

**RICHLAND COUNTY COUNCIL  
REGULAR SESSION  
COUNCIL CHAMBERS  
DECEMBER 4, 2007  
6:00 P.M.**

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

**INVOCATION          Honorable Kit Smith**

**PLEDGE OF ALLEGIANCE  
Honorable Kit Smith**

**PRESENTATIONS**

**Appearance Counts Awards**

**ADOPTION OF AGENDA**

**CITIZEN'S INPUT**

**APPROVAL OF MINUTES**

**Regular Session: November 20, 2007 [Pages 7-15]**

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

**a.     N. E. Sanitary Landfill**

**REPORT OF THE COUNTY ADMINISTRATOR**

**a.     SOB Update**

- b. Riverside Property**
- c. NACo Prescription Card Update**
- d. RTA Pilot Bus Pass Program**
- e. Recreation/Entertainment Complex Work Session**

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

### **REPORT OF THE CHAIRMAN**

- a. Strategic Planning Report**
- b. Joint City/County Work Session**

### **OPEN/CLOSE PUBLIC HEARINGS**

**1.b., 2.d.**

### **APPROVAL OF CONSENT ITEMS**

**1.a., 1.b., 2.a., 2.b., 2.d., 2.e., 4.a., 4.b., 4.c., 4.d., 4.e., 4.g., 4.h., 5.a., 5.b., 5.c.**

#### **1. THIRD READING ITEMS**

- a. 07-52MA  
Ashley Oaks Development  
Mike Shelley (29.30 Acres)  
M-1 to RS-LD  
Single Family Residential  
17700-01-13  
Wilson Blvd. & Farrow Road [CONSENT]  
[Page 16]**
- b. Ordinance authorizing fee agreement,  
including payment of a fee-in-lieu of taxes, to  
Staples [PUBLIC HEARING] [CONSENT]  
[Pages 17-19]**

#### **2. SECOND READING ITEMS**

- a. 07-58MA  
Jeff Lanham**

**RM-HD to NC (2.24 Acres)  
Neighborhood Commercial  
06016-09-01  
960 Zimalcrest Drive [CONSENT] [Page 20]**

- b. 07-59MA  
Bruce Oswald  
RS-MD to GC (3.47 Acres)  
General Commercial  
11708-06-01 & 06  
Fairfield Rd. & Prescott Rd. [CONSENT]  
[Page 21]**
  - c. 07-61MA  
Peak Holdings, LLC  
M-1 to GC (26.64 Acres)  
General Commercial  
02500-07-05  
Peak Exit of I-26 [Page 22]**
  - d. Ordinance authorizing Assignment and  
Assumption of International Truck and  
Engine Corporation Fee Agreement and  
Inducement Agreement and Millage Rate  
Agreement [PUBLIC HEARING]  
[CONSENT] [Pages 23-25]**
  - e. Ordinance to include KIRCO property in the  
I-77 Corridor Regional Industrial Park  
[CONSENT] [Pages 26-32]**
  - f. Project Y FILOT Ordinance [CONSENT]  
*[Backup Under Separate Cover]***
  - g. An Ordinance approving a moratorium on  
development in a portion of the Congaree  
Floodway [Pages 33-34]**
- 3. Resolution for Bluff Road Corridor Project  
[Pages 35-36]**

**4. REPORT OF ADMINISTRATION AND FINANCE COMMITTEE**

- a. Request for approval to partner with the City of Columbia and expend \$7,500 for a commercial retail study of the Monticello Road corridor [CONSENT]**
- b. A resolution in support of the issuance by the South Carolina Job-Economic Development Authority of its Economic Development Revenue Bonds (Waste Management of South Carolina, Inc. Project) Series 2007, pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina, 1976, as amended, in the aggregate principal amount of not exceeding \$20,000,000 [CONSENT]**
- c. Request to accept a State Criminal Alien Assistance Grant from the U. S. Department of Justice for the Alvin S. Glenn Detention Center (\$24,158) [CONSENT]**
- d. Funding Request: On Point Radio Show (\$10,000) [CONSENT—DENIAL]**
- e. Request for Funding: Palmetto Center for Advocacy (\$50,000) [CONSENT—DENIAL]**
- f. Revisions to Hospitality Tax Grant procedures, guidelines, and application**
- g. Sheriff's Department: Request to approve and fund personnel for the new Region 7 Headquarters to be located on Screaming Eagle Road [CONSENT]**
- h. A Budget Ordinance for 911 System Upgrades [CONSENT] [Pages 37-39]**

**5. REPORT OF DEVELOPMENT AND SERVICES COMMITTEE**

- a. Request to approve a conservation easement from Mr. F. D. Monroe for approximately 100 acres in Northeast Richland County [CONSENT]**
- b. Request to approve a conservation easement from Mr. John Kirk for approximately 50 acres in Northeast Richland County [CONSENT]**
- c. Request to approve a list of pre-qualified engineering firms for neighborhood master plans [CONSENT]**
- d. Lower Richland Sewer Service**
- e. Resolution in support of the Cool Counties program**
- f. Acceptance of Property Donation**

**6. REPORT OF ECONOMIC DEVELOPMENT COMMITTEE**

**7. CITIZEN'S INPUT**

**8. EXECUTIVE SESSION**

**9. MOTION PERIOD**

- a. Dick Anderson Resolution [HUTCHINSON] [Page 40]**
- b. Blythewood High School Football Team Resolution [DICKERSON/MCEACHERN]**

## **10. ADJOURNMENT**

# MINUTES OF



## RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, NOVEMBER 20, 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** – Milton Pope, Tony McDonald, Roxanne Matthews, Joe Cronin, Stephany Snowden, Jennifer Dowden, Tamara King, Larry Smith, Amelia Linder, Joseph Kocy, Michael Criss, Anna Almeida, Jennie Sherry-Linder, Brenda Carter, Betty Etheredge, Teresa Smith, Harry Reed, Chief Harrell, Monique Walters, Michelle Onley

### CALL TO ORDER

The meeting was called to order at approximately 6:02 p.m.

### INVOCATION

The Invocation was given by the Honorable Bernice G. Scott

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Bernice G. Scott

## PRESENTATION

**Dr. Caroline Whitson, Chair, Transportation Study Commission Update** – Dr. Whitson gave a brief update on the progress of the Transportation Study Commission.

## CITIZEN'S INPUT

The citizens were not permitted to speak since public hearings had previously been held for the discussion items.

## ADOPTION OF AGENDA

Mr. Smith requested that the Farmers' Market—Contractual Matter be added under the Report of the County Attorney for Executive Session.

Mr. Malinowski stated that under the Report of the Rules and Appointments Committee the number of applicants for the Township Auditorium Board should be 2.

Mr. Jeter stated that Item 1 under the Report of the Economic Development Committee should be broken down into (a) Ordinance and (b) Assignment and Assumption of Fee-in-Lieu Agreement.

Mr. Montgomery moved, seconded by Ms. Hutchinson, to approve the agenda as amended.

## APPROVAL OF MINUTES

**Regular Session: November 6, 2007** – Mr. Malinowski stated that under the Motion Period, Holiday Drop-in for Elected Officials, the motion should read—Ms. Smith stated that Council could host a holiday drop-in for elected officials in the region.

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

**Special Called Meeting: November 12, 2007** – Mr. Malinowski stated that the correct date was Monday, November 12<sup>th</sup> and that he was present at this meeting.

Mr. Montgomery moved, seconded by Ms. Scott, to approve the minutes as corrected. The vote in favor was unanimous.

## REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

The following items were potential Executive Session items:



- a. **Columbia Venture vs. FEMA**
- b. **NE Sanitary Landfill Settlement Negotiations**
- c. **Legal Advice: Tourism Development Fee**
- d. **Farmers' Market**
- e. **Project Y**
- f. **TIF Update**
- g. **Riverside Property Contract**

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

**C-Fund Report** – Ms. Teresa Smith gave a brief report regarding a letter that the County received stating that the CTC Program account was overcommitted and there was concern about moving forward with any projects that are funded through the C-Fund Program that are currently not under contract. A meeting was held on November 5<sup>th</sup> with South Carolina Department of Transportation, CTC and Richland County Public Works to discuss the status of the C-Fund Program.

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

No report was given.

#### **REPORT OF THE CHAIRMAN**

**Joint Planning Commission Meeting** – Mr. McEachern stated that the Clerk's Office was working to schedule this meeting.

**Legislative Delegation Meeting** – Mr. McEachern stated that the Clerk's Office was working to schedule this meeting.

**Business Summit** – Mr. McEachern stated that the Clerk's Office was working to schedule this.

**Domestic Violence Luncheon** – Mr. McEachern stated he will be hosting a luncheon benefiting Sistercare on Wednesday, December 5<sup>th</sup> at 12:00 noon at Seawell's Restaurant.

#### **PUBLIC HEARING ITEMS**

There were no public hearings.

#### **APPROVAL OF CONSENT ITEMS**

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

- **07-44MA, Garden Valley Subdivision, M-1 to PDD (7.33 Acres), Single Family Residential, 22906-03-48 & 49, North Springs Road [Third Reading]**

- **07-53MA, Church Properties, LLC, Viji Sashikant, NC to GC (.46 Acres), Home Cleaning Service, 16415-07-03, 1518 Leesburg Road [Third Reading]**
- **07-56MA, Saluda Dam, LLC, Mark Richardson, HI to GC (20.68 Acres), Residential Multi-Family Use, 07315-01-01 & 02, 4120 River Drive [Third Reading]**

### THIRD READING ITEMS

**07-43MA, Oak Hills, PDD to Amended PDD, Golf Course w/ Mixed Use Development, 09600-02-13 & 09600-03-01, 02, 03** – Ms. Scott moved, seconded by Mr. Montgomery, to defer this item. The vote in favor was unanimous.

**Ordinance Amending Floodplain Overlay District; Subsection (d), Standards in the Floodplain; Paragraph (2), Specific Standards; Subparagraph (j) Fill; so as to allow the use of fill in the floodplain** – Mr. Montgomery moved, seconded by Mr. Malinowski, to defer this item and schedule a work session in January. The vote in favor was unanimous.

### SECOND READING ITEMS

**07-52MA, Ashley Oaks Development, Mikey Shelley (29.30 Acres), M-1 to RS-LD, Single Family Residential, 17700-01-13, Wilson Blvd. & Farrow Road** – Ms. Dickerson moved, seconded by Ms. Scott, to approve this item. The vote in favor was unanimous.

**Ordinance Authorizing the Sale of Lot 10 in the Richland Northeast Industrial Park to the “Taylored Window, LLC”** – Mr. Montgomery moved, seconded by Ms. Scott, to approve this item. A discussion took place.

The vote in favor was unanimous.

**Ordinance Authorizing Fee Agreement, including payment of a fee-in-lieu of taxes, to Staples** – Mr. Jeter moved, seconded by Ms. Scott, to approve this item. The vote in favor was unanimous.

**Amendment to Chapter 23, Taxation; Article VI, Local Hospitality Tax; Sections 23-69 & 23-71** – Mr. Montgomery moved, seconded by Mr. Pearce, to approve this item with the deletion of the amendment to Section 23-69(d) approved at First Reading. A discussion took place.

The vote was in favor.

## REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

### Ordinance Authorizing International Truck and Engine Corporation FILOT Assignment

- a. **Ordinance authorizing Assignment and Assumption of Fee Agreement and Inducement Agreement and Millage Rate Agreement** – Mr. Jeter stated that the committee recommended approval of this item. The vote in favor was unanimous.
- b. **Assignment and Assumption of Fee Agreement and Millage Rate Agreement** – Mr. Jeter stated that the committee recommended approval of this item. The vote in favor was unanimous.

### KIRCO (Deferred from 11-06-07 EDC and Council Agendas)

- a. **Ordinance to include KIRCO property in the I-77 Corridor Regional Industrial Park** – Mr. Jeter stated that the committee recommended approval of this item. A discussion took place.  
  
The vote in favor was unanimous.
- b. **Infrastructure Credit Agreement** -- Mr. Jeter stated that the committee recommended approval of this item. A discussion took place.  
  
The vote in favor was unanimous.

## REPORT OF THE RULES AND APPOINTMENTS COMMITTEE

### I. 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. **Lexington/Richland Alcohol and Drug Abuse Council—1** – Mr. Montgomery stated that the committee recommended that staff advertise for this vacancy. The vote in favor was unanimous.
- c. **Richland Memorial Hospital Board—4** – Mr. Montgomery stated that the committee recommended that staff advertise for these vacancies. The vote in favor was unanimous.

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

- a. **Accommodations Tax Advisory Committee—2** – Mr. Montgomery stated that the committee recommended that staff re-advertise for these vacancies. The vote in favor was unanimous.
- b. **Board of Assessment Appeals—1** – Mr. Montgomery stated that the committee recommended that staff re-advertise for this vacancy. The vote in favor was unanimous.
- c. **Building Codes Board of Adjustments and Appeals—1** – Mr. Montgomery stated there was one applicant and one vacancy. The committee recommended appointing Mr. David A. Cook. The vote in favor was unanimous.
- d. **Business Service Center Appeals Board—5** – Mr. Montgomery stated that the committee recommended that staff re-advertise for these vacancies. The vote in favor was unanimous.
- e. **Employee Grievance Committee—1** – Mr. Montgomery stated that the committee recommended that staff re-advertise for this vacancy. The vote in favor was unanimous.
- f. **Township Auditorium Board—1** – Mr. Montgomery stated there was two applicants and one vacancy. The committee recommended appointing Mr. Andrew Nick Theodore. The vote in favor was unanimous.

**CITIZEN'S INPUT**

No one signed up to speak.

**EXECUTIVE SESSION ITEMS**

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

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**Council went into Executive Session at approximately 7:05 p.m. and came out at approximately 9:16 p.m.**  
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Ms. Scott moved, seconded by Ms. Dickerson, to come out of Executive Session. The vote in favor was unanimous.

- a. **Columbia Venture vs. FEMA** – Mr. Pearce moved, seconded by Ms. Smith, to approve an ordinance, by title only, to establish a temporary moratorium on approval of floodplain management permits for development or construction within a portion of the Congaree Flood Plain. The vote was in favor.
- b. **N. E. Sanitary Landfill Settlement Negotiations** – Ms. Scott moved, seconded by Mr. Pearce, to approve the committee's recommendation as discussed in Executive Session. The vote was in favor.
- c. **Legal Advice: Tourism Development** – No action taken.
- d. **Farmers' Market** – The consensus of the Council was to go forward as discussed in Executive Session.
- e. **Project Y** – Mr. Jeter moved, seconded by Mr. Jackson, to accept the fee-in-lieu inducement resolution and the fee-in-lieu ordinance, by title only. The vote in favor was unanimous.
- f. **TIF Update** – No action taken.
- g. **Riverside Property Contract** – Ms. Smith moved, seconded by Mr. Montgomery, to authorize the Administrator to make a counteroffer accepting the current terms for the land and billboards, but to only pay the appraised value on the equipment.

<u>In Favor</u>	<u>Oppose</u>
Pearce	Malinowski
Jeter	Jackson
Livingston	Hutchinson
Smith	McEachern
Scott	Dickerson
Montgomery	

The vote was in favor.

**POINT OF PERSONAL PRIVILEGE** – Ms. Scott expressed her condolences to Mr. Pearce and his family on the loss of his father-in-law.

#### **MOTION PERIOD**

**Clean Air and Clean Water Committee** – Ms. Hutchinson moved, seconded by Mr. Pearce, to have the Chairman appoint a committee of Council members to meet with Lexington County and City Council to discuss the issues of clean air, clean water and planning as soon as possible. The vote in favor was unanimous.

**Bluff Road Enhancement Resolution** – Ms. Scott moved, seconded by Mr. Jackson, to approve a resolution for the enhancement of Bluff Road. The vote in favor was unanimous.

**Holiday Drop-in for Elected Officials** – Ms. Smith suggested that the holiday drop-in with Lexington County Council, Columbia City Council, and other municipalities be held on Monday, December 17<sup>th</sup> from 7:00 to 9:00 p.m. at her home. Ms. Smith stated that the cost per person would be \$25.00.

**Franchise Fees** – Mr. Malinowski requested an update on his previous motion regarding franchise fees. Mr. Pope stated that it is on the November committee agenda.

**Multi-Family House in General Commercial** – Mr. Malinowski referred to the Planning Commission a proposal that a six month moratorium be enacted on housing within the General Commercial zoning for all upcoming zoning changes that would change the zoning to General Commercial. This change would allow the flexibility and applicability of quality housing and commercial development to take place hand in hand.

**Farmers' Market** – Mr. Jackson referred to the D&S Committee the possibility of a joint partnership with the City of Columbia and private entity for a Richland County Farmers' Market.

**Ashley Ridge Punch List** – Ms. Dickerson requested an update on her previous motion regarding the Ashley Ridge Punch List.

**Dangerous Dog Ordinance** – Ms. Hutchinson requested a report back to Council regarding the County's vicious animal ordinance.

#### ADJOURNMENT

The meeting adjourned at approximately 9:36 p.m.

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

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

\_\_\_\_\_  
Joyce Dickerson

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

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

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Paul Livingston

**Richland County Council  
Regular Session  
Tuesday, November 20, 2007  
Page Nine**

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Bill Malinowski

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Mike Montgomery

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L. Gregory Pearce, Jr.

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Bernice G. Scott

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Kit Smith

The minutes were transcribed by Michelle M. Onley

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL 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 # 17700-01-13 FROM M-1 (LIGHT INDUSTRIAL DISTRICT) TO RS-LD (RESIDENTIAL, SINGLE-FAMILY – LOW DENSITY 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 # 17700-01-13 from M-1 (Light Industrial District) zoning to RS-LD (Residential, Single-Family – Low Density District) zoning.

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

Section III. Conflicting Ordinances 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 \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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

Public Hearing: September 25, 2007  
First Reading: October 23, 2007  
Second Reading: November 20, 2007  
Third Reading: December 4, 2007 (tentative)



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

**AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY  
OF A FEE AGREEMENT BETWEEN RICHLAND COUNTY AND  
STAPLES SHARED SERVICE CENTER, LLC, AND OTHER MATTERS  
RELATING THERETO INCLUDING, WITHOUT LIMITATION,  
PAYMENT OF A FEE-IN-LIEU OF TAXES**

**WHEREAS**, Richland County, South Carolina (hereinafter referred to as the “County”), acting by and through its County Council (the “County Council”), is empowered under and pursuant to the provisions of the Fee in Lieu of Tax Simplification Act, Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as amended (the “Act”), to enter into fee agreements with industries in connection with the acquisition, enlargement or improvement of industrial and commercial enterprises within the State of South Carolina (the “State”); and

**WHEREAS**, under the terms of the Act, the County may enter into an arrangement which provides for a fee in lieu of taxes for a qualifying project as provided in Sections 12-44-40 and 12-44-50 of the Act; and

**WHEREAS**, as evidenced by a Resolution adopted by the County Council on March 13, 2007 (the “Inducement Resolution”) and the related Inducement and Millage Rate Agreement (the “Inducement Agreement”) between the County and Staples Contract and Commercial, Inc., a Delaware corporation (“Staples”), Staples, by and through its subsidiary Staples Shared Service Center, LLC, a Delaware limited liability company (the “Company”) is considering and making preliminary plans for the expansion of its corporate office facilities and the acquisition, installation and/or construction of improvements to its corporate office facilities in the County (the “Project”); and

**WHEREAS**, Staples has assigned all of its right, title and interest in and to the Inducement Agreement to the Company; and

**WHEREAS**, in connection with the Project, the Company has agreed that the aggregate capital investment in the Project for the period referred to in the hereinafter defined Fee Agreement will equal or exceed a minimum of \$2,500,000.00; and

**WHEREAS**, the County desires to provide assistance to the Company in the form of the fee-in-lieu-of-tax provided for in the Act, and in connection therewith to make the Project available to the Company under and pursuant to the terms of an agreement in the form of a fee agreement to be entered into between the County and the Company and to be dated as of the date of its delivery (the “Fee Agreement”); and

**WHEREAS**, the County Council has caused to be prepared and presented to the County Council the form of the Fee Agreement which the County proposes to execute and deliver, and

the same are in appropriate form and are appropriate instruments to be executed and delivered by the County for the purposes intended.

**NOW THEREFORE, BE IT ORDAINED** by the County Council of Richland County, South Carolina, as follows:

Section 1. It is hereby found, determined and declared by the County Council, as follows:

- (a) The Project will constitute a “project” as said term is referred to and defined in Section 12-44-30(16) of the Act, and the Fee Agreement will promote the purposes enumerated in the Act, and in all respects conform to the provisions and requirements of the Act;
- (b) It is anticipated that the Project will benefit the general public welfare of the County by providing or maintaining employment and other public benefits not otherwise provided locally;
- (c) Neither the Project, the Fee Agreement, nor any documents or agreements entered into by the County in connection therewith will constitute or give rise to any pecuniary liability of the County or a charge against its general credit or taxing power;
- (d) The purposes of the Project are proper governmental and public purposes;
- (e) The inducement of the expansion of the Project within the County and State is of paramount importance, and the benefits of the Project to the public will be greater than the costs;
- (f) The Fee Agreement obligates the Company to pay all amounts payable as fees in lieu of taxes with respect to the Project; and
- (g) The County hereby consents to and approves the assignment of all of Staples’ right, title and interest in and to the Inducement Agreement to the Company.

Section 2. The form, terms and provisions of the Fee Agreement presented to this meeting and filed with the Clerk to County Council are hereby approved and all of the terms, provisions and conditions thereof are hereby incorporated herein by reference as if the same were set out in this Ordinance in their entirety. The Chairman of County Council (or in the absence of the Chairman, for any reason, the Vice Chairman or acting Chairman), is hereby authorized, empowered and directed to execute, acknowledge and deliver the Fee Agreement in the name and on behalf of the County, and thereupon to cause the same to be delivered to the Company. The Fee Agreement is to be in substantially the form now before this meeting and hereby approved, or with such changes therein as may be required or deemed appropriate by the officials of the County executing the same, with the advice of counsel, provided in no event may any changes be materially adverse to the County, in order to accomplish the purposes of the transactions authorized by this Ordinance, their execution thereof to constitute conclusive

evidence of their approval of any and all changes or revisions therein from the form of the Fee Agreement now before this meeting.

Section 3. The above-referenced official of the County is authorized to execute and deliver such other closing and related instruments, documents, certificates and other papers as are necessary to effect the delivery of the Fee Agreement and as are customary in financing arrangements of this type.

Section 4. The provisions of this Ordinance are hereby declared to be separable and if any section, phrase or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereof.

Section 5. All orders, resolutions, ordinances and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Ordinance shall take effect and be in full force from and after its passage.

Section 6. Effective Date of Ordinance. This Ordinance shall take effect immediately upon third reading of the County Council.

RICHLAND COUNTY COUNCIL

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

(SEAL)

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: November 6, 2007  
Second Reading: November 20, 2007  
Public Hearing: December 4, 2007 (tentative)  
Third Reading: December 4, 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 TMS # 06016-09-01 FROM RM-HD (RESIDENTIAL, MULTI-FAMILY – HIGH DENSITY DISTRICT) TO NC (NEIGHBORHOOD 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 # 06016-09-01 from RM-HD (Residential Multi-Family – High Density District) zoning to NC (Neighborhood Commercial District) zoning.

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

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

Section IV. This ordinance shall be effective from and after \_\_\_\_\_, 2007.

RICHLAND COUNTY COUNCIL

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

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

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

Public Hearing: November 27, 2007  
First Reading: November 27, 2007  
Second Reading: December 4, 2007 (tentative)  
Third Reading:

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 PROPERTIES DESCRIBED AS TMS # 11708-06-01/06 FROM RS-MD (RESIDENTIAL, SINGLE-FAMILY – MEDIUM 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 properties described as TMS # 11708-06-01/06 from RS-MD (Residential Single-Family – Medium 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

Public Hearing: November 27, 2007  
First Reading: November 27, 2007  
Second Reading: December 4, 2007 (tentative)  
Third Reading:

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 # 02500-07-05 FROM M-1 (LIGHT 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 # 02500-07-05 from M-1 (Light 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

Public Hearing: November 27, 2007  
First Reading: November 27, 2007  
Second Reading: December 4, 2007 (tentative)  
Third Reading:

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

AN ORDINANCE AUTHORIZING THE TRANSFER OF ALL RIGHT, TITLE AND INTEREST IN, AND ALL RIGHTS AND OBLIGATIONS UNDER THE INDUCEMENT AGREEMENT AND MILLAGE RATE AGREEMENT AND THE FEE AGREEMENT BETWEEN RICHLAND COUNTY, SOUTH CAROLINA, AND INTERNATIONAL TRUCK AND ENGINE CORPORATION AUTHORIZING AMONG OTHER MATTERS, THE PAYMENT OF A FEE IN LIEU OF TAX TO RICHLAND COUNTY.

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

WHEREAS, the County is authorized and empowered by the provisions of Title 12, Chapter 44 of the Code (the "Act") to acquire or cause to be acquired properties constituting a "project" as defined in the Act; and

WHEREAS, the County is empowered by the Act and the Code to enter into agreements with any industry to construct, operate, maintain, and improve such project, to enter into or allow financing agreements for such project, and to accept any grants for such project; and

WHEREAS, through employment of the powers granted by the Act, the County will promote the economic and industrial development of the State of South Carolina (the "State") and develop its trade by inducing manufacturing and commercial enterprises to locate and remain in the State, where they will use and employ the manpower, agricultural products, and natural resources of the State and, further, will benefit the general public welfare of the County by providing services, employment, recreation, or other public benefits not otherwise provided locally; and

WHEREAS, the County is authorized by the Act to execute a fee agreement with respect to such project; and

WHEREAS, in the exercise of the foregoing powers, the County and International Truck and Engine Corporation ("Assignor"), a Delaware corporation, entered into a Fee Agreement dated as of October 31, 2006, and into an Inducement Agreement and Millage Rate Agreement, dated as of July 28, 2006 (collectively, the "Agreements"), providing for certain incentives, including, without limitation, payment of a fee in lieu of taxes, for the purchase of machinery and equipment to be located at the diesel fuel injector manufacturing facility owned by Siemens Diesel Systems Technology, LLC, a limited liability company organized and existing under the laws of the State of Delaware ("Assignee"), and located within the County (the "Project"); and

WHEREAS, certain assets of Assignor and its affiliates, including all its right, title, and interest in, and all its rights, responsibilities and obligations under the Agreements shall now be

assigned to Assignee, and Assignee will assume all such rights, responsibilities and obligations (the "Transfer"); and

WHEREAS, Assignor and Assignee have requested the consent of the County to the Transfer; and

WHEREAS, the County has determined that the Project will continue to directly and substantially benefit the general public welfare of Richland County by increasing the ad valorem tax base and by providing services, employment, recreation, or other public benefits not otherwise provided locally; and

WHEREAS, the County has determined, on the basis of the information supplied to it by the companies, that the Project will continue to be a "project" as that term is defined in the Act and that the Project will continue to subserve the purposes of the Act; and

WHEREAS, Section 2(c) of Ordinance No. 093-06HR enacted on October 19, 2006 authorizes County approval for transfers of this nature to be given on behalf of the County by the County officials executing the Fee Agreement after consultations with the County Attorney with respect to such approval.

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

Section 1. Approval of Transfer. The County approves the transfer of all assets and liabilities relating to the Project, as that term is defined in the Fee Agreement, including the assignment of all right, title, and interest in, and all rights and obligations under, the Agreements from Assignor to Assignee.

Section 2. Waiver of Default. Based on representations of the Assignor and Assignee, the County affirms, as of the date of this approving Ordinance, to the best of its knowledge, no default exists under the Agreements, and the County is unaware of any condition, event or act which, with the passage of time, would result in any default under the Agreements, including, specifically, any default caused by (a) the assignment and assumption of the Fee Agreement to Assignee; (b) the failure by Assignor to timely file property tax returns and to pay any associated ad valorem or fee-in-lieu of property taxes; (c) any untrue material misrepresentation or warranty made by Assignor in connection with the Fee Agreement, including any statement or certificate delivered in connection with the execution and delivery of the Fee Agreement; (d) any knowing violation or breach of the Fee Agreement by Assignor; (e) the abandonment of the Project by Assignor; and/or (e) the filing of a petition in bankruptcy against Assignor or Assignor's insolvency; provided, however, that nothing prevents the County from filing, and continuing to pursue payment of, a claim against Assignor in a bankruptcy case for any unpaid ad valorem or fee-in-lieu-of property tax payments.

Section 3. Execution of Documents. The Chairman of the County Council is authorized and directed to execute and deliver to Assignor and to Assignee written evidence of the approval, release, and waiver contained herein after consultation with the County Attorney and after they and the County Attorney have verified the satisfaction of the statements contained in Section 2 hereof. Before the execution and delivery of any documents, said documents shall be approved



by the County Attorney as to their form, provided however, that the execution and delivery by the Chairman of the County Council shall constitute conclusive evidence as to the satisfaction of condition and as to the approval by the County Attorney.

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

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

Section 6. Effective Date. This Ordinance shall take effect upon the date of enactment.

RICHLAND COUNTY COUNCIL

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

(SEAL)

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: November 20, 2007  
Public Hearing: December 4, 2007 (tentative)  
Second Reading: December 4, 2007 (tentative)  
Third Reading:

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

AN ORDINANCE AUTHORIZING (I) AN AMENDMENT TO THE MASTER AGREEMENT GOVERNING THE I-77 CORRIDOR REGIONAL INDUSTRIAL PARK BY AND BETWEEN RICHLAND COUNTY, SOUTH CAROLINA AND FAIRFIELD COUNTY, SOUTH CAROLINA, IN ORDER TO EXPAND THE BOUNDARIES OF THE PARK TO INCLUDE CERTAIN PROPERTY OWNED BY KIRCO CAROLINA PINES, LLC (THE "COMPANY"); (II) THE EXECUTION OF AN INFRASTRUCTURE CREDIT AGREEMENT WITH THE COMPANY; AND (III) OTHER MATTERS RELATED THERETO.

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

WHEREAS, pursuant to Section 4-1-175 of the Code of Laws of South Carolina, 1976, as amended (the "SSRC Act" and together with the MCP Act, the "Act"), upon inclusion of qualifying industries within the Park, such companies will pay a fee-in-lieu of taxes (pursuant to Article VIII, Section 13(d) of the Constitution of the State of South Carolina), and thereafter certain companies may qualify for certain credits against the fees in lieu of taxes to offset infrastructure investments; and

WHEREAS, in response to requests from companies seeking to invest in either Richland or Fairfield, the Counties have heretofore expanded the boundaries of the Park to include additional property, which inclusion has afforded the requesting companies additional tax benefits under South Carolina law, including without limitation the provision of credits against the fees-in-lieu of taxes paid by Companies located in the Park in order to offset infrastructure investments of qualifying industries; and

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

WHEREAS, the Counties entered into an agreement entitled "Master Agreement Governing the I-77 Corridor Regional Industrial Park" dated as of April 15, 2003 and amended December 30, 2005 (as amended from time to time, the "Master Agreement"), the provisions of which replaced all existing Phase Agreements and now govern the operation of the Park (a copy of which is attached hereto as **Exhibit A**); and

WHEREAS, Kirco Carolina Pines, LLC, its corporate affiliates and assigns (collectively referred to as the "Company") is seeking to invest approximately \$100,000,000 in Richland to

acquire certain tracts of land in Richland located in the Carolina Pines Industrial Park (collectively, the "Site") and build certain commercial facilities at such Site (the "Project"); and

WHEREAS, the Company estimates that the infrastructure costs associated with the Project will approximate \$3.5 million with approximately \$2.4 million of such infrastructure costs being deemed "public use" (the "Public Infrastructure"); and

WHEREAS, the Company has requested that the Counties expand the boundaries of the Park to include the Site, which is more particularly described in the attached **Exhibit B**; and

WHEREAS, the Company has not requested a reduction in assessment ratio, but rather upon its inclusion in the Park it will pay fees-in-lieu of taxes at the normal assessment ratios applicable to the classes of property owned by the Company at the Site; and

WHEREAS, the Company, in lieu of any other property tax related incentives, has asked Richland to grant the Company an infrastructure credit (the "Infrastructure Credit") under the terms of the Act in the maximum amount of 20% of the annual fees-in-lieu of taxes paid by the Company, one of its affiliates, or a third-party tenant or purchaser of all or part of the Project and received by Richland at the Site (the "Site Payments") for as many years as necessary (but in any event not to exceed twenty (20) years) until such Infrastructure Credit equals the costs expended by the Company on the Public Infrastructure, which amount, in any case, shall not exceed \$2,400,000; and

WHEREAS, Richland has determined that the utilization of an infrastructure credit as provided for under the Act is a suitable mechanism to provide the Company with an incentive to purchase and develop the Site and required infrastructure in Richland.

WHEREAS, the Counties now desire to expand the boundaries to include the Site, and Richland desires to enter into an infrastructure credit agreement with the Company to provide the Infrastructure Credit to the Company.

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

**Section 1. Expansion of Park Boundaries.** There is hereby authorized an expansion of the Park boundaries to include the Site. The County Council Chair, or the Vice Chair in the event the Chair is absent, the County Administrator and the Clerk to the County Council are hereby authorized to execute such documents and take such further actions as may be necessary to complete the expansion of the Park boundaries. Pursuant to the terms of the Master Agreement, the expansion shall be complete upon the adoption of this Ordinance by the Richland County Council and a companion Ordinance by the Fairfield County Council.

**Section 2. Removal of Property from Park.** The Company may request that a portion of the property at the Site be removed from the Park. In such case, the Counties hereby authorize removal of such portion of the property at the Site upon receipt of a written request from the Company. No further action by either the Richland County Council or the Fairfield County

Council shall be required. The County Council Chair, or the Vice Chair in the event the Chair is absent, the County Administrator and the Clerk to the County Council are hereby authorized to execute such documents and take such further actions as may be necessary to complete removal of a portion of the property at the Site from the Park. The public hearing requirement set forth in Section 1.03 of the Master Agreement is hereby waived.

**Section 3. Authorization of the Infrastructure Credit.** There is hereby authorized the execution of an Infrastructure Credit Agreement (the "Agreement"), a form of which is attached hereto as **Exhibit C**. The form, terms, and provisions of the Agreement are hereby approved, with any minor revisions as are not materially adverse to Richland and approved by the Richland County Attorney, and all of the terms, provisions, and conditions thereof are hereby incorporated herein by reference as if the Agreement was set forth herein in its entirety. The County Council Chair, or the Vice Chair in the event the Chair is absent, the Richland County Administrator and the Clerk to the Richland County Council are hereby authorized to execute such documents and take such further actions as may be necessary to document the granting of the Infrastructure Credit to the Company.

**Section 4. Savings Clause.** If any portion of this Ordinance shall be deemed unlawful, unconstitutional or otherwise invalid, the validity and binding effect of the remaining portions shall not be affected thereby.

**Section 5. General Repealer.** Any prior Ordinance, the terms of which are in conflict herewith, is, only to the extent of such conflict, hereby repealed.

**Section 6. Effectiveness.** This Ordinance shall be effective after third and final reading.

[END OF ORDINANCE, SIGNATURE PAGE(S) TO FOLLOW]

RICHLAND COUNTY, SOUTH CAROLINA

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Joseph McEachern., Chairman of County Council  
Richland County, South Carolina

*(SEAL)*

ATTEST:

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

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: November 20, 2007  
Second Reading: December 4, 2007 (tentative)  
Third Reading: December 18, 2007 (tentative)

**EXHIBIT A**  
**MASTER AGREEMENT**

**EXHIBIT B**

**LEGAL DESCRIPTION OF PROPERTY**

All that certain piece, parcel or tract of land situate in Richland County, South Carolina bounded and described as follows:

TMS number:

DERIVATION:

**EXHIBIT C**

**INFRASTRUCTURE CREDIT AGREEMENT**



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

**AN ORDINANCE ESTABLISHING A TEMPORARY MORATORIUM ON APPROVAL OF FLOODPLAIN MANAGEMENT PERMITS FOR DEVELOPMENT OR CONSTRUCTION WITHIN A PORTION OF THE CONGAREE RIVER FLOODPLAIN.**

**WHEREAS**, Richland County is a participating community in the National Flood Insurance Program (“NFIP”) administered by the Federal Emergency Management Agency (“FEMA”). Pursuant to 44 C.F.R. § 60.3, FEMA must provide a participating community with data upon which floodplain management regulations shall be based. To be a participating community, Richland County is required by 44 C.F.R. § 60.2(h), to adopt and apply this data for enforcement of floodplain management regulations in unincorporated Richland County; and

**WHEREAS**, on November 18, 2005, the United States District Court, South Carolina Division, in the case of *Columbia Venture v. Federal Emergency Management Agency*, Case Number 3:01-4100-MBS, entered a written Order vacating the Congaree River base flood elevations as revised by the Federal Emergency Management Agency (“FEMA”) on August 20, 2001 and effective on February 20, 2002; and

**WHEREAS**, subsequently, on November 2, 2007, the Court clarified its November 18, 2005 Order of Vacatur by explaining that its Order also vacated the Congaree River floodways issued by FEMA on August 20, 2001 and effective February 20, 2002. The Court further ordered the parties to the above-captioned case to attempt resolution of process issues raised by this recent clarification; and

**WHEREAS**, a moratorium on construction and development in flood-prone areas of the Congaree River Floodplain is needed to protect public health, safety and welfare, and to allow the County time to determine what actions may be needed to maintain compliance with the NFIP.

**THEREFORE, BE IT ENACTED THAT:**

SECTION I. Richland County Council hereby declares a moratorium on the approval or denial of any permit submitted to Richland County for construction, development, zoning, building, disturbance of land, or for stormwater management purposes, as defined within Chapter 26 of the Richland County Code of Ordinances, on property located in a flood-prone area within the Congaree River Floodplain.

Congaree River Floodplain means the geographic area shown on Flood Insurance Rate Map panels 0091, 0092, 0094, 0160, 0178 and 0190 for Unincorporated Richland County.

Flood-prone means any land area susceptible to being inundated by water from the overflow of inland waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

This moratorium does not apply to permit applications for maintenance of existing structures, levees or buildings.

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 superseded during the time this Ordinance is effective.

SECTION IV. This Ordinance shall be effective immediately upon adoption by Richland County Council.

SECTION V. This Ordinance shall expire six (6) months following the date of adoption of this Ordinance, or until rescinded by Richland County Council, whichever is earlier.

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: November 20, 2007  
Second Reading: December 4, 2007 (tentative)  
Public Hearing: December 18, 2007 (tentative)  
Third Reading: December 18, 2007 (tentative)

STATE OF SOUTH CAROLINA )  
  )  
COUNTY OF RICHLAND        )

**A RESOLUTION**

**A RESOLUTION IN SUPPORT OF A PROJECT TO IMPROVE THE BLUFF ROAD CORRIDOR**

**WHEREAS**, Bluff Road has long been a corridor for access from Interstate 77 to the city of Columbia, running by the University of South Carolina's Williams Brice Stadium and the State Fairgrounds; and

**WHEREAS**, Bluff Road also extends South-East from Interstate 77 and is the main entryway for visitors to South Carolina's only national park, the Congaree National Park, a designated International Biosphere Reserve with 22 different plant communities and one of the most diverse forest communities in North America; and

**WHEREAS**, improved signage and access are needed to direct more tourists and residents to visit the unique resource that is the Congaree National Park; and

**WHEREAS**, six of Richland County's oldest African American neighborhoods - Little Camden, Washington Park, Arthurstown, Bluff Estates, Starlight, and Eastway Park, are on or in close proximity to this Bluff Road corridor and would benefit greatly from improvements to facilitate safe pedestrian mobility; and

**WHEREAS**, Council representatives and County staff have been working to envision a plan for a Bluff Road Corridor Improvement project to transform the road from just south of Williams Brice Stadium to the Congaree National Park into four different pedestrian environments; and

**WHEREAS**, the purpose of the Bluff Road Corridor Improvement project is to enhance 16.2 miles of Bluff Road with new sidewalks where possible, lighting, covered bus stops, bicycle lanes, improved signage, and landscaping to increase tourism and economic development; and

**WHEREAS**, the Bluff Road Corridor lies strategically between two major pedestrian greenway projects: The Palmetto Trail, a state-wide 425 mile bike and walking trail system, and the 18 mile Three Rivers Greenway system along the Congaree, Broad and Saluda Rivers, and extending the corridor improvement project a few miles in either direction would link the Congaree National Park to the entire state and the tremendous greenway system.

**NOW, THEREFORE, BE IT RESOLVED** that the Richland County Council does hereby declare its support for the Bluff Road Corridor Improvement project; and

**BE IT FURTHER RESOLVED** that Richland County Council supports ongoing efforts to build partnerships and secure funding for the development and implementation of the Bluff Road Corridor Improvement Project; and

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be distributed to legislators representing Richland County in the South Carolina Legislature and the United States Congress.

**SIGNED AND SEALED** this \_\_\_\_ day of \_\_\_\_\_, 2007, having <sup>35 of 40</sup> been duly adopted by the Richland County Council on the \_\_\_\_ day of December, 2007.

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Joseph McEachern, Chair  
Richland County Council

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

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Michielle R. Cannon-Finch  
Clerk of Council

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_-08HR

AN ORDINANCE AMENDING THE FISCAL YEAR 2007-2008 BUDGET TO  
FUND A NEW COMPUTER AIDED DISPATCH SYSTEM (CAD) AND 911  
TELEPHONE SYSTEM.

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 1. That the amount of three million dollars (\$3,000,000) be appropriated from the Fiscal Year 2007-2008 General Fund Annual Budget to transfer to the Fiscal Year 2007-2008 Emergency Telephone Service Fund Annual Budget.

REVENUE

Revenue appropriated July 1, 2007 as amended:	\$ 126,747,449
Appropriation of General Fund undesignated fund balance	3,000,000
Transfer to Emergency Telephone Service Budget	<u>(3,000,000)</u>
Total General Fund Revenue as Amended:	\$ 126,747,449

EXPENDITURES

Expenditures appropriated July 1, 2007 as amended:	\$ 126,747,449
Change in General Fund Expenditure Budget:	<u>-0-</u>
Total General Fund Expenditures as Amended:	\$ 126,747,449

That the amount of two million dollars (\$2,000,000) be appropriated from the Fiscal Year 2007-2008 Fire Service Fund Annual Budget to transfer to the Fiscal Year 2007-2008 Emergency Telephone Service Fund Annual Budget.

REVENUE

Revenue appropriated July 1, 2007 as amended:	\$ 16,560,500
Appropriation of Fire Service undesignated fund balance	2,000,000
Transfer to Emergency Telephone Service Budget	<u>(2,000,000)</u>
Total Fire Service Revenue as Amended:	\$ 16,560,500

EXPENDITURES

Expenditures appropriated July 1, 2007 as amended:	\$ 16,560,500
Change in Fire Service Expenditure Budget:	_____ -0-
Total Fire Service Expenditures as Amended:	\$ 16,560,500

Therefore, the Fiscal Year 2007-2008 Emergency Telephone Service Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2007 as amended:	\$ 3,319,134
Appropriation of fund balance from Fire Service Fund	2,000,000
Appropriation of fund balance from General Fund	<u>3,000,000</u>
Total Emergency Telephone Service Revenue as Amended:	\$ 8,319,134

EXPENDITURES

Expenditures appropriated July 1, 2007 as amended:	\$ 3,319,134
Increase in Emergency Telephone Service Budget:	<u>5,000,000</u>
Total Emergency Telephone Service Expenditures as Amended:	\$ 8,319,134

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 \_\_\_\_\_, 2008.

RICHLAND COUNTY COUNCIL

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

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

OF \_\_\_\_\_, 2008

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Michielle R. Cannon-Finch  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading:           December 4, 2007 (tentative)  
Second Reading:  
Public Hearing:  
Third Reading:

STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF RICHLAND )

**A RESOLUTION**

**A RESOLUTION RECOGNIZING DICK ANDERSON HIS DEDICATION TO THE  
RICHLAND COUNTY RECREATION COMMISSION**

**WHEREAS**, Dick Anderson in the 1950's was employed by the army as a clerk in the supply division at Fort Jackson; his work ethic and organizational skills culminated in his becoming the Director of Industrial Operations with approximately 700 personnel; and he was the first civilian to hold this position; and later became the senior civilian on post; and

**WEREAS**, Dick Anderson earned numerous Superior Performance Awards, including the Meritorious Civilian Service Award from the Department of the Army; and the Twenty Year Award for not taking any sick leave in 20 years; and

**WHEREAS**, Dick Anderson was the head coach for many years of Youth Football and Dixie Youth Baseball teams; and won more that 25 South Carolina Stat Tennis Championships in singles, men's doubles and mixed doubles; and

**WEHREAS**, Dick Anderson has volunteered as a tournament director, referee official, cook, and chaperone at tennis tournaments and functions for over forty years; and Mr. Anderson was chosen as the first Assistant Junior Davis Cup coach for the South Carolina Tennis Association from 1983-1985; and he is a member of the United States Professional Tennis Association at a Professional 1 rating; and

**WHEREAS**, Dick Anderson, for over forty years continues to introduce and influence youngsters to participate in the sport of a lifetime; and has developed state, southern and national champions, assisted in obtaining scholarships to college, and influenced players to become tennis professionals; and

**WHEREAS**, Dick Anderson's major contributions to Richland County as a professional, volunteer, mentor, friend and person have resulted in awards to the Richland County Recreation Commission such as: President's Award, Facility of the Year, and Tournament of the Year; and

**NOW THEREFORE BE IT RESOLVED** that Richland County Council recognizes Dick Anderson for the dedication and support to the Richland County Recreation Commission.

**ADOPTED** this \_\_\_\_ day of December, 2007

\_\_\_\_\_  
Joseph McEachern, Chair  
Richland County Council

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

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