



**RICHLAND COUNTY COUNCIL  
REGULAR SESSION AGENDA**

**SEPTEMBER 21, 2010  
6:00 PM**

**CALL TO ORDER** **HONORABLE PAUL LIVINGSTON, CHAIR**

**INVOCATION** **HONORABLE KIT SMITH**

**PLEDGE OF ALLEGIANCE** **HONORABLE KIT SMITH**

**Approval Of Minutes**

1. Regular Session: September 7, 2010 [PAGES 6-16]

**Adoption Of The Agenda**

**Report Of The Attorney For Executive Session Items**

2. a. Darrel's vs. Richland County  
b. Solid Waste Contractual Matter

**Citizen's Input**

3. For Items on the Agenda Not Requiring a Public Hearing

**Report Of The County Administrator**

4. a. Strategic Plan Update  
b. Employee Recognition  
c. Lower Richland Sewer Update

**Report Of The Clerk Of Council**

5. a. Chamber of Commerce Annual Gala

- b. Urban League
- c. SCAC Classes
- d. Pride Movement Plaque

## **Report Of The Chairman**

- 6. a. National Community Planning Month Proclamation [**PAGES 22-24**]

## **Presentations**

- 7. Columbia Home Builders Association, Earl McLeod and Cory Lorick

## **Approval Of Consent Items**

- 8. Ordinance Authorizing the County to execute and deliver a Master Park Agreement for the creation and maintenance of a multicounty business or industrial park between Richland County, South Carolina, and Fairfield County, South Carolina; and other related matters [**THIRD READING**] [**PAGES 27-43**]
- 9. Ordinance Authorizing Richland County, South Carolina to issue, from time to time or at one time, in one or more issues or series, its revenue bonds, in an aggregate principal amount not to exceed \$20,000,000 (the "Bonds"), the proceeds of which will be used to finance the acquisition, construction and renovation of certain property to be used in connection with the Eastover, South Carolina Mill of International Paper Company, consisting of capital improvements, including, but not limited to, any recovery zone property, pulp mill and power facilities, paper production facilities and related facilities, at the mill, pursuant to Section 4-29-10 EtSeq. of the 1976 Code of Laws of South Carolina, as amended; authorizing the execution and delivery of a contract of purchase providing for the issuance, sale and purchase of such bonds; and authorizing the issuance of the bonds and the execution of necessary documents and the taking of any other action necessary to be taken by Richland County, South Carolina to cause the issuance and sale of such bonds [**THIRD READING**] [**PAGES 45-51**]
- 10. An Ordinance Amending the Richland County Code of Ordinances; Chapter 17, Motor Vehicles and Traffic; Article II, General Traffic and Parking Regulations; Section 17-9, through truck traffic prohibited; Subsection (A); so as to prohibit through truck traffic on N. Donar Drive and Prima Drive in Richland County, South Carolina [**THIRD READING**] [**PAGES 53-54**]
- 11. 10-20MA  
Capital Development Partners, LLC  
Mark James  
M-1 to GC (1.02 Acres)  
Bluff Rd. & Blair St.  
11115-06-03 [**THIRD READING**] [**PAGE 56**]
- 12. 10-21MA  
Lexington Land Development Co., LLC  
Benjamin Kelly  
HI to GC (4.05 Acres)  
Clemson Rd. & Longreen Parkway

17400-05-30 & 31 [**THIRD READING**] [**PAGE 58**]

13. 10-22MA

Waffle House

Butch Baur

HI to GC (.349 Acres)

Bluff Rd.

11283-10-01 [**THIRD READING**] [**PAGE 60**]

14. An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article II, Rules of Construction; Definitions; Section 26-22, Definitions; so as to define dormitories, hotels, motels, transient lodging, and primary campus [**THIRD READING**] [**PAGES 62-63**]

15. An Ordinance Amending the Richland County Code of Ordinances; Chapter 23, Taxation; Article VI, Local Hospitality Tax; Section 23-69, Distribution of Funds; Subsection (3); and Section 23-71, Oversight and Accountability; so as to improve accountability of Hospitality Tax Agencies [**THIRD READING**] [**PAGES 65-67**]

16. An Ordinance Amending the Fiscal Year 2010-2011 General Fund Annual Budget to appropriate \$211,347 of General Fund Undesignated Fund Balance to Non Departmental for Grant Match Funds based on Attachment A [**SECOND READING**] [**PAGES 69-72**]

### **Report Of Administration And Finance Committee**

17. Establish an Ad-Hoc Committee to work with the City of Columbia to make a recommendation on an ordinance to restrict operating hours of establishments that serve alcohol [**PAGE 74**]

### **Report Of Economic Development Committee**

18. Lower Richland Sewer Update

### **Report Of Rules And Appointments Committee**

#### **1. Notification Of Appointments**

19. Midlands Workforce Development Board-6 [Reginald Abraham, Leonard Cooper, Fredrick B. Davis, Sr., Yvonne H. Manley, Rosalind Miller and Joann Richardson] [**PAGES 76-82**]

#### **2. Discussion From Rules And Appointments Committee**

20. Attorney General's Opinion Re: Voter's Registration and Election Commission [**PAGES 84-91**]

21. Bonding attorneys are to limit their presentations to answering the question asked and only providing the facts of a specific bond. They are not to provide support for or forecast possible future need for the item the bond is being sought. No personal opinion or interjection is to be given [**MALINOWSKI**]

22. Clarification of the Rule regarding motions during the Special Called Meeting

[MALINOWSKI]

23. Financial System Access for Council members [WASHINGTON] [PAGES 95]

**Other Items**

24. Village at Sandhill Extension [PAGES 97-100]

**Citizen's Input**

25. Must Pertain to Items Not on the Agenda

**Executive Session**

**Motion Period**

26. a. Cabin Creek Road - Bridge Signs [WASHINGTON] [PAGE 102]

b. Resolution acknowledging October 3-9 National Mental Illness Awareness Week [PEARCE]

**Adjournment**



# Richland County Council Request of Action

**Subject**

Regular Session: September 7, 2010 [**PAGES 6-16**]

# MINUTES OF



## RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, SEPTEMBER 7, 2010 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	Paul Livingston
Vice Chair	Damon Jeter
Member	Gwendolyn Davis Kennedy
Member	Joyce Dickerson
Member	Valerie Hutchinson
Member	Norman Jackson
Member	Bill Malinowski
Member	Jim Manning
Member	L. Gregory Pearce, Jr.
Member	Kelvin Washington

Absent                      Kit Smith

**OTHERS PRESENT** – Michelle Cannon-Finch, Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Stephany Snowden, Tamara King, Larry Smith, Daniel Driggers, Sara Salley, Anna Lange, Jim Wilson, David Hoops, Quinton Epps, Geo Price, Dale Welch, John Hixson, Dwight Hanna, Amelia Linder, Anna Almeida, Monique Walters, Michelle Onley

### CALL TO ORDER

The meeting was called to order at approximately 6:01 p.m.

### INVOCATION

The Invocation was given by the Honorable Jim Manning

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Jim Manning

## APPROVAL OF MINUTES

**Special Called Meeting: July 27, 2010** – Ms. Dickerson moved, seconded by Mr. Jackson, to reconsider First Reading approval of the Transportation Sales Tax: Consultant and Educational Campaign Budget Amendment. The vote in favor was unanimous.

Ms. Hutchinson moved, seconded by Ms. Dickerson, to table this item. The vote in favor was unanimous.

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

**Zoning Public Hearing: July 27, 2010** – Mr. Pearce moved, seconded by Ms. Dickerson, to approve the as submitted. The vote in favor was unanimous.

## ADOPTION OF AGENDA

Mr. Pope stated that an additional item entitled: “Solid Waste Contract/Legal Update” needed to be added under the Report of the Attorney for Executive Session Items.

Mr. Livingston stated that the SERCO Grant under the Report of the Chairman needed to be moved to Other Items.

Mr. Malinowski stated that the item under Report of the Administration and Finance Committee entitled “Establish an Ad-Hoc Committee to work with the City of Columbia to make a recommendation on an ordinance to restrict operating hours of establishments that serve alcohol” should not have been placed on the Council agenda.

Mr. Malinowski asked that the TMS #s be corrected on items #15 and #16.

Ms. Dickerson moved, seconded by Ms. Hutchinson, to adopt the agenda as amended. The vote in favor was unanimous.

## REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

- a. **Columbia Venture Update** – No action was taken.
- b. **Accommodations Tax and Hospitality Tax Update** – No action was taken.
- c. **Solid Waste Update** – No action was taken.

=====  
**Council went into Executive Session at approximately 6:12 p.m. and came out at approximately 6:29 p.m.**  
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**CITIZENS' INPUT**  
**(For Items on the Agenda Not Requiring a Public Hearing)**

No one signed up to speak.

**REPORT OF THE COUNTY ADMINISTRATOR**

**Trails Brochure Update—Conservation Commission** – Ms. Carol Kososki presented Council with the Conservation Commission's new brochure regarding Richland County Trails.

**Dept. of Energy Site Visit Update** – Ms. Anna Lange presented Council with information on the Dept. of Energy EECBG site visit. The visit was successful and Richland County was given accolades on the many facets of the program. The Dept. of Energy come of these facets as "Best Practices."

**Transportation Sales Tax Update** – Mr. Pope stated that information regarding this matter would be distributed to Council in a forthcoming e-mail.

**Accommodations Tax and Hospitality Tax—New Reporting Requirements** – Ms. Sara Salley gave a brief overview of the feedback she received from agencies affected by the new reporting requirements.

**FEMA Requirements** – Mr. Pope stated that this was an action item on the agenda and if Council had any questions Mr. David Hoops and Mr. Quinton Epps would be available to address them.

**Employee Grievances—2** – Mr. Malinowski moved, seconded by Ms. Dickerson, to accept the Administrator's recommendation. The vote in favor was unanimous.

**Smoking Ban Update** – Mr. Pope stated that no additional complaints were reported in the last quarter.

**REPORT OF THE CLERK OF COUNCIL**

**SC HBCU Classic Scholarship Event, Township Auditorium, September 18, 2010, 8:00 p.m.** – Ms. Finch stated that the HBCU Event will be held September 18<sup>th</sup> at 8 p.m. at the Township Auditorium.

**Legacy Retreat Reminder** – Ms. Finch reminded Council that the Legacy Retreat will be held September 10<sup>th</sup>, 2-5 p.m. at LRADAC on Colonial Drive, Rm. 121.

**Councilwoman Joyce Dickerson's Book Signing** – Ms. Finch stated that Ms. Dickerson will be holding a book signing on September 12<sup>th</sup>, 3-5 p.m. at the Richland County Public Library on Assembly Street.

**Columbia Urban League, October 26, 2010, 6:00 p.m.—Reception, 7:00 p.m.—Program** – Ms. Finch stated to save the Columbia Urban League will be holding their reception and program on October 26<sup>th</sup>.

### REPORT OF THE CHAIRMAN

**Bond Rating Update** – Mr. Livingston presented a CD to each Council member of the presentation that made to the bond rating agencies.

**Personnel Consultant** – Mr. Livingston stated that the beginning process had been completed and that Council members are requested to provide input when approached by the consultant.

### OPEN/CLOSE PUBLIC HEARINGS

- **An Ordinance establishing a policy for grant administrative fees and establishing the amount of such fees** – No one signed up to speak.
- **An Ordinance authorizing the County to execute and deliver a Master Park Agreement for the creation and maintenance of a multicounty business or industrial park between Richland County, South Carolina, and Fairfield County, South Carolina; and other related matters** – No one signed up to speak.
- **An Ordinance authorizing Richland County, South Carolina to issue, from time to time or at one time, in one or more issues or series, its revenue bonds, in an aggregate principal amount not to exceed \$20,000,000 (the "Bonds"), the proceeds of which will be used to finance the acquisition, construction and renovation of certain property to be used in connection with the Eastover, South Carolina Mill of International Paper Company, consisting of capital improvements, including, but not limited to, any recovery zone property, pulp mill and power facilities, paper production facilities and related facilities, at the mill pursuant to Section 4-29-10 Et Seq. of the 1976 Code of Laws of South Carolina, as amended; authorizing the execution and delivery of a contract of purchase providing for the issuance, sale and purchases of such bonds; and authorizing the issuance of the bonds and the execution of necessary documents and the taking of any other action necessary to be taken by Richland County, South Carolina to cause the issuance and sale of such bonds** – No one signed up to speak.
- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 17, Motor Vehicles and Traffic; Article II, General Traffic and Parking**

**Regulations; Section 17-9, through truck traffic prohibited; Subsection (A); so as to prohibit through truck traffic and N. Donar Drive and Prima Drive in Richland County, South Carolina** – No one signed up to speak.

- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 23, Taxation; Article VI, Local Hospitality Tax; Section 23-69, distribution of funds; Subsection (3); and Section 23-71, oversight and accountability; so as to improve accountability for hospitality tax agencies** – No one signed up to speak.
- **An Ordinance Amending the Fiscal Year 2010-2011 Road Maintenance Fund Annual Budget to appropriate \$47,200 of undesignated fund balance for the Transportation Sales Tax Educational Campaign and Continuation of Consultant Services** – This item was reconsidered and tabled during the Approval of the Minutes for the Special Called Meeting of July 27, 2010; therefore, the public hearing was not held.
- **An Ordinance Authorizing the issuance and sale of not to exceed \$20,000,000 General Obligation Bonds, Series 2010C, or such other appropriate series designation, of Richland County, South Carolina; fixing the form and details of the bonds; delegating to the County Administrator certain authority related to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto** – No one signed up to speak.

#### APPROVAL OF CONSENT ITEMS

- **An Ordinance establishing a policy for grant administrative fees and establishing the amount of such fees [THIRD READING]**
- **An Ordinance Authorizing the issuance and sale of not to exceed \$20,000,000 General Obligation Bonds, Series 2010C, or such other appropriate series designation, of Richland County, South Carolina; fixing the form and details of the bonds; delegating to the County Administrator certain authority related to the bonds; providing for the payment of the bonds and the disposition of the proceeds thereof; and other matters relating thereto [THIRD READING]**
- **An Ordinance authorizing Richland County, South Carolina to issue, from time to time or at one time, in one or more issues or series, its revenue bonds, in an aggregate principal amount not to exceed \$20,000,000 (the "Bonds"), the proceeds of which will be used to finance the acquisition, construction and renovation of certain property to be used in connection with the Eastover, South Carolina Mill of International Paper Company, consisting of capital improvements, including, but not limited to, any recovery zone property, pulp mill and power facilities, paper production facilities and related facilities, at the mill pursuant to Section 4-29-10 Et**

**Seq. of the 1976 Code of Laws of South Carolina, as amended; authorizing the execution and delivery of a contract of purchase providing for the issuance, sale and purchases of such bonds; and authorizing the issuance of the bonds and the execution of necessary documents and the taking of any other action necessary to be taken by Richland County, South Carolina to cause the issuance and sale of such bonds [SECOND READING]**

- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 17, Motor Vehicles and Traffic; Article II, General Traffic and Parking Regulations; Section 17-9, through truck traffic prohibited; Subsection (A); so as to prohibit through truck traffic and N. Donar Drive and Prima Drive in Richland County, South Carolina [SECOND READING]**
- **10-20MA, Capital Development Partners, LLC, Mark James, M-1 to GC (1.02 Acres), Bluff Rd. & Blair St., 11115-06-03 [SECOND READING]**
- **10-21MA, Lexington Land Development Co., LLC, Benjamin Kelly, HI to GC (4.05 Acres), Clemson Rd. & Longreen Parkway, 17400-05-30 & 31 [SECOND READING]**
- **10-22MA, Waffle House, Butch Baur, HI to GC (.349 Acres), Bluff Rd., 11283-10-01 [SECOND READING]**
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article II, Rules of Construction; Definitions; Section 26-22, Definitions; so as to define dormitories, hotels, motels, transient lodging, and primary campus [SECOND READING]**

Mr. Jeter moved, seconded by Ms. Hutchinson, to approve the consent items. The vote in favor was unanimous.

## SECOND READING

**An Ordinance authorizing the County to execute and deliver a Master Park Agreement for the creation and maintenance of a multicounty business or industrial park between Richland County, South Carolina, and Fairfield County, South Carolina; and other related matters** – Mr. Malinowski moved, seconded by Mr. Jeter, to approve this item. The vote in favor was unanimous.

**10-19MA, Columbia Jewish Day School, Robert Lapin, M-1 to GC (3.5 Acres), 8328 Parklane Rd., 17103-01-07** – Ms. Kennedy moved, seconded by Ms. Dickerson, to accept the applicant's withdrawal. The vote in favor was unanimous.

**An Ordinance Amending the Richland County Code of Ordinances; Chapter 23, Taxation; Article VI, Local Hospitality Tax; Section 23-69, Distribution of Funds; Subsection (3); and Section 23-71, Oversight and Accountability; so as to improve accountability of Hospitality Tax Agencies** – Mr. Jeter moved, seconded by Ms. Hutchinson, to approve this item. A discussion took place.

The vote in favor was unanimous.

**An Ordinance Amending the Fiscal Year 2010-2011 Road Maintenance Fund Annual Budget to appropriate \$47,200 of undesignated fund balance for the Transportation Sales Tax Educational Campaign and Continuation of Consultant Services** – This item was no longer properly before Council after the item was reconsidered during the approval of the Special Called Meeting minutes.

#### FIRST READING

**An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Section 26-22; Definitions; Section 26-35, Richland County Planning and Development Services Department; and Section 26-106, FP Floodplain Overlay District; so as to adopt new firm maps with effective dates of September 29, 2010, and other updates as required by FEMA in order to maintain the National Flood Insurance Program within Richland County** – Ms. Hutchinson moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

**An Ordinance Amending the Fiscal Year 2010-2011 General Fund Annual Budget to appropriate \$276,593 of General Fund Undesignated Fund Balance to Non-Departmental for Grant Match Funds based on Attachment A** – Mr. Jeter moved, seconded by Mr. Washington, to approve this item. A discussion took place.

The vote in favor was unanimous.

#### REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

**Establish an Ad-Hoc Committee to work with the City of Columbia to make a recommendation on an ordinance to restrict operating hours of establishments that serve alcohol** – This item was removed during the adoption of the agenda.

#### REPORT OF ECONOMIC DEVELOPMENT

**Village at Sandhill Improvement District Annual Resolution** – Mr. Pearce stated that the committee recommended approval of this item. The vote in favor was unanimous.

**Lower Richland Sewer Update** – Mr. Pearce stated that the committee recommended deferring this item until the September 21<sup>st</sup> Council meeting. The vote in favor was unanimous.

#### REPORT OF RULES AND APPOINTMENTS COMMITTEE

##### I. NOTIFICATION OF APPOINTMENTS

- a. **Central Midlands COG—3** – Mr. Malinowski stated that the committee recommended advertising for these vacancies. The vote in favor was unanimous.

- b. **Employee Grievance Committee—3** – Mr. Malinowski stated that the committee recommended advertising for these vacancies. The vote in favor was unanimous.

## II. NOTIFICATION OF APPOINTMENTS

- a. **Accommodations Tax Committee, Hospitality—2** – Mr. Malinowski stated that the committee recommended re-advertising for these vacancies. The vote in favor was unanimous.
- b. **Appearance Commission, Landscaper—1** – Mr. Malinowski stated that the committee recommended re-advertising for this vacancy. The vote in favor was unanimous.
- c. **Building Codes Board of Adjustments & Appeals, Licensed Contractor—1** – Mr. Malinowski stated that the committee recommended re-advertising for this vacancy. The vote in favor was unanimous.
- d. **Business Service Center Appeals Board—1** – Mr. Malinowski stated that the committee recommended appointing Mr. Samuel J. Boyd. The vote in favor was unanimous.
- e. **Community Relations Council—2** – Mr. Malinowski stated that the committee recommended re-appointing Mr. Prentiss McLaurin and appointing Ms. Delores Saini. The vote in favor was unanimous.
- f. **Historic Columbia Foundation—1** – Mr. Malinowski stated that the committee recommended appointing Ms. Rena N. Grant. The vote in favor was unanimous.
- g. **Internal Audit Committee—2** – Mr. Malinowski stated that the committee recommended re-advertising for these vacancies. The vote in favor was unanimous.
- h. **Midlands Workforce Development Board—6** – This item was held in committee to obtain additional information from the Director, Ms. Bonnie Austin.

## III. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

- a. **Attorney General's Opinion Re: Voter's Registration and Election Commission** – This item was held in committee.

- b. **Bonding attorneys are to limit their presentations to answering the question asked and only providing the facts of a specific bond. They are not to provide support for or forecast possible future need for the item the bond is being sought. No personal opinion or interjection is to be given [MALINOWSKI]** – This item was held in committee and will be moved to an action item on the September 21<sup>st</sup> Council meeting agenda.
- c. **Clarification of the Rule regarding motions during the Special Called Meeting [MALINOWSKI]** – This item was held in committee and will be moved to an action item on the September 21<sup>st</sup> Council meeting agenda.
- d. **Financial System Access for Council members [WASHINGTON]** – This item was held in committee and staff is requested to present information regarding Council members' access.
- e. **East Richland Public Service Committee** – Mr. Malinowski moved, seconded by Mr. Washington, to add this item to the agenda. The vote in favor was unanimous.

Mr. Malinowski stated that the committee recommended approving the portion of the July 20<sup>th</sup> minutes pertaining to the East Richland Public Service Committee appointees. The vote in favor was unanimous.

## OTHER ITEMS

### Report of the Recreation Ad Hoc Committee

- a. **Richland County Recreation/Entertainment Complex Update** – This item was held in committee pending a report from the ad hoc committee.

**Tiered Health Insurance** – Mr. Washington moved, seconded by Mr. Manning, to form a committee to review the information provided by Blue Cross Blue Shield. A discussion took place.

The vote was in favor.

**SERCO Grant** – Mr. Jeter moved, seconded by Ms. Dickerson, to forward this item to the A&F Committee. A discussion took place.

The vote was in favor.

**CITIZEN'S INPUT  
(Must Pertain to Items Not on the Agenda)**

Mr. Ronald Collin spoke regarding his false arrest

**MOTION PERIOD**

**Richland County staff is requested to provide information relating to establishing a franchise fee for the extension or new installation of all utilities within the county by an outside agency. That information should include legalities, possible fees and how it relates to Richland County's Comprehensive Land Use Plan. Submission should be in time for the September committee meeting.**  
**[MALINOWSKI]** – This item was referred to the A&F Committee.

**No Through Truck Signs [SMITH]** – This item was referred to the D&S Committee.

**Motion to fully fund the Palmetto City Classic \$15,000 [JACKSON]** – This item was referred to the A&F Committee.

**HBCU \$10,000 [JACKSON]** – This item was referred to the A&F Committee.

**Resolution: New Ebenezer Baptist Church in celebration of their 100<sup>th</sup> Anniversary [DICKERSON]** – Mr. Manning moved, seconded by Ms. Dickerson, to adopt a resolution honoring New Ebenezer Baptist Church on their 100<sup>th</sup> Anniversary. The vote in favor was unanimous.

**ADJOURNMENT**

The meeting adjourned at approximately 7:58 p.m.

\_\_\_\_\_  
Paul Livingston, Chair

\_\_\_\_\_  
Damon Jeter, Vice-Chair

\_\_\_\_\_  
Gwendolyn Davis Kennedy

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

\_\_\_\_\_  
Valerie Hutchinson

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Norman Jackson

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Bill Malinowski

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Jim Manning

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L. Gregory Pearce, Jr.

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

\_\_\_\_\_  
Kelvin E. Washington, Sr.

The minutes were transcribed by Michelle M. Onley

# Richland County Council Request of Action

**Subject**

- a. Darrel's vs. Richland County
- b. Solid Waste Contractual Matter

# Richland County Council Request of Action

**Subject**

For Items on the Agenda Not Requiring a Public Hearing

# Richland County Council Request of Action

**Subject**

- a. Strategic Plan Update
- b. Employee Recognition
- c. Lower Richland Sewer Update

# Richland County Council Request of Action

**Subject**

- a. Chamber of Commerce Annual Gala
- b. Urban League
- c. SCAC Classes
- d. Pride Movement Plaque

# Richland County Council Request of Action

**Subject**

- a. National Community Planning Month Proclamation [**PAGES 22-24**]

## **Richland County Council Request of Action**

**Subject:** Proclamation for County Council to designate October as Community Planning Month

### **A. Purpose**

Council is specifically being requested to designate the entire month of October as Community Planning Month.

### **B. Background / Discussion**

The American Planning Association encourages cities and municipalities to celebrate the achievements of planning this October during the annual National Community Planning Month. Each year APA and its members, chapters, divisions, and professional institute sponsor National Community Planning Month to raise the visibility of planning efforts in communities across the U.S., and throw a spotlight on the many residents, leaders, officials, and professionals who contribute to making great communities.

Today's great communities offer better choices for where and how people work and live. They are enjoyable, safe, and desirable. They are places where people want to be. Three important building blocks of great communities are the streets, the neighborhoods, and the people who help make communities special. Planners play a key role in facilitating the process of making a community's character and qualities stand out.

Planners are instrumental in addressing the everyday challenges of maintaining a balance between demands of growth and change, and residents' needs and desires. To help us recognize the daily achievements of planners, we invite you to join with APA in celebrating locally this year's National Community Planning Month sub themes:

- Great Streets, Great Neighborhoods
- Greening Streets and Neighborhoods
- People Making Great Streets and Great Neighborhoods

**Richland County will highlight the efforts of planning by hosting the Annual Neighborhood Planning Conference on Saturday, October 2, 2010.**

### **C. Financial Impact**

There are no other financial impacts associated with this request, besides the purchase of a banner that will be purchased through the Neighborhood Improvement Program budget.

### **D. Alternatives**

Not applicable

**E. Recommendation**

It is recommended that Council approve the request to designate October as Community Planning Month.

Recommended by: Tiaa B. Rutherford Department: Neighborhood Planning Date: September 9, 2010

**F. Reviews**

(Please ***SIGN*** your name, ✓ the appropriate box, and support your recommendation before routing. Thank you!)

**Finance**

Reviewed by (Finance Director):

Recommend Council approval

Comments regarding recommendation:

Date:

Recommend Council denial

Reviewed by (Budget Director):

Recommend Council approval

Comments regarding recommendation:

Date:

Recommend Council denial

**Procurement**

Reviewed by:

Recommend Council approval

Comments regarding recommendation:

Date:

Recommend Council denial

**Grants**

Reviewed by:

Recommend Council approval

Comments regarding recommendation:

Date:

Recommend Council denial

**Legal**

Reviewed by:

Recommend Council approval

Comments regarding recommendation:

Date:

Recommend Council denial

**Administration**

Reviewed by:

Recommend Council approval

Comments regarding recommendation:

Date:

Recommend Council denial

# COMMUNITY PLANNING MONTH PROCLAMATION

**WHEREAS**, change is constant and affects all cities, towns, suburbs, counties, boroughs, townships, rural areas, and other places; and

**WHEREAS**, community planning and plans can help manage this change in a way that provides better choices for how people work and live; and

**WHEREAS**, community planning provides an opportunity for all residents to be meaningfully involved in making choices that determine the future of their community; and

**WHEREAS**, the full benefits of planning requires public officials and citizens who understand, support, and demand excellence in planning and plan implementation; and

**WHEREAS**, the month of October is designated as National Community Planning Month throughout the United States of America and its territories, and

**WHEREAS**, The American Planning Association and its professional institute, the American Institute of Certified Planners, endorse National Community Planning Month as an opportunity to highlight the contributions sound planning and plan implementation make to the quality of our settlements and environment; and

**WHEREAS**, the celebration of National Community Planning Month gives us the opportunity to publicly recognize the participation and dedication of the members of planning commissions and other citizen planners who have contributed their time and expertise to the improvement of the (State, City, or County) of \_\_\_\_\_ (insert name of state, city, or county); and

**WHEREAS**, We recognize the many valuable contributions made by professional community and regional planners of the \_\_\_\_\_ (State or City or County) of \_\_\_\_\_ (insert name of state, city, or county) and extend our heartfelt thanks for the continued commitment to public service by these professionals;

**NOW, THEREFORE**, BE IT RESOLVED THAT, the month of October 2010 is hereby designated as **Community Planning Month** in the \_\_\_\_\_ (State or City or County) of \_\_\_\_\_ (insert name of state, city, or county) in conjunction with the celebration of National Community Planning Month.

Adopted this \_\_\_\_\_ Day of \_\_\_\_\_, 2010.

\_\_\_\_\_  
Chief Elected Official (SEAL)

\_\_\_\_\_  
Clerk

# Richland County Council Request of Action

**Subject**

Columbia Home Builders Association, Earl McLeod and Cory Lorick

# Richland County Council Request of Action

## **Subject**

Ordinance Authorizing the County to execute and deliver a Master Park Agreement for the creation and maintenance of a multicounty business or industrial park between Richland County, South Carolina, and Fairfield County, South Carolina; and other related matters **[THIRD READING] [PAGES 27-43]**

## **Notes**

First Reading: July 27, 2010

Second Reading: September 7, 2010

Third Reading:

Public Hearing: September 7, 2010

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

AUTHORIZING THE COUNTY TO EXECUTE AND DELIVER A MASTER PARK AGREEMENT FOR THE CREATION AND MAINTENANCE OF A MULTI-COUNTY BUSINESS OR INDUSTRIAL PARK BETWEEN RICHLAND COUNTY, SOUTH CAROLINA, AND FAIRFIELD COUNTY, SOUTH CAROLINA; AND OTHER RELATED MATTERS.

WHEREAS, Richland County, South Carolina (“County”), and Fairfield County, South Carolina (collectively, “Counties”), are 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 (“Act”), to jointly develop an industrial or business park in the geographical boundaries of one or more of the member Counties;

WHEREAS, as provided under the Act, to promote the economic welfare of their citizens, the Counties have agreed to create a new multi-county industrial park (“Park”), which will encourage additional development in the Counties; and

WHEREAS, the Counties now desire to adopt and enter into a Master Agreement Governing the Nuclear Facilities Industrial Park (“Agreement”) to provide for the creation and administration of the Park; and

WHEREAS, the Counties desire to include in the boundaries of the Park property located in the Fairfield County and described on the attached *Exhibit A* (“Property”).

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

**Section 1.** The County Council Chair, or the Vice Chair in the event the Chair is absent, is authorized to execute the Agreement, the Clerk to the County Council is authorized to attest the same, and the County Administrator is further authorized and directed to deliver the Agreement to the Fairfield County. A substantially final form of the Agreement is attached as *Exhibit B*. The form and terms of the Agreement are approved, with any revisions approved by the County’s legal counsel, and all of the terms of the Agreement are incorporated in this Ordinance by reference as if the Agreement were set forth in this Ordinance in its entirety.

**Section 2.** The County Council Chair, or the Vice Chair in the event the Chair is absent, the Clerk to County Council and the County Administrator (or their respective designees) are authorized to execute whatever other documents and take whatever further actions as may be necessary to effect the intent of this Ordinance.

**Section 3.** If any part of this Ordinance is unenforceable, the remainder is unaffected.

**Section 4.** Any ordinance, resolution or order, the terms of which conflict with this Ordinance, is, only to the extent of that conflict, repealed.

**Section 5.** This Ordinance is effective after third and final reading.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Paul Livingston, Chair

(SEAL)

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2010

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

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: July 20, 2010  
Second Reading: September 7, 2010  
Public Hearing: September 7, 2010  
Third Reading: September 21, 2010

**EXHIBIT A  
PROPERTY DESCRIPTION**

All those certain pieces, parcels or tracts of land being in the County of Fairfield, State of South Carolina, near the Town of Parr, containing an aggregate of 2,010.69 acres, more or less, and being that property lying in the New Nuclear Development Project Boundary Line (“NND PBL”) as shown on the attached drawing entitled “VC Summer Nuclear Plant New Nuclear Development Fee in Lieu Properties,” dated June 9, 2010. Derivations and county tax map numbers associated with each tract are set forth below.

TRACT NUMBER	GRANTOR	ACRES	DEED DATE	RECORD DATE	DEED BOOK	DEED PAGE	TAX MAP NUMBER (or portion)
28 *	Mamie R. Young, Delia R. Wooden, Vivian R. McGriff, Paul Rabb, Jr. & Lindberg Rabb (5/7 interest)	47.23	6/29/72	6/29/72	ED	43	138-01-00-003-000
	Margie R. Brooks & Virginia R. Fickling (2/7 interest)		7/17/72	7/17/72	ED	184	138-01-00-003-000
29 *	Louise McMeekin Chappell (Parcel A& C)	73.84	9/14/72	9/18/72	EE	23	138-01-00-003-000
	Louise C. Moseley, Rebecca C. Miller, & Judy C. Mullinax, individually & as exec. & sole heirs at law of E. D. Chappell & Louise McMeekin Chappell (Parcel B)	23.00	5/31/70	6/19/74	EL	101	138-01-00-003-000
30 *	Virginia R. Fickling & Margie Rabb Brooks	79.34	5/10/73	5/15/73	EG	571	138-01-00-003-000 175-00-01-004-000
31	Clara M. Poole, Kitty M. Conroy, Marjorie McMeekin & W. T. McMeekin	189.85	10/20/72	10/27/72	EE	265	138-01-00-003-000 175-00-01-004-000
33	Catawba Timber Company	54.02	1/22/73	2/7/73	EF	337	138-01-00-003-000
37	Champion International Corp.	162.32	12/17/75	12/321/75	EQ	1155	138-01-00-003-000
Tract 37 NOTE: Acreage for this tract 37 includes portions of acreages of the following tracts: 44, 45, 46, 47, 57, 60, 62, 63, 64, 65, 66 & 72							
44	Henry W. Martin & Julie Mae Curtain		8/26/72	8/28/72	ED	505	138-01-00-003-000
45	Sarah Hollins & Henry W. Martin		8/10/72	8/11/72	ED	389	138-01-00-003-000
46	Ernestine Rabb & Henry W. Martin		7/10/72	7/10/72	ED	103	138-01-00-003-000
47	John Henry Martin		1/19/73	2/2/73	EF	315	138-01-00-003-000
57	Mary D. Martin, John Z. Martin, Beatrice Thacker, Abraham Martin, Jr. Edna Christian & Mayme M. King		12/29/72	2/22/73	EF	435	138-01-00-003-000
60	Arthur Kennedy		12/27/73	12/28/73	EJ	187	138-01-00-003-000
62	Tommy Lee Pearson		10/31/74	9/10/75	EQ	207	138-01-00-003-000
63	Odell Cook		7/31/73	8/7/73	EH	494	138-01-00-003-000
64	Lee Irvin Rikard		8/31/10	9/7/73	EI	154	138-01-00-003-000
65	G.A.C. Trans World Acceptance Corporation		3/5/73	7/20/73	EH	383	138-01-00-003-000
66	Roosevelt Stark		1/13/73	1/15/73	EF	184	138-01-00-003-000

72	Booker T. Martin		4/19/76	4/23/76	ER	787	138-01-00-003-000	
48	Henry L. Parr (to Parr Shoals Power Co.)	200.79	10/1905		AU	638	138-01-00-003-000	
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McMeekin	J. C. McMeekin, Jr.	165.13	10/7/58	10/7/58	CU	27	192-00-00-006-000	
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Training Center *	J. F. Yarborough, Jr, J. H. Yarborough, Mary Louise Yarborough, Lawrence H. Yarborough, Grady Alexander Yarborough, Lottie Y. Plowman, Katie Y. Coleman & Bessie Y. Wood	26.62	5/25/81	6/8/81	GS	303	192-00-00-011-000	
Woods *	Joel O. Wood & Vera Louise Wood	134.23	7/9/07	7/10/07	855	222	192-00-00-003-000	
IP *	Blue Sky Properties , LLC (International Paper)	194.30	12/3/04	12/13/04	687	96	192-00-00-002-000	
	TOTAL ACREAGE		2,010.69					

NOTE: \* All acreages are determined by GIS unless noted by “\*”. These (“\*\*”) are the actual deeded acreages.



**EXHIBIT B**  
**FORM OF**  
**MASTER AGREEMENT GOVERNING THE NUCLEAR FACILITIES INDUSTRIAL PARK**

**MASTER AGREEMENT  
GOVERNING THE  
NUCLEAR FACILITIES INDUSTRIAL PARK**

**BETWEEN**

**FAIRFIELD COUNTY, SOUTH CAROLINA**

**AND**

**RICHLAND COUNTY, SOUTH CAROLINA**

**SEPTEMBER 21, 2010**

**PREPARED BY:**

**PARKER POE ADAMS & BERNSTEIN LLP  
1201 MAIN STREET, SUITE 1450  
COLUMBIA, SOUTH CAROLINA 29201  
803.255.8000**

**INSTRUCTIONS  
FOR  
COUNTY AUDITOR AND COUNTY TREASURER**

ALL PROPERTY LOCATED IN THIS MULTI-COUNTY INDUSTRIAL/BUSINESS PARK IS EXEMPT FROM *AD VALOREM* TAXES AND IS SUBJECT INSTEAD, UNDER THE TERMS OF THE STATE CONSTITUTION, TO A FEE-IN-LIEU OF *AD VALOREM* TAXES EQUAL TO WHAT THE TAXES WOULD HAVE BEEN. HOWEVER, THE FEE-IN-LIEU PAYMENTS MAY BE BELOW NORMAL *AD VALOREM* TAX RATES IN THE EVENT THAT PROPERTY IS SUBJECT TO A NEGOTIATED FEE-IN-LIEU OF TAXES (“FILOT”) ARRANGEMENT. THEREFORE, WHEN PREPARING THE FEE BILLS FOR ALL PROPERTY LOCATED IN THE PARK, PLEASE REFERENCE THE FILOT RECORDS TO ENSURE THE CORRECT MILLAGE RATE AND ASSESSMENT RATIO ARE USED.

ONCE A FEE BILL HAS BEEN PAID, THE PROVISIONS OF THIS AGREEMENT GOVERN HOW THE FEE RECEIVED IS TO BE DISTRIBUTED AMONG THE VARIOUS TAXING ENTITIES IN EACH COUNTY. EACH COUNTY MAY ALTER THE CUSTOMARY DISTRIBUTION OF REVENUES.

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**THIS MASTER AGREEMENT** (“Agreement”), effective August \_\_\_\_, 2010 (“Effective Date”), between Fairfield County, South Carolina (“Fairfield”), a political subdivision of the State of South Carolina (“State”), and Richland County, South Carolina (“Richland”), a political subdivision of the State (Richland with Fairfield, collectively, “Counties,” each, a “County”), is entered into pursuant to Article VIII, Section 13(D) of the South Carolina Constitution, as amended, and South Carolina Code Annotated section 4-1-170 (collectively, “MCIP Law”).

#### **RECITALS:**

**WHEREAS**, Fairfield has entered into a fee-in-lieu of *ad valorem* taxes agreement with South Carolina Electric & Gas Company (“Company”), concerning the Project, as that term is defined and described in the *Fee Agreement by and between Fairfield County, South Carolina and South Carolina Electric & Gas Company*, dated July 12, 2010 (“Fee Agreement”), which is located on the Project Site, as described more fully on the attached Exhibit A;

**WHEREAS**, pursuant to the Fee Agreement, Fairfield has committed with the Company: (a) to permit the Company to make payments of fees-in-lieu of *ad valorem* taxes for the Project and (b) to use Fairfield’s best efforts to place the Project Site in a multi-county industrial park;

**WHEREAS**, the Counties are permitted by the MCIP Law to create one or more multi-county industrial parks;

**WHEREAS**, to promote the economic welfare of their citizens, in response to a request from the Company and because of the size and unusual nature of the Project, the Counties have determined to create a new multi-county industrial park in which to locate the Project Site;

**WHEREAS**, the Counties now desire to create the “Nuclear Facilities Industrial Park” (“Park”) and locate the Project Site in the Park as the Park’s sole Project Site, *i.e.*, the Counties intend for the Project Site and the Park boundaries to be coterminous for the life of this Agreement;

**WHEREAS**, in *Horry County School District v. Horry County*, 346 S.C. 621, 552 S.E.2d 737 (2001) (“*Horry County Case*”), the South Carolina Supreme Court provided guidance regarding the MCIP Law and established requirements for the contents of multi-county industrial park agreements; and

**WHEREAS**, the Counties adopt this Agreement as the governing document for the Park and intend it to meet the requirements of the MCIP Law and the *Horry County Case*.

**NOW, THEREFORE**, on the basis of the premises and mutual covenants in this Agreement, the sufficiency of which consideration is acknowledged, the Counties agree:

#### **ARTICLE I PARK BOUNDARIES**

##### **Section 1.01. Park Boundaries.**

(a) The Park consists solely of the Project Site.

(b) By Fairfield resolution, Fairfield may unilaterally amend this Agreement to include additional property in the Park so long as Fairfield finds that the additional property is related to the Project and adjacent to the Project Site. For each addition, this Agreement’s amendment is complete once Fairfield delivers a separately labeled Exhibit (*e.g.*, Exhibit B-1, Exhibit B-2, etc.) to Richland with a description of the additional property (each, “Additional Project Site,” with Project Site, collectively, “Property”).

(c) Without Property owner's consent, until the end of the 50<sup>th</sup> calendar year following the end of the calendar year in which this Agreement becomes effective, neither County is permitted to diminish the Park boundaries to exclude Property.

**ARTICLE II  
TAX STATUS OF PROPERTIES LOCATED IN THE PARK**

**Section 2.01. Constitutional Exemption from Taxation.** Under the MCIP Law, during this Agreement's term, Property is exempt from all *ad valorem* taxation.

**Section 2.02. Fee-in-Lieu of Taxes.** Except as provided in Section 2.01, the owners or lessees of Property shall pay an amount equivalent to the *ad valorem* property taxes or other in lieu of payments that would have been due and payable but for the location of Property in the Park.

**Section 2.03. Negotiated Fee-in-Lieu of Taxes.** The amount of the annual payments due from the owner or lessee under Section 2.02 is reduced by virtue of any negotiated fee-in-lieu of *ad valorem* taxes incentive with Fairfield. The sole agreement in place as of the Effective Date is the Fee Agreement.

**ARTICLE III  
SHARING OF REVENUES AND EXPENSES OF THE PARK**

**Section 3.01. Expense Sharing.** Fairfield is responsible for all expenses related to the Park.

**Section 3.02. Revenue Sharing.**

(a) Revenue generated in the Park from a source other than a fee-in-lieu of *ad valorem* taxes shall be distributed directly to Fairfield to be expended in any manner as Fairfield deems appropriate.

(b) The Counties shall share all revenue received in lieu of *ad valorem* taxes from Property ("FILOT Revenue") according to the following distribution scheme: Fairfield shall, after (i) reimbursing itself for expenditures made to attract the Company and (ii) making any reductions required by law or other agreement, retain 99.5% of the FILOT Revenue and transmit 0.5% of the FILOT Revenue to Richland.

**Section 3.03. FILOT Revenue Distribution in Each County.**

(a) According to *Horry County* Case, each County is required to set forth the scheme for distribution of FILOT Revenue in that County:

- (i) Fairfield elects to retain all FILOT Revenue.
- (ii) Richland reserves the right to determine reimbursement to Richland for economic development expenditures made on a case by case basis. FILOT Revenue remaining after reimbursement shall be distributed on a *pro rata* basis to each entity that would otherwise levy tax millage on Property, if Property were not located in the Park. Each school district receiving a distribution of FILOT Revenue shall divide the FILOT Revenue on a *pro rata* basis between operational and debt service expenditures according to the amount of operating and debt service millage levied by that school district or collected on behalf of that school district.

(b) Each County, by adoption of an ordinance in that County, may unilaterally amend its internal distribution scheme.

**Section 3.04. Annual Report and Disbursement.** Not later than July 15 of each year, starting July 15 of the first year in which Fairfield receives FILOT Revenue, Fairfield shall prepare and submit to Richland a report detailing the FILOT Revenue owed under this Agreement. Fairfield shall deliver a check for the amount reflected in that report at the same time.

#### **ARTICLE IV MISCELLANEOUS**

**Section 4.01. Jobs Tax Credit Enhancement.** The Company is entitled to whatever enhancement of the regular jobs tax credits authorized by South Carolina Code Annotated section 12-6-3360, or any successive provisions, as may be provided under South Carolina law.

**Section 4.02. Assessed Valuation.** For the purpose of bonded indebtedness limitation and computing the index of taxpaying ability pursuant to South Carolina Code Annotated section 59-20-20(3), allocation of the assessed value of Property to each County is identical to the percentage of FILOT Revenue retained and received by each County in the preceding fiscal year.

**Section 4.03. Records.** Fairfield, at Richland's request, shall provide a copy of each record of the annual tax levy and the fee-in-lieu of *ad valorem* tax invoice for Property and a copy of the Fairfield County Treasurer's collection records for the fee-in-lieu of *ad valorem* taxes so imposed, as these records became available in the normal course of Fairfield's procedures.

**Section 4.04. Applicable Law.** To avoid any conflict of laws between the Counties, Fairfield ordinances are the reference for regulation of the Park. Nothing in this Agreement purports to supersede state or federal law or regulation. Fairfield is permitted to adopt restrictive covenants and land use requirements for the Park.

**Section 4.05. Law Enforcement.** The Fairfield County Sheriff's Department has jurisdiction to make arrests and exercise all authority and power in the Park boundaries; fire, sewer, water and EMS service for the Park is provided by the applicable service district or other political unit in Fairfield.

**Section 4.06. Binding Effect of Agreement.** This Agreement is binding after executed by the Counties.

**Section 4.07. Severability.** If (and only to the extent) that any part of this Agreement is unenforceable, then that portion of the Agreement is severed from the Agreement and the remainder of this Agreement is unaffected.

**Section 4.08. Complete Agreement: Amendment.** This Agreement is the entire agreement between the Counties with respect to this subject matter and supersedes all agreements, representations, warranties, statements, promises and understandings, whether oral or written, with respect to the Project and Property and neither County is bound by any oral or written agreements, statements, promises, or understandings not set forth in this Agreement.

**Section 4.09. Counterpart Execution.** This Counties may execute this Agreement in multiple counterparts.

**Section 4.10. Termination.** Notwithstanding any part of this Agreement to the contrary, Fairfield and Richland shall not terminate this Agreement, without consent from the owner of Property, until the end of the 50<sup>th</sup> calendar year following the end of the calendar year in which this Agreement becomes effective.

*[ONE SIGNATURE PAGE FOLLOWS]  
[REMAINDER OF PAGE INTENTIONALLY BLANK]*

**IN WITNESS WHEREOF**, the parties hereto have executed this Agreement the day and the year first above written.

FAIRFIELD COUNTY, SOUTH CAROLINA

By: \_\_\_\_\_  
Russell David Brown  
Chairman of County Council

(SEAL)  
ATTEST:

\_\_\_\_\_  
Shryll M. Brown  
Clerk to County Council

RICHLAND COUNTY, SOUTH CAROLINA

By: \_\_\_\_\_  
Paul Livingston  
Chairman of County Council

(SEAL)  
ATTEST:

\_\_\_\_\_  
Michielle R. Cannon-Finch  
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All those certain pieces, parcels or tracts of land being in the County of Fairfield, State of South Carolina, near the Town of Parr, containing an aggregate of 2,010.69 acres, more or less, and being that property lying in the New Nuclear Development Project Boundary Line (“NND PBL”) as shown on the attached drawing entitled “VC Summer Nuclear Plant New Nuclear Development Fee in Lieu Properties,” dated June 9, 2010. Derivations and county tax map numbers associated with each tract are set forth below.

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<b>TOTAL ACREAGE</b>		<b>2,010.69</b>					

NOTE: \* All acreages are determined by GIS unless noted by "\*\*". These ("\*\*") are the actual deeded acreages.



# Richland County Council Request of Action

## **Subject**

Ordinance Authorizing Richland County, South Carolina to issue, from time to time or at one time, in one or more issues or series, its revenue bonds, in an aggregate principal amount not to exceed \$20,000,000 (the "Bonds"), the proceeds of which will be used to finance the acquisition, construction and renovation of certain property to be used in connection with the Eastover, South Carolina Mill of International Paper Company, consisting of capital improvements, including, but not limited to, any recovery zone property, pulp mill and power facilities, paper production facilities and related facilities, at the mill, pursuant to Section 4-29-10 EtSeq. of the 1976 Code of Laws of South Carolina, as amended; authorizing the execution and delivery of a contract of purchase providing for the issuance, sale and purchase of such bonds; and authorizing the issuance of the bonds and the execution of necessary documents and the taking of any other action necessary to be taken by Richland County, South Carolina to cause the issuance and sale of such bonds **[THIRD READING] [PAGES 45-51]**

## **Notes**

First Reading: July 27, 2010

Second Reading: September 7, 2010

Third Reading:

Public Hearing: September 7, 2010

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-10HR

AUTHORIZING RICHLAND COUNTY, SOUTH CAROLINA TO ISSUE, FROM TIME TO TIME OR AT ONE TIME, IN ONE OR MORE ISSUES OR SERIES, ITS REVENUE BONDS, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$20,000,000 (THE “BONDS”), THE PROCEEDS OF WHICH WILL BE USED TO FINANCE THE ACQUISITION, CONSTRUCTION AND RENOVATION OF CERTAIN PROPERTY TO BE USED IN CONNECTION WITH THE EASTOVER, SOUTH CAROLINA MILL OF INTERNATIONAL PAPER COMPANY, CONSISTING OF CAPITAL IMPROVEMENTS, INCLUDING, BUT NOT LIMITED TO, ANY RECOVERY ZONE PROPERTY, PULP MILL AND POWER FACILITIES, PAPER PRODUCTION FACILITIES AND RELATED FACILITIES, AT THE MILL, PURSUANT TO SECTION 4-29-10 ET SEQ. OF THE 1976 CODE OF LAWS OF SOUTH CAROLINA, AS AMENDED; AUTHORIZING THE EXECUTION AND DELIVERY OF A CONTRACT OF PURCHASE PROVIDING FOR THE ISSUANCE, SALE AND PURCHASE OF SUCH BONDS; AND AUTHORIZING THE ISSUANCE OF THE BONDS AND THE EXECUTION OF NECESSARY DOCUMENTS AND THE TAKING OF ANY OTHER ACTION NECESSARY TO BE TAKEN BY RICHLAND COUNTY, SOUTH CAROLINA TO CAUSE THE ISSUANCE AND SALE OF SUCH BONDS.

WHEREAS, the County Council of Richland County, South Carolina (the “County Council”), the governing body of Richland County, South Carolina (the “County”), pursuant to Section 4-29-10 et seq. of the 1976 Code of Laws of South Carolina, as amended (the “Act”), did resolve, pursuant to an inducement resolution adopted by the County Council on May 4, 2010 (the “Inducement Resolution”), to submit its petition (the “Petition”) to the State Budget and Control Board of South Carolina (the “State Board”) seeking the approval of the State Board of an undertaking by the County to issue its revenue bonds in an aggregate principal amount not to exceed \$20,000,000 (the “Bonds”) pursuant to the Act, the proceeds of the sale of which will be applied to defray the costs of the acquisition, construction or renovation of property to be used in connection with the Eastover, South Carolina Mill (the “Mill”) of International Paper Company, a New York corporation (the “Company”), consisting of capital improvements, including, but not limited to, any recovery zone property, pulp mill and power facilities, paper production facilities and related facilities, at the Mill (the “Project”); and

WHEREAS, the Company has heretofore requested the County to (a) make the findings required by the Act, (b) subject to the approval by the State Board of the Petition and receipt by the County of appropriate evidence of such approval, authorize the issuance of the Bonds from time to time or at one time, in one or more issues or series, in the aggregate principal amount not to exceed \$20,000,000, such Bonds bearing interest at a fixed rate not in excess of twelve percent (12.00%) per annum or a fluctuating rate not in excess of twelve percent (12.00%) per annum and such Bonds maturing not later than forty (40) years from the date of issuance of the Bonds, (c) authorize the execution and delivery of all documents necessary to the consummation of the transaction described above containing substantially the terms as contained in those forms of documents presented to the County Council at or prior to the third reading of this Ordinance (the “Documents”), and (d) sell the Bonds pursuant to a Contract of Purchase (the “Contract”) to be entered among the County, the Company and an underwriter or underwriters as shall be designated by the Company, at a price not less than ninety-five (95) percent of the aggregate principal amount of the Bonds to which the Contract relates; and

WHEREAS, the County Council, pursuant to the Inducement Resolution, has determined to undertake the issuance of the Bonds and authorize the other actions herein described; and

WHEREAS, the County Council, in approving the submission to the State Board of the Petition required by the Act, did consider and make all of the findings required by the Act, and does now desire to confirm and restate such findings.

NOW, THEREFORE, BE IT FOUND, RESOLVED AND ORDAINED BY THE COUNTY COUNCIL ON BEHALF OF RICHLAND COUNTY, SOUTH CAROLINA:

1. The County Council hereby confirms and restates its findings as follows:

A. The Project will promote and subserve the purposes of the Act and benefit the general public welfare of the County by inducing the Company to upgrade its pulp mill and power facilities, paper production facilities and related facilities and any recovery zone property at the Mill, thereby aiding in the retention of employment in the County and the areas adjacent thereto, and may be reasonably expected to effect such results;

B. The Project will give rise to no pecuniary liability of the County, nor will there be any charge against the County's general credit or taxing powers by reason of the issuance of the Bonds or the financing of the Project;

C. The documents to be entered into with respect to the Bonds contain covenants obligating the Company to effect the completion of the Project if the proceeds of the Bonds prove insufficient, and further obligate the Company each year (a) to pay the principal of and the interest on the Bonds and (b) to pay the cost of maintaining the Project in good repair and the cost of keeping it properly insured. In view of the well established credit of the Company, there continues to be no need to establish and maintain any reserve funds in connection with the issuance of the Bonds;

D. The principal amount of Bonds required to finance the Project is estimated to be, and will not exceed, \$20,000,000; and

E. The principal and purchase price of, interest and premium, if any, on the Bonds shall be secured by a pledge of the revenues payable to the County pursuant to the Documents and neither the Bonds nor any interest thereon shall ever constitute an indebtedness of the County within the meaning of any State constitutional provision or

statutory limitation, nor shall the Bonds ever constitute or give rise to a pecuniary liability of the County or a charge against its general credit or taxing powers.

2. The execution and delivery of the Documents presented to the County Council prior to the third reading of this Ordinance, in substantially the forms presented with such changes as the executing officers shall approve (their execution to be conclusive evidence of such approval) on behalf of the Issuer, are hereby authorized and directed. The Documents shall be executed and delivered on behalf of the County by the Chairman of the County Council and attested by the Clerk of the County Council or, in either of their absences, by such other officers as shall be permitted by rule of the County Council.

3. Upon the execution and delivery of the Documents, and subject further to the approval by the State Board of the Petition and the receipt by the County of appropriate evidence thereof, the Bonds in an aggregate principal amount not to exceed \$20,000,000 are hereby authorized to be issued, from time to time or at one time, in one or more issues or series, and the proceeds of the Bonds shall be used to finance the Project in the manner and according to the terms of the Documents. The Bonds shall be issued in one or more issues or series, each such issue or series designated alphabetically and by year (2010 Series A, 2010 Series B, etc.) and such Bonds shall be dated as of a particular day of the month in which such Bond is issued (or a prior month), which date shall be before December 31, 2010, and shall mature not later than forty (40) years from the date of issuance of such Bond, and bear interest at a fixed rate not in excess of twelve percent (12.00%) per annum or a fluctuating rate not in excess of twelve percent (12.00%) per annum, and shall be subject to redemption or purchase in lieu of redemption as provided in the Documents. The Bonds shall be in one or more forms as are

permitted by the Documents, and prior to delivery, shall be authenticated by a trustee as prescribed in the Documents.

4. The sale of the Bonds, upon the request of the Company to such underwriter or underwriters as shall be designated by the Company, for a price as specified by the Company of not less than ninety-five (95) percent of the aggregate principal amount of the Bonds to which the Contract relates, together with accrued interest to the date of issue of such Bonds, and otherwise in accordance with the Contract to be approved by the Company and submitted to the County, is hereby approved. The Chairman of the County Council and its Clerk or, in either of their absences, such other officers as shall be permitted by rule of the County Council, are hereby authorized to execute and deliver the Contract and are fully authorized and empowered to take such further action, to cause the preparation and distribution of such appropriate marketing documents, including a preliminary official statement and an official statement, and to execute and deliver such closing documents all as may be necessary and proper to effect the marketing, sale, issuance and delivery of the Bonds in accordance with the terms and conditions of the Contract, and the action of such officers or any of them in executing and delivering any of such documents in such forms as the executing officer or officers shall approve is hereby authorized.

5. When received, the proceeds of the Bonds shall be paid directly to the trustee appointed in the Documents and thereafter disposed of by such trustee in accordance with the terms and provisions of the Documents and not otherwise.

6. The County Council hereby ratifies and confirms the Inducement Resolution except to the extent modified herein.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

12806584.1

DONE AND RATIFIED AT COLUMBIA, SOUTH CAROLINA this \_\_\_\_ day of \_\_\_\_\_, 2010.

RICHLAND COUNTY,  
SOUTH CAROLINA

BY: \_\_\_\_\_  
Paul Livingston  
Chairman of County Council

ATTEST THIS THE \_\_\_\_ DAY  
OF \_\_\_\_\_, 2010

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

First Reading: July 20, 2010  
Second Reading: September 7, 2010  
Public Hearing: September 21, 2010  
Third Reading: September 21, 2010

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

I, the undersigned Clerk of County Council of Richland County, South Carolina, DO  
HEREBY CERTIFY:

That the foregoing is a true, correct and verbatim copy of the Ordinance duly adopted by  
the County Council on September 21, 2010, which copy has been compared by me with the  
County record of such Ordinance, and that said copy is a true, complete and correct copy thereof;  
and that the Ordinance therein contained has been duly adopted and has not been altered,  
rescinded, amended, or repealed in any way and is in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and the Seal of the County this  
\_\_\_\_ day of \_\_\_\_\_, 2010.

(SEAL)

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Michielle R. Cannon-Finch  
Clerk of County Council  
Richland County, South Carolina

# Richland County Council Request of Action

## **Subject**

An Ordinance Amending the Richland County Code of Ordinances; Chapter 17, Motor Vehicles and Traffic; Article II, General Traffic and Parking Regulations; Section 17-9, through truck traffic prohibited; Subsection (A); so as to prohibit through truck traffic on N. Donar Drive and Prima Drive in Richland County, South Carolina **[THIRD READING] [PAGES 53-54]**

## **Notes**

First Reading: July 27, 2010

Second Reading: September 7, 2010

Third Reading:

Public Hearing: September 7, 2010

**STATE OF SOUTH CAROLINA**  
**COUNTY COUNCIL FOR RICHLAND COUNTY**  
**ORDINANCE NO. \_\_\_-10HR**

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 17, MOTOR VEHICLES AND TRAFFIC; ARTICLE II, GENERAL TRAFFIC AND PARKING REGULATIONS; SECTION 17-9, THROUGH TRUCK TRAFFIC PROHIBITED; SUBSECTION (A); SO AS TO PROHIBIT THROUGH TRUCK TRAFFIC ON N. DONAR DRIVE AND ON PRIMA DRIVE IN RICHLAND COUNTY, SOUTH CAROLINA.

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

SECTION I. The Richland County Code of Ordinances; Chapter 17, Motor Vehicles and Traffic; Article II. General Traffic and Parking Regulations; Section 17-9, Through Truck Traffic Prohibited; Subsection (a); is hereby amended to read as follows:

**Section 17-9. Through truck traffic prohibited.**

(a) All through truck traffic is prohibited on the following roads in Richland County, South Carolina:

- (1) Sparkleberry Lane;
- (2) Congress Road between Leesburg Road and Garners Ferry Road;
- (3) Bynum Road;
- (4) Summit Parkway;
- (5) Valhalla Drive;
- (6) Olympia Avenue between Heyward Street and Bluff Road; ~~and~~
- (7) Bakersfield Road between Dutch Square Boulevard and Morninghill Drive;
- (8) N. Donar Drive; and
- (9) Prima Drive.

SECTION II. Severability. If any section, subsection, or clause of this Ordinance shall be held by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such

finding shall not affect the validity of the remaining sections, subsections, and clauses of this Ordinance.

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

SECTION IV. Effective Date. This Ordinance shall be enforced from and after \_\_\_\_\_, 2010.

RICHLAND COUNTY COUNCIL

BY:

\_\_\_\_\_  
Paul Livingston, Chair

ATTEST this the \_\_\_\_ day of  
\_\_\_\_\_, 2010

\_\_\_\_\_  
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:  
Second Reading:  
Public Hearing:  
Third Reading:

# Richland County Council Request of Action

**Subject**

10-20MA  
Capital Development Partners, LLC  
Mark James  
M-1 to GC (1.02 Acres)  
Bluff Rd. & Blair St.  
11115-06-03 **[THIRD READING] [PAGE 56]**

**Notes**

First Reading: July 27, 2010  
Second Reading: September 7, 2010  
Third Reading:  
Public Hearing: July 27, 2010

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-10HR

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 # 11115-06-03 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 # 11115-06-03 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 \_\_\_\_\_, 2010.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Paul Livingston, Chair

Attest this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

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

Public Hearing: July 27, 2010  
First Reading: July 27, 2010  
Second Reading: September 7, 2010 (tentative)  
Third Reading:

# Richland County Council Request of Action

**Subject**

10-21MA  
Lexington Land Development Co., LLC  
Benjamin Kelly  
HI to GC (4.05 Acres)  
Clemson Rd. & Longreen Parkway  
17400-05-30 & 31 [**THIRD READING**] [**PAGE 58**]

**Notes**

First Reading: July 27, 2010  
Second Reading: September 7, 2010  
Third Reading:  
Public Hearing: July 27, 2010

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-10HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTIES DESCRIBED AS TMS # 17400-05-30/31 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 properties described as TMS # 17400-05-30/31 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 \_\_\_\_\_, 2010.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Paul Livingston, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2010.

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

Public Hearing: July 27, 2010  
First Reading: July 27, 2010  
Second Reading: September 7, 2010 (tentative)  
Third Reading:

# Richland County Council Request of Action

**Subject**

10-22MA  
Waffle House  
Butch Baur  
HI to GC (.349 Acres)  
Bluff Rd.  
11283-10-01 **[THIRD READING] [PAGE 60]**

**Notes**

First Reading: July 27, 2010  
Second Reading: September 7, 2010  
Third Reading:  
Public Hearing: July 27, 2010

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-10HR

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 # 11283-10-01 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 # 11283-10-01 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 \_\_\_\_\_, 2010.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Paul Livingston, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2010.

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

Public Hearing: July 27, 2010  
First Reading: July 27, 2010  
Second Reading: September 7, 2010 (tentative)  
Third Reading:

# Richland County Council Request of Action

## **Subject**

An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article II, Rules of Construction; Definitions; Section 26-22, Definitions; so as to define dormitories, hotels, motels, transient lodging, and primary campus **[THIRD READING] [PAGES 62-63]**

## **Notes**

First Reading: July 27, 2010

Second Reading: September 7, 2010

Third Reading:

Public Hearing: July 27, 2010

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-10HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; ARTICLE II, RULES OF CONSTRUCTION; DEFINITIONS; SECTION 26-22, DEFINITIONS; SO AS TO DEFINE DORMITORIES, HOTELS, MOTELS, TRANSIENT LODGING, AND PRIMARY CAMPUS.

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 II, Rules of Construction/Definitions; Section 26-22, Definitions; is hereby amended to include in the appropriate alphabetical order, the following definitions:

*Campus, primary.* A contiguous area of land constituting and making up the grounds of a college or university containing the main buildings, including libraries, lecture halls, residence halls, and administrative offices; provided, however, that for the purpose of this definition the contiguity of any land area involved shall not be deemed to be destroyed by the presence of public rights-of-way.

*Dormitory.* A building or part of a building operated by an academic institution containing rooms forming one (1) or more habitable units that are used or intended to be used by enrollees or employees of the institution for living and sleeping, but are not fully self-contained residential facilities.

*Hotel.* A commercial establishment offering transient lodging in ten (10) or more rooms, in which sleeping accommodations are offered to the public, with access through an inside lobby or the office, and in which there is a public dining room for the convenience of the guests.

*Motel.* A commercial establishment offering transient lodging in ten (10) or more rooms, in which sleeping accommodations are offered to the public, and which has individual entrances from outside the building to serve the separate units, and which further provides a location for the parking of guests' automobiles.

*Transient lodging.* Lodging by any person who, either at his/her own expense or at the expense of another, obtains lodging or the use of any lodging space in any hotel or motel for any period of less than thirty (30) consecutive days.

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 \_\_\_\_\_, 2010.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Paul Livingston, Chair

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

OF \_\_\_\_\_, 2010

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

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: July 27, 2010  
First Reading: July 27, 2010  
Second Reading: September 7, 2010 (tentative)  
Third Reading:

# Richland County Council Request of Action

## **Subject**

An Ordinance Amending the Richland County Code of Ordinances; Chapter 23, Taxation; Article VI, Local Hospitality Tax; Section 23-69, Distribution of Funds; Subsection (3); and Section 23-71, Oversight and Accountability; so as to improve accountability of Hospitality Tax Agencies **[THIRD READING] [PAGES 65-67]**

## **Notes**

First Reading: July 27, 2010

Second Reading: September 7, 2010

Third Reading:

Public Hearing: September 7, 2010

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-10HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 23, TAXATION; ARTICLE VI, LOCAL HOSPITALITY TAX; SECTION 23-69, DISTRIBUTION OF FUNDS; SUBSECTION (3); AND SECTION 23-71, OVERSIGHT AND ACCOUNTABILITY; SO AS TO IMPROVE ACCOUNTABILITY FOR HOSPITALITY TAX AGENCIES.

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 Richland County Code of Ordinances; Chapter 23, Taxation; Article VI, Local Hospitality Tax; Section 23-69, Distribution of Funds; Subsection (a); Paragraph (3); is hereby amended to read as follows:

- (3) As a condition of receiving its allocation, the Columbia Museum of Art, Historic Columbia, and EdVenture Museum must annually ~~present~~ submit to the County an affirmative marketing plan outlining how the agency will use its hospitality tax allocation for tourism promotion in the upcoming fiscal year. The plan shall include a detailed project budget which outlines the agency's proposed use of hospitality tax funds. The marketing plan shall also outline how the agency will promote access to programs and services for the inclusion of all citizens of Richland County, including documentation of and ~~must also annually offer some "free" or discounted services that will be offered to Richland County citizens residents. In addition, each Agency shall also, to the fullest extent possible, demonstrate~~ make a good faith effort to expand programs and events into the unincorporated areas of Richland County. This The annual marketing plan shall be due to the County Administrator no later than March 1 of each year. If an Agency fails to comply with these requirements, its portion of the Local Hospitality Tax shall be retained in the Richland County Local Hospitality Tax Revenue Fund and distributed as provided in subsection (f) below.

SECTION II. The Richland County Code of Ordinances; Chapter 23, Taxation; Article VI, Local Hospitality Tax; Section 23-71, Oversight and Accountability; is hereby amended to read as follows:

**Sec. 23-71. Oversight and accountability.**

The following organizations: the Columbia Museum of Art, Historic Columbia, and EdVenture Museum must submit a ~~detailed~~ mid-year report by January 31 and a final report by July 31 of each year to the Richland County Administrator, which includes a detailed accounting of all hospitality tax fund

expenditures and the impact on tourism for the preceding fiscal year, including copies of invoices and proof of payment on or before March 1 of each year. This report must provide a detailed accounting of all hospitality tax fund expenditures and the impact on tourism for the preceding calendar year. This report shall be submitted with the agency's affirmative marketing plan for the upcoming year, as outlined in Sec. 23-69(a)(2). The county shall not release hospitality tax funds to any agency unless that agency has submitted an acceptable final report for the previous fiscal year. If an Agency fails to comply with these requirements by the July 31 deadline, its portion of the Local Hospitality Tax shall be retained in the Richland County Local Hospitality Tax Revenue Fund and may be distributed as provided in Section 23-69 (f).

Any organization receiving County Promotions funding must comply with all requirements of this article, as well as any application guidelines and annual reporting requirements established by council, to include a detailed reporting of all grant expenditures.

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

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

SECTION V. Effective Date. All sections of this ordinance shall be effective on and after \_\_\_\_\_, 2010.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Paul Livingston, Chair

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

OF \_\_\_\_\_, 2010

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

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

# Richland County Council Request of Action

## **Subject**

An Ordinance Amending the Fiscal Year 2010-2011 General Fund Annual Budget to appropriate \$211,347 of General Fund Undesignated Fund Balance to Non Departmental for Grant Match Funds based on Attachment A [**SECOND READING**] [**PAGES 69-72**]

## **Notes**

First Reading: September 7, 2010

Second Reading:

Third Reading:

Public Hearing:

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_-11HR

AN ORDINANCE AMENDING THE FISCAL YEAR 2010-2011 GENERAL FUND ANNUAL BUDGET TO APPROPRIATE \$211,347 OF GENERAL FUND UNDESIGNATED FUND BALANCE TO NON DEPARTMENTAL FOR GRANT MATCH FUNDS BASED ON ATTACHMENT A.

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

SECTION I. That the amount of two hundred eleven thousand three hundred forty seven dollars (\$211,347) be appropriated to FY 2010-2011 Non Departmental. Therefore, the Fiscal Year 2010-2011 General Fund Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2010 as amended:	\$ 135,633,022
Appropriation of General Fund undesignated fund balance	<u>211,347</u>
Total General Fund Revenue as Amended:	\$ 135,844,369

EXPENDITURES

Expenditures appropriated July 1, 2010 as amended:	\$ 135,633,022
Increase to Non Departmental – Grant Match:	<u>211,347</u>
Total General Fund Expenditures as Amended:	\$ 135,844,369

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 \_\_\_\_\_, 2010.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Paul Livingston, Chair

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

OF \_\_\_\_\_, 2010

\_\_\_\_\_  
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:  
Second Reading:  
Public Hearing:  
Third Reading:

**2011 Budget - County Match Entitlement/Formula Funds**

Fund Source	Dept	PROJECT NAME	TOTAL PROJECT	AWARD	2011 County Match Cost	Status
Sheriff	1100201000	Hispanic Outreach Advocacy	62,972	47,229	15,743	Awarded
EMS	1100221000	DHEC EMS Grant in Aid	36,068	34,187	1,881	Awarded
Comm. Devel.		HUD Home Investment Yr 9	777,224	636,469	140,755	Pending
Court Admin	1100186000	Criminal Domestic Violence Court Yr 10 (STOP Violence Against Women)	110,830	83,122	27,708	Awarded
Airport	2170367800	Obstruction and Security Enhancements (FAA)	186,209	176,899	4,655	Awarded
			1,173,303	977,906	190,742	

**2011 Budget - County Match General Grants**

Fund Source	Dept	PROJECT NAME	TOTAL PROJECT	AWARD	2011 County Match Cost	Status
Court Admin	1100186000	JAG Video Conference				Not funded
Sheriff	1100201000	Bullet Proof Vest Partnership Prog.	20,000	10,000	10,000	Donation
Sheriff	1100201000	JAG - Crime Scene Unit Enhancement				Not funded
Sheriff	1100201000	JAG - Financial Crimes Investigations	106,457	101,134	5,323	Awarded
Sheriff	1100201000	JAG - Sexual Assault Investigations				Not funded
Sheriff	1100201000	JAG - Vehicle Replacement Project				Not funded
Sheriff	1100201000	JAG - Violent Fugitive Apprehension Team	105,645	100,363	5,282	Awarded
Coroner	1100240000	JAG Investigator/Prescription Drug Specialist	232,102	211,497	20,605	Not funded

Adjusted Total Match Request 211,347

# Richland County Council Request of Action

**Subject**

Establish an Ad-Hoc Committee to work with the City of Columbia to make a recommendation on an ordinance to restrict operating hours of establishments that serve alcohol **[PAGE 74]**

**Notes**

This item was deferred at the July 27, 2010 Special Called Mtg.

Motion to establish an ad hoc committee to work with the City of Columbia to make a recommendation on an ordinance to restrict operating hours of establishments that serve alcohol [Councilmember's Smith and Manning]

# Richland County Council Request of Action

**Subject**

Lower Richland Sewer Update

# Richland County Council Request of Action

**Subject**

Midlands Workforce Development Board-6 [Reginald Abraham, Leonard Cooper, Fredrick B. Davis, Sr., Yvonne H. Manley, Rosalind Miller and Joann Richardson] [**PAGES 76-82**]



# MIDLANDS WORKFORCE DEVELOPMENT BOARD

*Working Together for Tomorrow's Workforce*

June 23, 2010

The Midlands Workforce Development Board is requesting that the County Council appoint new members to fill the following vacant seats.

1. The following individuals are submitted for your consideration to appointment to the Midlands Workforce Development Board for Richland County:

Ms. Joann Richardson, Wateree Community Action Agency for the Community Action Agency seat.

Mr. Leonard Cooper, International Brotherhood of Electrical Workers as the Labor seat.

Mr. Reginald Abraham, Mars Petcare as a private sector representative.

2. The following individuals are submitted for your consideration to appointment to the Midlands Workforce Development Board's Youth Council for Richland County:

Mr. Fredrick Davis Sr, Dynamic Educational System

Ms. Yvonne Manley, Columbia Housing Authority

Ms. Rosalind Miller, Retired from Office of Economic Opportunity

Thank you for your attention. If there are any questions please contact Ms. Bonnie Austin at 803 744 1670 ext 101 or by email at [baustin@mwdb.org](mailto:baustin@mwdb.org)



APPLICATION FOR SERVICE ON RICHLAND COUNTY  
COMMITTEE, BOARD OR COMMISSION

Name: Reginald Abraham

Home Address: 500 Silver Spoon Lane, Elgin, SC 29045

Office Address: 1720 Pineview Drive, Columbia, SC 29209

Job Title and Employer: Safety/Environmental Coordinator, Mars Petcare

Telephone: (home) 803-730-1351 (work) 803-695-3176

Educational Background: Bachelor Degree - Industrial Technology; Master- HR Development

Professional Background: 12 years Training, Quality, Operations and Safety

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

Name of Committee in which interested: Midlands Workforce Development Board

Reason for interest: Desire to serve Midlands area job seekers and businesses, through local workforce development.

Characteristics/Qualifications which would be an asset to Committee/Board/ Commission:  
Strong experience, education and ties to the local business community will provide fresh perspectives to the Workforce Investment Board.

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

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

Recommended by Council Member(s): \_\_\_\_\_

Applicant's Signature Reginald Abraham Date 6/2/10

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



APPLICATION FOR SERVICE ON RICHLAND COUNTY  
COMMITTEE, BOARD OR COMMISSION

Name: Leonard Cooper

Home Address: 3617 Ardincaple Drive, Apt G; Columbia, SC 29203

Office Address: 3617 Ardincaple Drive Apt G; Columbia, SC 29203

Job Title and Employer: Electrician; International Brotherhood of Electrical Workers (IBEW) 778

Telephone: (home)803-256-1214 (work) 803-361-5659

Educational Background: High School graduate

Professional Background: 26 Years service; electrician

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

Name of Committee in which interested: Midlands Workforce Development Board

Reason for interest: Desire to serve the Midlands community in workforce development and training

Characteristics/Qualifications which would be an asset to Committee/Board/ Commission:  
Experience and involvement with organized labor will bring additional dimensions and perspective to Midlands WIA board.

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

Any other information you wish to give? N/A

Recommended by Council Member(s): \_\_\_\_\_

Applicant's Signature Leonard Cooper Date 5/10/10

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



APPLICATION FOR SERVICE ON RICHLAND COUNTY  
COMMITTEE, BOARD OR COMMISSION

Name: Joann Richardson

Home Address: 1537 Crossing Creek Road, Eastover, SC 29044

Office Address: 3220 Two Notch Road (DSS Building), Columbia, SC 29202

Job Title and Employer: Richland County Coordinator, Wateree Community Action

Telephone: (home) 803-695-0709 (work) 803-786-4250 ext. 103

Educational Background: 2 Year college - Midland Tec

Professional Background: Richland County Coordinator - Wateree Community Action (11 yrs)

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

Name of Committee in which interested: Midlands Workforce Development Board

Reason for interest: Desire to serve the Midlands community in workforce development and training

Characteristics/Qualifications which would be an asset to Committee/Board/ Commission: Experience and involvement with community empowerment and economic enhancement through work at Wateree Community Action and service on the Cooperative Ministries Board

Presently serve on any County Board/Commission/Committee? Cooperative Ministries Board

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

Recommended by Council Member(s): \_\_\_\_\_

Applicant's Signature

Joann Richardson

Date 4/21/10

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



APPLICATION FOR SERVICE ON RICHLAND COUNTY  
COMMITTEE, BOARD OR COMMISSION

Name: Fredrick B. Davis Sr.

Home Address: 712 Torwood Dr, Columbia, S.C. 29203

Office Address: 1518 Pickens St. Columbia, S.C. 29201

Job Title and Employer: State Project Director/ Dynamic Educational Systems Inc.

Telephone: (803)606-0588 (803)256-9675 ext. 302

Educational Background: Technical training from various Tech Colleges

Professional Background: Working for job corps for the last 12 yrs.

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

Name of Committee in which interested: Midlands Workforce Development Board Youth Council

Reason for interest: To help better our youth for the future job markey

Characteristics/Qualifications which would be an asset to Committee/Board/ Commission:  
My time spent working with youth while working in the Job Corps.

Presently serve on any County Board/Commission/Committee? No, I just moved here 6 months ago.

Any other information you wish to give? I have been dedicated to working with youth for the past 20 yrs. It is a passion of mine to help get them ready for the future job market.

Recommended by Council Member(s): \_\_\_\_\_

Applicant's Signature Fredrick B. Davis Sr.

Date 4/20/10  
Item# 19



APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION

Name: Yvonne H. Munley

Home Address: 5914 Wescott Road

Office Address: 1917 Harden Street

Job Title and Employer: Dir. of Occupancy - Columbia Housing Auth

Telephone: (home) 803-732-7959 (work) 803-254-3886 x221

Educational Background: \_\_\_\_\_

Professional Background: 33 years Public Housing Mgmt. Cert. Public Housing Mgr. & Cert. Housing Specialist

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

Name of Committee in which interested: Midlands Workforce Development Board Youth Council

Reason for interest: would like to impact the future of our youth in a meaningful and lasting way.

Characteristics/Qualifications which would be an asset to Committee/Board/ Commission: Work experience and constant exposure to under-privileged, and often misguided

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

Currently serve on advisory board of South Carolina Housing Search.

Any other information you wish to give? Have genuine interest in our youth and have been effective in influencing youth in a positive way.

Recommended by Council Member(s): \_\_\_\_\_

Applicant's Signature Yvonne H. Munley

Date 4/23/10  
Item# 19

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



APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION

Name: Rosalind Miller

Home Address: 320 Bradbury Dr. - Columbia, S.C. 29203

Office Address: N/A

Job Title and Employer: Retired

Telephone: (home) 803-786-8540 (work) N/A

Educational Background: \_\_\_\_\_

Professional Background: Columbia DED, S.C. House of Representatives, Foster Care

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

Name of Committee in which interested: Midlands Workforce Development Board Youth Council ✓

Reason for interest: To engage young minds, makes a difference.

Characteristics/Qualifications which would be an asset to Committee/Board/ Commission: Training Director with DED, for the unemployed & underemployed and my total involvement with the Foster Care Program for more than 15 years.  
Presently serve on any County Board/Commission/Committee? Not at this time.

Any other information you wish to give? NO

Recommended by Council Member(s): \_\_\_\_\_

Applicant's Signature Rosalind Miller

Date 4/26/10

# Richland County Council Request of Action

**Subject**

Attorney General's Opinion Re: Voter's Registration and Election Commission [**PAGES 84-91**]



HENRY McMASTER  
ATTORNEY GENERAL

July 1, 2010

Larry C. Smith, Esquire  
Richland County Attorney  
PO Box 192  
Columbia, SC 29202

Dear Mr. Smith:

We received your letter requesting an opinion of this Office regarding Richland County employees serving on the Richland County Board of Voter Registration. You asked “whether members of the Richland County Board of Voter Registration have a conflict of interest by serving as members of the Board and employees of Richland County.” You also asked “whether the Governor has the authority to name the Chairperson of the Board of Voter Registration.”

As a way of background, you explained in your request letter that “[c]urrently, and consistent with past practice, the members of the Board, appointed by the Governor upon the recommendation of the Senators of the Legislative Delegation, are also employed as full-time staffers within the Richland County Department of Voter Registration. . . . Thus, the Board members have the rights of county employees, perform work of county employees, and are paid a salary as full-time county employees. However, neither Richland County Council nor the County Administrator has the ability to hire, terminate, or discipline the Board members under the South Carolina Code of Laws. Thus, the Board members appear to be their own masters.”

This opinion will address prior opinions of this Office, relevant statutes and caselaw to determine if the county ordinance is valid and if there is a conflict of interest.

### **Law/Analysis**

#### Self-Appointment

The South Carolina Supreme Court held that “[i]n the absence of constitutional or statutory provision it is, as said in 42 Am.Jur. 955, Public Officers, Sec. 97, ‘contrary to public policy to permit an officer having an appointment power to use such power as a means of conferring an office upon himself, or to permit an appointing body to appoint one of its own members.’” Bradley v. City Council of City of Greenville, 212 S.C. 389, 397, 46 S.E.2d 291, 295 (1948).

This Office is not a fact-finding entity, but based on previous conversations, it is the understanding of this Office that the Board of Voter Registration has a history of hiring the Chairperson of the

Mr. Smith  
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July 1, 2010

Board as Director of the Department of Voter Registration. Then, the Director of the Department hires a staff; the staff is comprised of Board members. Therefore, the Board is “appoint[ing] one of its own members” and then each Board member is essentially “conferring an office upon himself.”

Validity of County Ordinance

An “ordinance is entitled to a presumption of validity,” but a “municipal ordinance may not vary state law.” Nevertheless, only a court may set an ordinance aside.” Op. S.C. Atty. Gen., March 3, 2008 (citing City of North Charleston v. Harper, 306 S.C. 153, 410 S.E.2d 569 (1991)).

S.C. Code § 7-27-405 explains that the “Richland County Election Commission and the Richland County Board of Registration must have their members appointed and powers of their board and commission as provided by Sections 7-5-10 and 7-13-70.” In relevant part, S.C. Code § 7-5-10 governs the appointment and removal of board members as follows:

- (A) Between the first day of January and the fifteenth day of March in each even-numbered year the Governor shall appoint, by and with the advice and consent of the Senate, not less than three nor more than five competent and discreet persons in each county, who are qualified electors of that county and who must be known as the “Board of Registration of [Richland] County.” The Governor shall notify the State Election Commission in writing of the appointments. The members appointed are subject to removal by the Governor for incapacity, misconduct, or neglect of duty.

S.C. Code § 7-5-10(A).

S.C. Code § 7-5-30 articulates the duties of the Boards of Voter Registration as follows:

**Such boards shall register and conduct the registration of the electors who shall apply for registration in their respective counties as herein required.** Their office shall be at the county seat, and they shall keep a record of all their official acts and proceedings. *Provided*, that nothing herein shall be construed as prohibiting the boards of registration from taking their registration books across adjoining county lines to register qualified electors of their respective county whose regular place of employment is in an adjoining county or who are otherwise unable to get to the county seat during office hours to register. **One member of the board shall constitute a quorum** for the purpose of registering or refusing to register applications for registration. . . .

S.C. Code § 7-5-30 (emphasis added).

It is a cardinal rule of statutory construction that the primary purpose in interpreting statutes is to ascertain the intent of the General Assembly. State v. Martin, 293 S.C. 46, 358 S.E.2d 697 (1987). Words must be given their plain and ordinary meaning without resort to subtle or forced construction to limit or expand the statute’s operation. State v. Blackmon, 304 S.C. 270, 403 S.E.2d 660 (1990).

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Any statute must be interpreted with common sense to avoid unreasonable consequences. United States v. Rippetoe, 178 S.C. 735 (4th Cir. 1949). The plain reading of S.C. Code § 7-5-30 instructs board members to conduct registration and keep record of such. It also informs that only one board member is necessary to constitute quorum and register citizens to vote. There is no reference to board members being hired by the county as staff for the department.

Almost every county in South Carolina has interpreted S.C. Code § 7-5-30 to indicate that the Department's staff and Board members should be different individuals, Richland County has adopted an alternative reading. Although Richland County's alternative reading to consider the positions of Department staff worker and Board member as one position is plausible, the better reading is the one adopted by all other counties.

The legislative intent for these positions to be filled by separate individuals is clear. For example, in S.C. Code § 7-5-35(2)(b), the statute explains that "[a]ny **member** [of Board of Voter Registration] appointed or reappointed after a break in service . . . or any **staff person** employed or reemployed after a break in service . . . must successfully complete a training and certification program." The fact that instructions to complete training is addressed to the board members and staff persons separately indicates that the legislature intended for different people to occupy these positions. In a prior opinion we explained as follows:

Before any person can take applications and issue certificates, he, or she as the case may be, must be either appointed as a member of a board of registration pursuant to Section 23-51, 1962 Code, [now codified as S.C. Code § 7-5-10 of the 1976 Code of Laws] or he must be made a deputy member by the board itself pursuant to [S.C. Code § 7-5-20].

Op. S.C. Atty. Gen., September 26, 1968. This opinion explains that members of the board already have the authority to register citizens to vote. Therefore, it is unnecessary and invalid for Richland County to create an employee position for board members.

The Richland County Code of Ordinances, Sec. 2-238(d) states as follows:

- (d) *Voter Registration.* The department of voter registration shall be the operational unit for the county board of voter registration, with each board member being responsible for administrative functions within the department. The board shall be appointed by the Governor of South Carolina, with advice and consent of the county senatorial delegation, and shall be directed by the chair of the board of voter registration, who is appointed by the Governor in the same manner as above. The department shall comply with the requirements of the South Carolina Code of Laws, 1976, as amended, sections 7-5-10 through 7-5-30, and all other relevant state laws. **Such board members shall have all rights of regular county employees**, but shall not have grievance rights as set forth elsewhere in this Code. The department shall be responsible to:

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- (1) Provide for the proper registration of all persons qualified to vote;
- (2) Maintain all equipment, books, and records necessary to effect such registration of voters in the country; and
- (3) Operate an office to serve the general public and maintain the records, files and all other relevant information and/or data on voter registration.
- (4) Establish absentee and fail safe voting precincts.

Richland County Code of Ordinances, Sec. 2-238(d) (emphasis added).

The portion of the County Ordinance that gives board members “all rights of county employees” is in conflict with state law. The county ordinance is essentially creating another position for the board members to do what they are already instructed to do under S.C. Code § 7-5-30. One should note that the responsibilities of the board could become burdensome and time-consuming. However, state law provides that the board may appoint others, such as deputy registrars, to help accomplish their tasks and that those individuals may assume the “same power and duties as regular members of the board.” S.C. Code § 7-5-20.

A court would also likely find that the County Ordinance is in conflict with S.C. Code § 4-9-30(7). In an opinion of this Office dated April 6, 1989, we stated as follows:

Section 7-13-70 expressly provides that commissioners of election are appointed by the Governor upon the recommendation of the Senator and at least half of the members of the House of Representative from the county. Since the appointing authority for county election commissioners is by an authority “outside county government”, by Section 4-9-30(7)<sup>1</sup> the General Assembly has mandated that county council possesses no authority in this area, although county election commissioners have been determined in prior opinions of this office

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<sup>1</sup> S.C. Code § 4-9-30 states as follows:

Under each of the alternate forms of government listed in § 4-9-20 . . . each county government within the authority granted by the Constitution and subject to the general law of this State shall have the following enumerated powers which shall be exercised by the respective governing bodies thereof . . .

- (7) to develop personnel system policies and procedures for county employees by which all county employees are regulated except those elected directly by the people, and to be responsible for the employment and discharge of county personnel in those county departments in which the employment authority is vested in the county government. **This employment and discharge authority does not extend to any personnel employed in departments or agencies under the direction of an elected official or an official appointed by an authority outside county government. . .**

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to be county officers. This conclusion is consistent with 1975 Op. Atty. Gen., No. 4196, p. 246 (November 21, 1975) which concluded that the Home Rule Act effects “no change in the functioning or structure” of county election commissioners.

Op. S.C. Atty. Gen., April 6, 1989. Since the Board of Voter Registration falls under the § 4-9-30 exception, it is outside the authority of the county government to hire the board members as county employees for the Department of Voter Registration. Op. S.C. Atty. Gen., August 31, 1977. Hence, the county ordinance is also in violation of S.C. Code § 4-9-30(7), and therefore, a court would likely find the ordinance to be invalid.

#### Master-Servant Conflict of Interest

The request letter alludes to a possible master-servant conflict of interest. This opinion will not fully explore the master-servant conflict of interest issue because if a court finds the county ordinance invalid and sets aside the portion giving board members “all rights of county employees,” then the master-servant issue will be moot. Nevertheless, in an effort to avoid the appearance of a conflict, it is the opinion of this Office that it would be best for Richland County to take steps to fill the positions of Board members and staff personnel for the Department of Voter Registration with different individuals. See generally, McMahan v. Jones, 94 S.C. 362 (1913) (“No man in the public service should be permitted to occupy the dual position of master and servant.”) Also, one should note that while a state statute may change, override, or make exception to the common law, such as the master-servant conflict of interest issue, a county ordinance does not have the same power.

One could also make an argument that serving in both functions violates the dual office holding provision.<sup>2</sup> This Office has repeatedly expressed the opinion that members of voter registration boards are public officers for dual office holding purposes. See, Ops. S.C. Atty. Gen., February 13, 1984; September 6, 1983; October 22, 1982; October 20, 1982.

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<sup>2</sup> Article XVII, Section 1A of the South Carolina Constitution provides that “No person may hold two offices of honor or profit at the same time, but any person holding another office may at the same time be an officer in the militia, member of a lawfully and regularly organized fire department, constable, or a notary public.” For this provision to be contravened, a person concurrently must hold two public offices which have duties involving an exercise of some portion of the sovereign power of the State. Sanders v. Belue, 78 S.C. 171, 58 S.E. 762 (1907). “One who is charged by law with duties involving an exercise of some part of the sovereign power, either small or great, in the performance of which the public is concerned, and which are continuing, and not occasional or intermittent, is a public officer.” Id., 58 S.E. 762, 763. Other relevant considerations are whether statutes, or other such authority, establish the position, prescribe its tenure, duties or salary, or require qualifications or an oath for the position. State v. Crenshaw, 274 S.C. 475, 266 S.E.2d 61 (1980).

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The title “deputy registrar” or “deputy member” is not used by the board members or by the Richland County Department of Human Resources, yet the board members serving as staff of the Richland County Department of Voter Registration are essentially performing the function of deputy registrar.<sup>3</sup> In an opinion of this Office dated February 5, 1968, we held that “the position of deputy member of the board of registration constitutes an office within the meaning of the dual office holding provision.” Op. S.C. Atty. Gen., February 5, 1968. Since both positions are considered officers, there would be a dual office holding violation.

In practice, Richland County has collapsed the position of serving as a board member and the position of working in the Voter Registration office as a full-time employee into one position. This practice has been ongoing for many years; however, in reality, the two positions should be separate and distinct and filled by two different individuals.

#### Governor’s Ability to Appoint Chairperson of Board

As for the second question posed regarding the Governor’s authority to name the Chairperson of the Board of Registration, we must look to legislative intent of the statute and subsequently to the local ordinance. As mentioned above, in an opinion of this Office dated March 3, 2008, we concluded that “a municipal ordinance may not vary state law,” but we recognized that an “ordinance is entitled to a presumption of validity. Thus, only a court may set an ordinance aside.” Op. S.C. Atty. Gen., March 3, 2008 (citing City of North Charleston v. Harper, 306 S.C. 153, 410 S.E.2d 569 (1991)).

Also, as mentioned above, it is a cardinal rule of statutory construction that the primary purpose in interpreting statutes is to ascertain the intent of the General Assembly. State v. Martin, 293 S.C. 46, 358 S.E.2d 697 (1987). Words must be given their plain and ordinary meaning without resort to subtle or forced construction to limit or expand the statute’s operation. State v. Blackmon, 304 S.C. 270, 403 S.E.2d 660 (1990). Any statute must be interpreted with common sense to avoid unreasonable consequences. United States v. Rippetoe, 178 S.C. 735 (4th Cir. 1949).

The Governor, under S.C. Code § 7-5-10, is given express authority to “appoint, by and with the advice and consent of the Senate, not less than three nor more than five competent and discreet persons in each county, who are qualified electors of that county” to serve as members of the Board

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<sup>3</sup> S.C. Code § 7-5-20 governs deputy members of boards of registration as follows: “The board of registration of each county may appoint deputy members of the board, in numbers as may be necessary, whose terms shall be for a period of time as determined by the boards. The deputy members shall have the same powers and duties as regular members of the board. **The clerk to each board may be made a deputy member of the board for the purpose of taking applications.**” S.C. Code § 7-5-20 (emphasis added).

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of Voter Registration, but the Governor is not given express authority<sup>4</sup> to appoint the chairperson of the County Board of Voter Registration. However, the Richland County Code of Ordinances expressly states that the “chair of the board of voter registration . . . is appointed by the Governor” with the advice and consent of the county senatorial delegation. Richland County Code of Ordinances, Sec. 2-238(d).

In an opinion of this Office dated March 7, 1983, we explained that “the provisions of Section 7-5-10 were directory not mandatory.” Op. S.C. Atty. Gen., March 7, 1983 (citing March 18, 1970). The stronger argument is that since the state statute is silent on the issue of the Governor’s appointment of the Chairperson and the county ordinance could plausibly be harmonized with state law, the relevant portion of the county ordinance should be found valid. However, one could also argue that S.C. Code §§ 7-13-18 and 7-27-255(A)(2) are clear that the county election commission or the county in general is responsible for electing the chairman.

If a court finds that the Governor may appoint the Chairperson, the Governor should be mindful that he or she must do so consistent with the terms of S.C. Code § 7-5-10. Also, the Governor should be mindful that he or she may not appoint anyone beyond who has already been appointed as a member of the board.

### **Conclusion**

Consistent with our prior opinions and interpretation of state law, it is the opinion of this Office that simultaneously serving as a member of the Richland County Board of Voter Registration and working as staff for the Richland County Department of Voter Registration would be a conflict under Bradley v. City Council of City of Greenville because each Board member is using his or her power to “confer an office upon himself.” Bradley, 212 S.C. 389, 397 (1948).

Only a court may set aside a municipal ordinance, but it is the opinion of this office that a court would likely conclude that the portion of the Richland County Code of Ordinances giving members of the board “all rights of regular county employees” is invalid. Sec. 2-238(d). Although county ordinances are presumed valid, they are only presumed valid if there is no conflict with state law. Here, the ordinance conflicts with state law, both Title 7 and Title 4. In violation of S.C. Code § 7-5-30, the county essentially creates an employee position to do what the board is already instructed to do<sup>5</sup> or what the board is to delegate to others under state law<sup>6</sup>. In violation of S.C. Code § 4-9-30(7),

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<sup>4</sup> Cf. S.C. Code § 7-13-80 (“The county election commission must appoint the chairman of the board of managers.”); S.C. Code § 7-27-255(A)(2) (“The county shall appoint the board’s chairman.”)

<sup>5</sup> S.C. Code § 7-5-30

<sup>6</sup> S.C. Code § 7-5-20

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the county is exercising power that it does not have to hire county employees for a position "outside county government." See, Op. S.C. Atty. Gen., August 31, 1977.

To avoid such a conflict, members of the Board of Voter Registration could, of course, resign their positions as Board members and retain their positions as county employees on staff for the Department of Voter Registration or vice versa.

As for the second question, it is unclear how a court would decide, but it is the opinion of this Office that a court would likely find that although S.C. Code § 7-5-10 does not expressly give the Governor authority to appoint the chairperson of the Richland County Board of Voter Registration, the Richland County Code of Ordinance does give such authority and should be followed. A court could find that the Richland County Code of Ordinance Sec. 2-238(d) can be harmonized with state law, and it does not compromise the legislative intent of S.C. Code § 7-5-10 so long as the Governor does not appoint as Chairperson anyone beyond the board members. Therefore, the ordinance allowing the Governor to appoint the Chairperson is likely to be found valid.

Sincerely,

Henry McMaster  
Attorney General



By: Leigha Blackwell  
Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook  
Deputy Attorney General

# Richland County Council Request of Action

**Subject**

Bonding attorneys are to limit their presentations to answering the question asked and only providing the facts of a specific bond. They are not to provide support for or forecast possible future need for the item the bond is being sought. No personal opinion or interjection is to be given **[MALINOWSKI]**

# Richland County Council Request of Action

**Subject**

Clarification of the Rule regarding motions during the Special Called Meeting [MALINOWSKI]

# Richland County Council Request of Action

**Subject**

Financial System Access for Council members [WASHINGTON] [PAGES 95]

## DRAFT

Guidelines for Council use of the IFAS Program:

Provide “Read Only” and individual council account access to IFAS software for council members.

The IFAS Software will allow council members to perform the following types of budget analysis:

- Analyses current or prior-year budget
- Review actual expenditure information
- Track revenue information
- Run “what if” scenarios using the budget module
- Review at individually budgeted items
- Create trend analysis from current and prior year actuals.
- Print or download budget preparation documents
- Track budgets thought-out the current year

# Richland County Council Request of Action

**Subject**

Village at Sandhill Extension [**PAGES 97-100**]

## MEMORANDUM

TO: Richland County Council Members

FROM: Amelia R. Linder, Esq.

DATE: September 16, 2010

RE: Extension of Development Agreement between Village at Sandhill, LLC and Richland County

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On March 20, 2001, Richland County and the Village at Sandhill, LLC entered a Development Agreement “for the purpose of providing assistance to the Owner that it may proceed with its development plans under the terms hereof, without encountering future changes of law which materially adversely affect the Owner’s ability to develop under its plans. . .”

Pursuant to Paragraph 11 of the Agreement, “The term of this Agreement shall commence on the date this Agreement is executed by the County and the Owner and terminate ten (10) years thereafter. Provided, however, the term of this Agreement may be extended for an additional five (5) years at the request of either party and with the consent of the non-requesting party. The party requesting the extension shall provide written notice to the other not more than one (1) year nor less than six (6) months prior to the expiration of the term. The non-requesting shall respond in writing within thirty (30) days if it declines the extension of the term, in which event the term expires as herein provided. If the non-requesting party does not decline the extension, the term of this Agreement shall automatically be extended an additional five (5) years. Nothing in this Agreement shall be interpreted to preclude the Parties from extending the term by mutual agreement or from entering into subsequent development agreements, as permitted by the Act.”

On September 3, 2010, Richland County received a written request by the Owner’s representative, Mr. Alan B. Kahn, dated September 1, 2010, for a five (5) year extension of the Development Agreement currently in effect.

Council now has to decide whether to:

1. Approve a five (5) year extension of the Development Agreement, so that it expires on March 20, 2016, or
2. Not approve the extension and have the Development Agreement expire on March 20, 2011.

Note: The Planning and Development Services Department does not have any objection to extending the Village at Sandhill, LLC Development Agreement for an additional five (5) years.



# Kahn Development Company

P.O. BOX 1608 (29202) / 101 FLINTLAKE ROAD (29223) / COLUMBIA, SC  
(803) 736-3325 / FAX (803) 788-5923  
www.kahndevelopment.com

September 1, 2010

## VIA CERTIFIED MAIL – RETURN RECEIPT

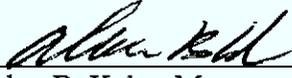
County of Richland  
2020 Hampton Street  
Post Office Box 192  
Columbia, South Carolina 29202  
Attn: County Administrator

Dear Sir or Madam:

I am writing you pursuant to Paragraph 11 of the Development Agreement between Village at Sandhill, LLC and County of Richland dated March 20, 2001, recorded in Book 496, Page 1861, Richland County Register of Deeds, as amended, to request that the term of the Development Agreement be extended for an additional five (5) years.

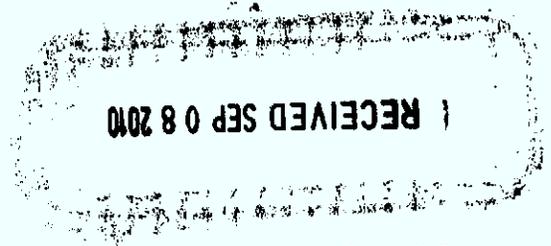
I look forward to your response. Please feel free to contact me if you have any questions. Thank you for your prompt attention to this matter.

Sincerely,  
VILLAGE AT SANDHILL, LLC  
By: Kahn Family, LLC, Manager

By:   
Alan B. Kahn, Manager

cc: Richland County Attorney (via certified mail – return receipt requested)  
2020 Hampton Street, Ste. 4018  
Columbia, SC 29204

David G. Wolff, Esquire (via email)



Item# 24

Attachment number 2  
Page 1 of 1

in S.C. Code Section 6-31-145. Nothing in this Agreement shall be deemed to be a pledge of the County's general credit or taxing powers.

**9. APPLICABLE LAND USE REGULATIONS.** Except as otherwise provided by this Agreement, the Act, or the Development Agreement Ordinance, the Laws applicable to Development of the Property that is subject to this Agreement are those in force at the time of execution of this Agreement. In accordance with Section 6-31-80 of the Act, the County shall not apply subsequently adopted Laws and Land Development Regulations to the Property or the Project unless the County has held a public hearing and has determined: (1) the proposed subsequent Laws or Land Development Regulations are not in conflict with the Laws or Land Development Regulations governing this Agreement and do not prevent the Development set forth in this Agreement in any way, including limiting its intensity, flexibility, completeness, practicality or increasing the cost of such Development; (2) the proposed subsequent Laws or Land Development Regulations are essential to the public health, safety, or welfare, and the proposed subsequent Laws or Land Development Regulations expressly state that they apply to a development that is subject to a development agreement; (3) the proposed subsequent Laws or Land Development Regulations are specifically anticipated and provided for in this Agreement; (4) that substantial changes have occurred in pertinent conditions existing at the time of approval of this Agreement which changes, if not addressed by the County, would pose a serious threat to the public health, safety, or welfare; or (5) the provisions of this Agreement are based on substantially and materially inaccurate information supplied by the Owner.

**10. BUILDING CODES AND OTHER SUCH REGULATIONS.** In accordance with Section 6-31-160 of the Act, and notwithstanding any provision which may be construed to the contrary in this Agreement, the Owner must comply with any building, housing, electrical, plumbing and gas codes subsequently adopted by the County or other governmental entity, as authorized by the South Carolina Code. This Agreement shall not be construed to supersede or contravene the requirements of any building, housing, electrical, plumbing and gas codes subsequently adopted by the County or other governmental entity, as authorized by the South Carolina Code. The provisions of this Agreement are not intended, nor should they be construed in any way, to alter or amend the rights, duties and privileges of the County to exercise governmental powers and pass laws not applicable to Development of the Property, including, but not limited to, the power of eminent domain and the power to levy and collect taxes.

**11. TERM OF THE AGREEMENT.** The term of this Agreement shall commence on the date this Agreement is executed by the County and the Owner, and shall terminate ten (10) years thereafter. Provided, however, the term of this Agreement may be extended for an additional five (5) years at the request of either party and with the consent of the non-requesting party. The party requesting the extension shall provide written notice to the other not more than one (1) year nor less than six (6) months prior to the expiration of the term. The non-requesting party shall respond in writing within thirty (30) days if it declines the extension of the term, in which the term expires as herein provided. If the non-requesting party does not decline the extension, the term of this Agreement shall automatically be extended an additional five (5) years. Nothing in this Agreement

Amended/3-5-01/ARL

shall be interpreted to preclude the Parties from extending the term by mutual agreement or from entering into subsequent development agreements, as permitted by the Act.

*put back in*

**12. DEVELOPMENT OF THE PROPERTY.** The Property shall be developed in accordance with this Agreement, which is consistent with the Zoning Regulations and Laws, as herein defined. Although the nature of this long-term Project prevents the Owner from now providing exact completion dates, ~~the Property is intended to be developed in accordance with the development schedules, attached as Exhibit M.~~ Pursuant to Section 6-31-60(B) of the Act, the failure of the Owner and Developers to meet the development schedules shall not, in and of itself, constitute a material breach of this Agreement, but shall be judged based upon the totality of circumstances, including, but not limited to, the good faith efforts made to attain compliance with the development schedules. Factors affecting a failure to meet the development schedules may include, but shall not be limited to, market conditions, availability of financing, competitive developments, and other circumstances beyond the Owner's control.

*13. ← insert 012 # 14*

**13. VESTED RIGHTS AS TO PERMITTED USES FOR THE TRACTS.**

A. The development uses permitted on the Property will be as follows:

- (1) 173.86± acres of the Property are zoned for general commercial uses pursuant to C-3 zoning district classifications, as herein limited;
- (2) 31.02± acres of the Property are zoned for general residential uses pursuant to RG-2 zoning district classification, as herein limited; and
- (3) 95.22± acres of the Property are zoned for office and institutional and residential uses pursuant to C-1 zoning district classification, as herein limited.

B. Within such classifications, the uses, building intensities, height and population densities shall be as follows:

(1) C-3 Retail

Total retail shop space, not including restaurants, family entertainment and other commercial shall not exceed 850,000 square feet plus or minus 25%. Not more than 87 free standing retail structures shall be permitted as follows:

- (a) Not more than 3 single tenant retail structures between 130,000 square feet and 250,000 square feet, with no such single tenant retail structure exceeding 250,000 square feet.

# Richland County Council Request of Action

**Subject**

- a. Cabin Creek Road - Bridge Signs **[WASHINGTON] [PAGE 102]**
- b. Resolution acknowledging October 3-9 National Mental Illness Awareness Week **[PEARCE]**



# The Council of Village Elders

PO Box 23993      Columbia, South Carolina 29224  
6640 Cabin Creek Road      Hopkins, South Carolina 29061

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J. P. Neal, Jr., President  
Clarence W. Hill, Vice President

**Transmitted via E-mail: [washingtonk@rcgov.us](mailto:washingtonk@rcgov.us)**

13 September 2010

Honorable Kelvin Washington  
Richland County Council, District 10  
2020 Hampton Street - P.O. Box 192  
Columbia, South Carolina 29202

Dear Councilman Washington:

Pursuant to our Saturday, September 11, 2010 conversation which took place at the Lower Richland Historical Markers Unveiling, this correspondence of request is forwarded.

As discussed, it would be beneficial to have identifying road signs placed at the ends of the two (2) bridges of Cabin Creek Road. It is our respectful suggestion that there be signs placed appropriately and reading: Historical Cabin Branch and Historical Cedar Creek. These identifiers would serve as directional guides, especially for tourists/persons unfamiliar with the area and would also serve to enhance our historical documentation efforts in the Lower Richland area.

Thank you for your expression of being receptive to receiving this request. Should you require additional information, please advise.

The Council of Village Elders, Inc., appreciate your attention to this matter and your continued service to the citizens of District 10.

Respectfully,

J.P. Neal, Jr.  
President

Item# 25

Attachment number 1  
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# Richland County Council Request of Action

**Subject**

Must Pertain to Items Not on the Agenda