to complete the Project, by inducing the Company to further investments and by providing the creation of jobs and employment, the increase of ad valorem tax base, service, employment or other public benefits not otherwise provided locally; and that the Extension gives rise to no pecuniary liability of the County or incorporated municipality or a charge against the general

credit or taxing power of either; and that the purposes to be accomplished by the Extension, i.e., economic development, creation of jobs, and addition to the tax base of the County, are proper governmental and public purposes; and that the additional investments in and completion of the Project which is located in the County and State is of paramount importance; and that the benefits of the Extension and completion of the Project will be greater than the costs;

WHEREAS, the Extension will be effected pursuant to an amendment to the Lease Agreement (the "Amendment") which is now before this meeting and is in appropriate form and is an appropriate instrument to be executed and delivered or approved by the County for the purposes intended;

NOW, THEREFORE, BE IT RESOLVED, by the County Council of Richland County, South Carolina (the "County Council") as follows:

Section 1. Approval of Extension of Project Acquisition Period. Richland County hereby grants an extension of the period to complete the Project under the Lease Agreement pursuant to Section 4-12-30(C)(2) of the Act until the end of the tenth year following the end of the property tax year during which the Lease Agreement was executed, which is through December 31, 2008.

Section 2. Execution of Amendment to Lease Agreement. In order to promote industry, develop trade and utilize the manpower, agricultural products and natural resources of the State, the form, terms and provisions of the Amendment which is before this meeting and filed with the Clerk to County Council are hereby approved and all of the terms, provisions and conditions thereof are hereby incorporated herein by reference as if the Amendment was set out in this Ordinance in its entirety. The Chair of the County Council and the County Administrator be and they each are hereby authorized, empowered and directed to execute, acknowledge and deliver the Amendment to the Company. The Amendment is to be in substantially the form now before this meeting and hereby approved, or with such changes therein as shall be approved by the officials of the County executing the same, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of Amendment now before this meeting.

Section 3. Further Actions. The Chair of County Council, the County Administrator and the Clerk to County Council, for and on behalf of the County, are hereby each authorized and directed to do any and all things necessary to effect the execution and delivery of the Amendment and the performance of all obligations of the County under and pursuant to the Amendment.

Section 4. Governing Law. This Ordinance shall be construed and interpreted in accordance with the laws of the State of South Carolina.

Section 5. Severability. The provisions of this Ordinance are hereby declared to be separable and if any section, phrase or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereunder.

Section 6. Effectiveness of Ordinance. All Ordinances, resolutions, and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed. In all other respects the prior Ordinances, resolutions and parts thereof which are not in conflict with the amendments hereto, shall



remain in full force and effect. This Ordinance shall take effect and be in full force from and after its passage by the County Council.

Section 7. Official Action. It is the intention of the County Council that this Ordinance shall constitute an official action on the part of the County within the meaning of any statute or other legislative enactment relating to the provision of incentives including, without limitation, the approval of the extension of the project acquisition period under a fee-in-lieu-of-tax agreement for the inducement of economic development projects.

DONE, RATIFIED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Anthony G. Mizzell, Chair

(SEAL)

Attest this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
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 16, 2006  
Second Reading: June 6, 2006 (tentative)  
Public Hearing:  
Third Reading:

**STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-06HR**

**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 PROPERTIES DESCRIBED AS TMS # 15100-06-07 AND TMS # 17800-04-68 FROM RU (RURAL DISTRICT) TO PDD (PLANNED DEVELOPMENT 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 Zoning Map of unincorporated Richland County is hereby amended to change the properties described as TMS # 15100-06-07 and TMS # 17800-04-68 from RU (Rural District) zoning to PDD (Planned Development District) zoning.

**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 February 28, 2006), entitled “Blythewood Farms”, which was submitted to, and is on file in, the Richland County

Planning & Development Services Department (hereinafter referred to as "PDSD"), and is incorporated herein by reference, except as otherwise amended herein; and

- b) The site development shall be limited to ~~775~~ 699 dwelling units that are substantially in the locations depicted on the site development plan, which is attached hereto as Exhibit B A; and
- c) Should the applicant decide to develop the site in phases, a phasing plan must be provided to the PDSD prior to the department's review of any construction plans or site specific plans; and
- d) Unless otherwise provided herein, all development shall conform to all relevant land development regulations in effect at the time a permit application is received by the PDSD; and
- e) The following changes to the Master Plan are termed "major changes" and shall be subject to the requirements of Section 26-59 (j) of the Richland County Land Development Code; i.e. a review and recommendation by the Planning Commission and a new ordinance by the County Council:
  - 1) Changes in the location of land uses;
  - 2) Any increase in the gross density or intensity; and/or
  - 3) Changes in the pattern or amount of traffic flow; and
- f) The Planning Commission is hereby authorized to make minor amendments to the Master Plan, or as otherwise allowed by Section 26-59 (j) of the Richland County Land Development Code; and
- g) The PDSD is hereby authorized to make minor adjustments to the phasing schedule as may become necessary during the project's construction; and
- h) No land development permits or building permits shall be issued until the project complies with the requirements of Section 26-59 (h) (1)-(5) of the Richland County Land Development Code; and
- i) Prior to the PDSD's issuance of any site clearance or development permits for the project, the applicant shall submit:
  - 1) Evidence that consideration was given to dedicating a 20' right-of-way along the south side of Langford Road within the project boundaries to Richland County; and
  - 2) A copy of a recorded 66 foot wide right-of-way deed for access to Rimer Pond Road; and
- j) The applicant shall construct a properly designed and landscaped roadway within the public right-of-way (referenced above); and
- k) All internal streets shall be publicly owned and maintained by Richland County; and
- l) Access to the subject site shall be limited to two intersections on Langford Road and one entrance on Rimer Pond Road; and
- m) The developer shall submit plans to the South Carolina Department of Transportation showing right turn (deceleration) lanes at the Langford Road and Rimer Pond Road entrances and showing left turn lanes at the Rimer Pond Road entrance and at the Langford Road entrance closest to the railroad track; and
- n) The applicant shall construct landscaped berms, fences, walls, or some combination thereof, to ensure that no parcel will have direct vehicular access onto Langford Road; and
- o) Prior to approval of the preliminary subdivision plans, the applicant shall submit to the PDSD written evidence of:
  - 1) The U.S. Army Corps of Engineers' approval of the wetlands delineation and/or encroachment permit, and
  - 2) FEMA's approval if required for improvements to the 100 year flood plain and floodway, and

- p) The applicant shall provide a minimum 20 foot wide natural buffer around all the delineated wetlands; and
- q) The applicant shall dedicate the area of land as shown in the Master Plan through the Town of Blythewood as open space; and
- r) The applicant shall move the proposed road, which is closest to the intersection of Langford Road and Wilson Boulevard, further east on Langford Road; and
- s) The applicant shall ensure both the volume and quality of stormwater discharges via any combination of acceptable Low Impact Development (LID) or other technologies; and
- t) 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
- u) All site development requirements described above shall apply to the applicant, the developer, and/or their successors in interest.

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

**Section V.** This ordinance shall be effective from and after \_\_\_\_\_, 2006.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Anthony G. Mizzell, Chair

Attest this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
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: May 23, 2006  
First Reading: May 23, 2006  
Second Reading: June 6, 2006 (tentative)  
Third Reading:

**STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-06HR**

**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 # 01500-02-15 FROM RU (RURAL DISTRICT) TO GC (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 Zoning Map of unincorporated Richland County is hereby amended to change the property described as TMS # 01500-02-15 from RU (Rural District) zoning to GC (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 effective from and after \_\_\_\_\_, 2006.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Anthony G. Mizzell, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2006.

\_\_\_\_\_  
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: May 23, 2006  
First Reading: May 23, 2006  
Second Reading: June 6, 2006 (tentative)  
Third Reading:

**STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-06HR**

**AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS A PORTION OF TMS # 13607-02-01 FROM HI (HEAVY INDUSTRIAL DISTRICT) TO RM-HD (RESIDENTIAL, MULTI-FAMILY – HIGH DENSITY 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 Zoning Map of unincorporated Richland County is hereby amended to change the property (a portion of TMS # 13607-02-01) described in Exhibit A, which is attached hereto, from HI (Heavy Industrial District) zoning to RM-HD (Residential, Multi-Family – High Density 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 effective from and after \_\_\_\_\_, 2006.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Anthony G. Mizzell, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2006.

\_\_\_\_\_  
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: May 23, 2006  
First Reading: May 23, 2006  
Second Reading: June 6, 2006 (tentative)  
Third Reading:



Exhibit A  
Property Description

Richland County TMS 13607-02-01, 24.18 acres on Southern Drive near Bluff Road and on Shop Road near Columbia in Richland County, South Carolina

Point of beginning is an iron new ½” rebar on the western r/w of Southern Drive and 154.90’ north of the intersection of the western r/w of Southern Drive and the northern r/w of Bluff Road; thence along the 100 year flood line on a bearing of N77°51’32”W for a distance of 94.41 to an iron new on 100 year flood line; thence, along 100 year flood line on a chord bearing of N40°49’35”W for a chord distance of 93.57’ to an iron new ½” rebar on 100 year flood line; thence, along 100 year flood line on a bearing of N09°27’38”N for a distance of 146.88’ to an iron new ½” rebar on 100 year flood line; thence, along 100 year flood line on a chord bearing of N32°16’46”E for a chord distance of 156.85’ to an iron new ½” rebar on 100 year flood line; thence, along 100 year flood line on a bearing of N70°53’31”E for a distance of 131.62’ to an iron new ½” rebar on 100 year flood line; thence, along 100 year flood line on a chord bearing of N10°59’37” E for a chord distance of 107.58’ to an iron new ½” rebar on 100 year flood line; thence, along 100 year flood line on a chord bearing of N10°07’26”W for a chord distance of 107.82’ to an iron new ½” rebar on 100 year flood line; thence, along 100 year flood line on a bearing of N40°46’52”E for a distance of 211.70’ to an iron new ½” rebar on 100 year flood line; thence along 100 year flood line on a bearing of N19°01’37”E for a distance of 119.30’ to an iron new ½” rebar on 100 year flood line; thence along 100 year flood line on a chord bearing of N50°26’26”E for a chord distance of 80.92’ to an iron new ½” rebar on 100 year flood line; thence, along 100 year flood line on a bearing of N71°12’15”E for a distance of 50.08’ to an iron new ½” rebar on 100 year flood line; thence along 100 year flood line on a chord bearing of N06°02’28”W for a chord distance of 52.28’ to an iron new ½” rebar on 100 year flood line; thence, along 100 year flood line on a bearing of S79°10’35”W for a distance of 64.11’ to an iron new ½” rebar on 100 year flood line; thence, along 100 year flood line on a chord bearing of N04°51’42”E for a chord distance of 74.93’ to an iron new ½” rebar on 100 year flood line; thence, along 100 year flood line on a bearing of N13°39’21”E for a distance of 243.99’ to an iron new ½” rebar on 100 year flood line; thence, along 100 year flood line on a bearing of N29°42’26”E for a distance of 68.13’ to an iron new ½” rebar on 100 year flood line; thence, along 100 year flood line on a bearing of N67°58’22”E for a distance of 59.98’ to an iron new ½” rebar on 100 year flood line; thence, along 100 year flood line on a chord bearing of N16°54’32”E for a chord distance of 46.53’ to an iron new ½” rebar on 100 year flood line; thence, along 100 year flood line on a bearing of N20°05’56”E for a distance of 267.90’ to an iron new ½” rebar on 100 year flood line; thence, along 100 year flood line on a bearing of N35°09’25”E for a distance of 96.37’ to a point in center of creek; thence, along center of creek on a bearing of S87°25’47”E for a distance of 100.38’ to a point in center of creek; thence, along center of creek on a bearing of N28°23’24”E for a distance of 44.06’ to a point in center of creek; thence along center of creek on a bearing of N20°25’57”E for a distance of 40.93’ to the intersection of the center of the creek and the southern r/w of Old Shop Road to a calculated point; thence along the southern r/w of Old Shop Road on a bearing of S31°27’14”E for a distance of 18.33’ to a calculated point; thence, along southern r/w of Old Shop Road on a bearing of S49°34’14”E for a distance of 245.42’ to an iron new an ½” rebar; thence along southern r/w of Old Shop Road on a bearing of S85°10’17”E for a distance of 323.61’ to an iron

new ½” rebar; thence, along southern r/w of Old Shop Road on a bearing of S85°10’14”E for a distance of 154.06’ to an iron new ½” rebar at the intersection of the southern r/w of Old Shop Road and Shop Road; thence, along southern r/w of Shop Road on a bearing of S58°02’10”E for a distance of 83.32’ to an iron new ½” rebar; thence, running along the western boundary of Southern Region Industrial on a bearing of S33°39’21”W for a distance of 808.94’ to an iron new ½” rebar; thence, on a bearing of N56°20’43”W for a distance of 66.68’ to an iron new ½” rebar; thence, on a bearing of S53°41’31”W for a distance of 428.67’ to an iron new ½” rebar at the northern end of Southern Drive; thence, along the r/w of Southern Drive on a chord bearing of N54°38’57”W for a chord distance of 4.68’ to an iron new ½” rebar; thence, along western r/w of Southern Drive on a chord bearing of S51°43’53”W for a chord distance of 142.52’ to an iron new ½” rebar; thence, along western r/w of Southern Drive on a bearing of S37°40’15”W for a distance of 287.45’ to an iron new ½” rebar; thence along western r/w of Southern Drive on a bearing of S37°27’48”W for a distance of 370.99’ to an iron new ½” rebar; thence along western r/w of Southern Drive on a chord bearing of S41°21’49”W for a chord distance of 116.87’ to point of beginning.

**STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-06HR**

**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 # 02412-01-10 FROM RU (RURAL DISTRICT) TO GC (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 Zoning Map of unincorporated Richland County is hereby amended to change the property described as TMS # 02412-01-10 from RU (Rural District) zoning to GC (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 effective from and after \_\_\_\_\_, 2006.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Anthony G. Mizzell, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2006.

\_\_\_\_\_  
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: May 23, 2006  
First Reading: May 23, 2006  
Second Reading: June 6, 2006 (tentative)  
Third Reading:

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-06HR

AN ORDINANCE AMENDING THE FISCAL YEAR 2005-2006 GENERAL FUND ANNUAL BUDGET TO ADD THREE HUNDRED THIRTY NINE THOUSAND DOLLARS (\$339,000) TO INCREASE THE SHERIFF'S DEPARTMENT BUDGET TO PROVIDE FUNDING FOR FUEL, PART-TIME EMPLOYMENT, AND OTHER MISCELLANEOUS ITEMS.

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 Three Hundred Thirty Nine Thousand Dollars (\$339,000) be appropriated to the FY 2005-2006 General Fund Annual Budget. Therefore, the Fiscal Year 2005-2006 General Fund Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2005 as amended:	\$108,300,624
Fund Balance Allocation from Sheriff Administrative Fee:	<u>339,000</u>
Total General Fund Revenue as Amended:	\$108,639,624

EXPENDITURES

Expenditures appropriated July 1, 2005 as amended:	\$108,300,624
Add to Sheriff's Department Fuel:	283,000
Add to Sheriff's Department Part-Time Employment:	23,000
Add to Sheriff's Department for Miscellaneous Items:	<u>33,000</u>
Total General Fund Expenditures as Amended:	\$108,639,624

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 \_\_\_\_\_, 2006.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Anthony G. Mizzell, Chair

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

OF \_\_\_\_\_, 2006

\_\_\_\_\_  
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 30, 2006  
Second Reading:        June 6, 2006 (tentative)  
Public Hearing:  
Third Reading:

# RICHLAND COUNTY COUNCIL DEVELOPMENT AND SERVICES COMMITTEE

Doris Corley  
District 1

Joyce Dickerson  
District 2

Damon Jeter, Chair  
District 3

Greg Pearce  
District 6

Bernice G. Scott  
District 10

*Tuesday, May 23, 2006  
5:00 PM*

## Recommendations

### ITEMS FOR ACTION

- Consent**     **A. Acceptance of Fee Interest Title for a 77-Acre Parcel Located off Cabin Creek Road** – The committee forwarded this item to the full Council with a recommendation to approve, pending further review by the Legal and Utilities Departments. The vote in favor was unanimous.
- Consent**     **B. Solid Waste Management Plan Revision** – The committee recommended that Council approve the request to revise the Solid Waste Management Plan to allow Loveless and Loveless to include a Land Clearing Debris landfill at their existing site. The vote in favor was unanimous.
- Consent**     **C. Homeless Commission Intergovernmental Agreement** – The committee recommended that Council approve the intergovernmental agreement, with the amendment that funding would be contingent upon approval of the agreement by all three parties (Richland County, Lexington County, and the City of Columbia.) The vote in favor was unanimous.
- Consent**     **D. Emergency Services Station Site Purchases** – The committee recommended that Council authorize staff to purchase two sites for emergency services stations. The vote in favor was unanimous.
- Consent**     **E. Jackson Creek Emergency Services Station Construction** – The committee recommended that Council award a contract to Monterey Construction for the construction of the Jackson Creek Emergency Services station. The contract is not to exceed \$1.39 million. The vote in favor was unanimous.
- Consent**     **F. Emergency Services Purchase Orders** – The committee recommended that Council approve the following Emergency Services purchase orders: Diesel and Gasoline (City of Columbia, \$150,000); EKG-Defibrillator Maintenance (Medtronic Physio Control, \$45,000); EMS Radio Service (Motorola, \$80,000); 911 Equipment Service

Agreement (Motorola, \$53,000); Fire Radio Service (Motorola, \$170,000). The vote in favor was unanimous.

Staffed by Joe Cronin



STATE OF SOUTH CAROLINA )  
 )  
 COUNTIES OF RICHLAND AND ) INTERGOVERNMENTAL AGREEMENT  
 LEXINGTON )  
 \_\_\_\_\_ )

**THIS AGREEMENT** by and between the City of Columbia, the County of Richland and the County of Lexington, all political subdivisions of the State of South Carolina (the "Agreement"), is made and entered into as of this \_\_\_\_ day of \_\_\_\_\_, 2006.

**WHEREAS**, the City of Columbia, Richland County and Lexington County, South Carolina have determined that, in order to provide for the needs of the homeless population in and around the Midlands region of South Carolina, and thus advance the public health, safety and general welfare and provide for the continued economic and social development of the region, there should be established a commission on homelessness (the "Commission"); and

**WHEREAS**, the parties hereto have agreed to jointly provide for the capital and operational needs of the Commission and for the costs of staffing and housing the Commission and other appropriate costs associated with the establishment and operation of the Commission;

**NOW, THEREFORE**, in consideration of the mutual undertakings set forth in this Agreement and for other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereby agree as follows:

- 1. Authorization.** This agreement is entered into by the parties pursuant to the grant of authority for the joint administration of functions and exercise of powers set forth in South Carolina Constitution, Article XIII, Section 13.
- 2. Purpose.** The purpose of this Agreement is to establish a joint powers commission, the name of which shall be the Midlands Commission on Homelessness ("the Commission"), and to specify the parties' respective rights, duties and obligations with respect to the Commission.
- 3. Principal Office.** The principal office for the transaction of business of the Commission shall be located at the offices of the Greater Columbia Chamber of Commerce, 930 Richland Street, Columbia, South Carolina, or at such other place as may be established by the Commission.
- 4. Objective and Function.** The primary objective of the Commission shall be to benefit the community and the public at large by coordinating funding of an annual budget, coordinating funding for a homeless service center location and operations to include emergency shelter, seeking and determining sponsorships for homeless shelter operations, and developing advisory councils that will report to the Commission to work on specific issues. The Commission shall coordinate implementation of the 10 Year Plan to Address Homelessness, including the authority to disapprove any application for government (federal, state or local) funds requiring the concurrence of one or more of these jurisdictions insofar as the application is not in accordance with implementation of the ten year plan to facilitate the provision of services to the homeless in the Midlands region; to create linkages among service providers; to collect and disseminate

information regarding homelessness; to identify gaps and duplications of services; and to serve as a focal point for homelessness information for citizens as well as service providers.

**5. Policies of the Commission.** The policies of the Commission, including rules of procedure, shall be established by the board of Commissioners consisting of eleven (11) members to be appointed as herein provided.

**6. Composition.** The Board of Commissioners shall be composed of members appointed in the following manner:

Three (3) members appointed by the City of Columbia City Council;

Three (3) members appointed by the Richland County Council;

Five (5) members appointed by the Lexington County Council. Of those five members, one shall serve as the representative for the City of West Columbia and one shall serve as the representative of the Town of Cayce;

**7. Commissioners.** Initially, members appointed by the various legislative bodies shall be appointed to a one year, a two year or a three year term as determined by the appointing body. Thereafter terms shall be for three (3) years. No person may be appointed for more than two (2) consecutive terms. Any Commissioner having served for two consecutive terms, may be reappointed after a period of absence from appointment to the Board for three years. All commissioners shall serve at the pleasure of the appointing body.

**8. Vacancies.** Vacancies in appointed positions on the Commission will be filled by appointment of the respective legislative body.

**9. Attendance.** Any Commissioner who is unable to attend a regular meeting shall give notice of such fact to the Chairman prior to the meeting. Absence from three (3) consecutive regular meetings of the Board without an excuse deemed valid by the Board and so recorded by the Board will be construed as a resignation from the Board.

**10. Removal and Resignation.** A Commissioner may be removed for any reason upon a majority vote of the legislative body that appointed the Commissioner.

**11. Compensation.** No Commissioner shall receive compensation for service to the Commission. However, the Board may, by the adoption of written policies, provide for reimbursement for actual expenses incurred by Commissioners and Commission employees for business expenses related to the discharge of official duties.

**12. Officers.** The Board shall elect one (1) of its members as Chair, one of its members as Vice-Chair, and one of its members as Treasurer. The Commission may appoint an Executive Director who shall serve as the Secretary of the Board. Within thirty (30) days from the date of appointment, the Executive Director shall qualify for bond in the form and amount prescribed by the Commission, premium therefore being paid by the Commission.

**13. Committees.** The Board may create one or more committees of the Board and appoint members of the Board to serve on them.

**14. Advisory Councils.** The Board of Commissioners may create such Advisory Councils as may be necessary from time to time to address specific issues called for by the 10 Year Plan to Address Homelessness or by issues and situations facing the Board. The Chairman of the Board of Commissioners shall nominate for approval by the Board, members of the Board or the community to serve on the Advisory Councils. The terms of membership on an Advisory Council shall be at the pleasure of the Chairman of the Board, but in any event shall not exceed three years. If a Board member is asked to serve on an Advisory Council, his or her term on the Advisory Council will coincide with his or her term as a Board member. Advisory Councils shall report to the Board of Commissioners and shall be managed by the Executive Director under direction from the Board.

**15. Meetings, Quorum and Rules of Procedure.** Regular meetings of the Board shall be held at such times and places as deemed appropriate by the Board. A majority of the total number of Board members at any meeting of the Commission shall constitute a quorum for the conduct of business.

The Board shall establish rules of procedure for the conduct of its meetings and business affairs. All meetings, business activities and other affairs of the Commission shall be conducted in accordance with the South Carolina Freedom of Information Act.

**16. Term and Removal.** The Commissioners shall hold office until the expiration of their term or until their respective successors are chosen and have qualified. If the office of any Commissioner shall become vacant for any reason, the vacancy shall be filled by the appointing body.

**17. Chairman.** The Chairman shall preside at all meetings of the Board of Commissioners and shall have such powers and duties as may be designated by the Board of Commissioners. The Chairman shall be a voting member of all committees.

**18. Vice Chairman.** In the absence of the Chairman, the Vice-Chairman shall preside at all meetings of the Board of Commissioners and have all of the powers and duties of the Chairman.

**19. Executive Director.** The Executive Director of the Commission, if appointed, shall be the Chief Executive Officer and shall have such duties and responsibilities as are prescribed by the Board of Commissioners.

**20. Secretary.** The Secretary shall be responsible for keeping the minutes of all meetings and shall have charge of such books and papers as the Board of Commissioners may direct, all of which shall, at all reasonable times, be open to the examination by any commissioner or member of the public as required by the South Carolina Freedom of Information Act and the Rules of Procedure established by the Board.

**21. Treasurer.** The Treasurer shall have custody of the Commission's funds and investments and shall keep full and accurate accounts of receipts and disbursements of funds belonging to the Commission.

**22. Checks and Notes.** All funds of the Commission will be maintained by the Commission in one or more accounts established in the name of the Commission, except those funds maintained in a Petty Cash Fund of \$500, which shall be only used when time does not permit operating through normal procedures. Checks drawn against petty cash funds shall be signed by the Executive Director and the Treasurer of the Commission. The Chairman of the Commission shall be authorized to sign for the Treasurer in such cases when the Treasurer is not available.

**23. Fiscal Year.** The fiscal year of the Commission shall end each June 30.

**24. Deposits.** All funds of the Commission shall be deposited to the credit of the Commission. The Commission shall maintain accurate and timely records of the Commission funds.

**25. Contracts.** The Commission may from time to time enter into contracts as long as such contracts are directly related to the purposes of the Commission.

**26. Books and Records.** The Commission shall keep minutes of the proceedings of its Board of Commissioners and shall keep at the principal office of the Commission a record of the names and addresses of the Board and of any Committee or Advisory Council members. All books and records of the Commission may be inspected by any director or the director's agent at a reasonable time and in a reasonable manner.

**27. Dissolution.** Upon dissolution of the Commission for any reason, all assets shall be transferred to the parties in equal shares, or to a successor entity approved by the parties.

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

**29. Termination.** Notwithstanding any provision of this Agreement to the contrary, the parties agree that this Agreement may be terminated by any of the parties upon written notice of termination to be given by the terminating party not later than March 31st of any calendar year.

**30. Funding.** The parties agree to provide funds to the Commission in the amount of not less than One Hundred Thousand and No/100 (\$100,000.00) Dollars per fiscal year, for four (4) consecutive years, commencing July 1, 2006. More specifically, Richland County Government will provide such funds contingent upon approval of this intergovernmental agreement by both the City of Columbia and Lexington County.

**31. Binding Agreement.** This document serves as a written instrument containing the entire agreement between the parties hereto and shall be binding on the parties, their successors and assigns.

WITNESS our hands and seals of the date first above set forth.

**WITNESSES:  
CAROLINA**

**CITY OF COLUMBIA, SOUTH**

\_\_\_\_\_  
Witness to City of Columbia

BY: \_\_\_\_\_

\_\_\_\_\_  
Witness to City of Columbia

ITS: \_\_\_\_\_

**RICHLAND COUNTY, SOUTH CAROLINA**

\_\_\_\_\_  
Witness to Richland County

BY: \_\_\_\_\_

\_\_\_\_\_  
Witness to Richland County

ITS: \_\_\_\_\_

**LEXINGTON COUNTY, SOUTH CAROLINA**

\_\_\_\_\_  
Witness to Lexington County

BY: \_\_\_\_\_

\_\_\_\_\_  
Witness to Lexington County

ITS: \_\_\_\_\_

# RICHLAND COUNTY COUNCIL ADMINISTRATION AND FINANCE COMMITTEE

Kit Smith, Chair    Mike Montgomery    Paul Livingston    Joseph McEachern    Valerie Hutchinson  
District 5            District 8            District 4            District 7            District 9

*Tuesday, May 23, 2006  
6:00 PM*

## Recommendations

### ITEMS FOR ACTION

- Consent      A. Purchase of County Crime Bond (St. Paul Travelers/Willis of Greenville)** – The committee recommended that Council approve the purchase of a crime bond from St. Paul Travelers. The broker is Willis of Greenville, SC. The bond will cost \$8,133, and is within the proposed 2006-07 budget. The vote in favor was unanimous.
- Consent      B. Liability Claims Administrator (Hewitt Coleman)** – The committee recommended that Council approve Hewitt Coleman of Greenville, SC as the liability claims administrator for 2006-07. The estimated cost is \$70,000. The vote in favor was unanimous.
- Consent      C. Approval of Workers’ Compensation Claims Administrator and Excess Insurer (The South Carolina Counties Workers’ Compensation Trust)** – The committee recommended that Council approve The South Carolina Counties Workers’ Compensation Trust as Workers’ Compensation Claims Administrator and Excess Insurer for 2006-07. The vote in favor was unanimous.
- Consent      D. Purchase of Property Insurance (St. Paul Travelers)** – The committee recommended that Council approve the purchase of property insurance for 2006-07 from St. Paul Travelers. The projected premium is \$236,573, and is within the proposed budget. The vote in favor was unanimous.
- E. Detention Center Contracts:**
- Consent      1. Food Service Management Contract (Aramark Correctional Service)** – The committee recommended that Council approve the expenditure of \$1,076,151.91 for food service from Aramark Correctional Service. The vote in favor was unanimous.

- Consent**            **2. Maintenance Contract for the Bluff Road Facility Housing and Energy Plant (W.B. Guimarin & Company, Inc.)** – The committee recommended that Council approve the expenditure of \$98,376 for maintenance of the Bluff Road Facility Housing and Energy Plant. The contractor is W.B. Guimarin & Company. The vote in favor was unanimous.
- Consent**            **3. Bluff Road Fire & Security System Maintenance Contract (Honeywell, Inc.)** – The committee recommended that Council approve the expenditure of \$99,290 for full maintenance coverage on the fire and security systems for the Bluff Road facility. The contractor is Honeywell, Inc. The vote in favor was unanimous.
- Consent**            **4. Detention Officer Uniforms Contract Renewal (Wright-Johnson)** – The committee recommended that Council approve the expenditure of \$118,000 for officers’ uniforms and accessories from Wright-Johnson. The vote in favor was unanimous.
- Consent**            **F. Resolution Designating June 2006 as Homeownership Month** – The committee recommended that Council approve a resolution designating June 2006 as Homeownership Month in Richland County. The vote in favor was unanimous.
- Consent**            **G. Coroner’s Request: Approval of Mass Fatalities Management Program Grant** – The committee recommended that Council approve a grant in the amount of \$70,745, with no required matching funds or personnel costs. The vote in favor was unanimous.

Staffed by Joe Cronin





**III. ITEMS FOR DISCUSSION**

- A. UPDATE ON ELECTRONIC AGENDA**
- B. AMENDING THE ORDINANCE REQUIREMENTS REGARDING RESIDENCE FOR BOARD/COMMITTEE MEMBERS**
- C. TIME MORE SPECIFIC TIME FRAME FOR ADMINISTRATOR TO RECOMMEDATIONS TO GRIEVANCE COMMITTEE**
- D. GRANTING THE GRIEVANCE COMMITTEE A BUDGET OF \$250 TOWARDS SUPPLIES**

\*Eligible for reappointment

Report prepared and submitted by:  
Monique Walters, Assistant to the Clerk of Council



**APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION**

**Applicant must reside in Richland County.**

Name: Stephen L. Gilchrist

Home Address: 208 Chancery Lane

Telephone: (home) 803 873-9065

(work) (803) 454-1130

Office Address: 1620 Gervais Street 29201

Educational Background: 3 years +

Professional Background: Asst. County Administrator, Governors office, Certified Mediator, Currently, President and CEO South Carolina Center for Grassroots.

Male \*\*\* Female

Age: 18-25

26-50 \*\*\*

Over 50

Name of Committee in which interested: Accommodations Tax Committee

Reason for interest: County Resident, extensive knowledge in subject areas

Your characteristics/qualifications, which would be an asset to Committee/Board/ Commission:

Former County Administrator, Extensive background in state public policy and local government

Presently serve on any County Board/Commission/Committee? No

Any other information you wish to give? \_\_\_\_\_

Recommended by Council Member(s): Councilman Joe Mcbearan and Councilwoman Val Hutchinson

Hours willing to commit each month: Whatever is needed

**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 board 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 boards shall be required to abstain from voting or influencing through discussion or debate or any other way, decisions of the board 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 Board or Commission, as the County Council, by majority vote of the council, shall elect.

**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 board?

Yes \_\_\_\_\_ No\*\*\*\*\* \_\_\_\_\_

If so, describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
Applicant's Signature

5/31/01  
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 on which you wish to serve.**

**Applications are current for one year.**

Staff Use Only	
Date Received: _____	Received by: _____
Date Sent to Council: _____	
2. Status of Application: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file	

## **Bio for Stephen L. Gilchrist**

*208 Chancery Lane Columbia  
South Carolina 29229*

Stephen Gilchrist attended South Carolina State University with a major in performing Arts and Music and is a recent graduate of the *South Carolina Executive Institute for State and Local Government Executives*. He started his career in Government upon completing an apprenticeship with the South Carolina Legislative Black Caucus to work as a legislative analysis for the South Carolina Senate Finance Committee. He was responsible for researching Bills and providing assistance in crafting a 5 Billion dollar of budget for state government in South Carolina. His level of responsibility has consistently increased over the years as he pursued numerous leadership roles in South Carolina. In 1994, he was appointed Job training Director for the South Carolina Employment Security Commission in Anderson, South Carolina where he provided employment training for residents in Anderson, Oconee and Pickens counties. He returned to his hometown of Greenwood to be later appointed the Community Development Director for the Greenwood Area Chamber of Commerce. His primary responsibilities were to engage community and neighborhood groups in designing strategic plans for non-traditional economic development opportunities as well as community and grassroots organizing within Greenwood County.

In 1998, Mr. Gilchrist was appointed Assistant County Administrator for Greenwood County. He was responsible for day-to-day operations of eight major departments as well as assisting County Council to craft a 17 Million dollar annual budget. In 1999, Mr. Gilchrist relocated to Greenville, South Carolina to serve as Executive Director of Within Reach, a nonprofit organization with a mission to serve under privileged communities. He accomplished this by developing community-based partnership with local groups and assisted neighborhood groups to devise strategic plans for future community development within Greenville County. In the spring of 1999, Mr. Gilchrist reentered the public policy arena and was selected as the Vice President of Public Policy for the South Carolina United Way. He was responsible for coordinating legislative priorities among the forty six county United Ways in South Carolina and designed an annual legislative agenda for the South Carolina General Assembly.

In 2000, Mr. Gilchrist was appointed to the Governors Office to help launch the South Carolina First Steps to School Readiness Initiative "First Steps." As Director of Community Involvement, he was responsible for developing local coalitions in each county to prepare children ready for first grade according to the legislation that govern the initiative. In 2001, Mr. Gilchrist was appointed Director of Fatherhood Initiatives for the South Carolina Department of Social Services. His responsibilities as Director of Fatherhood Initiatives included researching agency policy to determine how best to serve fathers within the current system of DSS. He created partnerships within other cabinet, state and

community based agencies to identify root causes of serving fathers and families and was jointly responsible for implementing the department's Faith Based and Community Based Initiatives within the office of Regional and County Operations. He is the Founder of SLG & Associates and the former Executive Director of the South Carolina Legislative Black Caucus. Currently he is President and CEO of the South Carolina Center for Grassroots and Community Alternatives.

He has received numerous awards and recognition for his leadership role regarding families, communities and economic development. As a professional trainer, in 2001, Mr. Gilchrist received a national award from the National Center for Strategic Non Profit Planning and Community Leadership for his work with Children and Families. He was also recognized by the state of Georgia as an honorary citizen for his tireless advocacy efforts to change public policy to better serve families.

### **Community Activities and Involvement**

Locally, Mr. Gilchrist is very involved in his community.

Among his many community activities, he is Member of the SIC Council at North Springs Elementary School and is an instructor for teaching employability skills for low-income residents in Richland County. He is an active member of St. Mathews United Methodist Church and serves as the Minister of Music as well as on many boards and commissions. He is a little league basketball coach is married to his wife Tammie a public school teacher and they have two sons Phillip Michael and Stephen Alexander.

---



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Telephone: (home) 803 873-9065

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Educational Background: 3 years +

Professional Background: Asst. County Administrator, Governors office, Certified Mediator, Currently, President and CEO South Carolina Center for Grassroots.

Male \*\*\* Female

Age: 18-25

26-50 \*\*\*

Over 50

Name of Committee in which interested: Historic Columbia Foundation

Reason for interest: County Resident, extensive knowledge in subject areas

Your characteristics/qualifications, which would be an asset to Committee/Board/ Commission:

Former County Administrator, Extensive background in state public policy and local government

Presently serve on any County Board/Commission/Committee? No

Any other information you wish to give? \_\_\_\_\_

Recommended by Council Member(s): Councilman Joe Mchearan and Councilwoman Val Hutchinon

Hours willing to commit each month: Whatever is needed

**CONFLICT OF INTEREST POLICY**

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**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 board?

Yes \_\_\_\_\_ No\*\*\*\*\* \_\_\_\_\_

IF so, describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
Applicant's Signature

5/31/06  
Date

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2 Status of Application:	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	<input type="checkbox"/> On file

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1st Appt 4/7/05  
2nd " 4/5/05



**APPLICATION FOR SERVICE ON RICHLAND COUNTY  
COMMITTEE, BOARD OR COMMISSION**

**Applicant must reside in Richland County.**

Name: Melvin T. Miller

Home Address: 422 Sesqui Trail, Columbia, SC 29223

Telephone: (home) (803) 736-8849 (work) (803) 733-8100 ext 1119

Office Address: 1545 Sumter St, Columbia, SC 29201

Educational Background: BS in Business Administration (USC), MBA (Webster University)

Professional Background: Banking 15 years

Male  Female  Age: 18-25  26-50  Over 50

Name of Committee in which interested: Internal Audit Committee

Reason for interest: Opportunity to give back to Richland County

Your characteristics/qualifications, which would be an asset to Committee/Board/ Commission:  
I am a motivated individual with 15 years of banking experience that could be used most efficiently on this committee

Presently serve on any County Board/Commission/Committee? No

Any other information you wish to give? \_\_\_\_\_

Recommended by Council Member(s): Susan Brill

Hours willing to commit each month: as needed

**CONFLICT OF INTEREST POLICY**

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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.

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**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 board?

Yes \_\_\_\_\_ No X \_\_\_\_\_

If so, describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Melvin T. Miller *Melvin T. Miller* 3/17/04  
Applicant's Signature Date

**Return to:**  
**Clerk of Council, Post Office Box 192, Columbia, SC 29202.**  
**For information, call 576-5060.**

**One form must be submitted for each committee on which you wish to serve.**

**Applications are current for one year.**

<b>received</b>		<b>Staff Use Only</b>	
Date Received: _____	<u>3-17-2004</u>	Received by: _____	_____
Date Sent to Council: _____	_____	_____	_____
Status of Application:	<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	<input type="checkbox"/> On file

# DRAFT

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-06HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION; ARTICLE VII, BOARDS, COMMISSIONS AND COMMITTEES; SECTION 2-326, BOARDS AND COMMISSION CREATED AND RECOGNIZED; SUBSECTION (B), THE RICHLAND COUNTY PLANNING COMMISSION; SO AS TO REQUIRE RESIDENCY IN THE UNINCORPORATED AREA OF THE COUNTY AS A CONDITION OF APPOINTMENT.

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

SECTION I. The Richland County Code of Ordinances, Chapter 2, Administration; Article VII, Boards, Commissions and Committees; Section 2-326, Boards and commissions created and recognized; Subsection (b), The Richland County Planning Commission; is hereby reorganized and amended as follows:

(b) *The Richland County Planning Commission.*

- (1) The commission shall consist of not less than five (5) or more than nine (9) members, appointed by the council for a term of four (4) years. Any person who is appointed to the commission after July 1, 2006 must reside in the unincorporated area of the County.
- (2) The commission shall perform all duties provided by law.

SECTION II. Severability. If any section, subsection, or clause of this Ordinance shall be held by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such finding shall not affect the validity of the remaining sections, subsections, and clauses of this Ordinance.

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 for all appointments made to the Planning Commission after \_\_\_\_\_, 2006.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Anthony G. Mizzell, Chair

# DRAFT

ATTEST this the \_\_\_\_ day of

\_\_\_\_\_, 2006

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Michielle R. Cannon-Finch  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

# DRAFT

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-06HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE III, ADMINISTRATION; SECTION 26-33, BOARD OF ZONING APPEALS OF RICHLAND COUNTY; SUBSECTION (B), MEMBERSHIP/TERMS/VACANCIES; PARAGRAPH (1); SO AS TO REQUIRE RESIDENCY IN THE UNINCORPORATED AREA OF THE COUNTY AS A CONDITION OF APPOINTMENT.

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

SECTION I. The Richland County Code of Ordinances; Chapter 26, Land Development; Article III, Administration; Section 26-33, Board of Zoning Appeals of Richland County; Subsection (b), Membership/terms/vacancies; Paragraph (1); is hereby amended to read as follows:

- (1) The board of zoning appeals shall consist of seven (7) members appointed by the Richland County Council, a majority of which shall constitute a quorum. Any person who is appointed to the board of zoning appeals must reside in the unincorporated area of the County. None of the members of the board of zoning appeals shall hold any other public office or position with the county.

SECTION II. Severability. If any section, subsection, or clause of this Ordinance shall be held by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such finding shall not affect the validity of the remaining sections, subsections, and clauses of this Ordinance.

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 for all appointments made to the Board of Zoning Appeals after \_\_\_\_\_, 2006.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Anthony G. Mizzell, Chair

Attest this the \_\_\_\_ day of \_\_\_\_\_, 2006

\_\_\_\_\_  
Michielle R. Cannon-Finch  
Clerk of Council

DRAFT

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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



**RICHLAND COUNTY, SOUTH CAROLINA**  
**PLANNING & DEVELOPMENT SERVICES DEPARTMENT**  
Zoning & Land Development Division  
Office 803-576-2180 Fax: 803-576-2182

March 22, 2006

Dear Honorable Council Members:

On behalf of the members of the Richland County Employee Grievance Committee, I respectfully request consideration towards granting the committee a budget of \$250 for supplies to maintain the committee. (paper, tape recorder, tapes, copying, etc...) As of now we use supplies from our departments.

Thank you for your time and consideration. If you need to contact me, I can be reached at 576-2176.

With kind regards,

A handwritten signature in cursive script that reads "Suzie Haynes".

Suzie Haynes  
Richland County Grievance Committee



STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-06HR

AN ORDINANCE AMENDING ORDINANCE NO. 038-06HR, WHICH AUTHORIZED TWO DEEDS TO FORUM DEVELOPMENT II, LLC FOR CERTAIN PARCELS OF LAND KNOWN AS LOT 12 (APPROXIMATELY 9.665 ACRES) AND LOT 28 (APPROXIMATELY 2.713 ACRES) IN THE RICHLAND NORTHEAST INDUSTRIAL PARK; SO AS TO DELETE ANY REFERENCE TO LOT 28.

WHEREAS, Richland County Council enacted Ordinance No. 038-06HR on May 2, 2006 for the purpose of granting two deeds to Forum Development II, LLC for certain real property known as Lot 12 (approximately 9.665 acres) and Lot 28 (approximately 2.713 acres) in the Richland Northeast Industrial Park, a portion of Richland County TMS # 25800-04-01; and

WHEREAS, Forum Development II, LLC's engineering results have determined that Lot 28 is unsuitable for its intended purpose; therefore, Forum Development II, LLC is exercising its right to terminate the agreement as it applies to Lot 28; and

WHEREAS, a deed has not yet been executed that would convey Lot 28 to Forum Development II, LLC; and

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

SECTION I. Ordinance No. 038-06HR, an ordinance authorizing two deeds to Forum Development II, LLC for certain parcels of land known as Lot 12 (approximately 9.665 acres) and Lot 28 (approximately 2.713 acres) in the Richland Northeast Industrial Park, a portion of Richland County TMS # 25800-04-01, is hereby amended to delete any reference to Lot 28.

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

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

SECTION IV. Effective Date. This ordinance shall be enforced from and after \_\_\_\_, 2006.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Anthony G. Mizzell, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2006.

\_\_\_\_\_  
Michielle R. Cannon-Finch  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-06HR

AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE MASTER AGREEMENT GOVERNING THE I-77 CORRIDOR REGIONAL INDUSTRIAL PARK BY AND BETWEEN RICHLAND COUNTY, SOUTH CAROLINA AND FAIRFIELD COUNTY, SOUTH CAROLINA, IN ORDER TO EXPAND THE BOUNDARIES OF THE PARK TO INCLUDE CERTAIN PROPERTY OWNED BY VULCAN CONSTRUCTION MATERIALS, L.P., AND OTHER MATTERS RELATED THERETO.

WHEREAS, Richland County, South Carolina ("Richland") and Fairfield County, South Carolina ("Fairfield") (collectively, the "Counties"), as authorized under Article VIII, Section 13(D) of the South Carolina Constitution and Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended (the "Act"), have jointly developed the I-77 Corridor Regional Industrial Park (the "Park"); and,

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

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

WHEREAS, on April 15, 2003, the Counties entered into an agreement entitled "Master Agreement Governing the I-77 Corridor Regional Industrial Park" (the "Master Agreement"), the provisions of which replaced all existing Phase Agreements and now govern the operation of the Park; and

WHEREAS, Vulcan Construction Materials, L.P., a South Carolina limited partnership, its corporate affiliates and assigns (collectively referred to as the "Company"), has requested that the Counties expand the boundaries of the Park to include two properties located in Richland and described in the attached **Exhibit A** (hereafter, collectively the "Property"); and

WHEREAS, the Counties now desire to expand the boundaries of the Park to include the Property but only until the earlier of the maturity or termination of the Special Source Revenue Bond.

NOW, THEREFORE, BE IT ORDAINED BY THE RICHLAND COUNTY COUNCIL AS FOLLOWS:

**Section 1. Expansion of Park Boundaries.** There is hereby authorized an expansion of the Park boundaries to include the Company's property. The County Council Chair, or the Vice Chair in the event the Chair is absent, the County Administrator and the Clerk to the County Council are hereby authorized to execute such documents and take such further actions as may be necessary to complete the expansion of the Park boundaries. Pursuant to the terms of the Master Agreement, the expansion shall be complete upon the adoption of this Ordinance by the Richland County Council and a companion Ordinance by the Fairfield County Council, provided however, inclusion of the Property in the Park shall last only until the earlier of the maturity or termination of the Special Source Revenue Bond, both as defined in the Special Source Revenue Bond Ordinance of even date herewith, at which point, the Property will cease

automatically and immediately to be included in the Park without any further action required by the Company or either County.

**Section 2. Removal of Property from Park.** The Company is not entitled to remove any portion of the Property from the Park. However, the Property remains included in the Park only until the earlier of the maturity or termination of the Special Source Revenue Bond, both as defined in the Special Source Revenue Bond Ordinance of even date herewith, at which point, the Property will cease automatically and immediately to be included in the Park without any further action required by the Company or either County.

**Section 3. Savings Clause.** If any portion of this Ordinance shall be deemed unlawful, unconstitutional or otherwise invalid, the validity and binding effect of the remaining portions shall not be affected thereby.

**Section 4. General Repealer.** Any prior Ordinance, the terms of which are in conflict herewith, is, only to the extent of such conflict, hereby repealed.

**Section 5. Effectiveness.** This Ordinance shall be effective after third and final reading.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Anthony G. Mizzell, Chair

(SEAL)

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2006.

\_\_\_\_\_  
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 6, 2006 (tentative)  
Second Reading: June 20, 2006 (tentative)  
Third Reading: July 11, 2006 (tentative)

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-06HR

AN ORDINANCE AUTHORIZING DEED TO L-J, INC., FOR CERTAIN PARCELS OF LAND KNOWN AS LOTS 18, 19, AND 33 (APPROXIMATELY 25.53 ACRES TOTAL) IN THE RICHLAND NORTHEAST INDUSTRIAL PARK, A PORTION OF RICHLAND COUNTY TMS # 25800-04-01.

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 deed to L-J, Inc., for certain real property, as specifically described in the attached Deed, Lots 18, 19, and 33 (approximately 25.53 acres) in the Richland Northeast Industrial Park, a portion of Richland County TMS # 25800-04-01, which is attached hereto and incorporated herein.

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

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

SECTION IV. Effective Date. This ordinance shall be enforced from and after \_\_\_\_\_, 2006.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Anthony G. Mizzell, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2006.

\_\_\_\_\_  
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 6, 2006 (tentative)  
Second Reading:  
Public Hearing:  
Third reading: