

**RICHLAND COUNTY COUNCIL
REGULAR SESSION
COUNCIL CHAMBERS
SEPTEMBER 19, 2006
6:00 P.M.**

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

INVOCATION Honorable Bernice G. Scott

**PLEDGE OF ALLEGIANCE
Honorable Bernice G. Scott**

**PRESENTATIONS: Mr. Mike Briggs
Central SC Alliance**

**Mr. Larry Moody
Forestry Commission**

ADOPTION OF AGENDA

CITIZEN'S INPUT

APPROVAL OF MINUTES

Regular Session: September 12, 2006 [Pages 6-16]

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

- a. Contractual Matter: Purchase of Land**
- b. Recreation Commission vs. Richland County**

REPORT OF THE COUNTY ADMINISTRATOR

- a. Animal Care Update**
- b. CSX Crisis Management Exercise Update**

REPORT OF THE CLERK OF COUNCIL

- a. Chamber of Commerce Annual Gala
September 21, 2006**

REPORT OF THE CHAIRMAN

OPEN/CLOSE PUBLIC HEARING ITEMS NONE

APPROVAL OF CONSENT ITEMS

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

1. THIRD READING ITEMS

- a. 06-23MA
Bluegrass Villages
RU to PDD
Single Family S/D and Related
Commercial 12600-02-01
Blythewood Road & Muller Road
[CONSENT] [Pages 17-19]**
- b. 06-28MA
Killian's Crossing
HI/M1 to PDD
Mixed Use Development
17400-02-04, 17400-10-02
Killian Road & Farrow Road
[CONSENT] [Pages 20-22]**
- c. 06-32MA
Rob Zobel
RU to RC
Mini Storage; Boat and RV Parking
03400-02-24**

**Broad Bill Rd., & I-26 Frontage Road
[CONSENT] [Pages 23-24]**

- d. **06-35MA
Frank Hunt
RU to NC
Neighborhood Commercial
15200-01-13(p) & 15200-01-09
¼ mile west of I-77 Exit 28, Blythewood
[CONSENT] [Pages 25-26]**
- e. **06-40MA
William Scotsman, Inc.
RU to GC
Selling & Leasing of Mobile Offices
03300-03-21
10724 Broad River Road
[CONSENT] [Pages 27-28]**
- f. **Premiums for Retiree Dependent
Health Insurance [CONSENT] [Pages 29-30]**
- g. **An Ordinance amending the Fiscal Year
2006-2007 Road Maintenance budget with an
increase in the road maintenance fee to \$40.00
for private vehicles and \$50.00 for
commercial vehicles with \$20.00 designated
for road maintenance work and \$20.00/\$30.00
designated for funding mass transit and to
appropriate seven million five hundred
thousand dollars (\$7,500,000.00) for mass
transit (DEFERRED FROM 09/12/06)
[Pages 31-32]**
- h. **FY 2006-2007 Millage Ordinances**

2. SECOND READING ITEMS

- a. **An Ordinance amending the Imagine
Richland 2020 Comprehensive Plan,
Adopted on May 3, 1999, by incorporating**

The “Broad River Neighborhoods Master Plan” into the I-20 Interbeltway Subarea Plan. [CONSENT] [Page 33]

- b. An Ordinance authorizing a Quitclaim Deed to Jerry L. Tucker Purported Right-of-Way on Moon Rise Street [CONSENT] [Page 34]**
- c. An Ordinance authorizing a Quitclaim Deed to Wardell Wallace for a 15’ Right-of-Way on Bluff Oaks Road [CONSENT] [Page 35]**
- d. An Ordinance amendment to the Richland County Road Paving Program to permit reordering of the road priority list [Pages 36-38]**
- e. Ordinance to amend Retiree Eligibility Requirements for Group Life, Health and Dental Benefits [CONSENT] [Pages 39-42]**
- f. Ordinance to approve the Issuance and Sale of Special Resource Revenue Bonds for the Vulcan River Road Project [CONSENT] [Pages 43-55]**
- g. An Ordinance authorizing certain economic incentives, including payment of a fee in lieu of property taxes and other related matters, pursuant to a fee agreement between Richland County, South Carolina, and International Truck and Engine Corporation [CONSENT] [Pages 56-59]**

3. [ITEMS REFERRED FROM 09/12/06]

- a. City of Columbia’s acceptance of Recommendations from the Homeless Site Selection Committee**

- b. An Ordinance amending the fiscal year 2006-2007 general fund annual budget to allocate a portion of the county's road maintenance fee toward expenditures on specific projects Road Maintenance Fee [FIRST READING ITEM] [Pages 60-61]**

- 4. A RESOLUTION TO APPOINT AND COMMISSION ERIC L. DAVIS AS A CODE ENFORCEMENT OFFICER FOR THE PROPER SECURITY, GENERAL WELFARE, AND CONVENIENCE OF RICHLAND COUNTY [Page 62]**

- 5. APPROVAL OF RESOLUTION**
 - a. Eastover Magistrate's Office [Page 63]**

- 6. CITIZEN'S INPUT**

- 7. MOTION PERIOD**

- 8. ADJOURNMENT**

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, SEPTEMBER 12, 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.

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
Member	Doris Corley

OTHERS PRESENT – Michielle Cannon-Finch, Milton Pope, Tony McDonald, Roxanne Matthews, Joe Cronin, Larry Smith, Amelia Linder, Chief Harrell, Donny Phipps, Anna Almeida, Michael Criss, Tiaa Rutherford, Jennie Sherry-Linder, Janet Claggett, John Hixson, Sherry Wright-Moore, Monique Walters, Stephany Snowden, Kendall Johnson, Jennifer Dowden, Teresa Smith, Daniel Driggers, Rodolfo Callwood, Audrey Shifflett, Michelle Onley

CALL TO ORDER

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

INVOCATION

The Invocation was given by the Honorable Joseph McEachern

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Joseph McEachern

POINT OF PERSONAL PRIVILEGE – Mr. Mizzell acknowledged that Councilman E. W. Cromartie and Councilwoman Tameika Isaac Devine were in the audience.

ADOPTION OF AGENDA

Ms. Dickerson moved, seconded by Ms. Scott to approve the agenda as distributed. Mr. Livingston stated that there was an item taken up during the Economic Development Committee meeting that needed to be added to the agenda.

Ms. Scott moved to add the Contract Extension for Forum Development as Item (d) under the Economic Development Committee Report, seconded by Ms. Hutchinson. The vote in favor was unanimous.

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

PRESENTATION

Status of CMRTA, Carter Goble Lee – Representatives of Carter Goble Lee gave a brief presentation regarding the status of the CMRTA.

CITIZEN'S INPUT

The citizens that signed up did not speak at this time.

APPROVAL OF MINUTES

Special Called: July 25, 2006 – Mr. Livingston moved, seconded by Ms. Dickerson, to approve the minutes as submitted. The vote in favor was unanimous.

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

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS

- a. **Contractual Matter: Purchase of Land/Recreational Property**
- b. **TIF Update**
- c. **Recreation Commission v. Richland County**

Mr. Smith stated that if Council desired the Contract Extension for Forum Development could be taken up in Executive Session.

Ms. Smith moved, seconded by Mr. McEachern, to move Executive Session until after Citizen's Input. The vote in favor was unanimous.

REPORT OF THE COUNTY ADMINISTRATOR

- a. **Animal Care Update** – Mr. Pope stated the City Manager forwarded a letter to his office stating the City of Columbia was initiating the procurement process on the expansion to the City shelter. The updated construction costs will be presented to Council when they are received. In order to finalize the expansion

the County will have to move forward with the bonding issue. The City Manager has been very receptive to expediting this process.

- b. **Time Warner Cable State Franchise** – Mr. Pope stated that Richland County has secured the 5% franchise rate, staff has met with executives from Time Warner to work on the process of getting a public access channel, and to finalize discussions regarding an audit of potential expenses that may be owed to the County.
- c. **Introduction of new Neighborhood Planner** – Mr. Pope introduced Ms. Tiaa Rutherford to Council.
- d. **Pre-Planning for 2007 Retreat** – Mr. Pope requested a meeting with the Chair and Vice-Chair to begin preparations for next year's retreat.

REPORT OF THE CLERK OF COUNCIL

South Carolina Economic Developer's School – Ms. Finch stated that the annual seminar will be held November 2-3. The topic is Financing Economic Development.

Institute of Governments by the Association of Counties – Ms. Finch stated this event will be held on Thursday, October 19 and if anyone is interested, please let her know so she may register them.

Greater Columbia Chamber of Commerce – Ms. Finch stated that she received a letter from the Greater Columbia Chamber of Commerce stating that Richland County had been nominated and selected to be this year's Woodrow Wilson Award Winner for Regional Cooperation. A gala and auction will be held on September 21. Ms. Finch will contact Council regarding their attendance at this event.

REPORT OF THE CHAIRMAN

Farmers' Market Promotions Committee Appointment – Mr. Mizzell stated that Richland County has not appointed anyone to this Committee and that he was interested in serving in this capacity.

PUBLIC HEARING ITEMS

- **An Amendment to Hospitality Tax Ordinance to limit distribution increases to no more than 3% annually** – No one signed up to speak.
- **An Ordinance authorizing deeds to Wesley United Methodist Church (along Barnwell Street)** – No one signed up to speak.
- **An Ordinance to amend Ordinance No. 006-06HR, which authorized a deed to Forum Development II, LLC for a certain parcel of land known as lot 27, approximately 2.699 acres total in the Richland Northeast Industrial Park, a portion of Richland TMS #25800-04-01; so as to allow Forum Development II, LLC, to assign its interest in the property** – No one signed up to speak.
- **An Ordinance amending the Fiscal Year 2006-2007 Road Maintenance budget with an increase in the road maintenance fee to \$40 for private vehicles and \$50 for commercial vehicles with \$20 designated for road maintenance work and \$20/\$30 designated for funding mass transit and to appropriate seven million five hundred thousand dollars (\$7,500,000.00) for mass transit**

POINT OF PERSONAL PRIVILEGE – Mr. Mizzell acknowledged that Mayor Bob Coble and Councilman-elect Norman Jackson were in the audience.

Mr. J. T. McLawhorn, Jr.; Ms. Olivette Novella Akers; Mr. Sean Heme; Mr. Mac Bennett; Ms. Carol Randolph; Mr. Robin White; Mr. Robert Liming; Ms. Vikkie Powell; Mr. Cravens Ravenel; Mr. Sonny White; Ms. Janet Clark; Mr. Glen McCoy; Mr. Jason McBrayer; Ms. Patricia Holmes; Mr. James Irwin; Ms. Regina Unsworth; Mr. Rusty DePass; Mr. Trip Gregory; Mr. Jonathon Marcy; Mr. Hal Stevenson; Dr. Betty Glad; Mr. Temple Ligon; Ms. Veronica Edwards; Ms. Alice Huntley; Ms. Lill Mood; Ms. Amy Mayne; Rev. John Culp; Mr. John Hartz; Mr. Dale Wolthoff; Ms. Sara Williams; Ms. Diane Marion; Mr. Alan Cooper; Mr. Keith Seymour; Mr. L. Edward Judice; Mr. Bob Guild; Ms. Linda Davis; Mr. Frank Bush; Ms. Joyce Wilkerson and Mr. Sean Sorrell spoke in favor of this item.

Ms. Ruth Wilson; Mr. David Ray; Mr. Bobby Blackwell; Mr. James Porter; Mr. Robert McLeod; Ms. Lillie Bates; Ms. Denise Wentworth; Mr. David Foster; Mr. Joe Azar; and Mr. Richard Jackson, III spoke against this item.

POINT OF PERSONAL PRIVILEGE – Mr. Mizzell acknowledged that Blythewood Mayor Pete Amoth was in the audience.

- **An Ordinance authorizing a Utility Easement to South Carolina Electric and Gas Company on property identified as TMS #16200-03-01 (Located Southeast of Pineview Road—Near Shop Road—in Lower Richland County, South Carolina) – No one signed up to speak.**
- **An Ordinance amending the Imagine Richland 2020 Comprehensive Plan, Adopted on May 3, 1999, by incorporating the “Broad River Neighborhoods Master Plan” into the I-20 Interbeltway Subarea Plan – The citizen that signed up did not speak.**
- **06-22MA, Long Bay PDD, BP Barber & Assoc., Single Family S/D & Related Commercial, 17300-02-02/33/10, West Side Farrow Road ½ Mile North of Hardscrabble Road – The public hearing on this item was deferred until the September 26th meeting.**
- **Resolution in Support of the Issuance of JEDA Bonds for Goodwill Industries of Upper South Carolina, Inc. – No one signed up to speak.**

POINT OF PERSONAL PRIVILEGE – Mr. Mizzell acknowledged that Mayor Pat Smith was in the audience.

APPROVAL OF CONSENT ITEMS

Mr. Montgomery moved, seconded by Mr. Pearce, to approve the following consent items:

- **06-23MA, Bluegrass Villages, RU to PDD, Single Family S/D and Related Commercial, 12600-02-01, Blythewood Road & Miller Road [Second Reading]**
- **06-28MA, Killian’s Crossing, HI/MI to PDD, Mixed Use Development, 17400-02-04, 17400-10-02, Killian Road & Farrow Road [Second Reading]**
- **06-32MA, Rob Zobel, RU to RC, Mini Storage; Boat and RV Parking, 03400-02-24, Broad Bill Rd., I-26 Frontage Road [Second Reading]**
- **06-35MA, Frank Hunt, RU to NC, Neighborhood Commercial, 15200-01-13(p) & 15200-01-09, ¼ Mile West of I-77 Exit 28, Blythewood [Second Reading]**

- **06-40MA, William Scotsman, Inc., RU to GC, Selling & Leasing of Mobile Offices, 03300-03-21, 10724 Broad River Road [Second Reading]**
- **Premium for Retiree Dependent Health Insurance [Second Reading]**
- **Extension of Temporary Receivership Agreement for operation of Franklin & Albene Park Water and Sewer Systems**
- **Richland County Greenways Project: Phase II Funding Request (\$35,000)**
- **Ordinance Authorizing a Quitclaim Deed to Wardell Wallace for a 15' Right-of-Way on Bluff Oaks Road**
- **Ordinance Authorizing a Quitclaim Deed to Jerry L. Tucker Purported Right-of-Way on Moon Rise Street**
- **Petition to Close a Portion of Joe Ballentine Road**
- **Approval of the Comprehensive Economic Development Strategy (CEDs) for the Central Midlands Region**
- **Sheriff: Grant Approvals (Matching Funds and Personnel Required)**
- **Coroner: Request for Approval to Renew Contract with Professional Pathology Services, PC for FY 06-07**
- **Resolution in Support of the Issuance of JEDA Bonds for the Young Men's Christian Association (YMCA) of Columbia, SC Project**
- **Ordinance to Amend Retiree Eligibility Requirements for Group Life, Health and Dental Benefits [First Reading]**
- **Ordinance to Approve the Issuance and Sale of Special Resource Revenue Bonds for the Vulcan River Road Project [First Reading]**

The vote in favor was unanimous.

THIRD READING ITEMS

An Amendment to Hospitality Tax Ordinance to limit distribution increases to no more than 3% annually – Mr. McEachern moved, seconded by Ms. Corley, to approve this item. The vote in favor was unanimous.

An Ordinance authorizing deeds to Wesley United Methodist Church (along Barnwell Street) – Mr. McEachern moved, seconded by Ms. Corley, to approve this item. The vote in favor was unanimous.

An Ordinance to amend Ordinance No. 006-06HR, which authorized a deed to Forum Development II, LLC for a certain parcel of land known as lot 27, approximately 2.699 acres total in the Richland Northeast Industrial Park, a portion of Richland TMS #25800-04-01; so as to allow Forum Development II, LLC, to assign its interest in the property – Mr. Livingston moved, seconded by Ms. Hutchinson, to approve this item. The vote in favor was unanimous.

An Ordinance amending the Fiscal Year 2006-2007 Road Maintenance budget with an increase in the road maintenance fee to \$40 for private vehicles and \$50 for commercial vehicles with \$20 designated for road maintenance work and \$20/\$30 designated for funding mass transit and to appropriate seven million five hundred thousand dollars (\$7,500,000.00) for mass transit – Mr. Montgomery moved, seconded by Ms. Corley, to defer this item until the September 19th meeting. The vote was in favor.

An Amendment to require residency in Richland County for the Board of Zoning Appeals as a condition of appointment – Mr. Pearce moved, seconded by Ms. Scott, to approve this item. The vote in favor was unanimous.

SECOND READING ITEMS

An Ordinance authorizing a Utility Easement to South Carolina Electric and Gas Company on property identified as TMS #16200-03-01 (Located Southeast of Pineview Road—Near Shop Road—in Lower Richland County, South Carolina) – Mr. McEachern moved, seconded by Mr. Montgomery, to table this item as requested by legal. The vote in favor was unanimous.

FIRST READING ITEMS

An Ordinance amending the Imagine Richland 2020 Comprehensive Plan, Adopted on May 3, 1999, by incorporating the “Broad River Neighborhoods Master Plan” Into the I-20 Interbeltway Subarea Plan – Mr. Montgomery moved, seconded by Ms. Scott, to approve this item. The vote in favor was unanimous.

06-22MA, Long Bay PDD, BP Barber & Assoc., Single Family S/D & Related Commercial, 17300-02-02/33/10, West Side Farrow Road ½ Mile North of Hardscrabble Road – Mr. Mizzell opened and closed the public hearing.

Ms. Scott moved, seconded by Ms. Dickerson, to reconsider the public hearing. The vote in favor was unanimous.

Ms. Smith moved, seconded by Ms. Scott, to defer the public hearing on this item until the September 26th Zoning Public Hearing.

Mr. McEachern moved, seconded by Ms. Scott, to approve this item.

Legal advised Council that the public hearing on this item must be held before First Reading.

Ms. Smith made a substitute motion to defer this item until the September 26th Zoning Public Hearing, seconded by Ms. Dickerson. The vote in favor was unanimous.

POINT OF ORDER – Mr. McEachern asked for clarification regarding the deferral of the public hearing on this item.

REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

Acceptance of Roads in Ashley Ridge Subdivision – Ms. Dickerson moved, seconded by Ms. Scott, to defer this item until a community meeting is held and staff places the item back on the agenda. The vote in favor was unanimous.

Proposed Amendment to the Richland County Road Paving Program to Permit Reordering of the Road Priority List – Mr. Livingston moved to amend the ordinance to make it effective with the next four year cycle, seconded by Mr. Jeter.

Ms. Smith made a substitute motion to approve this item, seconded by Mr. Montgomery.

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

The substitute motion failed.

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

The vote to amend the ordinance was in favor.

Mr. Livingston moved, seconded by Mr. Jeter, to approve the amended ordinance.

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

The vote to approve the amended ordinance was in favor.

REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

Funding for Improvements in the Olympia Neighborhood – Ms. Smith stated that the Committee's recommendation was to create a revolving neighborhood fund for major capital improvements using money collected from the expiration of the Vista TIF, as well as, any funds that may be collected in the settlement with the City on the TIF audit and the revolving fund for Olympia would go to the front of the line with an amount yet to be determined.

A discussion took place.

Mr. Livingston moved, seconded by Ms. Dickerson, to defer this item until a work session is held. The vote was in favor.

Resolution in Support of the Issuance of JEDA Bonds for Goodwill Industries of Upper South Carolina, Inc. – Ms. Smith stated that the committee recommended approval of this item. The vote in favor was unanimous.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF VACANCIES ON BOARDS, COMMISSIONS, AND COMMITTEES

- a. Accommodations Tax Advisory Board Committee—1** – Mr. McEachern stated the committee recommended staff to advertise for the vacancy. The vote in favor was unanimous.

II. NOTIFICATION OF APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

- a. Community Relations Council—2** – Mr. McEachern stated there was one applicant and two vacancies. The committee's recommendation was to re-appoint Delores Saini. The vote in favor was unanimous.
- b. Employee Grievance Committee-2** – Mr. McEachern stated that there were four applicants and two vacancies.

There were no votes for Clark A. Frady.

Mr. McEachern, Ms. Corley, Mr. Jeter, Mr. Pearce, Ms. Dickerson and Ms. Scott voted in favor of Ms. Deborah Jordan.

Mr. Montgomery, Mr. Mizzell, Mr. Livingston, Ms. Hutchinson, Ms. Smith, and Ms. Scott voted in favor of Ms. Staci Pritchard.

Mr. Montgomery, Mr. McEachern, Ms. Corley, Mr. Jeter, Mr. Pearce, Mr. Mizzell, Mr. Livingston, Ms. Smith, and Ms. Dickerson voted in favor of Ms. Wanda Shealy.

A discussion took place regarding the vote. A re-vote was taken.

There were no votes for Clark A. Frady.

Mr. McEachern, Ms. Corley, Mr. Jeter, Mr. Pearce, and Ms. Dickerson voted in favor of Ms. Deborah Jordan.

Mr. Montgomery, Mr. Pearce, Mr. Mizzell, Mr. Livingston, Ms. Hutchinson, Ms. Smith, and Ms. Scott voted in favor of Ms. Staci Pritchard.

Mr. Montgomery, Mr. McEachern, Ms. Corley, Mr. Jeter, Mr. Mizzell, Mr. Livingston, Ms. Hutchinson, Ms. Smith, Ms. Dickerson and Ms. Scott voted in favor of Ms. Wanda Shealy.

Ms. Wanda Shealy and Ms. Staci Pritchard were appointed to the Employee Grievance Committee

- c. Midlands Commission on Homlessness-3** – Mr. McEachern stated that this item would be held in committee.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

An Ordinance Authorizing Certain Economic Incentives, Including Payment of a Fee In Lieu of Property Taxes and Other Related Matters, Pursuant to a Fee Agreement Between Richland County, South Carolina, and International Truck and Engine Corporation – Mr. Livingston stated the committee recommended First Reading approval of this item. The vote in favor was unanimous.

Northeast Industrial Park Land Purchase: Lots 18, 19 and 33 (L-J, Inc.) – Mr. Livingston stated that the committee recommended deferral of this item until the item is ready to be placed back on the agenda. The vote in favor was unanimous.

Miller Valentine/Covenants Issue – Mr. Livingston stated that the committee recommended First Reading approval with the deletion of Section 1. A discussion took place. The vote in favor was unanimous.

Extension of Contract for Forum Development, LLC – Mr. Livingston stated the committee recommended extending the contract for Forum Development. The vote in favor was unanimous.

A RESOLUTION TO APPOINT AND COMMISSION RODRICK WHITE AND MICHAEL K. PRITCHARD AS CODE ENFORCEMENT OFFICERS FOR THE PROPER SECURITY, GENERAL WELFARE, AND CONVENIENCE OF RICHLAND COUNTY – Mr. Pearce moved, seconded by Ms. Corley, to approve this item. The vote in favor was unanimous.

Farmers' Market Site Plan Selection (Forwarded from 09/12/06 4:00 p.m. Work Session) – Ms. Smith moved, seconded by Ms. Scott, to approve Site Plan #3. The vote in favor was unanimous.

CITIZEN'S INPUT

Ms. Emily Lumpkin and Mr. Sean Sorrell spoke regarding Animal Care.

Mr. Alan Cooper spoke regarding inflation.

EXECUTIVE SESSION ITEMS

- a. **Contractual Matter: Purchase of Land/Recreational Property** – Mr. McEachern moved, seconded by Ms. Scott, to authorize the Administrator to complete the contractual purchase of land for the recreation property. The vote in favor was unanimous.
- b. **TIF Update** – Mr. Montgomery moved, seconded by Mr. McEachern, to authorize legal counsel to proceed to develop and implement the strategy that was discussed in Executive Session. The vote in favor was unanimous.
- c. **Recreation Commission v. Richland County** – No action taken.

Ms. Scott moved, seconded by Ms. Hutchinson, to go into Executive Session. The vote in favor was unanimous.

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Council went into Executive Session at approximately 9:11 p.m. and came out at approximately 10:12 p.m.
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Ms. Hutchinson moved, seconded by Mr. Jeter, to come out of Executive Session. The vote in favor was unanimous.

MOTION PERIOD

An Ordinance Amending the Fiscal Year 2006-2007 General Fund Annual Budget to Allocate a Portion of the County's Road Maintenance Fee Toward Expenditures on Specific Projects Road Maintenance Fee (Mizzell) – A discussion took place.

POINT OF ORDER – Mr. McEachern stated he was against the \$5.00 increase, but he wished to send this item to full Council for First Reading approval.

Mr. McEachern moved, seconded by Ms. Hutchinson, to forward this item for First Reading approval to the September 19th meeting. The vote in favor was unanimous.

Code Enforcement Committee – Mr. Livingston referred to the D&S Committee an update on the development of a code enforcement committee.

Nomination of Mr. Mizzell for Farmers' Market Marketing Committee – Ms. Smith referred this item to the Rules & Appointment Committee.

Homeless Housing Issue – Mr. Pearce requested that this item be forwarded to full Council. The vote in favor was unanimous.

Animal Care (Critter Cabin) – Ms. Scott directed the Administrator to make a full report and bring back a recommendation regarding Critter Cabin at the September 19th meeting. The vote in favor was unanimous.

ADJOURNMENT

Mr. Pearce moved, seconded by Ms. Dickerson, to adjourn. The vote in favor was unanimous.

The meeting adjourned at approximately 10:27 p.m.

Anthony G. Mizzell, Chair

L. Gregory Pearce, Jr. Vice-Chair

Doris M. Corley

Joyce Dickerson

Valerie Hutchinson

Damon Jeter

Paul Livingston

Joseph McEachern

Mike Montgomery

Bernice G. Scott

Kit Smith

The minutes were transcribed by Michelle M. Onley

**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 # 12600-02-01 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 property described as TMS # 12600-02-01, 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 March 31, 2006 and revised through April 24, 2006) prepared for Bluegrass Villages by B.P. Barber & Associates, Inc., 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 134 dwelling units 16 acres of commercial use, substantially in the amounts and locations depicted in Exhibit A, which is attached hereto; 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) Exhibit A, which is attached hereto, constitutes the applicant’s Sketch Plan for subdivision purposes, and is hereby approved for such purposes; and
- f) Proposed changes to the Master Plan shall be subject to the requirements of Section 26-59(j)(1) of the Richland County Land Development Code; and
- g) The applicant shall dedicate to Richland County a 30-foot right-of-way along the north side of Blythewood Road within the project boundaries at the time of subdivision review; and
- h) All internal streets shall be publicly owned and maintained by Richland County; and
- i) Access to the subject site shall be limited to three entrances on Muller Road and two entrances on Blythewood Road; and
- j) The applicant shall install right turn and left turn (deceleration) lanes at the Blythewood Road entrance into the project, which meets the requirements of the South Carolina Department of Transportation; and
- k) Prior to approval of the preliminary subdivision plans, the applicant shall submit to the PDSD written evidence of:
 - a. The U.S. Army Corps of Engineers’ approval of the wetlands delineation and/or encroachment permit, and
 - b. FEMA’s approval of the 100 year flood elevation statement; and
- l) The applicant shall attempt to utilize “Low Impact Design (LID)” or other acceptable stormwater management technologies; and
- m) 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
- n) 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: July 25, 2006
First Reading: July 25, 2006
Second Reading: September 12, 2006
Third Reading: September 19, 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 PROPERTIES DESCRIBED AS TMS # 17400-02-04 AND TMS # 17400-10-02 FROM HI (HEAVY INDUSTRIAL DISTRICT) AND M-1 (LIGHT INDUSTRIAL 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 # 17400-02-04 and TMS # 17400-10-02, from HI (Heavy Industrial District and M-1 (Light Industrial 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 prepared by DCG Development Overcash / Demmitt Architects, 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 specific numbers and distribution of unit types, and to specific square footage for commercial and retail uses, all as depicted in Exhibit A, which is attached hereto; 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) Development of this project shall conform to the minimum landscape (Section 26-176), parking (Section 26-173), and pedestrian (Section 26-179) regulations of the Richland County Code of Ordinances, and the developer is further encouraged to exceed these minimum standards; and
- f) Exhibit A, which is attached hereto, constitutes the applicant’s Sketch Plan for subdivision purposes, and is hereby approved for such purposes; and
- g) Proposed changes to the Master Plan shall be subject to the requirements of Section 26-59(j)(1) of the Richland County Land Development Code; and
- h) The applicant shall dedicate to Richland County certain right-of-ways along Clemson, Killian, and Farrow Roads, within the project boundaries, at the time of subdivision review and prior to recording any plats for the project; and
- i) All internal streets shall be privately maintained; and
- j) Access to the subject site shall conform to the proposed design included in the Master Plan, unless public safety issues are present at the site development review; and
- k) The applicant shall install right turn and left turn (deceleration) lanes at the Farrow Road entrance into the project, which meets the requirements of the South Carolina Department of Transportation; and
- l) Transit facilities shall be provided for all neighborhoods with the PDD and shall be dedicated for public and school access; and
- m) The developer should consider developing a plan for the dedication of land for a school site, possibly for an on-site elementary school or for a satellite facility of Midlands Technical College; and
- n) The developer should consider including a plan for public safety, postal, and/or civic use facilities; and
- o) Prior to approval of the preliminary subdivision plans, the applicant shall submit to the PDSD written evidence of:
 - a. The U.S. Army Corps of Engineers’ approval of the wetlands delineation and/or encroachment permit, and
 - b. FEMA’s approval of the 100 year flood elevation statement; and

- p) The applicant shall attempt to utilize “Low Impact Design (LID)” or other acceptable stormwater management technologies; and
- q) 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
- r) 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: July 25, 2006
First Reading: July 25, 2006
Second Reading: September 12, 2006
Third Reading: September 19, 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 # 03400-02-24), FROM RU (RURAL DISTRICT) TO RC (RURAL 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 # 03400-02-24, from RU (Rural District) zoning to RC (Rural Commercial District) zoning.

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

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

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

RICHLAND COUNTY COUNCIL

By: _____
Anthony G. Mizzell, Chair

Attest this _____ day of
_____, 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: July 25, 2006
First Reading: July 25, 2006
Second Reading: September 12, 2006
Third Reading: September 19, 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 PROPERTIES DESCRIBED AS TMS # 15200-01-09 AND A PORTION OF TMS # 15200-01-13 FROM RU (RURAL DISTRICT) TO NC (NEIGHBORHOOD 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 # 15200-01-09 and a portion of TMS # 15200-01-13 (as described in Exhibit A, which is attached thereto) from RU (Rural District) zoning to NC (Neighborhood 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: July 25, 2006
First Reading: July 25, 2006
Second Reading: September 12, 2006
Third Reading: September 19, 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 AS TMS # 03300-03-21 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 # 03300-03-21 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: July 25, 2006
First Reading: July 25, 2006
Second Reading: September 12, 2006
Third Reading: September 19, 2006 (tentative)

NOTE: THE METHOD OF DETERMINING THE PORTION PAID BY THE COUNTY, AND BY WHOM, STILL NEEDS TO BE DECIDED BY COUNTY COUNCIL.

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 VIII, PERSONNEL REGULATIONS; DIVISION 6, CONDITIONS OF EMPLOYMENT; SECTION 2-439, GROUP LIFE, HEALTH AND DENTAL INSURANCE; SUBSECTION (C); SO AS TO AMEND THE REQUIREMENT THAT A RETIREE MUST PAY THE HEALTH, DENTAL AND LIFE INSURANCE PREMIUMS FOR A DEPENDENT.

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

SECTION I. The Richland County Code of Ordinances, Chapter 2, Administration; Article VIII, Personnel Regulations; Division 6, Conditions of Employment; Section 2-439, Group Life, Health and Dental Insurance; Subsection (c); is hereby amended to read as follows:

(c) If an employee is eligible for retirement and retires from county employment directly to retirement under the South Carolina Retirement System or South Carolina Police Officers' Retirement System and the appropriate documentation is provided to the county, the county shall continue to provide health, life and dental coverage for such retiring employee subject to the terms and conditions of the insurance contract in existence at the time of application, so long as health, life and dental insurance are administered county-wide; however, such employee must elect coverage within sixty (60) days after retirement eligibility or forever forfeit such coverage. Further, all such retiring employees shall pay insurance premiums for dental coverage during their participation. Failure of such retiring employees to pay such dental insurance premiums shall result in a lapse and forfeiture of dental insurance coverage.

The county shall provide written notice of this coverage election requirement to the employee upon his or her separation from the county. A copy of such notice and acceptance or waiver of such coverage signed by the employee shall be placed and retained in such separating employee's personnel file. If such separating employee shall refuse or fail to sign such acceptance or waiver, the county shall note such waiver or refusal by signed affidavit, which shall likewise be placed and retained in such separating employee's personnel file. Such insurance coverage shall be identical to that provided for active county employees; except that when the retired employee becomes eligible for Medicare, the county health insurance coverage shall be supplemental. Further, a retired employee may include dependents for health, dental, and life insurance ~~at the expense of the retired employee~~, subject to the terms and conditions of the insurance contract, ~~by paying premiums directly to a location designated by the county.~~ The County will pay some portion of the County retiree dependent health premium, if selected by the retiree.

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.

NOTE: THE METHOD OF DETERMINING THE PORTION PAID BY THE COUNTY, AND BY WHOM, STILL NEEDS TO BE DECIDED BY COUNTY COUNCIL.

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: July 25, 2006
Second Reading: September 12, 2006
Public Hearing: Not required
Third Reading: September 19, 2006 (tentative)

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

AN ORDINANCE AMENDING THE FISCAL YEAR 2006-2007 ROAD MAINTENANCE BUDGET WITH AN INCREASE IN THE ROAD MAINTENANCE FEE TO \$40 FOR PRIVATE VEHICLES AND \$50 FOR COMMERCIAL VEHICLES WITH \$20 DESIGNATED FOR ROAD MAINTENANCE WORK AND \$20/\$30 DESIGNATED FOR FUNDING MASS TRANSIT AND TO APPROPRIATE SEVEN MILLION FIVE HUNDRED (\$7,500,000.00) FOR MASS TRANSIT.

WHEREAS, mass transit in Richland County provides people with mobility and access to employment, community resources, medical care, and recreational opportunities, and helps build economically thriving communities; and

WHEREAS, in order to help fund Richland County’s vital mass transit system, County Council intends to increase the County’s 2006-2007 Road Maintenance fee; and

WHEREAS, due to the significant impact of mass transit on the commercial economy, County Council finds that commercial users of County roads enjoy a greater benefit from a thriving mass transit system than private users, and, therefore, intends to impose a \$50 road maintenance fee on commercial vehicles and a \$40 road maintenance fee on private vehicles;

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

SECTION I. The fiscal year 2006-2007 Road Maintenance Budget is hereby amended to include an increase of \$30 to the road maintenance fee for commercial vehicles and an increase of \$20 to the road maintenance fee for private vehicles that will be added to the current \$20 road maintenance fee, and the amount of Seven Million Five Hundred Thousand Dollars (\$7,500,000.00) be appropriated for mass transit. The proceeds will go into the Road Maintenance Fund and be designated to fund mass transit in Richland County.

Section 22a. Richland County hereby enacts the implementation of a \$30 increase in the road maintenance fee for commercial vehicles and \$20 increase in the road maintenance fee for private vehicles to be collected by the Treasurer. The goal of collecting this revenue in fiscal year 2006-2007 will be to offset the cost of providing mass transit in the County. The Treasurer and the Finance Director will assess the status of fees collected to date at the end of fiscal year 2007.

REVENUE

Road Maintenance Revenue appropriated July 1, 2006:	\$ 5,200,000
Mass Transit Revenue based on amendment:	<u>7,500,000</u>

Total Road Maintenance Fund Revenue as Amended: \$ 12,700,000

EXPENDITURES

Road Maintenance Expenditures appropriated July 1, 2006 as amended: \$ 5,200,000

Increase appropriation for Mass Transit Expenditures: 7,500,000

Total Road Maintenance Fund Expenditures as Amended: \$ 12,700,000

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: June 20, 2006
Second Reading: July 11, 2006
Public Hearing: September 12, 2006
Third Reading: September 19, 2006 (tentative)

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

AN ORDINANCE AMENDING THE IMAGINE RICHLAND 2020 COMPREHENSIVE PLAN, ADOPTED ON MAY 3, 1999, BY INCORPORATING THE "BROAD RIVER NEIGHBORHOODS MASTER PLAN" INTO THE I-20 INTERBELTWAY SUBAREA PLAN.

WHEREAS, on May 3, 1999, Richland County Council adopted the Imagine Richland 2020 Comprehensive Plan pursuant to S.C. Code Section 6-29- 310, et al. (Ordinance No. 013-99HR); and

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

WHEREAS, the Richland County Planning Commission has unanimously approved a Resolution recommending that County Council adopt the "Broad River Neighborhoods Master Plan", dated July 6, 2006; and

NOW, THEREFORE, pursuant to the authority granted by the Constitution and the General Assembly of the State of South Carolina, be it enacted by the County Council for Richland County as follows:

SECTION I. The Imagine Richland 2020 Comprehensive Plan is hereby amended by the incorporation of the "Broad River Neighborhoods Master Plan", dated July 6, 2006, and which is attached hereto, into the I-20 Interbeltway Subarea Plan.

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

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

SECTION IV. Effective Date. This ordinance shall be enforced from and after October 3, 2006.

RICHLAND COUNTY COUNCIL

BY: _____
Anthony G. Mizzell, Chair

ATTEST THIS THE ____ DAY

OF _____, 2006

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

AN ORDINANCE AUTHORIZING QUIT-CLAIM DEED TO JERRY L. TUCKER FOR A CERTAIN TRACT OF LAND NOW OR FORMERLY KNOWN AS MOON RISE STREET, RICHLAND COUNTY.

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. For and in consideration of the sum of \$1.00, the County of Richland and its employees and agents are hereby authorized to grant a quit-claim deed for a certain tract of land now or formerly known as Moon Rise Street, Richland County, to Jerry L. Tucker, as specifically described in the attached quit claim deed, which is 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: September 12, 2006
Second Reading: September 19, 2006 (tentative)
Public Hearing:
Third reading:

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

AN ORDINANCE AUTHORIZING QUIT-CLAIM DEED TO WARDELL WALLACE FOR A CERTAIN PORTION OF A RIGHT-OF-WAY KNOWN AS BLUFF OAKS ROAD, RICHLAND COUNTY.

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. For and in consideration of the sum of \$1.00, the County of Richland and its employees and agents are hereby authorized to grant a quit-claim deed for a certain portion of a right-of-way known as Bluff Oaks Road, Richland County, to Wardell Wallace, as specifically described in the attached quit claim deed, which is 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: September 12, 2006
Second Reading: September 19, 2006 (tentative)
Public Hearing:
Third reading:

AMENDED

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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 21, ROADS, HIGHWAYS AND BRIDGES, SECTION 21-20, ROAD PAVING PROGRAM; SUBSECTIONS (D) AND (E); SO AS TO PROVIDE ADDITIONAL MEANS FOR DETERMINING ROAD PAVING PRIORITIES.

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 21, Roads, Highways and Bridges, Section 21-20, Road Paving Program; Subsection (d); is hereby amended by the deletion of the language contained therein and the substitution of the following language:

(d) Roads will be prioritized in accordance with the following procedure, unless one of the exceptions provided in subsection (e) below are followed:

A road's priority for paving will be established by the number of points accredited to it as described below divided by it's length, with the highest total of points per mile constituting the highest priority. The points per mile (P) is calculated by the formula:

$$P = \frac{H + B + C + T + M}{L} \quad \text{Where:}$$

H=Number of points accredited for homes.

One point is accredited for each home accessed from the road. This will include mobile homes as well as permanent homes. It should be noted that the number of homes on a road is an indicator of the number of people using it as well as the importance of the road as a possible school bus route.

B=Number of Points accredited for businesses.

Two points are accredited for each business accessed from the road. To be eligible for these points, a business must occupy a building separate from any residence and rely on the road for either customer traffic or routine use by company vehicles.

C=Number of points accredited for churches.

Two points are accredited for each church accessed from the road.

AMENDED

T=Number of points accredited for a through road.

Five points are accredited if the road is a through road connecting two different paved roads. It should be noted that a through road has the potential for people other than the residents to use it and it is also more likely to be utilized as a school bus route.

M=Number of points accredited for difficult maintenance.

From 0 to 10 points may accredited to a road based on the difficulty of maintaining it in serviceable condition as determined through consultation with the Roads and Drainage Manager.

L=Length of the road in miles and hundredths.

SECTION II. The Richland County Code of Ordinances, Chapter 21, Roads, Highways and Bridges, Section 21-20, Road Paving Program; Subsection (e); is hereby amended by the deletion of the language contained therein and the substitution of the following language:

(e) Exceptions to the road paving priority list as established by subsection (d) above, are as follows:

- (1) A road's paving may be given top priority provided that all costs incurred by the County to pave it are paid by its adjacent property owners. Such costs may be included as an assessment on the tax bill of the property owners, to be paid over no more than a fifteen (15) year period with an interest charge equal to that paid by the County for bonds issued to fund construction. The County Council may elect to have the total costs, plus interest, of the improvements allocated between the property owners either by a front footage assessment ratio, or by each lot being assessed an equal share of the costs and interest. Establishment of this assessment shall require approval of eighty percent (80%) of the property owners.
- (2) Alternatively, any Richland County Council Member may petition the Public Works Director by written request to change the order of the roads that results from the mathematical formula of subsection (d) above. Such petition shall include justification for the reordering of the roads. However, such petition (including justification) shall be submitted to the entire County Council for action at a regular or special called County Council meeting if:
 - a. The Public Works Director denies the request, or
 - b. The proposed road is not within the top fifteen (15) roads on the paving priority list, or
 - c. The road paving costs will exceed \$50,000.

AMENDED

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 in January 2008, the exact date being the day that a new Richland County road paving program cycle begins 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: September 12, 2006
Second Reading: September 19, 2006 (tentative)
Public Hearing:
Third Reading:

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 VIII, PERSONNEL REGULATIONS; DIVISION 6, CONDITIONS OF EMPLOYMENT; SECTION 2-439, GROUP LIFE, HEALTH AND DENTAL INSURANCE; SO AS TO AMEND RETIREE ELIGIBILITY REQUIREMENTS AND BENEFITS.

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

SECTION I. The Richland County Code of Ordinances, Chapter 2, Administration; Article VIII, Personnel Regulations; Division 6, Conditions of Employment; Section 2-439, Group Life, Health and Dental Insurance; is hereby amended to read as follows:

Sec. 2-439. Group life, health and dental insurance.

(a) The county shall pay the premium cost for group life, health, and dental insurance for each eligible employee. Employees may elect various dependent coverages. The cost of dependent health coverage will be shared between the county and the employee. The cost of all other dependent coverage will be the responsibility of the employee.

(b) The county's portion of the employee's insurance benefit plan shall not be paid for any employee on leave without pay or on a nonpay status for a period of more than thirty (30) days. Such an employee may elect to continue his optional coverage during his leave period by remitting to the county such payments, as well as paying the county's portion. If the leave without pay status is not a considerable length of time, these payments may be withheld from the employee's check after returning to work but arrangements should be made through the personnel department. Employees will automatically be dropped from coverage and the county's billing if a valid check is not received in the finance office by the twentieth day of each month or arrangements regarding payment have not been made for the employee on nonpay status.

(c) If an employee is eligible for retirement, has a minimum number of years of continuous service with Richland County as stipulated in paragraph (d), below, and retires from county employment directly to retirement under the South Carolina Retirement System, South Carolina Disability Retirement System, or South Carolina Police Officers' Retirement System and the appropriate documentation is provided to the county in a designated timely manner, the county shall continue to provide health, life and dental coverage for such retiring employee subject to the limitations of paragraph (d) below and subject to the terms and conditions of the insurance contract in existence at the time of application, so long as health, life and dental insurance are administered county-wide; however, such employee must elect coverage within ~~sixty (60)~~ thirty (30) days after retirement eligibility or forever forfeit such coverage. Further, all such retiring employees ~~shall~~ may be required to pay a portion for health insurance premiums and

shall pay all insurance premiums for dental and life coverage during their participation. Failure of such retiring employees to timely pay such health, life, and/or dental insurance premiums shall result in a lapse and forfeiture of ~~dental~~ all insurance coverage.

The county shall provide written notice of this coverage election requirement to the employee ~~upon his or her separation from the county. A copy of such notice and acceptance or waiver of such coverage signed by the employee shall be placed and retained in such separating employee's personnel file.~~ If such separating employee shall refuse or fail to sign such acceptance or waiver, the county shall note such waiver or refusal by signed affidavit, ~~which shall likewise be placed and retained in such separating employee's personnel file.~~ Such insurance coverage shall may or may not be identical to that provided for active county employees; except that when the retired employee becomes eligible for Medicare, the retiree is responsible to enroll and pay the county health insurance coverage shall be supplemental. Further, a retired employee may include eligible dependents for health, dental, and life insurance, at the expense of the retired employee subject to the terms and conditions of the insurance contract and county procedures, by timely paying premiums directly to a location designated by the county.

(d) Beginning ~~July 1, 1989~~ _____, county payment for retirees insurance (hereinafter termed "payment") under paragraph (c) of this section will be available as follows:

(1) The amount of premiums to be proportionately paid by retirees and the county is as follows:

<u>Total Number of Years of Richland County Service</u>	<u>County's Contribution</u>	<u>Employee's Contribution</u>
<u>25 years or greater</u>	<u>100%</u>	<u>0%</u>
<u>At least 20 years, but less than 25 years</u>	<u>90%</u>	<u>10%</u>
<u>At least 15 years, but less than 20 years</u>	<u>80%</u>	<u>20%</u>
<u>At least 12 years, but less than 15 years</u>	<u>70%</u>	<u>30%</u>
<u>At least 5 years, but less than 12 years</u>	<u>30%</u>	<u>70%</u>
<u>Less than 5 years</u>	<u>0%</u>	<u>100%</u>

* Employees who retire on disability directly from Richland County will be considered to have 20 years of County service for the purpose of calculating premiums.

~~(1) Any employee who has retired from the county and at the time of his or her retirement began receiving benefits from the state or police retirement system shall be eligible for county paid group life and hospitalization insurance, providing such insurance is administered county-wide.~~

(2) Payments will begin and shall accrue only after a retired employee has been approved and has provided documentation to the Human Resources Department that he or she receives benefits from the South Carolina Retirement System, state the South Carolina Disability Retirement System, or police the South Carolina Police Officers' Retirement System retirement systems.

- (3) In no event shall retroactive payments be made.
- ~~(4) Any separating employee who is participating in any county provided insurance program at the time of his or her separation from the county who has accumulated service with the county amounting to one half (1/2) of the time necessary to retire under either the South Carolina Retirement System or the South Carolina Police Officers' Retirement System shall qualify for county group dental, life and hospitalization insurance in accordance with the terms and conditions of the insurance contract in existence at the time of application, providing such insurance is administered county wide, and providing such employee pays the premium therefor until retirement under the South Carolina Retirement System or under the South Carolina Police Officers' Retirement System.~~

~~Upon such separating employee's receipt of benefits from either the state or police retirement system and the appropriate documentation being provided to the county, the county shall pay the premiums for his or her health and life insurance. However, the premiums for dependent coverages and dental insurance shall remain the sole responsibility of the separating employee. When the retired employee becomes eligible for Medicare, such insurance shall be supplemental; but such employee must elect coverage within sixty (60) days of separation from the county or forever forfeit such coverage.~~

- (54) Any payment on behalf of an employee who withdraws or is rejected by either any retirement system shall immediately terminate when benefits cease from the retirement system.
- (65) Beginning July 1, 1989 _____, any payments for a former county employee who does not qualify under this section shall be terminated.
- (76) All benefits under this section will be provided only if the applicant is accepted by the county's insurance carriers.
- (7) The County Council has the sole discretion to change, modify, revise, or increase the premiums for which retirees are responsible, and reserves the right to cease offering any retiree benefit with or without advance notice.

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: September 12, 2006
Second Reading: September 19, 2006 (tentative)
Public Hearing: Not required
Third Reading:

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

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED \$3,000,000 PRINCIPAL AMOUNT RICHLAND COUNTY, SOUTH CAROLINA SPECIAL SOURCE REVENUE BONDS (VULCAN RIVER ROAD PROJECT) IN ONE OR MORE SERIES; THE APPLICATION OF THE PROCEEDS OF SAID BONDS TO DEFRAY THE COSTS OF THE CONSTRUCTION OF CERTAIN INFRASTRUCTURE IMPROVEMENTS IN THE COUNTY; AND OTHER MATTERS RELATING THERETO.

WHEREAS, Richland County, South Carolina (the "County"), is a body politic and corporate and a political subdivision of the State of South Carolina (the "State") and is authorized and empowered by the provisions of Title 4, Chapters 1 and 29, of the Code of Laws of South Carolina 1976, as amended (collectively, the "Act"), to acquire or cause to be acquired, whether by design, construction, purchase, gift or lease, one or more projects (as defined in the Act) which shall be located within the County, for the purpose of expanding the infrastructure serving the County and/or promoting industrial development and trade in the State by inducing new industries to locate in the State and by encouraging industries now located in the State to expand their investments and thus utilize and employ manpower and other resources of the State; and

WHEREAS, pursuant to the Act and the terms of a Memorandum of Understanding approved by the County Council of the County (the "County Council") dated as of May 1, 2006 (the "MOU"), between the County and Vulcan Construction Materials, L.P. (the "Company"), the County has agreed to assist the Company in the design, construction, improvement and expansion of certain infrastructure and related facilities used in the operation of a commercial and/or manufacturing enterprise, more specifically including the design and construction of a road along the western boundary of the property connecting to Rosewood Drive (the "Roadway"); and

WHEREAS, the Project will provide an alternative route for truck traffic to and from the Company's quarry site located in the County (TMS# RO8814-01-07), more specifically identified in Exhibit A attached hereto (the "Olympia Quarry"); and

WHEREAS, the Company continues to invest capital and certain real estate improvements, equipment and personal property (the "Facilities") at the Olympia Quarry and another quarry situated in the County more specifically described in Exhibit B attached hereto (the "Dreyfus Quarry") (collectively, the Dreyfus Quarry and the Olympia Quarry shall be referred to as the "Quarries"); and

WHEREAS, the County and Fairfield County, South Carolina (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, 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, by Ordinances dated July 11, 2006, and May 22, 2006 (each an “MCIP Ordinance”), the Counties provided for the inclusion of the Quarries in the Park; and

WHEREAS, under the provisions of Sections 4-1-70 and 4-29-68 of the Act (collectively, the “SSRB Act”), the County is authorized to issue bonds secured by and payable from revenues it receives from payments in lieu of taxes under the Act for the purpose of paying (i) the cost of designing, acquiring, constructing, improving or expanding certain economic development improvements, including the infrastructure serving the County and any improved or unimproved real property used in the operation of a manufacturing or commercial enterprise in order to enhance the economic development of County, (ii) capitalized interest on such bonds, and (iii) the costs of issuance of such bonds; and

WHEREAS, as further inducement to the Company to expand the Facilities, pursuant to the MOU, the County has agreed to issue up to \$3,000,000 Richland County, South Carolina Special Source Revenue Bonds (Vulcan River Road Project) in one or more Series (the “Bonds”), for the purpose of defraying the cost of design and construction of the Project and related improvements, including without limitation, the Roadway, buildings and other qualifying economic development improvements under the SSRB Act to real property located thereon, and capitalized interest on the Bonds (collectively, the “Project”); and

WHEREAS, the County Council, having found that the Project will serve the County and as a direct result of the construction thereof will assist the County in its economic development efforts in the areas adjacent to the Olympia Quarry by inducing the Company to re-route its truck traffic, proposes to issue the Bonds for purchase by the Company and provide for the securing of the Bonds; and

WHEREAS, it has been determined that the estimated amount necessary to pay the costs of the Project and the other related items recited above requires that the Bonds be authorized to be issued in the principal amount of not exceeding \$3,000,000 as hereinafter provided; and

WHEREAS, County Council has caused to be prepared and presented to this meeting the form of the Bonds and an Assignment Agreement to be dated as of September __, 2006, between the County and the Company, as purchaser of the Bonds (the “Assignment”); and

WHEREAS, it appears that the form of the Bonds which is now before this meeting, 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 ORDAINED by the County Council of Richland County, as follows:

SECTION 1. *Authorization of the Project.* In order to enhance the economic development of the County, the construction of the Project is hereby authorized, ratified, and approved.

SECTION 2. *Authorization of Bonds; Details Thereof.* Pursuant to the authority of the SSRB Act, and for the purpose of defraying the cost of the Project, including capitalized interest thereon and necessary expenses incidental thereto, there is hereby authorized to be issued, and shall be issued, revenue bonds of the County in the principal amount of not exceeding \$3,000,000 to be

designated “Richland County, South Carolina, Special Source Revenue Bonds (Vulcan River Road Project)” in one or more Series with such further and other designation as is deemed appropriate therefore. The Bonds shall be issuable in fully registered form without coupons. The Bonds shall be payable as to principal and interest, if any, in any coin or currency of the United States of America which, at the respective dates of payment thereof, is legal tender for the payment of public and private debts.

Principal of and interest on the Bonds shall be due and payable on the dates provided in the form of the Bonds attached hereto as Exhibit A. The Bonds shall be dated as of the first day of the month of their original delivery, bear interest at the rate of 6.0% per annum and mature either in the year in which the SSRB is fully repaid or January 15, 2026, whichever is earlier.

SECTION 3. *Sources of Payment for Bonds; Pledge of Net FILOT Payments; Liability of County.* (a) The Bonds shall be payable from that portion of the fees in lieu of taxes payable to the County by the Company under the Act and pursuant to the Master Agreement, with respect to the Project, remaining after payment by the County of the 1% MCIP revenue share with respect to the Project to Fairfield County (the “Net FILOT Payments”), but only to the extent the Net FILOT Payments are paid on those assets, both real and personal, placed in service by the Company at the Quarries after December 31, 2000 (the “SSRB Assets”). Pursuant to the Assignment, the County will irrevocably pledge to the Company as purchaser of the Bonds, among other things, the County’s right, title and interest in the Net FILOT Payments received by it as security for the Bonds; provided, however, that all Net FILOT Payments received in any year in excess of those FILOT payments attributable to the SSRB Assets shall be retained by the County and applied as provided in the Master Agreement.

(b) The Bonds shall be limited obligations of the County, the principal and interest, if any, on which shall be payable solely from that portion of the Net FILOT Payments required under (a) above and such other amounts as are pledged therefore pursuant to the Assignment. The Bonds and the interest, if any, thereon are not secured by, or in any way entitled to, a pledge of the full faith, credit or taxing power of the County. The Bonds and the interest, if any, thereon shall never constitute an indebtedness of the County within the meaning of any State constitutional provision or statutory limitation and shall be payable solely from the Net FILOT Payments and such other amounts as are pledged therefore pursuant to the Assignment and shall never constitute or give rise to a pecuniary liability of the County or a charge against its general credit or taxing powers. The foregoing limitations shall be plainly stated on the face of the Bonds.

(c) Nothing in this Ordinance, the Master Agreement or the Richland MCIP Ordinance, shall be construed as an obligation or commitment by the County to expend any of its funds other than (i) the proceeds of the Bonds, (ii) the Net FILOT Payments, and (iii) any moneys arising out of the investment or reinvestment of said proceeds, revenues or moneys.

SECTION 4. *Execution of Bonds.* The Bonds shall be executed in the name of the County with the manual or facsimile signature of the County Administrator, shall be attested by the manual or facsimile signature of the Clerk to County Council, and shall have the seal of the County Council impressed or imprinted thereon.

SECTION 5. *Form of Bonds.* The Bonds shall be in substantially the form set forth in the Exhibit C hereto, with necessary or appropriate variations, omissions and insertions as permitted or required hereby.

SECTION 6. *Conformity with Certain Acts.* The Bonds shall be issued in compliance with and under authority of the provisions of the Act and this Ordinance.

SECTION 7. *Findings.* It is hereby found, determined and declared by County Council, as follows:

- (a) The Project constitutes economic development improvements and/or infrastructure improvements as described in Section 4-29-68(A)(2) of the Act, and the issuance of the Bonds in the principal amount of not to exceed \$3,000,000 to finance the Project and to pay capitalized interest on and costs of issuance of the Bonds, will serve to enhance the economic development of the County and in all respects conform to the provisions and requirements of the Act;
- (b) It is anticipated that the Quarries and the Project will benefit the general public welfare of the County by maintaining employment and other public benefits not otherwise provided locally;
- (c) Adequate provision shall be made for the payment of the principal of and the interest, if any, on the Bonds and any necessary reserves therefore and other arrangements have been made to assure that moneys will be available for the operation, repair and maintenance of the Project at the expense of the Company;
- (d) Neither the Project, the Bonds proposed to be issued by the County to defray the costs thereof, nor any documents or agreements entered into by the County in connection therewith will constitute or give rise to any pecuniary liability of the County or a charge against its general credit or taxing power;
- (e) The issuance of the Bonds by the County in the principal amount of not to exceed \$3,000,000 will be required to defray that portion of the cost of the Project, as well as capitalized interest on and costs of issuance of the Bonds, to be undertaken by the County; and
- (f) The Project will be made available by the County to the Company upon the terms and conditions heretofore set forth herein and in the Bonds.

SECTION 8. *Sale and Payment for Bonds.* The Bonds are hereby authorized to be delivered to the Company in consideration for the advances thereunder by the Company as purchaser thereof towards qualified costs of the Infrastructure Improvements or payment of costs of issuance related to the Bonds, as provided in the Bonds and in the Assignment Agreement. With each such purchase, expenditure or payment, the value thereof shall be recorded in the schedule of advances attached to the Bonds as an advance of the principal amount of the Bonds. The County may require the Company, at the Company's expense, to establish to the County's satisfaction that any such purchases, expenditures or payments (i) have in fact been made and (ii) represent costs of qualified economic development or infrastructure improvements within the meaning of the Act.

SECTION 9. *General Authorization for Certain Officials.* The County Administrator, the Chairman of County Council 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 Bonds and the performance of all obligations of the County under and pursuant to the Bonds.

SECTION 10. *Severability, Captions.* 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. The captions, section headings and table of contents are provided for convenience of reference and are not a part of this Ordinance.

SECTION 11. *General Repealer.* All orders, resolutions, ordinances and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Ordinance shall take effect and be in full force from and after its passage and approval.

SECTION 12. *Effectiveness.* This Ordinance is effective after third and final reading.

RICHLAND COUNTY COUNCIL

By: _____
Anthony G. Mizzell, Chairperson

(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: September 12, 2006
Second Reading: September 19, 2006 (tentative)
Public Hearing: October 3, 2006 (tentative)
Third Reading: October 3, 2006 (tentative)

EXHIBIT A
OLYMPIA QUARRY
LEGAL DESCRIPTION

All that certain piece parcel or lot of land together with improvements thereon, (formerly known as 738 Maryland Street) now known as 770 Maryland Street, situate, lying and being on the eastern side of Maryland Street (formerly known as Seventh Street) south of Berkley Street or Avenue, south of the City of Columbia, in School District 1-A of Richland County, State of South Carolina, being known and designated as Lot Number Eight (8), Block Twenty Seven (27) on Drawing No. 1 of map showing property of Ebert Realty Company, and also showing property of Pacific Mills, said drawing made by Tomilson Engineering Company dated October 1939 (with title of drawing changed to include property of Ebert Realty Company in July 1940, said Drawing No. 1 being recorded in the Register of Deeds for Richland County, South Carolina in Deed Book "1" at Page 76, and being more delineated on a plat for Robert C. Wislinski and John M. Lawson by Belter and Associates, Inc. Land Surveyors dated February 19, 1981, said lot to be bound and measuring as follows to-wit: on the North by Lot 7, Block 27, whereon it measures 109.40 feet; on the east by Alleyway 10 feet wide, whereon it measures 66.65 feet; on the south by property now or formerly of Ebert Realty Company, whereon it measures 109.4 feet and on the west by Maryland Street (formerly Seventh Street) whereon it measures 66.65 feet, be all measurements a little more or less.

This is the same property conveyed to Tarmac America, Inc. by deed of Michael Goodlett dated August 29, 1996 in Book D1335 at Page 823 on August 29, 1996.

EXHIBIT B
DREYFUS QUARRY
LEGAL DESCRIPTION

All that certain piece, parcel or tract of land situate, lying and being in the County of Richland, State of South Carolina, located between Broad River and U.S. Highway 215, approximately 8 miles North of the City of Columbia; and containing approximately 295.0 acres, more or less. Said property is more particularly shown on a plat prepared by B.P. Barber & Associates, Inc., dated October 18, 1960 and has the following boundaries: on the North by properties now or formerly owned by W.E. Caughman and W. H. Caughman; on the East by Old Monticello Road; on the South by property now or formerly owned by Sanders R. Guignard, Trustee; and on the West by the Broad River.

Said property is divided by a right-of-way of the Southern Railway Company running in the North-South direction and by a South Carolina Electric and Gas Co. Transmission line right-of-way running in a North-South direction.

EXHIBIT C

[Form of Special Source Revenue Bond]

This security has not been registered under the Securities Act of 1933, as amended (the "Securities Act") or the securities laws of any state ("blue sky laws"). The registered owner hereof, by purchasing this security, agrees that this security may be resold, pledged or otherwise transferred, only in compliance with Rule 144A under the Securities Act, to a person whom such registered owner believes is a qualified institutional buyer, within the meaning of said Rule 144A and as may be otherwise required to comply with applicable blue sky laws.

**STATE OF SOUTH CAROLINA
RICHLAND COUNTY
SPECIAL SOURCE REVENUE BOND
(VULCAN RIVER ROAD PROJECT) SERIES 2006**

No. 1

\$3,000,000

KNOW ALL MEN BY THESE PRESENTS that Richland County, South Carolina, a body politic and corporate, and a political subdivision of the State of South Carolina (the "County"), for value received, does promise to pay, but only from the sources and upon the terms hereinafter set forth, to Vulcan Construction Materials, L.P., a limited partnership organized and existing under the laws of the State of Delaware, but authorized to and conducting business in the State of South Carolina (the "Company"), or registered assigns (the "registered owner"), the principal sum of **THREE MILLION** (\$3,000,000) or such lesser amount as is set forth on the schedule of advances annexed hereto as Schedule I or as hereinafter specified, and interest on the outstanding balance of said principal sum from the date of the initial advance hereunder at the rate of six percent (6.0%) per annum, until maturity or the payment of such principal sum, whichever occurs first. Payments of principal and accrued interest hereunder are due on January 15 of each year beginning January 15, 2007 and ending January 15, 2026 (the "Bond Payment Dates"), unless sooner paid in full. On each Bond Payment Date, 100% of the Net FILOT Revenues (hereinafter defined) but only to the extent the Net FILOT Revenues are attributable to these assets, both real and personal, placed in service by the Company at the Quarries (hereinafter defined) after December 31, 2000 (The "SSRB Assets") shall be applied, first, to the amount of interest then due and payable and, second, to the outstanding principal payable hereunder. It is anticipated that principal and interest shall be payable with respect hereto in accordance with Schedule II annexed hereto; provided, however, in the event that the Net FILOT Revenues attributable to the SSRB Assets exceed those projected to be received by the County, the County shall prepay this Bond, in whole or in part, at par.

All advances hereunder shall be made in accordance with Section 3.03 of the Assignment Agreement dated as of September ___, 2006 between the County and the Company, as purchaser of this Bond (the "Assignment").

In the event that any payment date hereunder shall fall on a Saturday, Sunday or banking holiday in the State of South Carolina (the "State"), then payment shall be made on the next business day.

This Bond is issued pursuant to and in accordance with Title 4, Chapters 1 and 29, Code of Laws of South Carolina 1976, as amended (collectively, the "Act") and an Ordinance of the County Council of Richland County, South Carolina (the "County Council") with respect hereto enacted on September ___, 2006 (the "Bond Ordinance"), for the purpose of defraying the cost of design and construction of a roadway on the western boundary of property owned by the Company more specifically described in the Bond Ordinance which will provide access to Rosewood Drive. The cost includes the design and construction of other improvements required as a result of the construction of the roadway, as well as other qualifying economic development improvements under the Act to capitalize interest on the Bonds.

The Company will invest capital and certain real estate improvements, including personal property at its Quarries situated in the County specifically described in the Bond Ordinance (the "Quarries").

Interest on this Bond is payable by check or draft or wire transfer of collected funds of the United States of America, which at the respective times of payment is legal tender for the payment of public and private debts. The final installment of the principal of and interest on this Bond shall be paid upon presentation and surrender hereof to the County. All other installments of principal and interest hereon shall be paid by check or draft (via first class mail) or wire transfer of collected funds to the registered owner at its orders last appearing on the Bond Register (hereinafter defined).

As prescribed by the Bond Ordinance, the sole source of payments on this Bond shall be the fee-in-lieu of taxes payable by the Company to the County with respect to the Quarries, as provided in the agreement entitled "Master Agreement Governing the I-77 Corridor Regional Industrial Park" (the "Master Agreement"), dated as of April 15, 2003, as from time to time amended (the "Master Agreement"), between the County and Fairfield County, which remain following the payment of the prescribed share of the FILOT to Fairfield County pursuant to the Master Agreement (the "Net FILOT Revenues"). Pursuant to the Assignment, for security of the payment of this Bond, the County has irrevocably pledged to the registered owner hereof, among other things, the Net FILOT Revenues received by the County; provided, however, that all Net FILOT Revenues received by it in any year in excess of the amounts payable on the SSRB Assets in that year shall be retained by the County and applied as provided in the Master Agreement.

By its purchase of this Bond, the registered owner assents to and takes its interest in this Bond subject to the terms of the Bond Ordinance. In this respect, the Bond Ordinance may not be amended without the prior written consent of the registered owner.

This Bond is secured by and payable solely from the Net FILOT Payments and certain other amounts pledged herefore under the Assignment. THIS BOND AND THE INTEREST HEREON IS NOT SECURED BY, OR IN ANY WAY ENTITLED TO, A PLEDGE OF THE FULL FAITH, CREDIT OR TAXING POWER OF THE COUNTY. THIS BOND AND THE INTEREST, IF ANY, HEREON SHALL NEVER CONSTITUTE AN INDEBTEDNESS OF THE COUNTY WITHIN THE MEANING OF ANY STATE CONSTITUTIONAL PROVISION OR STATUTORY LIMITATION AND SHALL BE PAYABLE SOLELY FROM THE NET FILOT PAYMENTS AND CERTAIN OTHER AMOUNTS PLEDGED UNDER THE ASSIGNMENT AND SHALL NEVER CONSTITUTE OR GIVE RISE TO A PECUNIARY LIABILITY OF THE COUNTY OR A CHARGE AGAINST ITS GENERAL CREDIT OR TAXING POWERS.

Copies of the Bond Ordinance, the MCIP Master Agreement and the MCIP Ordinance are on file with the Clerk of Court for Richland County, South Carolina. Reference is made to this Agreement and these Ordinances for a description of certain obligations of the County and the Company hereunder.

This bond is registered in the name of the Company on a registration book (the "Bond Register") kept by the Treasurer of Richland County as bond registrar, and no transfer hereof shall be valid unless made on said registration book at the written request of the Company.

IT IS HEREBY CERTIFIED, RECITED AND DECLARED that all acts, conditions and things required to exist, happen and be performed precedent to and for the execution and delivery of this Bond, do exist, have happened and have been performed in due time, form and manner as required by law; and that the issuance of this bond, together with all other obligations of the County, does not exceed or violate any constitutional or statutory limitation.

IN WITNESS WHEREOF, RICHLAND COUNTY, SOUTH CAROLINA, has caused this bond to be duly executed, sealed and delivered as of the ____ day of September, 2006.

RICHLAND COUNTY, SOUTH CAROLINA

County Administrator
Richland County, South Carolina

SCHEDULE I

**RICHLAND SOUTH CAROLINA
SPECIAL SOURCE REVENUE BOND
(VULCAN RIVER ROAD PROJECT)
SERIES 2006**

**SCHEDULE OF ADVANCES
FOR THE PROJECT**

<u>Date</u>	<u>Amount of Advance</u>	<u>Outstanding Principal Balance</u>	<u>Signature of Authorized County Official</u>	<u>Signature of Authorized Official of Vulcan Construction Materials, L.P.</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

SCHEDULE II

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

I, the undersigned, Clerk to the County Council (the "County Council") of Richland County (the "County"), **DO HEREBY CERTIFY:**

That the foregoing constitutes a true, correct and verbatim copy of an Ordinance adopted by the County Council. The Ordinance was read and received a favorable vote at three public meetings of the County Council on three separate days. At least one day passed between first and second reading and at least seven days between second and third reading. At each meeting, a quorum of the County Council was present and remained present throughout the meeting.

The Ordinance is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my Hand this _____ day of September, 2006.

RICHLAND COUNTY, SOUTH CAROLINA

Clerk to County Council
Richland County, South Carolina

STATE OF SOUTH CAROLINA
RICHLAND COUNTY COUNCIL
ORDINANCE NO. ____-06HR

AN ORDINANCE AUTHORIZING CERTAIN ECONOMIC INCENTIVES, INCLUDING PAYMENT OF A FEE IN LIEU OF PROPERTY TAXES AND OTHER RELATED MATTERS, PURSUANT TO A FEE AGREEMENT BETWEEN RICHLAND COUNTY, SOUTH CAROLINA, AND INTERNATIONAL TRUCK AND ENGINE CORPORATION, A CORPORATION ORGANIZED AND EXISTING UNDER THE LAWS OF THE STATE OF DELAWARE, 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 \$44,600,000; AUTHORIZING THE RECEIPT OF SPECIAL SOURCE REVENUE CREDITS; AND OTHER MATTERS THERETO RELATED.

WHEREAS, Richland County, South Carolina ("County"), acting by and through its County Council ("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 ("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; and,

WHEREAS, the County is authorized and empowered under and pursuant to the provisions of Title 12, Chapter 44 of the Code ("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 of South Carolina ("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 ("fee agreement," as defined in the Act and provide further for the grant of certain special source revenue credits ("SSRCs")); and,

WHEREAS, NPL, Inc. ("NPL") is a wholly-owned subsidiary of International Truck and Engine Corporation ("Company"); and

WHEREAS, NPL and Siemens VDO Automotive Corporation have formed a joint venture at the Siemens Diesel Systems Technology, LLC, facility located in the County for the design and manufacture of diesel fuel injectors ("Facility"); and

WHEREAS, the Company desires to purchase machinery and equipment to be located at the Facility ("Project") and has requested the County to commit to provide certain inducements to the Company by entering into an inducement agreement and millage rate agreement; and

WHEREAS, the Project involves an anticipated investment by the Company of at least \$44,600,000; 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 and Millage Rate Agreement (“Inducement Agreement”) with the Company concerning the Project (“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 (“Fee Agreement”) pursuant to which the property comprising the Project will be exempted from property tax and the Company shall make certain payments to the County in lieu of *ad valorem* property taxes (“FILOT Payments”), as committed to in the Inducement 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 its general credit or taxing power;
- (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 of South Carolina; and

(h) the form of the Fee Agreement between the County and the Company presented to this meeting and filed with the Clerk of the County Council ("Clerk") contains all provisions required by the Act, ensures that it gives no rise to a pecuniary liability of the county or a charge against its general credit or taxing power, and otherwise fully complies with applicable law.

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 ("Chairman") 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, including the grant of SSRs, 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, SOUTH CAROLINA

By: _____
Anthony G. Mizzell, Chair
Richland County Council

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: September 12, 2006
Second Reading: September 19, 2006 (tentative)
Public Hearing:
Third Reading:

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

AN ORDINANCE AMENDING THE FISCAL YEAR 2006-2007 GENERAL FUND ANNUAL BUDGET BY AMENDING SECTION 22 AND DELETING SECTION 23 OF ORDINANCE NO. 066-06HR, WHICH WAS ENACTED ON JUNE 22, 2006, SO AS TO ALLOCATE A PORTION OF THE COUNTY'S ROAD MAINTENANCE FEE TOWARD EXPENDITURES ON SPECIFIC PROJECTS.

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. Section 22 of Ordinance No. 066-06HR, entitled, "An Ordinance to Raise Revenue, make Appropriations, and Adopt a Budget for Richland County, South Carolina for Fiscal Year Beginning July 1, 2006 and Ending June 30, 2007", is hereby amended to read as follows:

SECTION 22. A road maintenance fee of \$15 20 on each motorized vehicle licensed in Richland County shall be included on motor vehicle tax notices beginning ~~in January 2002 on July 1, 2006~~; provided, however, veterans who are totally and permanently disabled are exempt from having to pay such a fee ~~beginning July 1, 2006~~. The proceeds from the road maintenance fee will go into the County Road Maintenance Fund and shall be used specifically for the maintenance and improvement of the County road and/or drainage systems. Any interest earned on these funds shall accrue to this account. Any contracted attorney's fees incurred, as a result of litigation involving the road maintenance fee shall reduce the interest accrual. All other fees previously approved by the County Council, either through budget ordinances or ordinances apart from the budget, will remain in effect unless and until the County Council votes to amend those fees. As used in this section, "veterans who are totally and permanently disabled" means a person who is:

1. A wartime disabled veteran who is entitled to compensation for the loss, or loss of use of one or both legs or arms, or the permanent impairment of vision in both eyes to a degree as to constitute virtual blindness and is also entitled to a special monthly statutory award by reason thereof, or
2. Any South Carolina veteran classified as totally and permanently disabled due to service-connected disabilities as determined from medical records on file with the Veterans Administration.

SECTION II. Section 23 of Ordinance No. 066-06HR, entitled, "An Ordinance to Raise Revenue, make Appropriations, and Adopt a Budget for Richland County, South Carolina for Fiscal Year Beginning July 1, 2006 and Ending June 30, 2007", is hereby amended to read as follows:

SECTION 23. ~~The road maintenance fee shall increase from \$15 to \$20 on each motorized vehicle in Richland County and shall be implemented as of July 1, 2006. Five (\$5.00) Dollars of the total road maintenance fee shall be allocated toward the maintenance and improvement of the following specific road and/or drainage activities and associated resources as needed:~~

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- a. Additional funding for drainage projects.
- b. Additional funding for Road paving and/or resurfacing.
- c. Traffic Calming.
- d. Road reclamation and full depth patching.
- e. Customer Service and field investigations of complaints.
- f. Reinstatement of the Balentine Work Crew.

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

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

SECTION V. Effective Date. This ordinance shall be enforced from and after _____, 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: September 19, 2006 (tentative)
Second Reading:
Public Hearing:
Third Reading:

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

**A RESOLUTION OF THE
RICHLAND COUNTY COUNCIL**

**A RESOLUTION TO APPOINT AND COMMISSION ERIC L. DAVIS AS A
CODE ENFORCEMENT OFFICER FOR THE PROPER SECURITY, GENERAL
WELFARE, AND CONVENIENCE OF RICHLAND COUNTY.**

WHEREAS, the Richland County Council, in the exercise of its general police power, is empowered to protect the health and safety of the residents of Richland County; and

WHEREAS, the Richland County Council is further authorized by Section 4-9-145 of the Code of Laws of South Carolina 1976, as amended, to appoint and commission as many code enforcement officers as may be necessary for the proper security, general welfare, and convenience of the County;

NOW, THEREFORE, BE IT RESOLVED THAT Eric L. Davis is hereby appointed and commissioned a Code Enforcement Officer of Richland County for the purpose of providing for the proper security, general welfare, and convenience of the County, replete with all the powers and duties conferred by law upon constables, in addition to such duties as may be imposed upon him by the governing body of this County, including the enforcement of the County's animal care regulations, and the use of an ordinance summons, and with all the powers and duties conferred pursuant to the provisions of Section 4-9-145 of the Code of Laws of South Carolina 1976, as amended. Provided, however, Eric L. Davis shall not perform any custodial arrests in the exercise of his duties as a code enforcement officer. This appointment shall remain in effect only until such time as Eric L. Davis is no longer employed by Richland County to enforce the County's animal care regulations.

ADOPTED THIS THE ____ DAY OF SEPTEMBER, 2006.

Anthony G. Mizzell, Chair
Richland County Council

Attest: _____
Michielle R. Cannon-Finch
Clerk of Council

