

**RICHLAND COUNTY COUNCIL  
REGULAR SESSION  
FEBRUARY 20, 2007  
6:00 P.M.**

**CALL TO ORDER                   Honorable Joseph McEachern,  
Chairman**

**INVOCATION                   Honorable Bernice G. Scott**

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

**ADOPTION OF AGENDA**

**CITIZEN'S INPUT**

**APPROVAL OF MINUTES**

**Regular Session:                   February 6, 2007 [Pages 6-15]**

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

- a.     **Vista TIF negotiations update**
- b.     **Broad River Wastewater Treatment Plant**

**REPORT OF THE COUNTY ADMINISTRATOR**

- a.     **TIF Update – County/City Issues**
- b.     **Farmer's Market Update**
- c.     **Animal Care Update**
- d.     **Township Renovation Bond**

**REPORT OF THE CLERK OF COUNCIL**

- a.     **Rescheduling of March 6, 2007 Council Meeting**
- b.     **Richland County Employee Night – Inferno Hockey**

**REPORT OF THE CHAIRMAN**

- a.     **Clerk's Office Manual**
- b.     **County/City Issues**

**OPEN/CLOSE PUBLIC HEARINGS**

**1.G., 1.H.,**

**APPROVAL OF CONSENT ITEMS**

**1.A., 1.B., 1.C., 1.D., 1.E., 1.F., 1.G., 2.A., 2.B., 2.C., 2.E., 2.F.,**

**1. THIRD READING ITEMS**

- a. **06-62MA**  
**Rabon Road Storage/Robert Fuller**  
**RU to GC (1 acre)**  
**Self Storage Facility**  
**17115-01-08**  
**North Side of Rabon Road**  
**[Pages 16-17] [CONSENT]**
  
- b. **06-63MA**  
**C. Douglas Caughman**  
**RU to GC**  
**Family Day Care & General Commercial (12.6 acres)**  
**19011-02-02 (p)**  
**378 & Garners Ferry Road**  
**[Pages 18-20] [CONSENT]**
  
- c. **06-65MA**  
**Brad Wilson**  
**RS-LD to GC (8.42 acres)**  
**Retail Shops**  
**20300-02-31**  
**Lee & Longtown Road**  
**[Pages 21-22] [CONSENT]**
  
- d. **06-67MA**  
**Martin Marietta, Inc.**  
**RU to HI (525 acres)**  
**Mining**  
**06500-01-04 (p)**  
**Monticello Trail**  
**[Pages 23-25] [CONSENT]**
  
- e. **06-69MA**  
**Parcone Development Corporation**  
**HI to GC (31.11 acres)**  
**Retail Shopping Center**  
**22910-01-03**  
**10261 Two Notch Road**  
**[Pages 26-27] [CONSENT]**

- f. Amendment to permit Tatoo Parlor on property zoned General Commercial [Pages 28-51]  
[CONSENT]**
  - g. An Ordinance consenting to an Assignment to HOLO (SC) QRS 16-91, Inc. of certain rights and obligations of Holopack International Corp. Relative to all interest in real property and improvements, and certain personal property [Pages 52-54]  
[CONSENT] [PUBLIC HEARING]**
  - h. Ordinance authorizing issuance and sale of General Obligation Bonds not exceeding \$16,970,00 for the Broad River Wastewater Treatment Plant  
[PUBLIC HEARING]**
- \* Approval of Construction Contract Award  
[Pages 55-87]**

**2. SECOND READING ITEMS**

- a. An Ordinance authorizing Quit-Claim deed to Janice Juanita Newbold-Molden and Albert Wallace for a certain portion of a Right-Of-Way known as Bluff Oaks Road, Richland County [Pages 88-90]  
[CONSENT]**
- b. An Ordinance authorizing the granting of a water line Right-of-Way Easement to the City of Columbia across property identified as a portion of TMS# R 16200-03-20, to serve the new Columbia State Farmer's Market [Page 91]  
[CONSENT]**
- c. An Ordinance amending the FY 2006-2007 Special Revenue Fund Annual Budget to add Six Firefighters to Fire Services. Funds are presently available in the Departmental Budget to cover the costs of these new positions. There will be no additional costs for this fiscal year. [Pages 92-93] [CONSENT]**
- d. An Ordinance amending the FY 2006-2007 General Fund Annual Budget to add Four Emergency Medical Technicians and Four Paramedics to Emergency Medial Services. Funds are presently available in the Department Budget to cover the costs of these new**

positions. There will be no additional costs for this fiscal year. [Pages 94-95]

- e. **An Ordinance authorizing the granting of a Sewer Easement to Ginn-LA University Club, Ltd., LLP, across property lying to the North of McNulty Street, Blythewood, South Carolina, and identified as a portion of TMS #15209-01-04 [Page 96] [CONSENT]**
- f. **An Ordinance amending the Richland County Code of Ordinances, Chapter 2, Administration; Article X, Purchasing; Division 2, Competitive Purchasing Policy; Section 2-598, General Provisions; Subsection (A): So as to Exempt Certain Contracts from the County's Requirements under this article [Pages 97-98] [CONSENT]**
- g. **An Ordinance amending the Richland County Code of Ordinances, Chapter 2, Administration; Article VI, Elected and Special Officers; Section 20262, Salaries of Certain Elected Officials; So as to provide for the salaries of such Officials and for subsequent pay increases [Pages 99-100]**
- h. **06-51MA  
Lowman Homes  
RU to PDD (206.7 acres)  
Mixed Use  
01511-03-03-/04/05/06/09, 01511-04-01/04/18,01515-01-01  
Dutch Fork Road and Johnson Marina Road  
(UNDER SEPARATE COVER)**

**3. REPORT OF THE ECONOMIC DEVELOPMENT COMMITTEE**

- a. **Ordinance authorizing Deed to Forum Development II, LLC for Lot 14 in the Richland Northeast Industrial Park (Portion of TMS #25800-04-01 [Page 101]**

**4. REPORT OF THE RULES AND APPOINTMENTS COMMITTEE [Pages 102-103]**

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

**a. Recreation Commission-2**

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

**a. Board of Zoning Adjustments and Appeals-1**

**b. Building Codes Board of Appeals-1**

**c. Hospitality Tax Committee-1 [Pages 104-105]**

**d. Planning Commission-1 [Pages 106-109]**

**5. APPLICATION FOR LOCATING A COMMUNITY RESIDENTIAL CARE FACILITY IN AN UNINCORPORATED AREA OF RICHLAND COUNTY [Pages 110-112]**

**Ann Bruce-Watson  
147 Hunting Avenue  
Hopkins, South Carolina 29061  
District 11  
Councilmember Jackson**

**6. TIF BRIEFING**

**7. CITIZEN'S INPUT**

**8. MOTION PERIOD [FIRST READING ITEM]  
[BY TITLE ONLY]**

**a. An Ordinance authorizing the issuance and sale of Broad River Sewer System General Obligation Refunding Bonds of Richland County, South Carolina, in the principal amount of not exceeding \$16,500.00; fixing the form and details of the bonds, authorizing the County Interim Administrator or his designee to determine certain matters relating to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto. [Pages 113-114]**

**9. ADJOURNMENT**

## MINUTES OF



### RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, FEBRUARY 6, 2007 6:00 p.m.

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

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#### MEMBERS PRESENT:

Chair	Joseph McEachern
Vice Chair	Valerie Hutchinson
Member	Joyce Dickerson
Member	Norman Jackson
Member	Damon Jeter
Member	Paul Livingston
Member	Bill Malinowski
Member	Mike Montgomery
Member	L. Gregory Pearce, Jr.
Member	Bernice G. Scott
Member	Kit Smith

**OTHERS PRESENT** - Michelle Cannon-Finch, Milton Pope, Tony McDonald, Roxanne Matthews, Joe Cronin, Stephany Snowden, Larry Smith, Donny Phipps, Anna Almeida, Tiaa Rutherford, Michael Criss, Jennie Sherry-Linder, Daniel Driggers, Audrey Shifflett, James Hayes, Teresa Smith, Sandra Hayes, Michael Byrd, Andy Metts, Rodolfo Callwood, Monique Walters, Michelle Onley

#### CALL TO ORDER

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

#### INVOCATION

The Invocation was given by the Honorable Mike Montgomery

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by the Honorable Mike Montgomery

### **ADOPTION OF AGENDA**

Mr. Montgomery moved, seconded by Mr. Pearce, to adopt the agenda as distributed. The vote in favor was unanimous.

### **CITIZEN'S INPUT**

No one signed up to speak.

**POINT OF PERSONAL PRIVILEGE** – Ms. Smith recognized that the former Secretary of Commerce of South Carolina, Charles Way, was in the audience.

**POINT OF PERSONAL PRIVILEGE** – Mr. Montgomery recognized that Bill Leidinger, Transportation Study Commission Steering Committee member, was in the audience.

**POINT OF PERSONAL PRIVILEGE** – Mr. McEachern recognized that Blythewood Mayor Pete Amoth was in the audience.

**POINT OF PERSONAL PRIVILEGE** – Ms. Scott recognized that Dr. Reed and Rev. Epps were in the audience.

### **APPROVAL OF MINUTES**

**Regular Session: January 16, 2007** – Mr. Jeter moved, seconded by Mr. Livingston, to approve the minutes as distributed. The vote in favor was unanimous.

**Zoning Public Hearing: January 23, 2007** – Mr. Livingston moved, seconded by Ms. Scott, to reconsider the portion of the minutes regarding Map Amendments #06-54MA and #06-55MA. The vote in favor was unanimous.

**POINT OF ORDER** – Ms. Smith stated that she had a conflict of interest and has a form on file with the Clerk's Office and therefore, would not participate in the vote or discussion regarding these items.

**POINT OF ORDER** – Mr. Pearce inquired if he would be allowed to vote regarding these items since he was not present for the original vote.

Mr. Livingston moved, seconded by Ms. Scott, to defer this item until the February Zoning Public Hearing meeting. The vote in favor was unanimous.

Ms. Hutchinson moved, seconded by Ms. Dickerson, to approve the minutes as reconsidered. The vote in favor was unanimous.

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

Mr. Smith stated the following were an Executive Session Items:

- 1. Potential Litigation**
- 2. Farmers' Market Design/Build Contracts Negotiation and Award**

Ms. Scott moved, seconded by Mr. Pearce, to move Executive Session until after Citizens Input. The vote in favor was unanimous.

#### **REPORT OF THE COUNTY ADMINISTRATOR**

**Farmers' Market Report** – Mr. Pope updated Council regarding the Farmers' Market. Agriculture Commissioner, Hugh Weathers, reported that the estimated construction costs for the Farmers' Market have increased substantially and a report was made to the Ways and Means Committee to that effect. Mr. Weathers is available to make a report to Council and Mr. Pope recommended that Mr. Weathers do so. Administration does not plan to issue bonds until the State has assured them that the project will move forward.

**Animal Care RFQ** – Mr. Pope stated that the draft RFQ had been completed and hard copies were available.

**Recreation Consultant Meeting** – Mr. Pope stated that the Recreation Consultants and the Council appointed committee (Ms. Hutchinson, Mr. McEachern, Mr. Montgomery, Ms. Dickerson and Mr. Jeter) need to meet sometime within the next month to get this project moving.

**NaCo Prescription Drug Cards** – Mr. Pope gave a brief update regarding this item.

**Report Broad River Water Treatment Plant** – Mr. Andy Metts briefed Council regarding this item.

#### **REPORT OF THE CLERK OF COUNCIL**

**SCAC Mid-Year Conference** – Ms. Finch reminded Council members of the SCAC Mid-Year Conference. The conference is on February 21<sup>st</sup> and includes a Delegate's Luncheon and a Legislative Reception that evening. The deadline to register is February 7<sup>th</sup>.



## REPORT OF THE CHAIRMAN

**Richland County Transportation Study Commission Executive Committee: Long-Range Transportation Consultant Recommendation** – Mr. McEachern stated with the consensus of Council this item would be taken up later.

## PUBLIC HEARING ITEMS

There were no public hearing items.

## APPROVAL OF CONSENT ITEMS

Ms. Hutchinson moved, seconded by Ms. Scott, to approve the following consent item:

- **06-62MA, Rabon Road Storage/Robert Fuller, RU to GC (1 Acre), Self Storage Facility, 17115-01-08, North Side of Rabon Road [Second Reading]**
- **06-63MA, C. Douglas Caughman, RU to GC, Family Day Care & General Commercial (12.6 Acres), 19011-02-02(p), 378 & Garners Ferry Road [Second Reading]**
- **06-65MA, Brad Wilson, RS-LD to GC (8.42 Acres), Retail Shops, 20300-02-31, Lee & Longtown Road [Second Reading]**
- **06-69MA, Parcone Development Corporation, HI to GC (31.11 Acres), Retail Shopping Center, 22910-01-03, 10261 Two Notch Road [Second Reading]**
- **An Ordinance Consenting to an Assignment to HOLO (SC) QRS 16-91, Inc. of Certain Rights and Obligations of Holopack International Corp. Relative to All Interests in Real Property and Improvements, and Certain Personal Property [Second Reading]**
- **An Ordinance Authorizing Quit-Claim Deed to Janice Juanita Newbold-Molden and Albert Wallace for a Certain Portion of a Right-of-Way Known as Bluff Oaks Road, Richland County [First Reading]**
- **Ordinance Authorizing the Granting of a Water Line Right-of-Way Easement to the City of Columbia Across Property Identified as a Portion of TMS #R16200-03-20, to Serve the New Columbia State Farmers' Market [First Reading]**
- **Petition to Close Killian Arch Road**
- **Emergency Services: Approval of Contract to Hoover Buildings for Construction of Storage Buildings at Gills Creek Emergency Services Station**
- **Request for Approval to Enter into an Intergovernmental Agreement with the South Carolina Army National Guard to Provide Fire and EMS Services to the McCrady Training Site**
- **An Ordinance Amending the Fiscal Year 2006-2007 Special Revenue Fund Annual Budget to Add Six Firefighters to Fire Services. Funds are Presently Available in the Departmental Budget to Cover the Costs of these**

**New Positions. There will be No Additional Costs for this Fiscal Year. [First Reading]**

- **An Ordinance Amending the Fiscal Year 2006-2007 General Fund Annual Budget to Add Four Emergency Medical Technicians and Four Paramedics to Emergency Medical Services. Funds are Presently Available in the Departmental Budget to Cover the Costs of these New Positions. There will be No Additional Costs for this Fiscal Year. [First Reading]**
- **An Ordinance Authorizing the Granting of a Sewer Easement to Ginn-LA University Club Ltd., LLP, Across Property Lying to the North of McNulty Street, Blythewood, South Carolina, and Identified as a Portion of TMS #15209-01-04. [First Reading]**
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article X, Purchasing; Division 2, Competitive Purchasing Policy; Section 2-598, General Provisions; Subsection (A): So as to Exempt Certain Contracts from the County's Requirements Under this Article [First Reading]**
- **Sheriff's Department: Request to Approve a \$25,000 Grant from the SC Budget and Control Board for the Graffiti Abatement Program (No match or Personnel)**

The vote in favor was unanimous.

## SECOND READING ITEMS

**06-67MA, Martin Marietta, Inc., RU to HI (525 Acres), Mining, 06500-01-04(p), Monticello Trail** – Ms. Dickerson moved, seconded by Ms. Scott, to approve this item with the incorporation of the letter from Martin Marietta into the ordinance. A discussion took place.

The vote in favor was unanimous.

**Amendment to Permit Tattoo Parlors on Property Zoned General Commercial** – Ms. Smith moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

## REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

**Approval of Condemnation Action for a Portion of TMS #20600-10-032 to Obtain Right-of-Way Needed to Pave Wade Kelly Road** – Ms. Dickerson moved, seconded by Ms. Scott, to approve this item and to continue negotiations to reasonably compensate the residents and report the results of these negotiations back to Council. A discussion took place.

Mr. Montgomery made a substitute motion, seconded by Ms. Smith, to approve this item with the understanding that if there is a proposed settlement or change that might incorporate Ms. Dickerson's request that it be brought to Council for approval. The vote in favor was unanimous.

**Approval of Condemnation Action for Two Parcels at South Side Montgomery Road (TMS #06600-02-15 & 06600-02-18) for Expansion of the Richland County Landfill Buffer** – Mr. Jackson moved, seconded by Mr. Montgomery, to approve this item. The vote in favor was unanimous.

#### REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

**Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; Article VI, Elected and Special Officers; Section 2-262, Salaries of Certain Elected Officials; So as to Provide for the Salaries of Such Officials and for Subsequent Pay Increases** – A discussion took place.

Ms. Scott moved, seconded by Mr. Livingston, to approve this item. A discussion took place. The vote was in favor.

**Animal Shelter RFQ** – This item was taken up during the County Administrator's Report.

#### REPORT OF RULES AND APPOINTMENTS COMMITTEE

- I. APPOINTMENT OF CHAIR
- II. NOTIFICATION OF VACANCIES ON BOARDS, COMMISSIONS AND COMMITTEES
  - a. **Employee Grievance Committee—1** – Mr. Montgomery stated that the committee recommended that staff advertise for this vacancy. The vote in favor was unanimous.
  - b. **Hospitality Tax Committee—3** – Mr. Montgomery stated that the committee recommended that staff advertise for these vacancies. The vote in favor was unanimous.
  - c. **Planning Commission—2** – Mr. Montgomery stated that the committee recommended that staff advertise for these vacancies. The vote in favor was unanimous.
  - d. **Township Auditorium Board—1** – Mr. Montgomery stated that the committee recommended that staff advertise for this vacancy. A discussion took place. The vote in favor was unanimous.

**III. NOTIFICATION OF APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES**

- a. Accommodations Tax Advisory Committee—4** – Mr. Montgomery stated there were four applicants and four vacancies. The committee's recommendation was to appoint the four applicants: Ms. Yolonda Armstrong, Mr. Tom Farrell, Mr. James L. Williams and Dr. Sherry A. Walters. The vote in favor was unanimous.
- b. Board of Zoning Adjustments and Appeals—3** – Mr. Montgomery stated there were two applicants and three vacancies. The committee's recommendation was to re-appoint Mr. Harold D. Branham and appoint Ms. Susanne H. Cecere and to re-advertise for the other vacancy. The vote in favor was unanimous.
- c. Community Relations Council—2** – Mr. Montgomery stated there were three applicants and two vacancies.

Mr. Pearce, Mr. Malinowski, Mr. Jackson, Mr. Jeter, Ms. Hutchinson, Ms. Smith, Mr. McEachern and Mr. Montgomery voted for Ms. Marga McKee.

Mr. Livingston, Ms. Dickerson, and Ms. Scott voted for Ms. Prentiss McLaurin.

Mr. Pearce, Mr. Malinowski, Ms. Hutchinson, Mr. McEachern, Mr. Livingston, Ms. Dickerson, Ms. Smith and Ms. Smith vote for Mr. Frank E. White, Jr.

Ms. McKee and Mr. White were appointed.

- d. Farmers' Market Promotions Committee—1** – Mr. Montgomery stated there was one applicant and one vacancy. The committee's recommendation was to appoint Mr. Tony Mizzell. The vote in favor was unanimous.
- e. Hospitality Tax Committee—2** – Mr. Montgomery stated there was one applicant and two vacancies. The committee's recommendation was to re-appoint Ms. Holli S. Emore. The vote in favor was unanimous.
- f. Transportation Study Commission—11** – Mr. Montgomery stated that committee recommended amending the ordinance to establish the Transportation Study Committee by title only. The amendment would increase the size of the total group to 39 by increasing the Executive Committee to 7 and increase the number of at-large members to 16. The vote in favor was unanimous.

The committee recommended appointing the following applicants to the at-large vacancies: Mr. Morgan Grimbball, Mr. Glen Gray, Mr. Will Haltiwanger, and Mr. Steven Hooker to serve on the Greenways Committee; Mr. John Richter, Mr. Louis Dessau and Mr. Jonathan Marcy to the Road Committee; and Mr. James Irwin, Mr. John Hartz, Mr. Eddie Glenn Bryant and Mr. James Frierson to the Public Transit Committee. The vote in favor was unanimous.

The committee recommended that the sub-committees consist of the following members, plus the Chairman of each sub-committee.

**Greenways and Bike Paths Committee:** Ms. Valerie Marcil; Mr. William Dubard, Sr.; Mr. Charles Brooks; Mr. Morgan Grimbball; Mr. Glen Gray; Mr. Will Haltiwanger; and Mr. Steven Hooker.

**Roads Committee:** Mr. Doug Bridges; Ms. Susan Wilson; Mr. James Brown; Mr. John Hardee; Mr. Ronald Wade Anderson; Mr. Richard Dempsey, Sr.; Mr. Stephen B. Corboy; Mr. John Richter; Mr. Louis Dessau, and Mr. Jonathan Marcy.

**Public Transit:** Mr. David James, Ms. Lill Mood, Mr. Bill Jordan, Mr. Joe Owens, Ms. Queen Bonaparte, Mr. Henry Jackson, Mr. Bob Liming, Dr. Leo Richardson, Mr. Chris Scott, Mr. Wade Mullins, Mr. James Irwin, Mr. John Hartz, Mr. Eddie Glenn Bryant and Mr. James Frierson.

The vote in favor was unanimous.

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

**Oliver's Care Home, 1200 Lowhorn Road, Blythewood, South Carolina 29016** – Ms. Dickerson moved, seconded by Ms. Scott, to approve this item. The vote in favor was unanimous.

**Richland County Transportation Study Commission Executive Committee: Long-Range Transportation Consultant** – Mr. Pope stated that the steering committee recommended to Council for consideration Parsons Brinkerhoff. A discussion took place.

Ms. Smith moved, seconded by Ms. Scott, to authorize administration to work with the Executive Committee of the Transportation Commission to enter into contract negotiations with Parsons Brinkerhoff and bring the contract back to Council for approval. The vote was in favor.

**Farmers' Market Design/Build Contracts Negotiation and Award** – This item was taken up during Executive Session for information.

#### CITIZEN'S INPUT

No one signed up to speak.

#### EXECUTIVE SESSION ITEMS

- a. **Pending Litigation** – No action was taken.
- b. **Farmers' Market Design/Build Contracts Negotiation and Award** – No action was taken.

=====  
**Council went into Executive Session at approximately 7:50 p.m. and came out at approximately 8:25 p.m.**  
=====

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

#### MOTION PERIOD

**City of Columbia Correspondence** – Mr. Pearce referred to the A&F Committee the utilization of deadlines when corresponding with the City of Columbia.

**Body Piercing Ordinance** – Mr. Livingston moved, seconded by Ms. Dickerson, to give First Reading approval to the ordinance and forward it to the Planning Commission. The vote in favor was unanimous.

**Township Bond Ordinance** – Mr. Livingston moved, seconded by Ms. Scott, to have this item placed on the February 20<sup>th</sup> agenda. The vote in favor was unanimous.

**Landfills & Recycling Program** – Ms. Scott directed staff to research landfill space and the recycling program and report back to the D&S Committee.

**Salaries and Benefit Packages for Council Members** – Mr. Jeter directed staff to research the salaries and benefit packages of council members in other counties.

**February 15<sup>th</sup> Special Called Meeting and Work Session** – Ms. Smith moved, seconded by Ms. Scott, to schedule a Special Called meeting at 4:00 p.m. to consider contractual negotiations with the County Administrator and also hold a work session immediately following the Special Called meeting on the Broad River Water Treatment Plant.

A discussion took place.

**06-51MA, Lowman Homes, RU to PDD (206.7 Acres), Mixed Use, 01511-03-03/04/05/06/09, 01511-04-01/04/18, 01515-01-01, 01515-01-03, Dutch Fork Rd. and Johnson Marina Rd.** – Mr. Malinowski moved to withdraw his motion to have a developmental agreement in place before this item it placed back on the agenda, seconded by Mr. Livingston. In lieu of the developmental agreement the builders have agreed to meet with the Planning staff and incorporate any concerns within the PDD. The vote in favor was unanimous.

**Council Discretionary Account** – Mr. McEachern referred this item to the A&F Committee for a Budget Amendment.

**POINT OF PERSONAL PRIVILEGE** – Mr. McEachern stated that his son has landed overseas.

### ADJOURNMENT

The meeting adjourned at approximately 8:41 p.m.

\_\_\_\_\_  
Joseph McEachern, Chair

\_\_\_\_\_  
Valerie Hutchinson, Vice-Chair

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Joyce Dickerson

\_\_\_\_\_  
Norman Jackson

\_\_\_\_\_  
Damon Jeter

\_\_\_\_\_  
Paul Livingston

\_\_\_\_\_  
Bill Malinowski

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Mike Montgomery

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L. Gregory Pearce, Jr.

\_\_\_\_\_  
Bernice G. Scott

\_\_\_\_\_  
Kit Smith

The minutes were transcribed by Michelle M. Onley

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-07HR

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 # 17115-01-08 FROM RU (RURAL DISTRICT) TO GC (GENERAL COMMERCIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 17115-01-08 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 \_\_\_\_\_, 2007.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Joseph McEachern, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2007.

\_\_\_\_\_  
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: January 23, 2007  
First Reading: January 23, 2007  
Second Reading: February 6, 2007  
Third Reading: February 20, 2007 (tentative)

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-07HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS A PORTION OF TMS # 19011-02-02, FROM RU (RURAL DISTRICT) TO GC (GENERAL COMMERCIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the property (a portion of TMS # 19011-02-02) described in Exhibit A, which is attached hereto, 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 \_\_\_\_\_, 2007.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Joseph McEachern, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2007.

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

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: January 23, 2007  
First Reading: January 23, 2007  
Second Reading: February 6, 2007  
Third Reading: February 20, 2007 (tentative)

## Exhibit A

All that certain piece, parcel or tract of land, with any improvements thereon, situate East of the City of Columbia in unincorporated Richland County, South Carolina, fronting on the southern side of U.S. Highway 378/76 and fronting on the northern side of Old Garners Ferry Road, designated as Parcel A and containing 9.08 acres, more particularly shown on that certain plat prepared for C. Douglas Caughman by Whitworth & Associates, Inc., dated October 31, 2005, and recorded in the Office of the Register of Deeds for Richland County in Record Book 1199 at page 436, to wit:

Parcel A, beginning at an iron pipe set on the southern boundary of the Right-of-Way of U.S. Highway 378/76, East of its intersection with Old Garners Ferry Road, marking the Northwest corner of said Parcel A, thence running easterly on the said right-of-way S57°16'21"E, 178.37 feet to an iron; thence continuing on said easterly line S57°07'43"E, 354.10 feet to an iron rebar marking the Northeast corner of said parcel; thence turning and running S31°54'05"W, 25.26 feet to an iron rebar; thence turning and continuing S32°24'55"W, 326.45 feet to an iron pipe; thence turning and continuing S33°15'17"W, 200.49 feet to an iron pipe; thence turning and running S87°39'52"W, 136.36 feet to an iron pipe; thence turning and running S37°41'22"W, 133.18 feet to an iron pipe; thence turning and running S00°19'42"E, 104.93 feet to an iron pipe; thence turning S02°23'59"W, 96.34 feet to an iron pipe marking the Southeast corner of Parcel A; thence turning and running N58°39'11"W, 189.67 feet to an iron rebar; thence turning and running N21°22'14"W, 328.56 feet to an iron pipe marking the Southwest corner of Parcel A; thence turning and running N28°16'14"E, 699.36 feet to an angle iron; thence turning and running on the bearing N26°31'08"E, 50.15 feet to the point of beginning; said parcel bounded on the North by U.S. Highway 378/76, on the East by Caughman's Pond and properties N/F C. Douglas Caughman, on the South by Parcel B and properties N/F Goff, and on the West by properties N/F Mill Creek Methodist Church.

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-07HR

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 # 20300-02-31 FROM RS-LD (RESIDENTIAL, SINGLE-FAMILY, LIGHT DENSITY DISTRICT) TO GC (GENERAL COMMERCIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 20300-02-31 from RS-LD (Residential, Single-Family, Light Density 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 \_\_\_\_\_, 2007.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Joseph McEachern, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2007.

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

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: January 23, 2007  
First Reading: January 23, 2007  
Second Reading: February 6, 2007  
Third Reading: February 20, 2007 (tentative)

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-07HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS A PORTION OF TMS # 06500-01-04A FROM RU (RURAL DISTRICT) TO HI (HEAVY INDUSTRIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the property (a portion of TMS # 06500-01-04A) described in Exhibit A, which is attached hereto, from RU (Rural District) zoning to HI (Heavy Industrial 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 \_\_\_\_\_, 2007.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Joseph McEachern, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2007.

\_\_\_\_\_  
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: January 23, 2007  
First Reading: January 23, 2007  
Second Reading: February 6, 2007  
Third Reading: February 20, 2007 (tentative)



## Exhibit A

All that tract of land located on Tax Map Number 06500-01-4A Portion of Richland County, South Carolina containing 525 acres more or less. Being a part of land survey and shown on a Compilation Map by Cox and Dinkins dated October 3, 2006 and being more particularly described as follows:

Commencing at the western right-of way of Monticello Road (State Hwy 215) having a 100 foot right-of way and the southern right-of-way of Roy Corbert Road having a 30 foot right-of-way and following said Roy Corbert Road (Unpaved Road) in a westerly direction a distance of 1075.05 feet to a ¾" rod; thence S 61°59'13" W a distance of 55.02 feet to a ¾" pinch top; thence S61°39'22"W a distance of 1817.49 feet to a point being the southwest corner of said tract and being the true **Point of Beginning**; thence S61°39'22"W a distance of 2087.49 feet to a R/R spike; thence S71°29'49"W a distance of 403.00 feet to nail in the asphalt; thence S61°39'39"W a distance of 1825.19 feet to a ½" rebar located on the eastern right-of-way of Norfolk Southern Railroad having a 200' r/w; thence continuing along said R/R right-of-way along an arc of 219.26 feet subtended by a chord N 54°28'50"W a distance of 219.16 feet to a ½" rebar; thence along an arc of 890.68 feet subtended by a chord N70°12'07"W a distance of 883.77 feet to a point; thence N 81°02'14" W a distance of 266.77 feet to a point; thence along an arc of 891.72 feet subtended by a chord N 68°39'39" W a distance of 882.86 feet to a point; thence along an arc of 290.34 feet subtended by a chord N 50°06'58" W a distance of 290.03 feet to a point; thence along an arc of 646.65 feet subtended by a chord N 37°07'47" W a distance of 644.73 feet to a point; thence along an arc of 726.95 feet subtended by a chord N 22°42'52" W a distance of 725.53 feet to a point; thence N 18°21'32" W a distance of 2112.79 feet to a point; thence along an arc of distance of 314.03 feet subtended by a chord N 18°50'07" W a distance of 314.02 feet to a point; thence N 19°35;01" W a distance of 1070.23 feet to a point; thence N 69°54'13" E a distance of 1620.90 feet to a ¾" pipe; thence S 29°47'31" E a distance of 3157.90 feet to a ¾" pinch top; thence S 38°21'57" E a distance of 1122.48 feet to a point; thence N 15°15'36" E a distance of 879.42 feet to a point; thence N 60°11'42" E a distance of 2642.37 feet to a point located on the western right-of-way of South Carolina Electric and Gas (150' r/w); thence along said right-of-way S 32°12'37" E a distance of 3051.95 feet to a point being the **True Point of Beginning**.

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-07HR

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 # 22910-01-03 FROM HI (HEAVY INDUSTRIAL DISTRICT) TO GC (GENERAL COMMERCIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 22910-01-03 from HI (Heavy Industrial 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 \_\_\_\_\_, 2007.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Joseph McEachern, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2007.

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

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: January 23, 2007  
First Reading: January 23, 2007  
Second Reading: February 6, 2007  
Third Reading: February 20, 2007 (tentative)

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-07HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; ARTICLE V, ZONING DISTRICTS AND DISTRICT STANDARDS; SECTION 26-141, TABLE OF PERMITTED USES WITH SPECIAL REQUIREMENTS, AND SPECIAL EXCEPTIONS; “BUSINESS, PROFESSIONAL AND PERSONAL SERVICES” OF TABLE 20-V-2.; AND ARTICLE VI, SUPPLEMENTAL USE STANDARDS; SECTION 26-152, SPECIAL EXCEPTIONS; SO AS TO PERMIT CERTAIN TATTOO FACILITIES IN THE GC GENERAL COMMERCIAL DISTRICTS AS A SPECIAL EXCEPTION.

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

SECTION I. The Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-141, Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions; “Business, Professional and Personal Services” of Table 20-V-2.; is hereby amended to read as follows:

(ORDINANCE CONTINUES ON NEXT PAGE)

USE TYPES	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LI	HI
<b><u>Business, Professional and Personal Services</u></b>																
Accounting, Tax Preparation, Bookkeeping, and Payroll Services										P	P	P	P	P	P	
Advertising, Public Relations, and Related Agencies										P	P	P	P	P		
Automatic Teller Machines										P	P	P	P	P	P	P
Automobile Parking (Commercial)										P	P	P	P	P	P	P
Automobile Rental or Leasing													P	P	P	P
Automobile Towing, Not Including Storage												P	P	P	P	P
Automobile Towing, Including Storage Services														P	P	P
Banks, Finance, and Insurance Offices										P	SR	SR	P	P	P	
Barber Shops, Beauty Salons, and Related Services	SR							SR	SR	P	P	P	P	P	P	
Bed and Breakfast Homes/Inns	P	SR						SR	SR	P	P	SR	P	P		
Building Maintenance Services, Not Otherwise Listed													P	P	P	P
Car and Light Truck Washes (See also Truck Washes)												SR	P	P	P	P
Carpet and Upholstery Cleaning Services													P	P	P	P
Clothing Alterations/Repairs; Footwear Repairs										P	P	P	P	P		
Computer Systems Design and Related Services										P	P	P	P	P	P	P
Construction, Building, General Contracting, with Outside Storage														SR	SR	P

USE TYPES	RU	RR	SR-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LI	HI
Construction, Building, General Contracting, without Outside Storage										P	P	P	P	P	P	P
Construction, Heavy, with Outside Storage														SR	SR	P
Construction, Heavy, without Outside Storage														P	P	P
Construction, Special Trades, with Outside Storage														SR	SR	P
Construction, Special Trades, without Outside Storage										P	P	P	P	P	P	P
Employment Services										P	P	P	P	P	P	
Engineering, Architectural, and Related Services										P	P	P	P	P	P	
Exterminating and Pest Control Services												P	P	P	P	
Funeral Homes and Services										P	P	P	P	P	P	
Furniture Repair Shops and Upholstery												P	P	P	P	P
Hotels and Motels												P	P	P	P	
Janitorial Services												P	P	P	P	P
Kennels	SR									SR		SR	SR	SR	SR	
Landscape and Horticultural Services	P												P	P	P	
Laundromats, Coin Operated											P	P	P	P	P	
Laundry and Dry Cleaning Services, Non- Coin Operated										P	P	P	P	P	P	P
Legal Services (Law Offices, Etc.)										P	P	P	P	P		
Linen and Uniform Supply													P	P	P	P
Locksmith Shops											P	P	P	P		

USE TYPES	RU	RR	SR-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LI	HI
Management, Scientific, and Technical Consulting Services										P	P	P	P	P	P	
Massage Therapists										P	P	P	P	P		
Medical/Health Care Offices										P	P	P	P	P		
Medical, Dental, or Related Laboratories										P	P	P	P	P	P	
Motion Picture Production/Sound Recording													P	P	P	
Office Administrative and Support Services, Not Otherwise Listed										P	P	P	P	P	P	
Landscape and Horticultural Services	P												P	P	P	
Packaging and Labeling Services										P	P	P	P	P	P	P
Pet Care Services (Excluding Veterinary Offices and Kennels)										P	SR	SR	P	P	P	
Photocopying and Duplicating Services										P	P	P	P	P	P	P
Photofinishing Laboratories										P	P	P	P	P	P	P
Photography Studios										P	P	P	P	P		
Picture Framing Shops										P	P	P	P	P		
Professional, Scientific, and Technical Services, Not Otherwise Listed										P	P	P	P	P	P	
Publishing Industries													P	P	P	P
Real Estate and Leasing Offices										P	P	P	P	P		
Recreational Vehicle Parks and Recreation Camps	SR															
Rental Centers, with Outside Storage													SR	P	P	P
Rental Centers, without Outside Storage												P	P	P	P	P

USE TYPES	RU	RR	SR-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LI	HI
Repair and Maintenance Services, Appliance and Electronics												SR	SR	SR	SR	P
Repair and Maintenance Services, Automobile, Major														P	P	P
Repair and Maintenance Services, Automobile, Minor												P	P	P	P	P
Repair and Maintenance Services, Boat and Commercial Trucks, Large														P		P
Repair and Maintenance Services, Boat and Commercial Trucks, Small														P	P	P
Repair and Maintenance Services, Commercial and Industrial Equipment														P	P	P
Repair and Maintenance Services, Home and Garden Equipment													P	P	P	
Recreational Vehicle Parks and Recreation Camps	SR															
Rental Centers, with Outside Storage													SR	P	P	P
Rental Centers, without Outside Storage												P	P	P	P	P
Research and Development Services										SR			P	P	P	P
Security and Related Services													P	P	P	
Septic Tank Services												P		P		P
Tanning Salons											P	P	P	P		
Tattoo Facilities													SE			
Taxidermists												P	P	P	P	
Theaters, Live Performances													P	P		



USE TYPES	RU	RR	SR-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LI	HI
Theaters, Motion Picture, Drive-Ins												SE	SE	P	SE	
Theaters, Motion Picture, Other Than Drive-Ins											SE	P	P	P	P	
Tire Recapping														P		P
Travel Agencies (without Tour Buses or Other Vehicles)										P	P	P	P	P		
Traveler Accommodations, Not Otherwise Listed												P	P	P		
Truck (Medium and Heavy) Washes													P	P	P	P
Vending Machine Operators														P	P	P
Veterinary Services (Non-Livestock, May Include Totally Enclosed Kennels Operated in Connection with Veterinary Services)										SR	SR	P	P	P	P	
Watch and Jewelry Repair Shops										P	P	P	P	P		
Weight Reducing Centers										P	P	P	P	P		

SECTION II. The Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-152, Special Exceptions; Subsection (c), Special Exceptions Listed by Zoning District; is hereby amended to read as follows:

- (1) Athletic Fields - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)
- (2) Bars and Other Drinking Places - (OI, NC)
- (3) Borrow Pits - (RU, RR, M-1, LI)
- (4) Buildings, High-Rise, Six (6) or More Stories - (RM-HD, GC)
- (5) Continued Care Retirement Communities - (RU, RR)
- (6) Correctional Institutions – (RU, LI, HI)
- (7) Country Clubs with Golf Courses - (RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)
- (8) Day Care, Adult, Home Occupation (6 or Less) – (RU, RR, RS-E, RS-LD, RS-HD, MH, RM-MD, RM-HD)
- (9) Day Care, Child, Family Day Care, Home Occupation (5 or less) - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)
- (10) Day Care, Child, Group Day Care, Home Occupation (6 to 12) – (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)
- (11) Dormitories - (OI, GC)
- (12) Dwellings, Single Family, Zero Lot Line, Common - RS-MD, RS-HD)
- (13) Dwellings, Manufactured Homes on Individual Lots – (M-1)
- (14) Fabricated Metal Products - (LI)
- (15) Glass and Glass Products – (LI)
- (16) Group Homes (10 or more) – (RM-HD, OI, NC, RC, GC)
- (17) Landfills, Sanitary and Inert Dump Sites - (RU, HI)
- (18) Machinery – (LI)
- (19) Manufacturing, Not Otherwise Listed – (LI)

- (20) Nursing and Convalescent Homes – (RU, RR)
- (21) Orphanages - (RU, RR, RM-MD, RM-HD)
- (22) Places of Worship – (RS-E, RS-LD, RS-MD, RS-HD, MH)
- (23) Race Tracks and Drag Strips – (HI)
- (24) Radio, Television, and Telecommunications and other Transmitting Towers – (RU, OI, NC, RC, GC, LI, HI)
- (25) Rooming and Boarding Houses – (RM-HD, OI, NC, RC)
- (26) Scrap and Recyclable Materials – (M-1, LI, HI)
- (27) Shooting Ranges, Outdoor - (RU, HI)
- (28) Special Congregate Facilities - (OI, GC)
- (29) Swimming and Tennis Clubs - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, NC, RC, LI)
- (30) Tattoo Facilities – (GC)
- ~~(3031)~~ Textile Product Mills – (LI)
- ~~(3132)~~ Theaters, Motion Picture, Drive-Ins - (RC, GC, LI)
- ~~(3233)~~ Theaters, Motion Picture, Other Than Drive-Ins - (NC)
- ~~(3334)~~ Transportation Equipment - (LI)
- ~~(3435)~~ Waste Collection, Hazardous - (HI)
- ~~(3536)~~ Waste Treatment and Disposal, Hazardous – (HI)
- ~~(3637)~~ Zoos and Botanical Gardens – (RU, OI, RC)

SECTION III. The Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-152, Special Exceptions; Subsection (d), Standards; is hereby amended to read as follows:

- (d) *Standards.*
  - (1) *Athletic fields.*

- a. Use districts: Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density.
- b. Parking lots for athletic fields shall have primary access to collector or thoroughfare roads.
- c. Lights shall be positioned so as not to shine onto adjacent properties.
- d. Loud speaker systems shall not be operated before 8:00 a.m. or after 10:00 p.m.

(2) *Bars and other drinking places.*

- a. Use districts: Office Institutional; Neighborhood Commercial.
- b. Lots used for bars or drinking places shall be located no closer than four hundred (400) feet from any other lot used as a bar or drinking place, and shall be no closer than six hundred (600) feet to any lot which contains a school (public or private) or a place of worship.
- c. A minimum six (6) foot high opaque fence or wall shall be erected adjacent to the property line of any abutting residences.
- d. Parking areas related to the establishment shall be located no closer than thirty (30) feet to the property lines of any abutting residences.

(3) *Borrow pits.*

- a. Use districts: Rural; Rural Residential; M-1 and LI Light Industrial.
- b. Proposals for borrow pits will only be permitted where:
  - 1. There are overriding environmental or other planning benefits compared to obtaining materials from alternative sources;
  - 2. Alternative materials of the required specification are unavailable in sufficient quantities;
  - 3. They are contiguous with or close to the projects they are intended to serve;

4. They are time-limited to the life of the project and material is to be used only for the specified project;
  5. Proposals include appropriate reclamation measures that make full use of surplus spoil from the project;
  6. The site can be restored to its original levels or an alternative acceptable landform only utilizing materials from the construction project;
  7. Any impacts on the environment or local communities can be controlled to acceptable levels; and
  8. The project area is less than ten (10) acres.
- c. All borrow pits subject to this subsection shall comply with the following requirements:
1. The average slope of any cut bank measured from a point located ten (10) feet from the boundary of any abutting property to the bottom of the cut bank in the pit shall not exceed a horizontal to vertical ratio of 2:1. The owner of the borrow pit is responsible for maintaining this condition;
  2. The top of the cut bank of the borrow pit shall, at no time, be closer than ten (10) feet from the property boundary of any abutting landowner;
  3. The depth of the borrow pit is limited to a maximum of twelve feet below the average seasonal high water table or three feet above a confining or semi-confining unit, whichever is shallower;
  4. No excavation shall occur within two hundred (200) feet of a wetland or other surface water;
  5. Best management practices shall be used to control erosion and sediment transport during and after the excavation activities;
  6. The borrow pit slopes shall be stabilized with native vegetation within six months following completion of the excavation;

7. Upon completion of the excavation area, side slopes shall be no steeper than 4 (horizontal):1 (vertical) out to a depth of two feet below the average water elevation;
8. No on-site grading or sorting of materials shall occur; and
9. The active excavation, processing, and transportation of fill material shall only occur between 8:00 a.m. and 8:00 p.m.

(4) *Buildings, high-rise, six (6) or more stories.*

- a. Use districts: Residential, Multi-Family, High-Density; Office and Institutional; General Commercial.
- b. The minimum lot size to establish a high-rise building shall be one (1) acre.
- c. The minimum lot width to establish a high-rise building shall be one hundred and fifty (150) feet.
- d. A high-rise structure shall be set back a minimum of twenty-five (25) feet from all property lines.
- e. In the RM-HD District, the maximum lot coverage for a high-rise building shall be thirty-five percent (35%). In the GC and OI Districts, the maximum lot coverage for a high-rise building shall be forty-five percent (45%).
- f. Increase of allowable lot coverage:
  1. Additional lot coverage may be allowed on a foot for foot basis equal to the number of square feet provided on the structure above the first level in the form of landscaped roof gardens, solariums, recreational spaces, and the like made available generally to tenants. In no case shall such an increase in coverage exceed an amount equal to ten percent (10%) of the total lot area upon which the high-rise structure is located.
  2. Parking lots or structures to accommodate required parking may be erected to cover not more than thirty percent (30%) of the total lot area in addition to the coverage listed in subsections e. and f.1. above.
- g. No portion of any high-rise building shall project through imaginary planes leaning inward over the lot from the exterior lot lines of the parcel at angles representing two (2) feet in height for each one (1) foot of horizontal distance from such lot line.

- h. Parking and loading facilities shall be provided as required by Section 26-173 of this chapter. No parking lots shall be permitted within any required setback.
  - i. High-rise buildings over fifteen (15) stories in height are only permitted on lots located at the intersection of major thoroughfares or interstate highway interchanges.
  - j. In the Office and Institutional District the maximum height for a high rise shall be seventy-five (75) feet.
- (5) *Continued care retirement communities.*
- a. Use districts: Rural; Rural Residential.
  - b. The minimum lot size to establish a continued care retirement community shall be one (1) acre.
  - c. No parking space or drive aisle shall be located closer than twenty (20) feet to any other residence not a part of the community.
  - d. The front setback shall be the same as permitted in the respective district, but shall not be less than the lesser setback of any existing homes on adjacent lots. The side and rear setbacks shall be as set forth for the district.
  - e. All facilities shall be solely for the use of the residents and their guests.
- (6) *Correctional institutions.*
- a. Use districts: Rural; LI Light Industrial; Heavy Industrial.
  - b. Off-street parking requirements shall be as listed in Section 26-173 of this chapter.
- (7) *Country clubs with golf courses.*
- a. Use districts: Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density.
  - b. There shall be a minimum fifty (50) foot setback between clubhouses, swimming pools, lighted tennis courts, or athletic fields and adjacent residentially zoned or used properties.
- (8) *Day care, adult, home occupation (six or less).*

- a. Use districts: Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density.
- b. An adult day care, home occupation, with six (6) or fewer attendees must be operated in an occupied residence.
- c. Client pick-up and drop-off shall not obstruct traffic flow on adjacent public roads.
- d. Parking shall not be located in the front yard.
- e. All other state and federal regulations shall be met.

(9) *Day Care, Child, Family Day Care, Home Occupation (5 or less)*

- a. Use districts: Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density.
- b. A child group family day care home occupation must be operated in an occupied residence.
- c. Any outdoor play area shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas, or land otherwise unsuited for children's play space.
- d. Client pick-up and drop-off shall not obstruct traffic flow on adjacent public roads.
- e. Parking shall not be located in the front yard.
- f. All other state and federal regulations shall be met.

(10) *Day Care, Child, Group Day Care, Home Occupation (6 to 12).*

- a. Use districts: Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density.
- b. A child group day care home occupation must be operated in an occupied residence.



- c. Any outdoor play area shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas, or land otherwise unsuited for children's play space.
- d. Client pick-up and drop-off shall not obstruct traffic flow on adjacent public roads.
- e. Parking shall not be located in the required front yard.
- f. All other state and federal regulations shall be met.

(11) *Dormitories.*

- a. Use districts: Office and Institutional; General Commercial.
- b. The property on which the use is located shall be within a one-half (½) mile radius of property developed as the primary campus of the representing college or university.

(12) *Dwellings, single-family, zero lot line, common.*

- a. Use districts: Residential, Single-Family, Medium Density; Residential, Single-Family, High Density.
- b. The lot proposed for zero lot line development must be under the same ownership at the time of initial construction or the owner of adjacent properties must record an agreement or deed restriction in writing to the development of zero setback. The maintenance and drainage easement required in e. below must be provided as part of this agreement and deed restriction.
- c. One (1) dwelling unit shall be placed on one interior side property line with a zero (0) setback and the dwelling unit setback on the other interior side property line shall be a minimum of twelve (12) feet. Patios, pools, garden features, and other similar elements shall be permitted within the twelve (12) foot setback area, provided, however, no structure shall be placed within easements required by e. below.
- d. The wall of a dwelling located on the lot line shall have no windows, doors, air conditioning units, or any other types of openings. An atrium or court shall be permitted on the zero lot line side when such court or atrium is enclosed by two (2) walls of the dwelling unit and a solid wall of at least six (6) feet in height is provided on the zero lot line extending to the front and/or rear of

the dwelling unit. Said wall shall be constructed of the same materials as exterior walls of the unit.

- e. A perpetual five (5) foot maintenance easement shall be provided on the lot adjacent to the zero lot line property which shall be kept clear of structures. This easement shall be shown on the plat and incorporated into each deed transferring title to the property. Roof overhangs and footings may penetrate the easement on the adjacent lot a maximum of twenty-four (24) inches, but the roof shall be so designed that water runoff from the dwelling placed on the lot line is controlled by gutters or other approved methods.

(13) *Dwellings, Manufactured Homes on Individual Lots.*

- a. Use districts: M-1 Light Industrial.
- b. Manufactured homes must meet the standards set by the Federal Manufactured Housing Construction and Safety Standards Act of 1974 (which became effective June 15, 1976), as revised and in effect on the date the application is made for a land development permit.
- c. The tongue, axles, transporting lights, and removable towing apparatus must be removed subsequent to final placement.
- d. Manufactured home skirting or a continuous, permanent masonry foundation, unpierced except for openings required by the building code for ventilation, utilities and access, shall be installed under the manufactured home.

(14) *Fabricated metal products.*

- a. Use districts: LI Light Industrial.
- b. Any building used for the manufacture of fabricated metal products shall be no greater than thirty thousand (30,000) square feet in gross floor area.
- c. Operations standards set forth in Section 26-178 of this chapter shall be examined in detail during the special exception review process.

(15) *Glass and glass products.*

- a. Use districts: LI Light Industrial.

- b. Any building used for the manufacture of glass and glass products shall be no greater than thirty thousand (30,000) square feet in gross floor area.
  - c. Operations standards set forth in Section 26-178 of this chapter shall be examined in detail during the special exception review process.
- (16) *Group homes (10 or more).*
- a. Use districts: Residential, Multi-Family, High Density; Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial.
  - b. Parking shall not be located in the required front yard, except in the General Commercial District.
- (17) *Landfill, sanitary and inert dump sites.*
- a. Use districts: Rural; Heavy Industrial.
  - b. All required local, state, and federal permits must be obtained.
  - c. Ingress and egress to the site must be from a thoroughfare or collector road.
- (18) *Machinery.*
- a. Use districts: LI Light Industrial.
  - b. Any building used for the manufacture of machinery shall be no greater than thirty thousand (30,000) square feet in gross floor area.
  - c. Operations standards set forth in Section 26-178 of this chapter shall be examined in detail during the special exception review process.
- (19) *Manufacturing, not otherwise listed.*
- a. Use districts: LI Light Industrial.
  - b. Any building used for manufacturing processes fitting in this classification shall be no greater than thirty thousand (30,000) square feet in gross floor area.

- c. Operations standards set forth in Section 26-178 of this chapter shall be examined in detail during the special exception review process.

(20) *Nursing and convalescent homes.*

- a. Use districts: Rural; Rural Residential.
- b. Minimum lot size to establish a nursing and/or a convalescent home shall be one (1) acre.
- c. The front setback shall be the same as permitted in the applicable zoning district. Side and rear setbacks shall be twenty-five (25) feet from property lines.
- d. No parking space or drive shall be located closer than twenty (20) feet from any road line or property line. No parking shall be permitted in the front yard.

(21) *Orphanages.*

- a. Use districts: Rural; Rural Residential; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density.
- b. Minimum lot size to establish an orphanage shall be one (1) acre.
- c. The front setback shall be the same as permitted in the applicable zoning district. Side and rear setbacks shall be twenty-five (25) feet from property lines.
- d. No parking space or drive shall be located closer than twenty (20) feet from any road line or property line. No parking shall be permitted in the front yard.

(22) *Places of worship.*

- a. Use districts: Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park.
- b. Facilities for a place of worship located on a site of three (3) acres or more shall have primary access to the facility from a collector of thoroughfare road.
- c. No parking space or drive shall be located closer than twenty (20) feet to a residence not associated with the place of worship. No parking area may be located in the front setback.

- d. The front setback shall be the same as permitted in the respective district, but shall not be less than the lesser setback of any existing homes on adjacent lots. The side and rear setbacks shall be thirty (30) feet.

(23) *Racetracks and drag strips.*

- a. Use districts: Heavy Industrial.
- b. All racetracks and drag strips shall be fully secured by fencing.
- c. All outside edges of any racing surface or principal building that is part of the operation of a racetrack or drag strip shall be at least one thousand five hundred (1,500) feet from any part of the property line. No development, including (but not limited to) parking areas, accessory buildings, or drives, may be located in the buffer, except for permissible entryways and exits.
- d. No racing event may be conducted during the hours of 11:00 p.m. and 9:00 a.m. Racing events may be conducted for a maximum of three consecutive days, a maximum of five (5) days in a calendar week, and a maximum of six (6) hours per day.
- e. A traffic plan, noise mitigation plan, fire protection plan, and lighting plan shall be provided and reviewed as part of the special exception process. Adequate outdoor lighting shall be provided, however, all outdoor lighting fixtures shall be installed and operated in such a manner as to protect the roads and neighboring properties from direct glare or hazardous interference of any kind.

(24) *Radio, television and telecommunications and other transmitting towers.*

- a. Use districts: Rural; Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial; LI Light Industrial; Heavy Industrial.
- b. Communication towers shall have a maximum height of three hundred (300) feet. For towers on buildings, the maximum height shall be twenty (20) feet above the roofline of buildings forty (40) feet or four stories in height or less. For buildings greater than four stories or forty-one (41) feet in height, the maximum height of communication towers shall be forty feet above the roofline.
- c. The minimum setbacks for communication towers from certain uses shall be as follows:

1. In no case shall a communication tower be located within fifty (50) feet of a residential zoning district or an inhabited residential dwelling.
  2. For towers in excess of fifty (50) feet, the setback shall increase one (1) foot for each foot of height of the tower as measured from the base of the tower. The maximum required separation being two hundred fifty (250) feet.
- d. The proposed user must show proof of an attempt to collocate on existing communication towers, and must be willing to allow other users to collocate on the proposed tower in the future subject to engineering capabilities of the structure. Evidence of an attempt to collocate must show that alternative towers, buildings, or other structures are not available for use within the applicant's tower site search area that are structurally capable of supporting the intended antenna or meeting the applicant's necessary height criteria, or provide a location free of interference from other communication towers.
  - e. Towers shall be illuminated as required by the Federal Communications Commission, Federal Aviation Administration, or other regulatory agencies. However, no nighttime strobe lighting shall be incorporated unless required by the Federal Communications Commission, the Federal Aviation Administration, or other regulatory agency.
  - f. Each communication tower and associated buildings shall be enclosed within a fence at least seven (7) feet in height.
  - g. Each communication tower site shall be landscaped in accordance with the requirements of Section 26-176 of this chapter.
  - h. No signage may be attached to any portion of a communications tower. Signs for the purpose of identification, warning, emergency function or contact or other as required by applicable state or federal rule, law, or regulation may be placed as required by standard industry practice.
  - i. A communications tower which is no longer used for communications purposes must be dismantled and removed within one hundred twenty (120) days of the date the tower is taken out of service.

(25) *Rooming and boarding houses.*

- a. Use districts: Residential, Multi-Family, High Density; Office Institutional; Neighborhood Commercial; Rural Commercial.
- b. The owner or the manager of the boarding house shall reside on the premises.
- c. Not over fifty percent (50%) of the heated floor area of the rooming or boarding house shall be used for sleeping quarters.
- d. Parking shall be provided as required in Section 26-173 of this chapter. Parking shall be located on the same lot on which the boardinghouse is located, at the rear of the lot and screened from the adjacent properties with vegetation.

(26) *Scrap and recyclable materials.*

- a. Use district: M-1 and LI Light Industrial; Heavy Industrial.
- b. Stocks and supplies shall be either stored inside enclosed structures or screened by solid walls, opaque fences, dense evergreen shrubbery or the like so that they are not visible from any public road or from the ground level of adjacent property used for residential or office purposes.
- c. Any required front or secondary front yard shall not be used for storage.
- d. The side yard setback for storage areas and buildings adjacent to residential or office uses shall be at least twenty-five (25) feet.
- e. The wholesale business shall be conducted in such a manner as to prevent tracking and spillage of debris onto adjacent properties or roads.

(27) *Shooting ranges, outdoor.*

- a. Use districts: Rural; Heavy Industrial.
- b. Adequate provision shall be made for the safety of surrounding property owners.
- c. Setback requirements shall be at least 200 yards from adjacent property lines.
- d. Hours of operation shall be limited to 9:00 a.m. to 10:00 p.m.

(28) *Special congregate facilities.*

- a. Use districts: Office and Institutional; General Commercial.
- b. The facility shall be operated and contained within the building of and operated by a governmental agency or a nonprofit organization.
- c. The facility operator(s) shall provide continuous on-site supervision by an employee(s) and/or a volunteer(s) during the hours of operations.
- d. No such facility shall be located within one quarter (1/4) mile of an existing congregate facility. The Board of Zoning Appeals may, however, in reviewing a special exception application, permit the clustering of special congregate facilities if it is determined that the location of such uses will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

(29) *Swim and tennis clubs.*

- a. Use districts: Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density; Office and Institutional; Neighborhood Commercial; Rural Commercial, L-I Light Industrial.
- b. There shall be a minimum fifty (50) foot setback between clubhouses, swimming pools, lighted tennis courts, or athletic fields and adjacent residentially zoned or used property.
- c. Lights shall be positioned so as not to shine onto adjacent properties.
- d. Swimming pools shall be protected by a fence or equal enclosure, a minimum of four (4) feet in height and equipped with a self-closing gate provided with hardware for permanent locking.

(30) *Tattoo Facilities.*

- a. Use districts: General Commercial.
- b. The applicant must receive a license from the South Carolina Department of Health and Environmental Control (SCDHEC) to operate the facility.



~~(3031)~~ *Textile product mills.*

- a. Use districts: LI Light Industrial.
- b. Any building used for the manufacture of textile products shall be no greater than thirty thousand (30,000) square feet in gross floor area.
- c. Operations standards set forth in Section 26-178 of this chapter shall be examined in detail during the special exception review process.

~~(3132)~~ *Theaters, motion picture, drive-ins.*

- a. Use districts: Rural Commercial; General Commercial; LI Light Industrial.
- b. Drive-in theaters shall be located a minimum of one hundred (100) feet from any property zoned or utilized for residential purposes.
- c. Access shall be provided from thoroughfare or collector roads.

~~(3233)~~ *Theaters, motion picture, other than drive-ins.*

- a. Use districts: Neighborhood Commercial.
- b. Buildings shall have a maximum seating capacity of three hundred (300) seats.

~~(3334)~~ *Transportation equipment.*

- a. Use districts: LI Light Industrial.
- b. Any building used for the manufacture of transportation equipment shall be no greater than thirty thousand (30,000) square feet in gross floor area.
- c. Operations standards set forth in Section 26-178 of this chapter shall be examined in detail during the special exception review process.

~~(3435)~~ *Waste collection, hazardous.*

- a. Use districts: Heavy Industrial.
- b. Compliance with state and federal regulations is required.

- c. Access shall be provided only onto thoroughfare and collector roads.
- d. Operations shall be located no closer than one hundred (100) feet to any adjacent property line.

*(3536) Waste treatment and disposal, hazardous.*

- a. Use districts: Heavy Industrial.
- b. Compliance with state and federal regulations is required.
- c. Access shall be provided only onto thoroughfare and collector roads.
- d. Operations shall be located no closer than one hundred (100) feet to any adjacent property line.

*(3637) Zoos and Botanical Gardens.*

- a. Use districts: Rural District; Office and Institutional; Rural Commercial.
- b. There shall be a minimum one hundred (100) foot setback between all activities associated with the use and any adjacent residential property.
- c. All zoos and botanical gardens shall have primary access to collector or thoroughfare roads.

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

SECTION VI. Effective Date. This ordinance shall be enforced from and after \_\_\_\_\_, 2007.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Joseph McEachern, Chair

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

OF \_\_\_\_\_, 2007

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Michelle R. Cannon-Finch  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: January 23, 2007  
First Reading: January 23, 2007  
Second Reading: February 6, 2007  
Third Reading: February 20, 2007 (tentative)

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-07HR

AN ORDINANCE CONSENTING TO AN ASSIGNMENT TO HOLO (SC) QRS 16-91, INC. OF CERTAIN RIGHTS AND OBLIGATIONS OF HOLOPACK INTERNATIONAL CORP. RELATIVE TO ALL INTERESTS IN REAL PROPERTY AND IMPROVEMENTS, AND CERTAIN PERSONAL PROPERTY, UNDER A LEASE AGREEMENT, AN INDUCEMENT AND MILLAGE RATE AGREEMENT AND A FEE AGREEMENT WITH RICHLAND COUNTY AND APPROVING THE TERMS AND CONDITIONS OF AN ADDITIONAL LEASE AGREEMENT AND FEE AGREEMENT TO BE ENTERED INTO BETWEEN HOLO (SC) QRS 16-91, INC. AND RICHLAND COUNTY AS APPROPRIATE TO EFFECT THE ASSIGNMENT OF SUCH RIGHTS AND OBLIGATIONS AND APPROVING RELATED AMENDMENTS AND RESTATEMENTS OF THE TERMS AND CONDITIONS OF THE EXISTING LEASE AGREEMENT AND FEE AGREEMENT BETWEEN HOLOPACK INTERNATIONAL CORP. AND RICHLAND COUNTY TO REFLECT THE ASSIGNMENT OF SUCH TERMS AND CONDITIONS AND MATTERS THERETO RELATED.

WHEREAS, Richland County, South Carolina (“County”) and Holopack International Corp. (“Company”) are parties to a fee-in-lieu of taxes (“FILOT”) arrangement under Title 4, Chapter 12, Code of Laws of South Carolina 1976, as amended (“Small Fee Act”), in connection with which (i) a December 21, 2005, Inducement and Millage Rate Agreement, as amended (“Inducement Agreement”) was entered into, (ii) the County received title to certain real and personal property (“Leased Facilities”), and (iii) a December 1, 1996 Lease Agreement (“Original Lease”) was entered into concerning the Leased Facilities;

WHEREAS, the County and the Company are also parties to a FILOT arrangement under Title 12, Chapter 44, Code of Laws of South Carolina 1976, as amended (“Simple Fee Act”) in connection with which the County and the Company entered into an October 1, 2004, Fee Agreement (“Original Fee Agreement”) concerning certain additional real and personal property (“Fee Facilities,” together with the Leased Facilities are collectively “Facilities”);

WHEREAS, the Company desires to and is entering into a certain sale lease-back transaction (“Sale Transaction”) with Holo (SC) QRS 16-91, Inc. (“Purchasing Entity”), pursuant to which the Company is transferring to the Purchasing Entity all interests in real property and improvements, and certain personal property (collectively, “Transferred Property”), comprising part of the Facilities;

WHEREAS, pursuant to the Sale Transaction and certain assignment agreements (“Assignment Agreements”), the Company is transferring (i) all of the rights, title, interests and obligations in, to and under the Original Fee Agreement and the Original Lease to the full extent of the Company’s interest in the Transferred Property (including without limitation any and all reconveyance rights under the Original Lease in and to the Transferred Property) and (ii) the terms of the Inducement Agreement applicable to the Original Lease to the full extent of the Company’s interest in the Transferred Property; and

WHEREAS, after the transactions described above, it is the intention of the Purchasing Entity, the Company and the County that the Purchasing Entity would be the Company’s successor as lessee under the Original Lease with respect to the Transferred Property subject to the Original Lease and that the Company would be lessee under the Original Lease with respect to all other property comprising the Leased Facilities; and

WHEREAS, after the transactions described above, it is the intention of the Purchasing Entity, the Company and the County that the Purchasing Entity would be the Company's successor under the Original Fee Agreement with respect to the Transferred Property subject to the Original Fee Agreement and that the Company would have all rights under the Original Fee Agreement with respect to all other property comprising the Fee Facilities; and

WHEREAS, the Purchasing Entity and the Company, in order to clarify their respective rights and obligations under the Original Lease and the Original Fee Agreement with respect to the Transferred Property and the other property that comprises the Facilities, now desire to enter into separate lease agreements ("Lease Agreements") and fee agreements ("Fee Agreements") with the County with respect to such property, upon the same terms and conditions as contained in the Original Lease and the Original Fee Agreement respectively and consistent with the Assignments and the Sale Transaction.

NOW, THEREFORE, BE IT ORDAINED by Richland County Council:

Section 1. The County hereby expressly consents to, ratifies and approves the transfers and assignments described above and to such other transfers and assignments as the Purchasing Entity or the Company may determine to be necessary or appropriate in connection with the Sale Transaction.

Section 2. Each of the Chair and Vice-Chair of County Council and the County Administrator be, and each is hereby authorized and directed, in the name and on behalf of the County, to execute documents evidencing the County's consent to the transfers and assignments of the Company's interests in the Original Lease, the Inducement Agreement and the Original Fee Agreement, said documents to be in substantially the form presented to this County Council together with such changes or amendments thereto and related documents as may be approved by the County Attorney, and the Clerk to County Council is hereby authorized and directed to affix thereto the seal of the County and to attest all such documents.

Section 3. Each of the Chair and Vice-Chair of County Council and the County Administrator be, and each is hereby authorized and directed, in the name and on behalf of the County, to execute and deliver the Lease Agreements and the Fee Agreements, said documents to be in substantially the form presented to this County Council together with such changes or amendments thereto and all other related documents as may be approved by the County Attorney, to execute and deliver such other documents as may be necessary or appropriate in connection with this Ordinance, such other documents to be subject to review and approval by the County Attorney, and to effect the performance of all obligations of the County thereunder; and the Clerk to County Council is hereby further authorized and directed to affix thereto the seal of the County and to attest all such documents.

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

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

Section 6. All orders, resolutions, ordinances and parts thereof in conflict herewith are to the extent of such conflict hereby repealed. This ordinance shall take effect and be in full force from and after its passage by the County Council.

RICHLAND COUNTY, SOUTH CAROLINA

\_\_\_\_\_  
Joseph McEachern, Chairman of County Council  
Richland County, South Carolina

(SEAL)  
ATTEST:

\_\_\_\_\_  
Michielle Cannon-Finch, Clerk to County Council  
Richland County, South Carolina

RICHLAND COUNTY ATTORNEY'S OFFICE

\_\_\_\_\_  
Approved as to Legal Form Only  
No Opinion Rendered as to Content

First Reading:           October 17, 2006  
Second Reading:       February 6, 2007  
Public Hearing:         February 20, 2007 (tentative)  
Third Reading:         February 20, 2007 (tentative)

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-07HR

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF BROAD RIVER SEWER SYSTEM GENERAL OBLIGATION BONDS OF RICHLAND COUNTY, SOUTH CAROLINA, SERIES 2007B OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$16,970,000; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE COUNTY ADMINISTRATOR TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR AN INCREASE IN THE RATES TO BE PAID BY USERS OF THE SEWER SYSTEM; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO.

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

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

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

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

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

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

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

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

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

(h) It is in the best interest of the County to provide for the issuance of sewer system general obligation bonds in the principal amount of not exceeding \$16,970,000 for the purposes of providing funds for (i) completion of construction of a 6,000,000 gallon per day wastewater treatment facility to be located near the Broad River in the Northwest portion of the County (the "Project"); and (ii) legal fees and costs of issuance of the Bonds (hereinafter defined).

SECTION 2. Authorization and Details of Bonds. Pursuant to the aforesaid provisions of the Constitution and laws of the State, there is hereby authorized to be issued not exceeding \$16,970,000 aggregate principal amount of general obligation bonds of the County to be designated "Not Exceeding \$16,970,000 (or such other amount as may be issued) Broad River Sewer System General Obligation Bonds of Richland County, South Carolina" (the "Bonds") for the purpose stated in Section 1(h) of this Ordinance.

The Bonds shall be issued as fully registered Bonds registerable as to principal and interest; shall be dated as of the first day of the month in which they are delivered to the initial purchaser(s) thereof; shall be in denominations of \$5,000 or any integral multiple thereof not exceeding principal amount of Bonds maturing each year; shall be numbered from R-1 upward, respectively; shall bear interest from their date payable at such times as hereafter designated by the County Administrator at such rate or rates as may be determined by the County Council at the time of sale thereof; and shall mature serially in successive annual installments as determined by the County Administrator.

Without further authorization, the County Council hereby delegates to the County Administrator the authority to determine (a) the maturity dates of the Bonds and the respective principal amounts maturing on such dates; (b) the interest payment dates of the Bonds; (c) redemption provisions, if any, for the Bonds; and (d) the time and date of sale of the Bonds, subject to the terms and conditions stated below. The County Council further delegates to the County Administrator the authority to receive bids on behalf of County Council and the authority to award the Bonds to the lowest bidder therefor, provided the net interest cost does not exceed 6.5%. After the sale of the Bonds, the County Administrator shall submit a written report to County Council setting forth the details of the Bonds as set forth in this paragraph.



Both the principal of and interest on the Bonds shall be payable in any coin or currency of the United States of America which is, at the time of payment, legal tender for public and private debts. The Registrar/Paying Agent shall be Wells Fargo Bank, N.A.

SECTION 3. Registration, Transfer and Exchange of Bonds. The County shall cause books (herein referred to as the "registry books") to be kept at the offices of the Registrar/Paying Agent, for the registration and transfer of the Bonds. Upon presentation at its office for such purpose the Registrar/Paying Agent shall register or transfer, or cause to be registered or transferred, on such registry books, the Bonds under such reasonable regulations as the Registrar/Paying Agent may prescribe.

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

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

SECTION 4. Record Date. The County hereby establishes a record date for the payment of interest or for the giving of notice of any proposed redemption of Bonds, and such record date shall be the fifteenth (15th) day of the calendar month preceding each semiannual interest payment date on such Bond or in the case of any proposed redemption of Bonds, such record date shall be the fifteenth (15th) day prior to the giving of notice of redemption of bonds.

SECTION 5. Mutilation, Loss, Theft or Destruction of Bonds. In case any Bond shall at any time become mutilated in whole or in part, or be lost, stolen or destroyed, or be so defaced as to impair the value thereof to the owner, the County shall execute and the Registrar shall authenticate and deliver at the principal office of the Registrar, or send by registered mail to the owner thereof at his request, risk and expense a new Bond of the same series, interest rate and maturity and of like tenor and effect in exchange or substitution for and upon the surrender for cancellation of such defaced, mutilated or partly destroyed Bond, or in lieu of or in substitution for such lost, stolen or destroyed Bond. In any such event the applicant for the issuance of a substitute Bond shall furnish the County and the Registrar evidence or proof satisfactory to the County and the Registrar of the loss, destruction, mutilation, defacement or theft of the original Bond, and of the ownership thereof, and also such security and indemnity in an amount as may be required by the laws of the State of South Carolina or such greater amount as may be required by the County and the Registrar.

Any duplicate Bond issued under the provisions of this Section in exchange and substitution for any defaced, mutilated or partly destroyed Bond or in substitution for any allegedly lost, stolen or wholly destroyed Bond shall be entitled to the identical benefits under this Ordinance as was the original Bond in lieu of which such duplicate Bond is issued, and shall be entitled to equal and proportionate benefits with all the other Bonds of the same series issued hereunder.

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

SECTION 6. Execution of Bonds. The Bonds shall be executed in the name of the County with the facsimile signature of the Chairman of the County Council attested by the facsimile signature of the Clerk of the County Council under a facsimile of the seal of the County impressed, imprinted or reproduced thereon; provided, however, the facsimile signatures appearing on the Bonds may be those of the officers who are in office on the date of adoption of this Ordinance. The execution of the Bonds in such fashion shall be valid and effectual, notwithstanding any subsequent change in such offices. The Bonds shall not be valid or become obligatory for any purpose unless there shall have been endorsed thereon a certificate of authentication. Each Bond shall bear a certificate of authentication manually executed by the Registrar in substantially the form set forth herein.

SECTION 7. Form of Bonds. The Bonds shall be issued in substantially the form attached hereto as Exhibit A. The Bonds set forth shall not be valid or become obligatory for any purpose unless there shall have been endorsed thereon a certificate of authentication. The Bonds shall bear a certificate of authentication manually executed by the Registrar in substantially the form set forth in Exhibit A.

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

(a) The County covenants and agrees to operate the System in an efficient and economical manner and establish, levy, maintain, revise and collect such fees, rates and other charges for the use of the services and facilities furnished by the System as may be necessary or proper, which fees, rates, and other charges, together with other available moneys, shall at all times be at least sufficient after making due and reasonable allowances for contingencies and for a margin of error in estimates to provide an amount equal to (a) one hundred percent (100%) of the amounts required for the usual and customary costs of operating and maintaining the System; (b) one hundred twenty percent (120%) of the amounts required to be deposited into each the sinking fund for the then current Fiscal Year to pay debt service on any outstanding bonds including the Bonds authorized herein; and (c) the amounts necessary to comply in all respects with the terms of this Ordinance or any other contract or agreement.

(b) The County Council shall by separate ordinance provide for the imposition and collection of tap fees and monthly user fees in amounts sufficient to meet the rate covenant expressed herein.

SECTION 9. Security for Bonds. For the payment of the principal and interest on the Bonds as they respectively mature, and for the creation of a sinking fund as may be necessary therefor, the full faith, credit, and taxing power of the County are irrevocably pledged, and there shall be levied annually by the Auditor of Richland County, and collected by the Treasurer of Richland County, in the same manner as other County taxes are levied and collected, a tax, without limit, on all taxable property in the County, sufficient to pay the principal of and interest on the Bonds as they respectfully mature, and to create a sinking fund as may be necessary therefor; provided, however, that the County Council does hereby pledge the revenues derived from the operation of the System after defraying the costs of operation and maintenance of the System to the payment of principal of and interest on the Bonds, as authorized by Chapter 23 of Title 11 of the Code of Laws of South Carolina 1976, as amended; provided, further, that

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

The County Council, acting through its Chairman, shall give the Auditor and Treasurer of the County written notice of the delivery of and payment for the Bonds and they are hereby directed to levy and collect annually, on all taxable property in the County, a tax, without limit, sufficient to pay the principal of and interest on the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

SECTION 10. Notice of Initiative and Referendum. The County Council hereby delegates to its Chairman and the County Administrator the authority to determine whether the Notice prescribed under the provisions of Title 11, Chapter 27, relating to the Initiative and Referendum provisions contained in Title 4, Chapter 9 of the Code of Laws of South Carolina 1976, as amended, shall be given with respect to this Ordinance, such notice being in the form attached hereto as Exhibit B. The Chairman and the County Administrator are authorized to cause such notice to be published in a newspaper of general circulation in the County.

SECTION 11. Defeasance. The obligations of the County under this Ordinance and the pledges, covenants and agreements of the County herein made or provided for, shall be fully discharged and satisfied as to any portion of the Bonds, and such Bond or Bonds shall no longer be deemed to be outstanding hereunder when:

(a) Such Bond or Bonds shall have been purchased by the County and surrendered to the County for cancellation or otherwise surrendered to the County or the Paying Agent and is canceled or subject to cancellation by the County or the Paying Agent; or

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

any such payment from such moneys or Government Obligations, shall no longer be secured by or entitled to the benefits of this Ordinance.

“Government Obligations” shall mean any of the following:

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

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

SECTION 13. Eligible Securities. The Bonds initially issued (the “Initial Bonds”) will be eligible securities for the purposes of the book-entry system of transfer maintained by The Depository Trust Company, New York, New York (“DTC”), and transfers of beneficial ownership of the Initial Bonds shall be made only through DTC and its participants in accordance with rules specified by DTC. Such beneficial ownership must be of \$5,000 principal amount of Bonds of the same maturity or any integral multiple of \$5,000.

The Initial Bonds shall be issued in fully-registered form, one Bond for each of the maturities of the Bonds, in the name of Cede & Co., as the nominee of DTC. When any principal of or interest on the Initial Bonds becomes due, the Paying Agent, on behalf of the County, shall transmit to DTC an amount equal to such installment of principal and interest. DTC shall remit such payments to the beneficial owners of the Bonds or their nominees in accordance with its rules and regulations.

Notices of redemption of the Initial Bonds or any portion thereof shall be sent to DTC in accordance with the provisions of the Ordinance.

If (a) DTC determines not to continue to act as securities depository for the Bonds, or (b) the County has advised DTC of its determination that DTC is incapable of discharging its duties, the County shall attempt to retain another qualified securities depository to replace DTC. Upon receipt by the County the Initial Bonds together with an assignment duly executed by DTC, the County shall execute and deliver to the successor securities depository Bonds of the same principal amount, interest rate and maturity registered in the name of such successor.

If the County is unable to retain a qualified successor to DTC or the County has determined that it is in its best interest not to continue the book-entry system of transfer or that interests of the beneficial owners of the Bonds might be adversely affected if the book-entry system of transfer is continued (the County undertakes no obligation to make any investigation to determine the occurrence of any events that would permit it to make any such determination), and has made provision to so notify beneficial owners of the Bonds by mailing an appropriate notice to DTC, upon receipt by the County the Initial Bonds together with an assignment duly executed by DTC, the County shall execute, authenticate and deliver to the DTC participants Bonds in fully-registered form, in substantially the form set forth in Section 2 of this Ordinance in the denomination of \$5,000 or any integral multiple thereof.

SECTION 14. Sale of Bonds; Form of Notice of Sale. The Bonds shall be offered for public sale on the date and at the time designated by the County Administrator. A Notice of Sale in the form attached hereto as Exhibit C shall be distributed to prospective bidders and a summary of such Notice of Sale shall be published in a newspaper of general circulation in the State of South Carolina and/or in a financial publication published in the City of New York not less than seven (7) days prior to the date set for such sale.

SECTION 15. Preliminary and Final Official Statements. The Council hereby authorizes the Chairman of County Council and the County Administrator to prepare, or cause to be prepared, a Preliminary Official Statement to be distributed to prospective purchasers of the Bonds together with a Notice of Sale. The County Administrator is hereby authorized to deem "final" the Preliminary Official Statement for purposes of complying with the requirements set forth in Rule 15c2-12 of the Securities and Exchange Commission, promulgated under the Securities Exchange Act of 1934, as amended. The County Administrator is further authorized to see to the completion of the final form of the Official Statement upon the sale of the Bonds so that it may be provided to the purchaser of the Bonds.

SECTION 16. Filings with Central Repository. In compliance with Section 11-1-85 of the Code of Laws of South Carolina 1976, as amended, the County covenants that it will file or cause to be filed with a central repository for further availability in the secondary bond market when requested: (a) a copy of the annual audit of the County within thirty (30) days of the County's receipt thereof; and (b) within thirty days of the occurrence thereof, relevant information of an event which, in the opinion of the County, adversely affects more than five percent (5%) of the County's revenue or its tax base.

SECTION 17. Continuing Disclosure. In compliance with the Securities and Exchange Commission Rule 15c2-12 (the "Rule") the County covenants and agrees for the benefit of the holders from time to time of the Bonds to execute and deliver prior to closing, and to thereafter comply with the terms of a Continuing Disclosure Certificate in substantially the form appearing as Exhibit D to this Ordinance. In the event of a failure of the County to comply with any of the provisions of the Continuing Disclosure Certificate, an event of default under this Ordinance shall not be deemed to have occurred. In such event, the sole remedy of any bondholder or beneficial owner shall be an action to compel performance by the Ordinance. See Appendix A to Exhibit D.

SECTION 18. Deposit and Use of Proceeds. The proceeds derived from the sale of the Bonds shall be deposited with the Treasurer of the County in a special fund to the credit of the County, separate and distinct from all other funds, and shall be expended from time to time and made use of by the County as follows:

(a) Any premium shall be placed in the sinking fund established pursuant to Section 4-15-150 of the Code;

(b) Accrued interest, if any, shall be applied to the payment of the first installment of interest to become due on the Bonds; and

(c) The balance of the proceeds shall be applied upon warrant or order of the County Council for the purposes set forth in this Ordinance and to defray the costs and expenses of issuing the Bonds.

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

SECTION 20. Federal Tax Covenants. The County hereby covenants and agrees with the Holders of the Bonds that it will not take any action which will, or fail to take any action which failure will, cause interest on the Bonds to become includable in the gross income of the owners thereof for federal income tax purposes pursuant to the provisions of the Code and regulations promulgated thereunder in effect on the date of original issuance of the Bonds; and that use of the proceeds of the Bonds shall be made which, if such use had been reasonably expected on the date of issue of the Bonds would have caused the Bonds to be “arbitrage bonds”, as defined in Section 148 of the Code, and to that end the County hereby shall:

(a) comply with the applicable provisions of Section 103 and Sections 141 through 150 of the Code and any regulations promulgated thereunder so long as the Bonds are outstanding;

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

(c) make such reports of such information at the time and places required by the Code.

SECTION 21. Miscellaneous. The County Council hereby authorizes any one or more of the following officials to execute such documents and instruments as necessary to effect the issuance of the Bonds: Chairman of the County Council, County Administrator, Clerk to the County Council and County Attorney. The County Council hereby retains McNair Law Firm, P.A. as bond counsel in connection with the issuance of the Bonds and authorizes McNair Law Firm, P.A. to obtain any additional professional services necessary and appropriate in connection with the issuance of the Bonds.

[Signature page to follow]

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

RICHLAND COUNTY, SOUTH CAROLINA

By: \_\_\_\_\_  
Joseph McEachern, Chairman  
Richland County Council

(SEAL)

ATTEST THIS \_\_\_\_ DAY OF  
\_\_\_\_\_, 2007.

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

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: May 16, 2006  
Second Reading: June 6, 2006  
Public Hearing: February 20, 2007 (Tentative)  
Third Reading: February 20, 2007 (Tentative)

**FORM OF BOND**

UNITED STATES OF AMERICA  
STATE OF SOUTH CAROLINA  
COUNTY OF RICHLAND  
BROAD RIVER SEWER SYSTEM GENERAL OBLIGATION BONDS, SERIES \_\_\_\_\_

No. R-

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

REGISTERED HOLDER: CEDE & CO.

PRINCIPAL AMOUNT: \_\_\_\_\_ DOLLARS

KNOW ALL MEN BY THESE PRESENTS, that the County of Richland, South Carolina (the "County"), is justly indebted and, for value received, hereby promises to pay to the registered holder specified above, or registered assigns, the principal amount specified above on the maturity date specified above, upon presentation and surrender of this Bond at the principal office of \_\_\_\_\_, in the City of \_\_\_\_\_, State of \_\_\_\_\_ (the "Paying Agent"), and to pay interest on such principal amount from the date hereof at the rate per annum specified above until this Bond matures. Interest on this Bond is payable semiannually on \_\_\_\_\_ and \_\_\_\_\_ of each year, commencing \_\_\_\_\_, until this Bond matures, and shall be payable by check or draft mailed to the person in whose name this Bond is registered on the registration books of the County maintained by the registrar, presently \_\_\_\_\_, in \_\_\_\_\_, \_\_\_\_\_ (the "Registrar"), at the close of business on the fifteenth (15th) day of the calendar month preceding each semiannual interest payment date. The principal of and interest on this Bond are payable in any coin or currency of the United States of America which is, at the time of payment, legal tender for public and private debts; provided, however, that interest on this fully-registered Bond shall be paid by check or draft as set forth above.

This Bond shall not be entitled to any benefit under the Ordinance (hereafter defined), nor become valid or obligatory for any purpose, until the certificate of authentication hereon shall have been duly executed by the Registrar.

For the payment hereof, both principal and interest, as they respectively mature and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of the County are irrevocably pledged and there shall be levied annually by the Auditor of the County and collected by the Treasurer of the County, in the same manner as other county taxes are levied and collected, a tax, without limit, on all taxable property in the County sufficient to pay the principal of and interest on this Bond as they respectively mature and to create such sinking fund as may be necessary therefor; provided, however, that the Bonds are primarily the obligation of the System and for the payment of principal of and interest thereof, as the same mature, there must be revenues derived from operation of the System, and resort to the County tax levy required by the preceding provisions of this Section must be made only in the event that



revenues derived from the operation of the System prove insufficient to meet the payment of principal of an interest on the Bonds.

This Bond is one of a series of Bonds of like date of original issue, tenor and effect, except as to number, denomination, date of maturity, redemption provisions, and rate of interest, aggregating \_\_\_\_\_ Dollars (\$ \_\_\_\_\_), issued pursuant to and in accordance with the Constitution and laws of the State of South Carolina, including Article X of the Constitution of the State of South Carolina, 1895, as amended; Title 4, Chapter 15, Code of Laws of South Carolina 1976, as amended; Title 11, Chapter 27 of the Code of Laws of South Carolina 1976; and Ordinance No. \_\_\_\_\_ duly enacted by the County Council on \_\_\_\_\_, 2007.

[Redemption provisions]

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

Under the laws of the State of South Carolina, this Bond and the interest hereon are exempt from all State, county, municipal, County and all other taxes or assessments, except estate or other transfer taxes, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise.

It is hereby certified and recited that all acts, conditions and things required by the Constitution and laws of the State of South Carolina to exist, to happen and to be performed precedent to or in the issuance of this Bond exist, have happened and have been performed in regular and due time, form and manner as required by law; that the amount of this Bond, together with all other indebtedness of the County, does not exceed the applicable limitation of indebtedness under the laws of the State of South Carolina; and that provision has been made for the levy and collection of a tax, without limit, on all taxable property in the County sufficient to pay the principal of and interest on this Bond as the same shall respectively mature and to create such sinking fund as may be necessary therefor.

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

RICHLAND COUNTY, SOUTH CAROLINA

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

(SEAL)  
ATTEST:

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

[FORM OF REGISTRAR'S CERTIFICATE OF AUTHENTICATION]

Date of Authentication:

This bond is one of the Bonds described in the within mentioned Ordinance of Richland County, South Carolina.

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

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

The following abbreviations, when used in the inscription on the face of this Bond shall be construed as though they were written out in full according to applicable laws or regulations.

TEN COM - As tenants in common

UNIF GIFT MIN. ACT

TEN ENT - As tenants by the entireties

\_\_\_\_\_ Custodian \_\_\_\_\_  
(Cust.) (Minor)

JT TEN - As joint tenants with right of survivorship and not as tenants in common

under Uniform Gifts to Minors  
  
\_\_\_\_\_  
(State)

Additional abbreviations may also be used though not in list above.

[FORM OF ASSIGNMENT]

FOR VALUE RECEIVED, the undersigned sells, assigns and transfers unto

\_\_\_\_\_  
(Name and address of Transferee)  
the within Bond and does hereby irrevocably constitute and appoint \_\_\_\_\_ attorney to transfer  
the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated:

\_\_\_\_\_  
Signature Guaranteed:

\_\_\_\_\_  
(Authorizing Officer)

\_\_\_\_\_  
Signature(s) must be guaranteed  
by an institution which is a  
participant in the Securities  
Transfer Agents Medallion  
Program ("STAMP") or similar  
program.

\_\_\_\_\_  
NOTICE: The signature to this  
agreement must correspond with  
the name of the registered holder as  
it appears upon the face of the  
within Bond in every particular,  
without alteration or enlargement or any  
change whatever.

Copies of the final approving opinions to be rendered shall be printed on the back of each Bond and preceding the same a certificate shall appear, which shall be signed on behalf of the County with a facsimile signature of the Clerk to the County Council. The certificate shall be in substantially the following form:

[FORM OF CERTIFICATE]

IT IS HEREBY CERTIFIED that the following is a true and correct copy of the complete final approving opinions (except for date and letterhead) of McNair Law Firm, P.A., Columbia, South Carolina, approving the issue of bonds of which the within bond is one, the original of which opinions were manually executed, dated and issued as of the date of delivery of and payment for the bonds and a copy of which is on file with the County Council of Richland County, South Carolina.

RICHLAND COUNTY, SOUTH CAROLINA

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

**FORM OF NOTICE**

NOTICE IS HEREBY GIVEN that the County Council (the "County Council") of Richland County, South Carolina (the "County"), on \_\_\_\_\_, enacted Ordinance No. \_\_\_\_\_ entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF BROAD RIVER SEWER SYSTEM GENERAL OBLIGATION BOND ANTICIPATION BONDS OF RICHLAND COUNTY, SOUTH CAROLINA, SERIES 2007B OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$16,970,000; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE COUNTY ADMINISTRATOR TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR AN INCREASE IN THE RATES TO BE PAID BY USERS OF THE SEWER SYSTEM; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO" (the "Ordinance"). The Ordinance authorizes the issuance and approves the sale of not exceeding \$16,970,000 Broad River Sewer System General Obligation Bond Anticipation Bonds, Series 2007B (the "Bonds") of the County.

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

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

County Council, Richland County, South Carolina

**FORM OF NOTICE OF SALE**

\$ \_\_\_\_\_  
 BROAD RIVER SEWER SYSTEM GENERAL OBLIGATION BONDS, SERIES \_\_\_\_\_  
 OF RICHLAND COUNTY, STATE OF SOUTH CAROLINA

Time and Place of Sale: NOTICE IS HEREBY GIVEN that sealed bids, facsimile bids and electronic bids will be received on behalf of Richland County, South Carolina (the "County") in the Administrative Conference Room, 4th Floor, 2020 Hampton Street, Columbia, South Carolina, until 12:00 Noon, South Carolina time, on \_\_\_\_\_, \_\_\_\_\_, 2007, at which time said proposals will be publicly opened for the purchase of \$ \_\_\_\_\_ Broad River Sewer System General Obligation Bonds, Series \_\_\_\_\_, of the County (the "Bonds").

Sealed Bids: Each hand delivered proposal shall be enclosed in a sealed envelope marked "Proposal for \$ \_\_\_\_\_ Broad River Sewer System General Obligation Bonds, Series \_\_\_\_\_, Richland County, South Carolina" and should be directed to the County Administrator at the address in the first paragraph hereof.

Facsimile Bids: The County will accept the facsimile transmission of a manually signed Official Bid Form at the risk of the Bidder. The County shall not be responsible for the confidentiality of bids submitted by facsimile transmission. Any delay in receipt of a facsimile bid, and any incompleteness or illegible portions of such bid are the responsibility of the bidder. Bids by facsimile should be transmitted to the attention of J. Milton Pope, County Administrator, fax number (803) 576-2138.

Electronic Bids: Electronic proposals must be submitted through i-Deal's Parity Electronic Bid Submission System ("Parity"). No electronic bids from any other providers of electronic bidding services will be accepted. Information about the electronic bidding services of Parity may be obtained from i-Deal, 40 W. 23rd Street, 5th floor, New York, New York 10010, Customer Support, telephone (212) 404-8102.

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

Book-Entry-Only Bonds: The Bonds will be issued in fully-registered form. One Bond representing each maturity will be issued to and registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), as registered owner of the Bonds and each such Bond will be immobilized in the custody of DTC. DTC will act as securities depository for the Bonds. Individual purchases will be made in book-entry form only, in the principal amount of \$5,000 or any integral multiple thereof not exceeding the principal amount of Bonds maturing each year; Purchasers will not receive physical delivery of certificates representing their interest in the Bonds purchased. The winning bidder, as a condition to delivery of the Bonds, will be required to deposit the Bond certificates representing each maturity with DTC.

The Bonds will be issued in fully-registered form registered as to principal and interest; will be dated \_\_\_\_\_, 2007; will be in denominations of \$5,000 or any integral multiple thereof not exceeding the principal amount of Bonds maturing in each year; and will mature serially in successive annual installments on \_\_\_\_\_ in each of the years and in the principal amounts as follows:

<u>Year</u>	<u>Principal Amount</u>	<u>Year</u>	<u>Principal Amount</u>
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The Bonds will bear interest from the date thereof payable semiannually on \_\_\_\_\_ and \_\_\_\_\_ of each year, commencing \_\_\_\_\_, until they mature.

[Redemption Provisions]

Municipal Bond Insurance: The County has submitted applications to various bond insurers for a policy of insurance relating to the Bonds to be effective as of the date of their issuance. If a bidder for the Bonds desires to have the Bonds so insured, the bidder should specify in its bid for the Bonds whether bond insurance will be purchased. The premium on such bond insurance must be paid at or prior to the closing by the successful bidder. Any failure of the Bonds to be so insured or of any such policy of insurance to be issued shall not constitute cause for a failure or refusal by the purchaser of the bonds to accept delivery of and pay for the Bonds.

Registrar/Paying Agent: Wells Fargo Bank, N.A., shall serve as Registrar/Paying Agent for the Bonds.

Bid Requirements: Bidders shall specify the rate or rates of interest per annum which the Bonds are to bear, to be expressed in multiples of 1/20 or 1/8 of 1% and the interest rate specified for any maturity shall not be lower than the interest rate specified for any previous maturity. Bidders are not limited as to the number of rates of interest named, but the rate of interest on each separate maturity must be the same single rate for all Bonds of that maturity from their date to such maturity date. A bid for less than all the Bonds, a bid at a price less than par or a bid which includes a premium in excess of 10% of the par amount of the Bonds will not be considered. In addition to the bid price, the successful bidder must pay accrued interest from the date of the Bonds to the date of full payment of the purchase price.

Award of Bid. The Bonds will be awarded to the bidder or bidders offering to purchase the Bonds at the lowest true interest cost (TIC) to the County. The TIC will be the nominal interest rate which, when compounded semiannually and used to discount all debt service payments on the Bonds (computed at the interest rates specified in the bid and on the basis of a 360-day year of twelve 30-day months) to the dated date of the Bonds, results in an amount equal to the price bid for the Bonds. In the case of a tie bid, the winning bid will be awarded by lot. The County reserves the right to reject any and all bids or to waive irregularities in any bid. Bids will be accepted or rejected no later than 3:00 p.m., South Carolina time, on the date of the sale.

Security: The Bonds shall constitute binding general obligations of the County and for the payment of the principal and interest on the Bonds as they respectively mature, and for the creation of a sinking fund as may be necessary therefor, the full faith, credit, and taxing power of the County are irrevocably pledged, and there shall be levied annually by the Auditor of Richland County, and collected by the Treasurer of Richland County, in the same manner as other County taxes are levied and collected, a tax, without limit, on all taxable property in the County, sufficient to pay the principal of and interest on the Bonds as they respectfully mature, and to create a sinking fund as may be necessary therefor; provided, however, that the County Council does hereby pledge the revenues derived from the operation of the System after defraying the costs of operation and maintenance of the System.

Good Faith Deposit: No good faith deposit is required.

Bid Form: Proposals should be enclosed in a separate sealed envelope marked "Proposal for \$ \_\_\_\_\_ Broad River Sewer System General Obligation Bonds, Series \_\_\_\_\_ of Richland County, South Carolina" and should be directed to the County Administrator at the address in the first paragraph hereof. It is requested but not required that you submit your bid on the Proposal for Purchase of Bonds supplied with the Official Statement.

Official Statement: Upon the award of the Bonds, the County will prepare an official statement (the "Official Statement") in substantially the same form as the preliminary official statement subject to minor additions, deletions and revisions as required to complete the Official Statement. Within seven (7) business days after the award of the Bonds, the County will deliver the Official Statement to the successful bidder in sufficient quantity to comply with Rule G-32 of the Municipal Securities Rulemaking Board. The successful bidder agrees to supply to the County all necessary pricing information and any Underwriter identification necessary to complete the Official Statement within 24 hours after the award of the Bonds.

Continuing Disclosure: In order to assist the bidders in complying with S.E.C. Rule 15c2-12(b)(5), the County will undertake, pursuant to an ordinance and a Continuing Disclosure Agreement, to provide certain annual financial information and notices of the occurrence of certain events, if material. A description of this undertaking is set forth in the Preliminary Official Statement and will also be set forth in the final Official Statement.

Legal Opinion: The County Council shall furnish upon delivery of the Bonds the final approving opinions of McNair Law Firm, P.A., Columbia, South Carolina, which opinions shall accompany each Bond, together with the usual closing documents, including a certificate of the County that no litigation is pending affecting the Bonds.

Certificate as to Issue Price: The successful bidder must provide a certificate to the County by the date of delivery of the Bonds, stating the initial reoffering price of the Bonds to the public (excluding bond houses and brokers) and the price at which a substantial amount of the Bonds were sold to the public, in form satisfactory to Bond Counsel. A sample copy of such a certificate may be obtained from Bond Counsel.

Delivery: The Bonds will be delivered on or about \_\_\_\_\_, 2007, in New York, New York, at the expense of the County. The balance of the purchase price then due, including the amount of accrued interest, must be paid in federal funds or other immediately available funds.

Additional Information: The Preliminary Official Statement of the County with respect to the Bonds will be furnished to any person interested in bidding for the Bonds upon request. The Preliminary Official Statement shall be reviewed by bidders prior to submitting a bid. Bidders may not rely on this Notice of Sale as to the complete information concerning the Bonds. Persons seeking additional information should communicate with J. Milton Pope, County Administrator, 2020 Hampton Street, Columbia, South Carolina, 29201, telephone (803) 576-2054 or Francenia B. Heizer, Esquire, McNair Law Firm, P.A., 1301 Gervais Street, 17th Floor, Columbia, South Carolina, 29201, telephone (803) 799-9800, e-mail: [fheizer@mcnair.net](mailto:fheizer@mcnair.net).

RICHLAND COUNTY, SOUTH CAROLINA

s/Chairman, County Council \_\_\_\_\_

**FORM OF DISCLOSURE DISSEMINATION AGENT AGREEMENT**

This Disclosure Dissemination Agent Agreement (the “Disclosure Agreement”), dated as of \_\_\_\_\_, 2007, is executed and delivered by Richland County, South Carolina (the “Issuer”) and Digital Assurance Certification, L.L.C., as exclusive Disclosure Dissemination Agent (the “Disclosure Dissemination Agent” or “DAC”) for the benefit of the Holders (hereinafter defined) of the Bonds (hereinafter defined) and in order to provide certain continuing disclosure with respect to the Bonds in accordance with Rule 15c2-12 of the United States Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time (the “Rule”).

SECTION 1. Definitions. Capitalized terms not otherwise defined in this Disclosure Agreement shall have the meaning assigned in the Rule or, to the extent not in conflict with the Rule, in the Official Statement (hereinafter defined). The capitalized terms shall have the following meanings:

“Annual Report” means an Annual Report described in and consistent with Section 3 of this Disclosure Agreement.

“Annual Filing Date” means the date, set in Sections 2(a) and 2(f), by which the Annual Report is to be filed with the Repositories.

“Annual Financial Information” means annual financial information as such term is used in paragraph (b)(5)(i) of the Rule and specified in Section 3(a) of this Disclosure Agreement.

“Audited Financial Statements” means the financial statements (if any) of the Issuer for the prior fiscal year, certified by an independent auditor as prepared in accordance with generally accepted accounting principles or otherwise, as such term is used in paragraph (b)(5)(i) of the Rule and specified in Section 3(b) of this Disclosure Agreement.

“Bonds” means the bonds as listed on the attached Exhibit A, with the 9-digit CUSIP numbers relating thereto.

“Certification” means a written certification of compliance signed by the Disclosure Representative stating that the Annual Report, Audited Financial Statements, Voluntary Report or Notice Event notice delivered to the Disclosure Dissemination Agent is the Annual Report, Audited Financial Statements, Voluntary Report or Notice Event notice required to be submitted to the Repositories under this Disclosure Agreement. A Certification shall accompany each such document submitted to the Disclosure Dissemination Agent by the Issuer and include the full name of the Bonds and the 9-digit CUSIP numbers for all Bonds to which the document applies.

“Disclosure Representative” means the Finance Director, the senior member of the Issuer or his or her designee, or such other person as the Issuer shall designate in writing to the Disclosure Dissemination Agent from time to time as the person responsible for providing Information to the Disclosure Dissemination Agent.



“Disclosure Dissemination Agent” means Digital Assurance Certification, L.L.C, acting in its capacity as Disclosure Dissemination Agent hereunder, or any successor Disclosure Dissemination Agent designated in writing by the Issuer pursuant to Section 9 hereof.

“Holder” means any person (a) having the power, directly or indirectly, to vote or consent with respect to, or to dispose of ownership of, any Bonds (including persons holding Bonds through nominees, depositories or other intermediaries) or (b) treated as the owner of any Bonds for federal income tax purposes.

“Information” means the Annual Financial Information, the Audited Financial Statements (if any) the Notice Event notices, and the Voluntary Reports.

“Notice Event” means an event listed in Sections 4(a) of this Disclosure Agreement.

“MSRB” means the Municipal Securities Rulemaking Board established pursuant to Section 15B(b)(1) of the Securities Exchange Act of 1934.

“National Repository” means any Nationally Recognized Municipal Securities Information Repository for purposes of the Rule. The list of National Repositories maintained by the United States Securities and Exchange Commission shall be conclusive for purposes of determining National Repositories. Currently, the following are National Repositories:

1. DPC Data Inc.  
One Executive Drive  
Fort Lee, New Jersey 07024  
(201) 346-0701 (phone)  
(201) 947-0107 (fax)  
Email: nrmsir@dpcdata.com
2. FT Interactive Data  
Attn: NRMSIR  
100 William Street  
New York, New York 10038  
(212) 771-6999 (phone)  
(212) 771-7390 (fax for secondary market information)  
(212) 771-7391 (fax for primary market information)  
Email: NRMSIR@FTID.com
3. Bloomberg Municipal Repository  
100 Business Park  
Skillman, NJ 08558  
(609) 279-3225 (phone)  
(609) 279-5962 (fax)  
Email: Munis@Bloomberg.com

4. Standard & Poor's J.J. Kenny Repository  
55 Water Street  
45<sup>th</sup> Floor  
New York, New York 10041  
(212) 438-4595 (phone)  
(212) 438-3975 (fax)  
Email: [nrmsir\\_repository@sandp.com](mailto:nrmsir_repository@sandp.com)

“Official Statement” means that Official Statement prepared by the Issuer in connection with the Bonds as listed on Appendix A.

“Repository” means the MSRB, each National Repository and the State Depository (if any).

“State Depository” means any public or private depository or entity designated by the State of South Carolina as a state information depository (if any) for the purpose of the Rule. The list of state information depositories maintained by the United States Securities and Exchange Commission shall be conclusive as to the existence of a State Depository. Currently, the following depositories are listed by the Securities and Exchange Commission as available State Depositories:

1. Municipal Advisory Council of Michigan  
1445 First National Building  
Detroit, Michigan 48226-3517  
(313) 963-0420 (phone)  
(313) 963-0943 (fax)  
[jackie@macmi.com](mailto:jackie@macmi.com)
2. Municipal Advisory Council of Texas  
PO Box 2177  
Austin, TX 78768-2177  
(512) 476-6947 (phone)  
(512) 476-6403 (fax)  
[mac@mactexas.com](mailto:mac@mactexas.com)
3. Ohio Municipal Advisory Council  
9321 Ravenna Road, Unit K  
Twinsburg, OH 44087-2445  
(330) 963-7444 (phone)  
(800) 969-OMAC (6622) (phone)  
(330) 963-7553 (fax)  
[sid\\_filing@ohiomac.com](mailto:sid_filing@ohiomac.com)

“Trustee” means the institution identified as such in the document under which the Bonds were issued.

“Voluntary Report” means the information provided to the Disclosure Dissemination Agent by the Issuer pursuant to Section 7.

SECTION 2. Provision of Annual Reports.

(a) The Issuer shall provide, annually, an electronic copy of the Annual Report and Certification to the Disclosure Dissemination Agent, together with a copy for the Trustee, not later than 30 days prior to the Annual Filing Date. Promptly upon receipt of an electronic copy of the Annual Report and the Certification, the Disclosure Dissemination Agent shall provide an Annual Report to each National Repository and the State Depository (if any) not later than 210 days after the end of each fiscal year of the Issuer, commencing with the fiscal year ending June 30, 2005. Such date and each anniversary thereof is the Annual Filing Date. The Annual Report may be submitted as a single document or as separate documents comprising a package, and may cross-reference other information as provided in Section 3 of this Disclosure Agreement.

(b) If on the fifteenth (15th) day prior to the Annual Filing Date, the Disclosure Dissemination Agent has not received a copy of the Annual Report and Certification, the Disclosure Dissemination Agent shall contact the Disclosure Representative by telephone and in writing (which may be by e-mail) to remind the Issuer of its undertaking to provide the Annual Report pursuant to Section 2(a). Upon such reminder, the Disclosure Representative shall either (i) provide the Disclosure Dissemination Agent with an electronic copy of the Annual Report and the Certification) no later than two (2) business days prior to the Annual Filing Date, or (ii) instruct the Disclosure Dissemination Agent in writing that the Issuer will not be able to file the Annual Report within the time required under this Disclosure Agreement, state the date by which the Annual Report for such year will be provided and instruct the Disclosure Dissemination Agent that a Notice Event as described in Section 4(a)(12) has occurred and to immediately send a notice to each National Repository or the MSRB and the State Depository (if any) in substantially the form attached as Exhibit B.

(c) If the Disclosure Dissemination Agent has not received an Annual Report and Certification by 12:00 noon on the first business day following the Annual Filing Date for the Annual Report, a Notice Event described in Section 4(a)(12) shall have occurred and the Issuer irrevocably directs the Disclosure Dissemination Agent to immediately send a notice to each National Repository or the MSRB and the State Depository (if any) in substantially the form attached as Exhibit B.

(d) If Audited Financial Statements of the Issuer are prepared but not available prior to the Annual Filing Date, the Issuer shall, when the Audited Financial Statements are available, provide in a timely manner an electronic copy to the Disclosure Dissemination Agent, accompanied by a Certificate, together with a copy for the Trustee, for filing with each National Repository and the State Depository (if any).

(e) The Disclosure Dissemination Agent shall:

- (i) determine the name and address of each Repository each year prior to the Annual Filing Date;
- (ii) upon receipt, promptly file each Annual Report received under Section 2(a) with each National Repository, and the State Depository, (if any);
- (iii) upon receipt, promptly file each Audited Financial Statement received under Section 2(d) with each National Repository, and the State Depository (if any);
- (iv) upon receipt, promptly file the text of each disclosure to be made with each National Repository or the MSRB and the State Depository (if any) together with a completed copy of the MSRB Material Event Notice Cover Sheet in the form attached as Exhibit C, describing the event by checking the box indicated below when filing pursuant to the Section of this Disclosure Agreement indicated:

1. “Principal and interest payment delinquencies,” pursuant to Sections 4(c) and 4(a)(1);
2. “Non-Payment related defaults,” pursuant to Sections 4(c) and 4(a)(2);
3. “Unscheduled draws on debt service reserves reflecting financial difficulties,” pursuant to Sections 4(c) and 4(a)(3);
4. “Unscheduled draws on credit enhancements reflecting financial difficulties,” pursuant to Sections 4(c) and 4(a)(4);
5. “Substitution of credit or liquidity providers, or their failure to perform,” pursuant to Sections 4(c) and 4(a)(5);
6. “Adverse tax opinions or events affecting the tax-exempt status of the security,” pursuant to Sections 4(c) and 4(a)(6);
7. “Modifications to rights of securities holders,” pursuant to Sections 4(c) and 4(a)(7);
8. “Bond calls,” pursuant to Sections 4(c) and 4(a)(8);
9. “Defeasances,” pursuant to Sections 4(c) and 4(a)(9);
10. “Release, substitution, or sale of property securing repayment of the securities,” pursuant to Sections 4(c) and 4(a)(10);
11. “Ratings changes,” pursuant to Sections 4(c) and 4(a)(11);
12. “Failure to provide annual financial information as required,” pursuant to Section 2(b)(ii) or Section 2(c), together with a completed copy of Exhibit B to this Disclosure Agreement;
13. “Other material event notice (specify),” pursuant to Section 7 of this Agreement, together with the summary description provided by the Disclosure Representative.

- (v) provide the Issuer evidence of the filings of each of the above when made, which shall be by means of the DAC system, for so long as DAC is the Disclosure Dissemination Agent under this Disclosure Agreement.

(f) The Issuer may adjust the Annual Filing Date upon change of its fiscal year by providing written notice of such change and the new Annual Filing Date to the Disclosure Dissemination Agent, Trustee (if any) and the Repositories, provided that the period between the existing Annual Filing Date and new Annual Filing Date shall not exceed one year.

### SECTION 3. Content of Annual Reports.

(a) Each Annual Report shall contain Annual Financial Information with respect to the Issuer, including the information provided in the Official Statement under the headings: “Security,”

“Outstanding Indebtedness,” “Assessed Value of Taxable Property in the County,” “Estimated True Value of All Taxable Property in the County,” “Tax Rates,” “Tax Collections for Last Five Years,” and “Ten Largest Taxpayers.”

(b) Audited Financial Statements prepared in accordance with GAAP as described in the Official Statement will be included in the Annual Report.

Any or all of the items listed above may be included by specific reference from other documents, including official statements of debt issues with respect to which the Issuer is an “obligated person” (as defined by the Rule), which have been previously filed with each of the National Repositories or the Securities and Exchange Commission. If the document incorporated by reference is a final official statement, it must be available from the MSRB. The Issuer will clearly identify each such document so incorporated by reference.

#### SECTION 4. Reporting of Notice Events.

(a) The occurrence of any of the following events, if material, with respect to the Bonds constitutes a Notice Event:

1. Principal and interest payment delinquencies;
2. Non-payment related defaults;
3. Unscheduled draws on debt service reserves reflecting financial difficulties;
4. Unscheduled draws on credit enhancements relating to the Bonds reflecting financial difficulties;
5. Substitution of credit or liquidity providers, or their failure to perform;
6. Adverse tax opinions or events affecting the tax-exempt status of the Bonds;
7. Modifications to rights of Bond holders;
8. Bond calls;
9. Defeasances;
10. Release, substitution, or sale of property securing repayment of the Bonds;
11. Rating changes on the Bonds;
12. Failure to provide annual financial information as required; and
13. Other material event notice (specify) \_\_\_\_\_.

The Issuer shall promptly notify the Disclosure Dissemination Agent in writing upon the occurrence of a Notice Event. Such notice shall instruct the Disclosure Dissemination Agent to report the occurrence pursuant to subsection (c). Such notice shall be accompanied with the text of the disclosure that the Issuer desires to make, the written authorization of the Issuer for the Disclosure Dissemination Agent to

disseminate such information, and the date the Issuer desires for the Disclosure Dissemination Agent to disseminate the information.

(b) The Disclosure Dissemination Agent is under no obligation to notify the Issuer or the Disclosure Representative of an event that may constitute a Notice Event. In the event the Disclosure Dissemination Agent so notifies the Disclosure Representative, the Disclosure Representative will within five business days of receipt of such notice, instruct the Disclosure Dissemination Agent that (i) a Notice Event has not occurred and no filing is to be made or (ii) a Notice Event has occurred and the Disclosure Dissemination Agent is to report the occurrence pursuant to subsection (c), together with the text of the disclosure that the Issuer desires to make, the written authorization of the Issuer for the Disclosure Dissemination Agent to disseminate such information, and the date the Issuer desires for the Disclosure Dissemination Agent to disseminate the information.

(c) If the Disclosure Dissemination Agent has been instructed by the Issuer as prescribed in subsection (a) or (b)(ii) of this Section 4 to report the occurrence of a Notice Event, the Disclosure Dissemination Agent shall promptly file a notice of such occurrence with the State Depository (if any) and (i) each National Repository, or (ii) the MSRB.

SECTION 5. CUSIP Numbers. Whenever providing information to the Disclosure Dissemination Agent, including but not limited to Annual Reports, documents incorporated by reference to the Annual Reports, Audited Financial Statements, notices of Notice Events, and Voluntary Reports filed pursuant to Section 7(a), the Issuer shall indicate the full name of the Bonds and the 9-digit CUSIP numbers for the Bonds as to which the provided information relates.

SECTION 6. Additional Disclosure Obligations. The Issuer acknowledges and understands that other state and federal laws, including but not limited to the Securities Act of 1933 and Rule 10b-5 promulgated under the Securities Exchange Act of 1934, may apply to the Issuer, and that the failure of the Disclosure Dissemination Agent to so advise the Issuer shall not constitute a breach by the Disclosure Dissemination Agent of any of its duties and responsibilities under this Disclosure Agreement. The Issuer acknowledges and understands that the duties of the Disclosure Dissemination Agent relate exclusively to execution of the mechanical tasks of disseminating information as described in this Disclosure Agreement.

SECTION 7. Voluntary Reports.

(a) The Issuer may instruct the Disclosure Dissemination Agent to file information with the Repositories, from time to time pursuant to a Certification of the Disclosure Representative accompanying such information (a "Voluntary Report").

(b) Nothing in this Disclosure Agreement shall be deemed to prevent the Issuer from disseminating any other information through the Disclosure Dissemination Agent using the means of dissemination set forth in this Disclosure Agreement or including any other information in any Annual Report, Annual Financial Statement, Voluntary Report or Notice Event notice, in addition to that required by this Disclosure Agreement. If the Issuer chooses to include any information in any Annual Report, Annual Financial Statement, Voluntary Report or Notice Event notice in addition to that which is specifically required by this Disclosure Agreement, the Issuer shall have no obligation under this Disclosure Agreement to update such information or include it in any future Annual Report, Annual Financial Statement, Voluntary Report or Notice Event notice.

SECTION 8. Termination of Reporting Obligation. The obligations of the Issuer and the Disclosure Dissemination Agent under this Disclosure Agreement shall terminate with respect to the Bonds upon the legal defeasance, prior redemption or payment in full of all of the Bonds, when the Issuer is no longer an obligated person with respect to the Bonds, or upon delivery by the Disclosure Representative to the Disclosure Dissemination Agent of an opinion of nationally recognized bond counsel to the effect that continuing disclosure is no longer required.

SECTION 9. Disclosure Dissemination Agent. The Issuer has appointed Digital Assurance Certification, L.L.C. as exclusive Disclosure Dissemination Agent under this Disclosure Agreement. The Issuer may, upon thirty days written notice to the Disclosure Dissemination Agent and the Trustee, replace or appoint a successor Disclosure Dissemination Agent. Upon termination of DAC's services as Disclosure Dissemination Agent, whether by notice of the Issuer or DAC, the Issuer agrees to appoint a successor Disclosure Dissemination Agent or, alternately, agrees to assume all responsibilities of Disclosure Dissemination Agent under this Disclosure Agreement for the benefit of the Holders of the Bonds. Notwithstanding any replacement or appointment of a successor, the Issuer shall remain liable until payment in full for any and all sums owed and payable to the Disclosure Dissemination Agent. The Disclosure Dissemination Agent may resign at any time by providing thirty days' prior written notice to the Issuer.

SECTION 10. Remedies in Event of Default. In the event of a failure of the Issuer or the Disclosure Dissemination Agent to comply with any provision of this Disclosure Agreement, the Holders' rights to enforce the provisions of this Agreement shall be limited solely to a right, by action in mandamus or for specific performance, to compel performance of the parties' obligation under this Disclosure Agreement. Any failure by a party to perform in accordance with this Disclosure Agreement shall not constitute a default on the Bonds or under any other document relating to the Bonds, and all rights and remedies shall be limited to those expressly stated herein.

SECTION 11. Duties, Immunities and Liabilities of Disclosure Dissemination Agent.

(a) The Disclosure Dissemination Agent shall have only such duties as are specifically set forth in this Disclosure Agreement. The Disclosure Dissemination Agent's obligation to deliver the information at the times and with the contents described herein shall be limited to the extent the Issuer has provided such information to the Disclosure Dissemination Agent as required by this Disclosure Agreement. The Disclosure Dissemination Agent shall have no duty with respect to the content of any disclosures or notice made pursuant to the terms hereof. The Disclosure Dissemination Agent shall have no duty or obligation to review or verify any Information or any other information, disclosures or notices provided to it by the Issuer and shall not be deemed to be acting in any fiduciary capacity for the Issuer, the Holders of the Bonds or any other party. The Disclosure Dissemination Agent shall have no responsibility for the Issuer's failure to report to the Disclosure Dissemination Agent a Notice Event or a duty to determine the materiality thereof. The Disclosure Dissemination Agent shall have no duty to determine, or liability for failing to determine, whether the Issuer has complied with this Disclosure Agreement. The Disclosure Dissemination Agent may conclusively rely upon certifications of the Issuer at all times.

THE ISSUER AGREES TO INDEMNIFY AND SAVE THE DISCLOSURE DISSEMINATION AGENT AND ITS RESPECTIVE OFFICERS, DIRECTORS, EMPLOYEES AND AGENTS, HARMLESS AGAINST ANY LOSS, EXPENSE AND LIABILITIES WHICH THEY MAY INCUR ARISING OUT OF OR IN THE EXERCISE OR PERFORMANCE OF THEIR POWERS AND DUTIES HEREUNDER, INCLUDING THE COSTS AND EXPENSES (INCLUDING ATTORNEYS FEES) OF DEFENDING AGAINST ANY CLAIM OF LIABILITY, BUT EXCLUDING LIABILITIES DUE TO

THE DISCLOSURE DISSEMINATION AGENT'S GROSS NEGLIGENCE OR WILLFUL MISCONDUCT.

The obligations of the Issuer under this Section shall survive resignation or removal of the Disclosure Dissemination Agent and defeasance, redemption or payment of the Bonds.

(b) The Disclosure Dissemination Agent may, from time to time, consult with legal counsel (either in-house or external) of its own choosing in the event of any disagreement or controversy, or question or doubt as to the construction of any of the provisions hereof or its respective duties hereunder, and neither of them shall incur any liability and shall be fully protected in acting in good faith upon the advice of such legal counsel. The fees and expenses of such counsel shall be payable by the Issuer.

SECTION 12. Amendment; Waiver. Notwithstanding any other provision of this Disclosure Agreement, the Issuer and the Disclosure Dissemination Agent may amend this Disclosure Agreement and any provision of this Disclosure Agreement may be waived, if such amendment or waiver is supported by an opinion of counsel expert in federal securities laws acceptable to both the Issuer and the Disclosure Dissemination Agent to the effect that such amendment or waiver does not materially impair the interests of Holders of the Bonds and would not, in and of itself, cause the undertakings herein to violate the Rule if such amendment or waiver had been effective on the date hereof but taking into account any subsequent change in or official interpretation of the Rule; provided neither the Issuer or the Disclosure Dissemination Agent shall be obligated to agree to any amendment modifying their respective duties or obligations without their consent thereto.

Notwithstanding the preceding paragraph, the Disclosure Dissemination Agent shall have the right to adopt amendments to this Disclosure Agreement necessary to comply with modifications to and interpretations of the provisions of the Rule as announced by the Securities and Exchange Commission from time to time by giving not less than 20 days written notice of the intent to do so together with a copy of the proposed amendment to the Issuer. No such amendment shall become effective if the Issuer shall, within 10 days following the giving of such notice, send a notice to the Disclosure Dissemination Agent in writing that it objects to such amendment.

SECTION 13. Beneficiaries. This Disclosure Agreement shall inure solely to the benefit of the Issuer, the Trustee of the Bonds, the Disclosure Dissemination Agent, the underwriter, and the Holders from time to time of the Bonds, and shall create no rights in any other person or entity.

SECTION 14. Governing Law. This Disclosure Agreement shall be governed by the laws of the State of New York (other than with respect to conflicts of laws).

SECTION 15. Counterparts. This Disclosure Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.



The Disclosure Dissemination Agent and the Issuer have caused this Continuing Disclosure Agreement to be executed, on the date first written above, by their respective officers duly authorized.

DIGITAL ASSURANCE CERTIFICATION, L.L.C.,  
as Disclosure Dissemination Agent

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

RICHLAND COUNTY, SOUTH CAROLINA,  
as Issuer

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**EXHIBIT A**

**NAME AND CUSIP NUMBERS OF BONDS**

Name of Issuer: Richland County, South Carolina  
Obligated Person(s): Daniel Driggers, Finance Director  
Name of Bond Issue: Broad River Sewer System General Obligation Bonds, Series 2007B,  
\$ \_\_\_\_\_  
Date of Issuance: \_\_\_\_\_, 2007  
Date of Official Statement: \_\_\_\_\_, 2007

CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
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CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____
CUSIP Number:	_____	CUSIP Number:	_____

**EXHIBIT B  
NOTICE TO REPOSITORIES OF FAILURE TO FILE ANNUAL REPORT**

Name of Issuer	Richland County, South Carolina
Obligated Person(s)	Daniel Driggers, Finance Director
Name of Bond Issue:	Broad River Sewer System General Obligation Bonds, Series 2007B, \$ _____
Date of Issuance:	_____, 2007
Date of Official Statement:	_____, 2007

NOTICE IS HEREBY GIVEN that the Issuer has not provided an Annual Report with respect to the above-named Bonds as required by the Disclosure Agreement, dated as of June 9, 2004, between the Issuer and Digital Assurance Certification, L.L.C., as Disclosure Dissemination Agent. The Issuer has notified the Disclosure Dissemination Agent that it anticipates that the Annual Report will be filed by \_\_\_\_\_.

Dated: \_\_\_\_\_

Digital Assurance Certification, L.L.C., as Disclosure  
Dissemination Agent, on behalf of the Issuer

\_\_\_\_\_

cc: Issuer  
Obligated Person

**EXHIBIT C  
MATERIAL EVENT NOTICE COVER SHEET**

This cover sheet and material event notice should be sent to the Municipal Securities Rulemaking Board or to all Nationally Recognized Municipal Securities Information Repositories, and the State Information Depository, if applicable, pursuant to Securities and Exchange Commission Rule 15c2-12(b)(5)(i)(C) and (D).

Issuer's and/or Other Obligated Person's Name:

\_\_\_\_\_

Issuer's Six-Digit CUSIP Number:

\_\_\_\_\_

\_\_\_\_\_

or Nine-Digit CUSIP Number(s) of the bonds to which this material event notice relates:

\_\_\_\_\_

Number of pages of attached material event notice: \_\_\_\_

Description of Material Events Notice (Check One):

1.  Principal and interest payment delinquencies
2.  Non-Payment related defaults
3.  Unscheduled draws on debt service reserves reflecting financial difficulties
4.  Unscheduled draws on credit enhancements reflecting financial difficulties
5.  Substitution of credit or liquidity providers, or their failure to perform
6.  Adverse tax opinions or events affecting the tax-exempt status of the security
7.  Modifications to rights of securities holders
8.  Bond calls
9.  Defeasances
10.  Release, substitution, or sale of property securing repayment of the securities
11.  Rating changes
12.  Failure to provide annual financial information as required
13.  Other material event notice (specify)
14. \_\_\_\_\_

I hereby represent that I am authorized by the issuer or its agent to distribute this information publicly:

Signature:

\_\_\_\_\_

\_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Employer: Digital Assurance Certification, L.L.C.

Address: \_\_\_\_\_

County, State, Zip Code: \_\_\_\_\_

Voice Telephone Number: \_\_\_\_\_

**FORM OF NOTICE OF PUBLIC HEARING**

Notice is hereby given that a public hearing will be held by the County Council of Richland County, South Carolina (the "County"), in County Council Chambers located at 2020 Hampton Street, Columbia, South Carolina, at 6:00 p.m. on February 20, 2007, or at such other location as proper notice on the main entrance to the said building might specify.

The purpose of the public hearing is to consider an Ordinance providing for the issuance and sale of not exceeding \$16,970,000 Sewer System General Obligation Bonds or Bond Anticipation Notes, with an appropriate series designation (the "Bonds" or "Notes") of the County, the proceeds of which will be used to provide funds for (i) completion of construction of a 6,000,000 gallon per day wastewater treatment facility to be located near the Broad River in the Northwest portion of the County (the "Project"); and (ii) legal fees and costs of issuance of the Bonds or Notes.

The Ordinance references an increase in the monthly user fee service charge from \$29.80 to \$35.23 and an increase in the tap fee from \$2,200.00 to \$2,700.00; however, which would be authorized by separate ordinance.

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

For the payment of the principal and interest on the Notes, if issued, the proceeds of general obligation bonds to be issued by the County will be pledged. Additionally, the full faith, credit, and taxing power of the County are irrevocably pledged, and there shall be levied annually by the Auditor of Richland County, and collected by the Treasurer of Richland County, in the same manner as other County taxes are levied and collected, a tax, without limit, on all taxable property in the County, sufficient to pay the principal of and interest on the Bonds as they respectfully mature, and to create a sinking fund as may be necessary therefor; provided, however, that the County Council does hereby pledge the revenues derived from the operation of the Sewer System after defraying the costs of operation and maintenance of the Sewer System.

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

COUNTY COUNCIL OF RICHLAND COUNTY,  
SOUTH CAROLINA

## Richland County Council Request of Action

Subject: Broad River Regional Wastewater Treatment Plant  
Construction Contract Award

### A. Purpose

The purpose of this report is to obtain County Council approval of the award of the contracts required for the upgrade of the River Regional Wastewater Treatment Facility system.

### B. Background

Bids were received on January 31, 2007 for the upgrade of the Broad River Wastewater Treatment Facility. Those bids have been evaluated by the Construction Management Firm and the Procurement Department and the following contracts are recommended for approval.

#### **Division I    Wastewater Treatment Plant**

Contractor:            Crowder Construction Co., Inc.  
Contract Amount:    \$27, 178.000

#### **Division II    Bearing Distributing Pump Station**

Contractor:            Ideal Construction Co., Inc.  
Contract Amount:    \$551,811

#### **Division III    Operations Building**

Contractor:            M. B. Kahn Construction Co., Inc.  
Contract Amount:    \$1,645,043

#### **Engineering and Material Testing**

Contractors:            Power Engineering, Inc.  
                                 Terracon Consultants, Inc.  
Contract Amount:    \$783,470

### C. Discussion

A deadline to begin construction on this project has been established by SC DHEC as March 1, 2007. In order to meet this schedule, it is recommended that all the contracts listed above be approved for award with contracts for Division II, Division III and Engineering and Material Testing being awarded immediately. The contract award for Division I will be delayed until additional bonds are sold and sufficient funds are available.

### D. Financial Impact

Bonds will be issued to cover all cost associated with this upgrade project. The debt service will be paid from tap fees and user fees of customers on the Broad River Sewer System. No additional funds should be required.

**E. Recommendation**

It is recommended that County Council approve the award of the contracts as identified above. It is also recommended that the County Administrator be given the authority to approve change orders to these contracts during the construction phase in an amount not to exceed \$100,000.00 provided the total contract amount does not exceed available funds.

Recommended by: Andy H. Metts

Department: Utilities

Date 2/16/07

**F. Approvals**

**Legal**

Approved by: \_\_\_\_\_  
Comments: \_\_\_\_\_

Date \_\_\_\_\_

**Finance**

Approved by: \_\_\_\_\_  
Comments: \_\_\_\_\_

Date \_\_\_\_\_

**Procurement**

Approved by: \_\_\_\_\_  
Comments: \_\_\_\_\_

Date \_\_\_\_\_

**Grants**

Approved by: \_\_\_\_\_  
Comments: \_\_\_\_\_

Date \_\_\_\_\_

**Administration**

Approved by: \_\_\_\_\_  
Comments: \_\_\_\_\_

Date \_\_\_\_\_

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-07HR

AN ORDINANCE AUTHORIZING QUIT-CLAIM DEED TO JANICE JUANITA NEWBOLD-MOLDEN AND ALBERT 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 Janice Juanita Newbold-Molden and Albert 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 \_\_\_\_\_, 2007.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Joseph McEachern, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2007.

\_\_\_\_\_  
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: February 6, 2007  
Second Reading: February 20, 2007 (tentative)  
Public Hearing:  
Third reading:



Grantee's address:  
4847 Bluff Road, Columbia, South Carolina

STATE OF SOUTH CAROLINA                    )  
  )  
  )           **QUIT-CLAIM DEED**  
COUNTY OF RICHLAND

THIS QUIT-CLAIM DEED, is made by **Richland County, South Carolina**, (hereinafter "Grantor"), to **Janice Juanita Newbold-Molden and Albert Wallace**, (hereinafter "Grantee"). (Wherever used herein, the terms "Grantor" and "Grantee" shall include singular and plural, heirs, successors, assigns, legal representatives, and corporations wherever the context so permits or requires).

WITNESSETH, that the said Grantor, for and in consideration of the sum of Five Dollars (\$5.00) and other valuable consideration, in hand paid by the Grantee, the receipt and sufficiency of which is hereby acknowledged, does hereby remise, release and quit-claim unto Grantee, their heirs and assigns, forever, all the right, title, interest, claim and demand which Grantor has in and to the following described lot, piece or parcel of land, situate, lying and being in the County of Richland, State of South Carolina, to wit:

A portion of that tract identified on the Richland County Tax Map as TMS 16103-04-01 and lying within 15 feet left of the centerline of a newly aligned Bluff Oaks Road and running from existing right of way of Bluff Road approximate survey station 2+61, being 2850 square feet.

This being the same property purported to have been conveyed to Richland County, South Carolina by that document dated May 24, 2005, and recorded in the land records of Richland County on June 1, 2005, in Book 01058 at page 2476.

TO HAVE AND TO HOLD the same together with all and singular the appurtenances and improvements thereunto belonging or in anywise appertaining, in all the estate, right, title, interest, lien, equity and claim whatsoever of Grantor, to Grantee, their heirs and assigns, forever.

WITNESS their hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_\_.

SIGNED, SEALED AND DELIVERED  
IN THE PRESENCE OF:

\_\_\_\_\_  
(Witness #1)

\_\_\_\_\_  
Richland County, South Carolina  
By: \_\_\_\_\_  
Its: \_\_\_\_\_

\_\_\_\_\_  
(Witness #2/Notary)

STATE OF SOUTH CAROLINA        )  
  )  
COUNTY OF RICHLAND            )

**PROBATE**

PERSONALLY APPEARED before me the undersigned witness and made oath that (s)he saw the with-named Richland County, South Carolina, by and through the above-named natural person having authority to execute this document for the said Richland County, sign, seal and as its act and deed, deliver the within-written Quit-Claim Deed; and that (s)he with the other witness witnessed the execution thereof.

\_\_\_\_\_  
(Witness #1)

SWORN to before me, this \_\_\_\_\_  
day of \_\_\_\_\_, 200\_\_\_\_\_

\_\_\_\_\_(L.S.)  
NOTARY PUBLIC FOR SOUTH CAROLINA  
My Commission Expires: \_\_\_\_\_

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-07HR

AN ORDINANCE AUTHORIZING THE GRANTING OF A WATER LINE RIGHT-OF-WAY EASEMENT TO THE CITY OF COLUMBIA ACROSS PROPERTY IDENTIFIED AS A PORTION OF TMS NUMBER R16200-03-20, TO SERVE THE NEW COLUMBIA STATE FARMERS' MARKET.

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

SECTION I. The County of Richland and its employees and agents are hereby authorized to grant a water line right-of-way easement to the City of Columbia across property identified as a portion of TMS# R16200-03-20 to serve the new Columbia State Farmers' Market, as specifically described in the Easement, a copy of which is attached hereto and incorporated herein.

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

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

SECTION IV. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2007.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Joseph McEachern, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2007.

\_\_\_\_\_  
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: February 6, 2007  
Second Reading: February 20, 2007 (tentative)  
Public Hearing:  
Third reading:

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-07HR

AN ORDINANCE AMENDING THE FISCAL YEAR 2006-2007 SPECIAL REVENUE FUND ANNUAL BUDGET TO ADD SIX FIREFIGHTERS TO FIRE SERVICES. FUNDS ARE PRESENTLY AVAILABLE IN THE DEPARTMENTAL BUDGET TO COVER THE COSTS OF THESE NEW POSITIONS. THERE WILL BE NO ADDITIONAL COSTS FOR THIS FISCAL YEAR.

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

SECTION I. That the FY 2006-2007 Fire Services’ budget be amended to include the addition of six FTEs for Firefighters. Therefore, the Fiscal Year 2006-2007 Special Revenue Fund Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2006 as amended:	\$18,376,421
Appropriation of Revenue:	
Revenue from Army National Guard	165,833
Decrease in Water Assessment	<u>(165,833)</u>
Total Fire Services Revenue As Amended:	\$18,376,421

EXPENDITURES

Expenditures appropriated July 1, 2006 as amended:	\$18,376,421
Increase in Fire Services Budget:	<u>-0-</u>
Total Fire Services Expenditures As Amended:	\$18,376,421

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 \_\_\_\_\_, 2007.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Joseph McEachern, Chair

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

OF \_\_\_\_\_, 2007

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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: February 6, 2007  
Second Reading: February 20, 2007 (tentative)  
Public Hearing:  
Third Reading:

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-07HR

AN ORDINANCE AMENDING THE FISCAL YEAR 2006-2007 GENERAL FUND ANNUAL BUDGET TO ADD FOUR EMERGENCY MEDICAL TECHNICIANS AND FOUR PARAMEDICS TO EMERGENCY MEDICAL SERVICES. FUNDS ARE PRESENTLY AVAILABLE IN THE DEPARTMENTAL BUDGET TO COVER THE COSTS OF THESE NEW POSITIONS. THERE WILL BE NO ADDITIONAL COSTS FOR THIS FISCAL YEAR.

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

SECTION I. That the FY 2006-2007 EMS budget be amended to include the addition of four FTEs for Emergency Medical Technicians and four FTEs for Paramedics. Therefore, the Fiscal Year 2006-2007 General Fund Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2006 as amended:	\$119,118,265
Appropriation of Revenue:	
Revenue from Army National Guard	105,033
Decrease in Miscellaneous Revenue	<u>    (105,033)</u>
Total General Fund Revenue As Amended:	\$119,118,265

EXPENDITURES

Expenditures appropriated July 1, 2006 as amended:	\$119,118,265
Increase in EMS Budget:	<u>                    -0-</u>
Total General Fund Expenditures As Amended:	\$119,118,265

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 \_\_\_\_\_, 2007.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Joseph McEachern, Chair

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

OF \_\_\_\_\_, 2007

---

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:           February 6, 2007  
Second Reading:       February 20, 2007 (tentative)  
Public Hearing:  
Third Reading:

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-07HR

AN ORDINANCE AUTHORIZING THE GRANTING OF A SEWER EASEMENT TO GINN-LA UNIVERSITY CLUB LTD, LLLP, ACROSS PROPERTY LYING TO THE NORTH OF MCNULTY STREET, BLYTHEWOOD, SOUTH CAROLINA, AND IDENTIFIED AS A PORTION OF TMS NUMBER 15209-01-04.

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. On behalf of the Richland County Public Library, the County of Richland and its employees and agents are hereby authorized to grant a sewer easement to Ginn-La University Club Ltd, LLLP, across property lying to the North of McNulty Street, Blythewood, South Carolina, and identified as a portion of TMS# 15209-01-04, and further described in the "Sewer Easement Agreement", a copy of which is attached hereto and incorporated herein.

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

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

SECTION IV. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2007.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Joseph McEachern, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2007.

\_\_\_\_\_  
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: February 6, 2007  
Second Reading: February 20, 2007 (tentative)  
Public Hearing:  
Third reading:



STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-07HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION, ARTICLE X, PURCHASING; DIVISION 2, COMPETITIVE PURCHASING POLICY; SECTION 2-598, GENERAL PROVISIONS; SUBSECTION (A); SO AS TO EXEMPT CERTAIN CONTRACTS FROM THE COUNTY'S REQUIREMENTS UNDER THIS ARTICLE.

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 2, "Administration", Article X, "Purchasing", Division 2, "Competitive Purchasing Policy"; Section 2-598, General Provisions; Subsection (a); is hereby amended by the deletion of the language contained therein and the substitution of the following language:

**Sec. 2-598. General Provisions.**

(a) All public purchases shall be made in a manner which provides for the greatest economy for the taxpayer, the fairest selection of vendor, and the prevention of conflicts of interest. Towards this end, it shall be the policy of the county that, whenever practical, leases, goods, and services required by county agencies shall be procured through a competitive purchasing policy which may be achieved through competitive bidding or through requests for proposals; provided, however, contracts that are specifically approved by a county ordinance are exempt from the provisions of this Article.

Professional services shall be procured as set forth in section 2-600 of this Code, unless otherwise prohibited by law.

The method of contracting known as "design/build" wherein the successful vendor shall perform a "turnkey" project to include all architectural, engineering, construction and other services necessary to provide a complete facility, is expressly authorized. The contractor shall identify the architects and engineers he proposes to use in his bid or proposal and shall coordinate all activities of said architects, engineers, designers, subcontractors, suppliers and others involved in the project to provide a completed facility meeting contract requirements, and shall insure compliance with all other applicable county, state or federal laws. When the "design/build" concept is utilized through competitive bidding or requests for proposal, then the requirements that architectural and engineering services be procured under section 2-600 of this division shall be waived.

The "design/build" method of contracting shall only be employed when the county council determines that the utilization of such method is in the best interest of the county.

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

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

SECTION IV. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2007.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Joseph McEachern, Chair

ATTEST THIS THE \_\_\_\_ DAY  
OF \_\_\_\_\_, 2007

\_\_\_\_\_  
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: February 6, 2007  
Second Reading: February 20, 2007 (tentative)  
Public Hearing:  
Third Reading:

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-07HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION; ARTICLE VI, ELECTED AND SPECIAL OFFICERS; SECTION 2-262, SALARIES OF CERTAIN ELECTED OFFICIALS; SO AS TO PROVIDE FOR THE SALARIES OF SUCH OFFICIALS AND FOR SUBSEQUENT PAY INCREASES.

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 2, Administration, Article VI, Elected and Special Officers, Section 2-262, "Salaries of Certain Elected Officials," is hereby amended to read as follows:

**Sec. 2-262. Salaries of certain elected officials.**

(a) ~~This section shall apply to the following elected officials: auditor, clerk of court, coroner, sheriff, and treasurer. These officials shall be excluded from the County's pay and classification plan: auditor, clerk of court, coroner, probate judge, sheriff, and treasurer.~~

(b) The salary of the auditor, clerk of court, coroner, sheriff, and treasurer shall be determined through the County's budget process, and does not include any supplemental appropriations from the state of South Carolina or from any other source.

(c) Each year the elected officials listed in (b), above, shall receive a pay increase commensurate with the percentage increase of the Consumer Price Index (CPI) over the previous year, which number is distributed to the County from the State Department of Revenue through the South Carolina Association of Counties for budgetary purposes, but not to exceed 4% for that year; provided, however, elected officials' salaries shall be reviewed at the same time that other County positions are reviewed for market comparisons, but in no event longer than three years. If it is determined that an elected official's salary is higher than others surveyed in similar sized counties, the elected official shall not receive a CPI pay increase for the first year following such review. Pay increases, when applicable, shall take effect starting with the first pay period in July.

(d) Upon re-election, the elected officials listed in (a), above, shall receive a 5% pay increase, which shall take effect at the beginning of the new term of office.

(e) A newly elected official, or an individual appointed to fill an existing term of office, shall receive the salary of the previous incumbent, but shall not receive the 5% pay increase that re-elected officials receive.

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 \_\_\_\_\_, 2007.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Joseph McEachern, Chair

ATTEST this the \_\_\_\_ day of  
\_\_\_\_\_, 2007.

\_\_\_\_\_  
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: February 6, 2007  
Second Reading: February 20, 2007 (tentative)  
Public Hearing:  
Third Reading:

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-07HR

AN ORDINANCE AUTHORIZING DEED TO FORUM DEVELOPMENT II, LLC FOR A CERTAIN PARCEL OF LAND KNOWN AS LOT 14 ON A PLAT PREPARED BY BP BARBER, DATED 1-18-07, AND RECORDED IN THE RICHLAND COUNTY REGISTER OF DEEDS OFFICE IN BOOK 1277 AT PAGE 3867 (APPROXIMATELY 11.39 ACRES TOTAL) IN THE RICHLAND NORTHEAST INDUSTRIAL PARK, A PORTION OF RICHLAND COUNTY TMS # 25800-04-01.

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

SECTION I. The County of Richland and its employees and agents are hereby authorized to grant a deed to FORUM DEVELOPMENT II, LLC for certain real property, as specifically described in the attached Deed, Lot 14 as shown on a plat prepared by BP Barber, dated 1-18-07, and recorded in the Richland County Register of Deeds Office in Book 1277 at Page 3867 (approximately 11.39 acres) in the Richland Northeast Industrial Park, a portion of Richland County TMS # 25800-04-01, which are attached hereto and incorporated herein.

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

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

SECTION IV. Effective Date. This ordinance shall be enforced from and after \_\_\_\_\_, 2007.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Joseph McEachern, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2007.

\_\_\_\_\_  
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: February 20, 2007 (tentative)  
Second Reading: March 6, 2007 (tentative)  
Public Hearing: March 6, 2007 (tentative)  
Third reading: March 20, 2007 (tentative)

# *Richland County Council*

## *Rules and Appointments Committee*



**RICHLAND COUNTY COUNCIL  
REGULAR SESSION MEETING  
FEBRUARY 20, 2007**

### REPORT OF THE RULES AND APPOINTMENTS COMMITTEE

*Mike Montgomery*  
*Chair*  
*District Eight*

*Paul Livingston*  
*District Four*

*Bill Malinowski*  
*District One*

*Staffed by:*

*Monique Walters*  
*Assistant to the Clerk of*  
*Council*

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

**A. Recreation Commission-2**

There will be two terms expiring on this commission

John A. Ecton  
J. Marie Green

February 27, 2007\*  
February 27, 2007\*

**III. NOTIFICATION OF APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES**

**A. Board of Zoning Adjustments and Appeals-1**

There is one appointment to be made to this board.  
No applications were received at this time

**B. Building Codes Board of Appeals-1**

There is one appointment to be made to this board for a contractor.  
No applications were received at this time.

**C. Hospitality Tax Committee-1**

There is one appointment to be made to this committee;  
one application was received from the following:

Robert G. Tunell, Sales & Marketing, General Electric Company\*

**D. Planning Commission-1**

There is one appointment to be made to this commission;  
applications were received from the following:

Weston A. Furgess, Jr. Retired, SC Dept. of Agriculture\*  
Mary J. Sturgeon, Retired, Richland School Dist. One,  
Transportation Supervisor

\* Eligible for re-appointment

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



APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION

Applicant must reside in Richland County.

Name: ROBERT G. TUNELL

Home Address: 12 UPPER POND ROAD, COLUMBIA, SC 29223

Telephone: (home) 803-728-7940 (work) -

Office Address: -

Educational Background: BS - OKLAHOMA STATE UNIVERSITY

Professional Background: SALES + MARKETING - GENERAL ELECTRIC CO

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

Name of Committee in which interested: HOSPITALITY TAX COMMITTEE

Reason for interest: PREVIOUS MEMBERSHIP ON  
THESE COMMITTEE

Your characteristics/qualifications, which would be an asset to Committee/Board/ Commission:  
PREVIOUS MEMBERSHIP - TERM  
EXPIRED JAN. 2007

Presently serve on any County Board/Commission/Committee? HETAX COMMITTEE

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

Recommended by Council Member(s): VAL HUECKSON

Hours willing to commit each month: FLEXIBLE

CONFLICT OF INTEREST POLICY

It is the policy of Richland County to require disclosure of any personal or financial interest that may be influenced by decisions of the board for which any citizen applies for membership.

Such conflict of interest does not preclude service but shall be disclosed before appointment. The Clerk of Council shall be notified of any change on an annual basis and members of all boards shall be required to abstain from voting or influencing through discussion or debate or any other way, decisions of the board affecting those personal and financial interests.



All statements so filed shall be signed and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his or her knowledge it is true and complete.

Any person who willfully files a false or incomplete statement of disclosure or no change of condition, or who willfully fails to make any filing required by this article, shall be subject to such discipline, including censure and disqualification from the Board or Commission, as the County Council, by majority vote of the council, shall elect.

### STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the board?

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

If so, describe: SPARKLEBERRY COUNTRY FAIR  
\_\_\_\_\_  
\_\_\_\_\_

*RBT Lince*  
Applicant's Signature

JAN 24 2007  
Date

**Return to:**  
**Clerk of Council, Post Office Box 192, Columbia, SC 29202.**  
**For information, call 576-2060.**

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

**Applications are current for one year.**

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



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

**Applicant must reside in Richland County.**

Name: Wesley A. Furgess Jr.

Home Address: 136 Fair Oaks Dr.

Telephone: (home) 803-754-3340 (cell/work) 206-0299

Office Address: \_\_\_\_\_

Educational Background: Allen Univ.

Professional Background: Retired SC Dept of Agriculture

Male  Female

Age: 18-25  26-50

Over 50

Name of Committee in which interested: Richland County Planning Commission

Reason for interest: \_\_\_\_\_

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

Presently serve on any County Board/Commission/Committee? Planning Commission

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

Recommended by Council Member(s): Joseph McEachern

Hours willing to commit each month: As needed - yes

**CONFLICT OF INTEREST POLICY**

It is the policy of Richland County to require disclosure of any personal or financial interest that may be influenced by decisions of the board for which any citizen applies for membership.

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All statements so filed shall be signed and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his or her knowledge it is true and complete.

Any person who willfully files a false or incomplete statement of disclosure or no change of condition, or who willfully fails to make any filing required by this article, shall be subject to such discipline, including censure and disqualification from the Board or Commission, as the County Council, by majority vote of the council, shall elect.

### STATEMENT OF FINANCIAL OR PERSONAL INTERESTS


Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the board?

Yes \_\_\_\_\_

No  \_\_\_\_\_

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

\_\_\_\_\_

  
Applicant's Signature

12/8/06  
Date

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

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

**Applications are current for one year.**

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



APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION

Applicant must reside in Richland County.

Name: Mary Jo Sturgeon
Home Address: 818 Hazelwood Rd Columbia, SC 29209
Telephone: (home) 803-776-8956 (work) 803-776-8956
Office Address: 818 Hazelwood Rd, Columbia, SC 29209
Educational Background: High school - some Tec. (mills)

Professional Background: Retired Richland School Dist Transportation Supervisor
self employed Travel Co (group)
Male [ ] Female [x]
Age: 18-25 [ ] 26-50 [ ] Over 50 [x]

Name of Committee in which interested: planning committee

Reason for interest: I am very civic minded - I believe I can be of some use to our County in developing land use - Knowledge of the area of Richland County - good people skills -

Your characteristics/qualifications, which would be an asset to Committee/Board/ Commission: I am an original Columbian & know most areas well - I have dealt with people in some real estate & traffic flow

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

Any other information you wish to give? No typewriter/computer down - please open relationships

Recommended by Council Member(s): unable to reach Mr. Jackson

Hours willing to commit each month: Any needed - 8-12 hrs -

CONFLICT OF INTEREST POLICY

It is the policy of Richland County to require disclosure of any personal or financial interest that may be influenced by decisions of the board for which any citizen applies for membership. Such conflict of interest does not preclude service but shall be disclosed before appointment. The Clerk of Council shall be notified of any change on an annual basis and members of all boards shall be required to abstain from voting or influencing through discussion or debate or any other way, decisions of the board affecting those personal and financial interests.

All statements so filed shall be signed and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his or her knowledge it is true and complete.

Any person who willfully files a false or incomplete statement of disclosure or no change of condition, or who willfully fails to make any filing required by this article, shall be subject to such discipline, including censure and disqualification from the Board or Commission, as the County Council, by majority vote of the council, shall elect.

### STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the board?

Yes \_\_\_\_\_ No NO

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

Mary J. Sturgeon  
Applicant's Signature

1/29/2007  
Date

**Return to:**  
**Clerk of Council, Post Office Box 192, Columbia, SC 29202.**  
**For information, call 576-2060.**

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

**Applications are current for one year.**

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

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

**To the Chairperson of Richland County Council:**

The undersigned hereby respectfully requests that the Richland County Council approve the location of a community care home in Richland County, South Carolina, pursuant to Chapter 7 of Title 44 of the 1976 State Code of Laws, as described below. (Be advised that final approval of all community care homes rests with licensing by the State Department of Health and Human Services.)

**Applicant must be the director of the proposed facility.**

1. Applicant's Name: Ann Bruce-Watson  
2. Applicant's Address: 147 Hunting Avenue  
Hopkins, SC 29061  
3. Applicant's Telephone: Home: 803-414-6467 Office: 803-783-3780

**4. Location of proposed community care home:**

Street address: 147 Hunting Ave  
City, Zip: Hopkins, 29061 Tax Map Number: \_\_\_\_\_

**5. Do you own the building that will house the proposed community care home?**

YES  NO

If "NO," do you have an option to buy the property or, if renting, do you have a lease agreement with the owner? Please state which arrangement you currently have, and also list the name, address, and phone number of the current owner and/or lessor.

\_\_\_\_\_

\_\_\_\_\_

**6. If you are leasing the property, has the lessor granted authority to establish a community care home on the property?** YES  NO

**7. Will the proposed community care home be established in your current permanent residence?** YES  NO

8. How many bedrooms and bathrooms does the proposed community care home have? Bedrooms 5 Bathrooms 3

9. How many resident clients will be housed in this proposed community care home? Nine or less  Ten or more

10. Describe the type of resident clients to be housed in this proposed facility (senior citizens or children, physically or mentally disabled, etc.)

Senior Citizens OR Physically - Mentally disabled

11. How many full-time and part-time staff will care for the resident clients of the proposed community care home? Full-Time 1 Part-Time 1

12. How many total persons will occupy the proposed community care home during the night? (Include resident clients, staff, staff family, applicant, applicant's family, etc. as applicable.) Total Persons 9 or Less

13. Do you currently operate any other community care facilities in Richland County? YES  NO

If you do, list the location, year licensed, and number of resident clients for each facility.

Street Address	Year Licensed	# of Residents
Street Address	Year Licensed	# of Residents

14. Have you ever had a license revoked for any type of residential health care facility located in South Carolina? YES  NO

I hereby certify that if granted approval from Richland County Council to locate a community care home as described above, I will fully comply with all regulations of the appropriate state licensing and regulatory agency or agencies, the State Fire Marshal's Office, and Health Department Officials which apply to community care facilities in establishing and obtaining licensing for my community care home.

I also certify that all of the above information is correct to the best of my knowledge.

Ann Bruce-Watson

Signature of Applicant

1-18-2007

Date

# 147 Hunting Avenue (District 11)



Copyright 2005  
 Richland County  
 GIS  
 2020 Hampton St.  
 Columbia, SC 29204



## Legend

- County Boundary
- Streets
- Private Schools
- Buildings
- Public Schools
- 2 Ft. Contours
- Police Stations
- Streams
- Fire Stations
- Lakes
- County Assets
- Council Districts
- Daycares
- Zip Codes

**DISCLAIMER :** This is a product of the Richland County GIS Department. The data depicted here have been developed with extensive cooperation from other county departments, as well as other federal, state and local governments agencies. Richland County expressly disclaims responsibility for damages or liability that may arise from the use of this map.

**PROPRIETARY INFORMATION:** Any resale of this information is prohibited, except in accordance with a licensing agreement.



# MCNAIR LAW FIRM, P.A.

ATTORNEYS AND COUNSELORS AT LAW

[www.mcnair.net](http://www.mcnair.net)

THE TOWER AT 1301 GERVAIS  
1301 GERVAIS STREET  
COLUMBIA, SOUTH CAROLINA 29201

POST OFFICE BOX 11390  
COLUMBIA, SOUTH CAROLINA 29211  
TELEPHONE (803)799-9800  
FACSIMILE (803)799-9804

## MEMORANDUM

TO: J. Milton Pope, Interim County Administrator  
Daniel Driggers, Finance Director

CC: Tony McDonald, Assistant County Administrator  
Andy Metts, Utilities Director  
Larry C. Smith, Esquire  
Amelia Linder, Esquire  
Michielle Cannon-Finch, Clerk to Council

FROM: Francenia B. Heizer, Esquire

DATE: February 15, 2007

RE: Refinancing Series 2003D Broad River Sewer System General Obligation Bonds

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In working on the plan of financing for the 2007 Broad River Sewer System General Obligation Bonds, Ross, Sinclair & Associates, LLC, the firm assisting as financial advisor, has identified an opportunity to refinance the outstanding 2003D Broad River Sewer System General Obligation Bonds for a debt service savings of at least 5.0193% or \$750,000 (net present value). We recommend that the County Council take advantage of this opportunity so long as the net present value savings is at least 5%.

When we originally discussed this refunding opportunity, the plan was to take the proposal to Council Committee on February 27 with an opportunity for first reading on March 6.

The purpose of this Memorandum is to request that Council consider giving first reading by title only to the refunding bond ordinance at the meeting on February 20. We are making this request because the financial advisor sees the long-term interest rates dipping down in the very near future. We would like to have the ability to issue these bonds as soon as possible so that we can be in a position to take advantage of any positive changes in the market.

If Council is willing to add this matter to the agenda for February 20, we could still provide a full briefing to the Committee on February 27.

For your information, attached is the title of the ordinance that could be given first reading next week.

FBH:laf

Attachment

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

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF BROAD RIVER SEWER SYSTEM GENERAL OBLIGATION REFUNDING BONDS OF RICHLAND COUNTY, SOUTH CAROLINA, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$16,500,000; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE COUNTY INTERIM ADMINISTRATOR OR HIS DESIGNEE TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO.