

Report Of The Chairman

5. a. Central Midlands Council of Governments Letter re: Additional Board Member

Presentations

6. Neil McLean, EngenuitySC

Open/Close Public Hearings

7. a. An Ordinance Authorizing a Utility Easement/Right-of-Way to South Carolina Electric & Gas Company on property identified as TMS # 25600-03-16, also known as 199 Newland Road

Approval Of Consent Items

8. An Ordinance Authorizing a Utility Easement/Right-of-Way to South Carolina Electric & Gas Company on property identified as TMS # 25600-03-16, also known as 199 Newland Road **[THIRD READING] [PAGES 26-31]**
9. 11-04MA
Elias Dib
OI to NC (1.29 Acres)
Hardscrabble Rd. & Summery Valley Dr.
TMS # 17216-10-22(p) **[THIRD READING] [PAGES 33-34]**
10. An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site and Performance Standards; Section 26-185, Temporary and Accessory Uses; Subsection (B), Accessory Uses and Structures (Customary); Paragraph (1), General Standards and Limitations; Subparagraph (D); so as to provide size restrictions for accessory structures in the RU (Rural) District **[THIRD READING] [PAGES 36-37]**
11. An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Section 6-96 and Section 6-97 of Article IV, Electrical Code; and Section 6-192 of Article XI, Energy Conservation Code, so as to codify the 2008 Edition of the National Electrical Code and the 2006 Edition of the International Energy Conservation Code, and to correctly reflect the 2006 International Residential Code in other sections of Chapter 6 **[SECOND READING] [PAGES 39-41]**
12. An Ordinance Authorizing a lease to South Carolina Historic Aviation Foundation for temporary use of the Curtiss-Wright Hangar at the Jim Hamilton-LB Owens Airport **[SECOND READING] [PAGE 43]**
13. An Ordinance Amending the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; by the addition of Article VI, Equal Enjoyment and Privileges to Public Accommodations; so as to prohibit discrimination in the equal enjoyment and privileges to public accommodations **[SECOND READING] [PAGES 45-48]**
14. An Ordinance Authorizing the issuance and sale of not to exceed \$2,000,000 General Obligation Bonds, Series 2011A, 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 [SECOND READING] [PAGES 50-71]

Report Of Economic Development Committee

15. a. PCO Jenkins Brothers Road, LP Assignment [PAGES 73-81]
- b. Request for Amendment to Covenants and Restrictions [PAGES 82-85]

Report Of Rules And Appointments Committee

1. Notification Of Vacancies

16. Accommodations Tax Committee-2 [Benjamin Blackwell (Lodging), June 2, 2011*; Daniel R. Wilson (Lodging), June 2, 2011*]

2. Notification Of Appointments

17. Accommodations Tax Committee-3 [no applications were received]
18. Appearance Commission, Landscaper-1 [no applications were received]
19. Building Coders Board of Adjustments and Appeals- 5 [no applications were received]
20. Employee Grievance Committee-1 [one application was received from Josephine A. McRant*] [PAGES 91-92]
21. Hospitality Tax Committee-1 [no applications were received]
22. Internal Audit Committee-1 [no applications were received]

Citizen's Input

23. Must Pertain to Items Not on the Agenda

Executive Session

Motion Period

24. a. To discuss the Greater Columbia Chamber request to create an independent review task force to improve the business climate in the City of Columbia and Richland County [LIVINGSTON]

Adjournment



Richland County Council Request of Action

Subject

Blythewood Middle School **[DICKERSON]**

Richland County Council Request of Action

Subject

Regular Session: May 3, 2011 [PAGES 7-17]

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, MAY 3, 2011 6:00 p.m.

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

MEMBERS PRESENT:

Chair	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	Seth Rose
Member	Kelvin Washington

OTHERS PRESENT – Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Stephany Snowden, Tamara King, Melinda Edwards, Larry Smith, John Hixon, Pam Davis, David Hoops, Sara Salley, Anna Fonseca, Chris Chris Eversmann, Amelia Linder, Daniel Driggers, Lillian McBride, Alfreda Tindal, Monique Walters, Michelle Onley

CALL TO ORDER

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

INVOCATION

The Invocation was given by the Honorable Norman Jackson

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Norman Jackson

APPROVAL OF MINUTES

Regular Session: April 19, 2011 – Mr. Malinowski stated that p. 2 of the minutes should reflect that Ms. Murphy is on the Lexington/Richland District Five School Board.

Mr. Jeter moved, seconded by Ms. Hutchinson, to approve the minutes as amended. The vote in favor was unanimous.

Zoning Public Hearing: April 26, 2011 – Mr. Pearce moved, seconded by Mr. Jeter, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF AGENDA

Mr. Pope stated that Item #23 and 24 were motions to table and the amount for #34 should be \$2,000,000.

Mr. Livingston stated that a proclamation for National Travel & Tourism Week needed to be added to the motions list.

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

POINT OF PERSONAL PRIVILEGE – Mr. Livingston recognized Judge Simon was in the audience.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

Richland County Sheriff's Department Mutual Aid Agreement – Mr. Manning moved, seconded by Mr. Pearce, approve this item. The vote in favor was unanimous.

CITIZENS' INPUT

Ms. Virginia Sanders spoke regarding the Heir Property Ordinance.

REPORT OF THE COUNTY ADMINISTRATOR

National Public Works Week Proclamation – Mr. Hoops presented the National Public Works Week Proclamation and outlined the upcoming events celebrating Public Works Week. May 18th will be the Public Works luncheon and Council members are encouraged to attend.

Decker Mall Update – Mr. Pope stated that due diligence on the property is proceeding. A site visit was held this week.

Caughman Creek Property – Mr. Pope stated staff is awaiting a written response from the Recreation Commission.

Economic Development Director Update – Mr. Pope stated that the interview process is ongoing.

Richland 101 – Mr. Pope stated that Richland 101 has approximately 30 citizens participating in the program.

REPORT OF THE CLERK OF COUNCIL

No report was given.

REPORT OF THE CHAIRMAN

County Administrator's Evaluation – Mr. Livingston stated that the Mr. Tomes will be forwarding the evaluation forms to Council members.

Mr. Washington moved, seconded by Mr. Manning, to challenge the Chair ruling to place this item under Executive Session. The motion failed.

Black Expo – Mr. Livingston stated that the Clerk's Office has received the Black Expo event tickets. Council members were requested to contact the Clerk's Office if they desired tickets to any of the events.

OPEN/CLOSE PUBLIC HEARINGS

- **An Ordinance Amending the Fiscal Year 2010-2011 General Fund Budget to appropriate \$70,000 of General Fund Undesignated Fund Balance to the County Attorney for Redistricting Ad Hoc Committee** – No one signed up to speak.
- **An Ordinance Amending the Fiscal Year 2010-2011 General Fund Annual Budget to appropriate \$500,000 of General Fund Undesignated Fund Balance to Risk Management for the County's liability claims** – No one signed up to speak.
- **An Ordinance Amending the Fiscal Year 2010-2011 General Fund Annual Budget to appropriate \$227,000 of General Fund Undesignated Fund Balance to Non-Departmental for the County's Unemployment Bill** – No one signed up to speak.

- **An Ordinance Amending the Fiscal Year 2010-2011 Hospitality Tax Annual Budget to appropriate \$245,000 of Hospitality Tax** – No one signed up to speak.

APPROVAL OF CONSENT ITEM

- **An Ordinance Amending the Fiscal Year 2010-2011 General Fund Annual Budget to appropriate \$500,000 of General Fund Undesignated Fund Balance to Risk Management for the County's liability claims [THIRD READING]**
- **An Ordinance Amending the Fiscal Year 2010-2011 General Fund Annual Budget to appropriate \$227,000 of General Fund Undesignated Fund Balance to Non-Departmental for the County's Unemployment Bill [THIRD READING]**
- **An Ordinance Amending the Fiscal Year 2010-2011 General Fund Budget to appropriate \$70,000 of General Fund Undesignated Fund Balance to the County Attorney for Redistricting Ad Hoc Committee [THIRD READING]**
- **An Ordinance Authorizing a Utility Easement/Right-of-Way to South Carolina Electric & Gas Company on property identified as TMS # 25600-03-16, also known as 199 Newland Road [SECOND READING]**
- **11-04MA, Elias Dib, OI to NC (1.29 Acres), Hardscrabble Rd. & Summery Valley Dr., TMS # 17216-10-22(p) [SECOND READING]**
- **Amending the Richland County Code of Ordinances to address environmental issues**
- **Mass Transit Funding [TO TABLE]**
- **Adopt the State's travel policy and per diem [TO TABLE]**
- **CDBG and HOME Funding Process**
- **Central Services Mail and Print Operations Information**
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Section 6-96 and Section 6-97 of Article IV, Electrical Code; and Section 6-192 of Article XI, Energy Conservation Code, so as to codify the 2008 Edition of the National Electrical Code and the 2006 Edition of the International Energy Conservation Code, and to correctly reflect the 2006 International Residential Code in other sections of Chapter 6 [FIRST READING]**
- **Motion to Adhere to Grant Deadlines as stated in Grant Program Guidelines**
- **Vote Federal Accessibility Grant to Election Commission**

Mr. Washington moved, seconded by Ms. Kennedy, to approve the consent item. The vote in was unanimous.

POINT OF PERSONAL PRIVILEGE – Mr. Livingston recognized the Colombian Legislators and Professor Norma Jackson were in the audience. Professor Jackson also introduced the Colombian Legislators to Council.

THIRD READING

An Ordinance Amending the Fiscal Year 2010-2011 Hospitality Tax Annual Budget to appropriate \$245,000 of Hospitality Tax Reserved Fund Balance for the Regional Sports Complex Study – Ms. Dickerson moved, seconded by Ms. Kennedy, to approve this item. The vote in favor was unanimous.

SECOND READING

An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site and Performance Standards; Section 26-185, Temporary and Accessory Uses; Subsection (B), Accessory Uses and Structures (Customary); Paragraph (1), General Standards and Limitations; Subparagraph (D); so as to provide size restrictions for accessory structures in the RU (Rural) District – Mr. Washington moved, seconded by Mr. Pearce, to approve this item. The vote in favor was unanimous.

FIRST READING

An Ordinance to raise revenue, make appropriations, and adopt a budget for Richland County, South Carolina for Fiscal Year beginning July 1, 2011 and ending June 30, 2012 – Ms. Dickerson moved, seconded by Ms. Kennedy, to approve this item. The vote in favor was unanimous.

An Ordinance authorizing the levying of Ad Valorem Property Taxes, which, together with the prior year's carryover and other State levies and any additional amount appropriated by the Richland County Council prior to July 1, 2011, will provide sufficient revenues for the operations of Richland County Government during the period from July 1, 2011 through June 30, 2012 – Ms. Hutchinson moved, seconded by Mr. Washington, to approve this item. The vote in favor was unanimous.

An Ordinance Authorizing the issuance and sale of not to exceed \$2,000,000 General Obligation Bonds, with an 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 – Mr. Jeter moved, seconded by Ms. Dickerson, to approve this item.

REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article X, Subdivision Regulations; Section 26-224, Division of Real Property to Heirs of a Decedent; so as to permit private road subdivisions – Mr. Jackson moved, seconded by Mr. Washington, to forward this ordinance to the Planning Commission. A discussion took place.

Mr. Rose made a substitute motion, seconded by Ms. Hutchinson, to forward to the Planning Commission and to retain the hold harmless clause in the ordinance.

<u>For</u>	<u>Against</u>
Pearce	Jackson
Hutchinson	Kennedy
Jeter	Washington
Livingston	
Dickerson	
Manning	
Rose	

The vote was in favor of the substitute motion.

POINT OF PERSONAL PRIVILEGE – Mr. Pearce recognized Mr. Manning’s son was in the audience.

Amend Chapter 26 to define all businesses referenced therein – Ms. Dickerson moved, seconded by Mr. Jeter, to accept staff’s recommendation. The vote was in favor.

An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental Uses Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (C), Standards; so as to delete certain setback requirements for bars and other drinking places [FIRST READING] – Mr. Jackson moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

Contract Approval with Palmetto Posting, Inc. – Mr. Pearce moved, seconded by Mr. Malinowski, to approve this item. The vote in favor was unanimous.

Execution of an agreement naming Richland County as the Administering County for the 5th Circuit Public Defender – Mr. Malinowski moved, seconded by Mr. Jackson, to approve this item including the recommendation from the Legal Department regarding the requirement of the administration of the fund. The vote in favor was unanimous.

Policy to Address Budgets of Newly Elected Officials – Mr. Jeter moved, seconded by Ms. Hutchinson, to table this item. The vote in favor was unanimous.

Policy to Address Mid-Year Agency Budget Amendments – Mr. Jeter moved, seconded by Ms. Hutchinson, to table this item. The vote in favor was unanimous.

Request to transfer the VAWA Criminal Domestic Violence grant from Court Administration to Solicitor’s Office – Mr. Jackson moved, seconded by Mr. Pearce, to

approve this item. The vote in favor was unanimous.

Revision to Richland County Employee Handbook to Expand Groups Protected from Discrimination – Mr. Rose moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

An Ordinance Authorizing a lease to South Carolina Historic Aviation Foundation for temporary use of the Curtiss-Wright Hangar at the Jim Hamilton-LB Owens Airport [FIRST READING] – Ms. Dickerson moved, seconded by Mr. Rose, to approve this item. The vote was in favor.

An Ordinance Amending the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; by the addition of Article VI, Equal Enjoyment and Privileges to Public Accommodations; so as to prohibit discrimination in the equal enjoyment and privileges to public accommodations [FIRST READING] – Ms. Kennedy moved, seconded by Mr. Jeter, to approve the amended ordinance as distributed. The vote in favor was unanimous.

Use the Debt Collection Program to Recover Outstanding Debt – Mr. Malinowski moved, seconded by Ms. Kennedy, to approve this item. The vote in favor was unanimous.

Organizationally place the County Assessor's Office under the County Administrator – Mr. Pearce stated that the committee recommended requesting the Legislative Delegation introduce legislation that would repeal the special legislation and place the County Assessor under the County Administrator. The vote in favor was unanimous.

Timeline for County Administrator's Evaluation – Mr. Pearce stated that an e-mailed had gone to Council regarding this item. Mr. Tomes will forward the evaluation forms to Council members. Council members are to complete the forms and return them to Mr. Tomes by May 31st. Mr. Tomes will bring back a report at the June 7th meeting. Mini-conferences will be held in June and October. A full evaluation will be conducted in December.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF VACANCIES

- a. **Appearance Commission, Horticulturalist—1** – Mr. Malinowski stated that the committee recommended advertising for this position. The vote in favor was unanimous.
- b. **Employee Grievance Committee—1** – Mr. Malinowski stated that the committee recommended advertising for this position. The vote in favor was unanimous.

- c. **Hospitality Tax Committee—1** – Mr. Malinowski stated that the committee recommended advertising for this position. The vote in favor was unanimous.

II. NOTIFICATION OF APPOINTMENTS

- a. **Business Service Center Appeals Board—1** – Mr. Malinowski stated that the committee recommended re-advertising for this position. The vote in favor was unanimous.

III. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

- a. **That all Ordinance changes and text amendments be reflected on the County website no later than 30 days after approval by Council. Presently some ordinance changes that law enforcement may have a need for do not reflect current wording [MALINOWSKI]** – Mr. Malinowski stated that the committee recommended directing staff to forward all changes to the Web Publisher as soon as possible. The vote in favor was unanimous.
- b. **In light of some recent FOIA requests staff should create a policy addressing requests stating they are in the interest of the public and, therefore, the requester should not be charged. Just because a media person or attorney makes a request does not automatically make it in the interest of the public. It should be incumbent on the requester to show that. [MALINOWSKI]** – This item was withdrawn.
- c. **If Council intends to attempt another try at a Referendum for a penny sales tax increase, all Council members shall hold public meetings to get public input before making a final decision whether to move forward or not. Public input shall determine how proceeds from the tax will be spent and the term of the tax. This process should be given enough time to make sure it does not appear rushed or at the last minute.**

Reason: If approved, the citizens will be paying for this and we are only the representatives of the people's will and so we shall do everything that's in the best interest of the people we serve.

Transparency: This process whether it is approved and passes or not will give comfort to our constituents that we are not hiding anything by revealing up front everything that would be done

with that tax. [JACKSON] – Mr. Malinowski stated that the committee recommended tabling this item. The vote in favor was unanimous.

- d. Manage the number of motions made by Council members during the Motion Period [LIVINGSTON]** – Mr. Malinowski stated that the committee recommended tabling this item in committee.
- e. All checkmarks placed for recommendation or denial of a particular item on the Council agenda will require a comment to show why such decision was made (No more blanks) [MALINOWSKI]** – Mr. Malinowski stated that committee recommended adding a third box entitled “Discretion of Council” on the ROA Template. An explanation will have to be added if this box is checked. The vote in favor was unanimous.

CITIZEN’S INPUT

No one signed up to speak.

MOTION PERIOD

Resolution honoring Blythewood Middle School for being redesignated as a School to Watch by the National Forum to Accelerate Middle Grades Reform for the second time [DICKERSON] – Mr. Malinowski moved, seconded by Mr. Manning, to approve a resolution honoring Blythewood Middle School. The vote in favor was unanimous.

Richland County develop a Commission for the Aging: Address the aging population needs and improving quality of life. Working with the office on aging at Lieutenant Governor’s Office and serve as recommending body to County Council [JACKSON] – This item was referred to the D&S Committee.

Richland County Council has dismissed the Clerk of Council effective March 31, 2011 and so is currently without a Clerk. I motion to start the process for the search for a Clerk of Council immediately [JACKSON] – This item was referred to the A&F Committee.

Proclamation Designating May 7-15, 2011 as National Travel & Tourism Week – Ms. Dickerson moved, seconded by Ms. Kennedy, to adopt the proclamation designating May 7-14, 2011 as National Travel & Tourism Week. The vote in favor was unanimous.

Move that RICHLAND COUNTY HUMAN RESOURCES GUIDELINES TITLE: Voluntary Resignation Number: 5.16 EFFECTIVE DATE: 8/1/2009; Section entitled Exit Interview be revised to include wording which stipulates all employees who resign be provided with an Exit Interview Form and that a one-on-one discussion

upon termination (voluntary or involuntary) be conducted by his/her Supervisor or Department Head, or HRD. Additionally, that wording be added to specify that once performed, management will evaluate the contents of the exit interview form to determine if any management action need to take place or investigate issues provided in the documentation. Finally, that if an employee refuses to participate, that information is documented to explain the absence of a completed form
[MANNING] – This item was referred to the A&F Committee.

I move that Council direct staff to investigate the cost savings of the option of installing stop signs instead of speed humps as a traffic calming technique, in certain situations, and to lower the current warrants for county stop signs in those cases. Reason: Speeding traffic cutting through neighborhoods is endangering residents. Within neighborhoods, stop signs are a less expensive remedy than installing asphalt speed humps everywhere, and should be considered as a first choice. Traffic volume warrants for stop signs should be adjusted down for internal neighborhood traffic
[HUTCHINSON] – This item was referred to the A&F Committee.

ADJOURNMENT

The meeting adjourned at approximately 8:05 p.m.

Paul Livingston, Chair

Damon Jeter, Vice-Chair

Gwendolyn Davis Kennedy

Joyce Dickerson

Valerie Hutchinson

Norman Jackson

Bill Malinowski

Jim Manning

L. Gregory Pearce, Jr.

Seth Rose

Kelvin E. Washington, Sr.

The minutes were transcribed by Michelle M. Onley

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. Employee Grievance [ACTION]
- b. Recreational Event
- c. Glory Communications Recognition
- d. Joint Economic Development Committee Meeting, June 1, 2-4 p.m., City of Columbia

Richland County Council Request of Action

Subject

- a. Central Midlands Council of Governments Letter re: Additional Board Member

Richland County Council Request of Action

Subject

Neil McLean, EngenuitySC

Richland County Council Request of Action

Subject

a. An Ordinance Authorizing a Utility Easement/Right-of-Way to South Carolina Electric & Gas Company on property identified as TMS # 25600-03-16, also known as 199 Newland Road

Richland County Council Request of Action

Subject

An Ordinance Authorizing a Utility Easement/Right-of-Way to South Carolina Electric & Gas Company on property identified as TMS # 25600-03-16, also known as 199 Newland Road **[THIRD READING] [PAGES 26-31]**

Notes

March 22, 2011 - The committee voted to send this item to Council without a recommendation and directed staff to provide Council with a detailed map of the easement. The vote was in favor.

First Reading: April 19, 2011
Second Reading: May 3, 2011
Third Reading:
Public Hearing:

Richland County Council Request of Action

Subject: Power Line Easement to SCE&G

A. Purpose

County Council is requested to approve an easement to SCE&G for power line placement along the eastern boundary of property owned by the County.

B. Background / Discussion

The Legal Department was approached by SCE&G (Paulette Ritter, Right-of-Way agent) about acquiring an easement for a power line along the eastern property line of a parcel owned by the county. The property is located at the end of Newland Road and was deeded to the County by New Small Clemson, LLC for storm drainage/detention pond.

Please see the attached easement and plat to further identify location of the requested easement.

C. Financial Impact

There is no known financial impact with this request.

D. Alternatives

1. Grant the easement to SCE&G (approve the attached ordinance)
2. Do not grant the easement to SCE&G (do not approve the attached ordinance)

E. Recommendation

It is recommended that Council approve the request for easement.

Recommended by: Elizabeth McLean Department: Legal Date: 3/8/11

F. Reviews

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

Finance

Reviewed by: Daniel Driggers Date: 3/8/11
✓ Recommend Council approval Recommend Council denial
Comments regarding recommendation:

Public Works

Reviewed by: David Hoops Date: 3/9/11
 Recommend Council approval Recommend Council denial
Comments regarding recommendation:

Legal

Reviewed by: Larry Smith

✓ Recommend Council approval

Comments regarding recommendation:

Date:

Recommend Council denial

Administration

Reviewed by: Sparty Hammett

✓ Recommend Council approval

Comments regarding recommendation:

Date: 3/10/11

Recommend Council denial

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

AN ORDINANCE AUTHORIZING A UTILITY EASEMENT/RIGHT-OF-WAY TO SOUTH CAROLINA ELECTRIC & GAS COMPANY ON PROPERTY IDENTIFIED AS TMS# 25600-03-16, ALSO KNOWN AS 199 NEWLAND ROAD.

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 County of Richland and its employees and agents are hereby authorized to grant a utility easement right-of-way to South Carolina Electric & Gas Company, upon land identified as TMS Number 25600-03-16, located at 199 Newland Road, and as is more fully described in the easement/right-of-way, a copy of which is attached hereto and incorporated herein.

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

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

SECTION IV. Effective Date. This ordinance shall be effective from and after _____, 2011.

RICHLAND COUNTY COUNCIL

By: _____
Paul Livingston, Chairperson

Attest this _____ day of
_____, 2011.

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:

INDENTURE, made this _____ day of _____, 2011 by and between County Council of Richland of the County of Richland and State of South Carolina, hereinafter called "Grantor" (whether singular or plural), and the SOUTH CAROLINA ELECTRIC & GAS COMPANY, a South Carolina corporation, having its principal office in Cayce, South Carolina, hereinafter called "Grantee".

WITNESSETH:

That, in consideration of the sum of One Dollar (\$1.00) received from Grantee, Grantor, being the owner of land situate in the County of Richland, State of South Carolina, hereby grants and conveys to Grantee, its successors and assigns, the right to construct, extend, replace, relocate, perpetually maintain and operate an overhead or underground electric line or lines consisting of any or all of the following: poles, conductors, lightning protective wires, municipal, public or private communication lines, cables, conduits, pad mounted transformers, guys, push braces and other accessory apparatus and equipment deemed by Grantee to be necessary or desirable, upon, over, across, through and under land described as follows: a tract or lot of land containing 1.59 acres, more or less, and being the same lands conveyed to Grantor by deed of Newsmall Clemson, LLC, dated or recorded 10/29/2002, and filed in the Register of Deeds office for Richland County in Deed Book 718 at Page 2120.

Right of Way granted for overhead primary line as shown on Exhibit A and is by reference only made a part hereof.

TMS: 25600-03-16

Together with the right from time to time to install on said line such additional lines, apparatus and equipment as Grantee may deem necessary or desirable and the right to remove said line or any part thereof.

Together also with the right (but not the obligation) from time to time to trim, cut or remove trees, underbrush and other obstructions that are within, over, under or through a strip of land ("Easement Space") extending Fifteen (15) feet on each side of any pole lines or other devices as they are installed; provided, however, any damage to the property of Grantor (other than that caused by trimming, cutting or removing) caused by Grantee in maintaining or repairing said lines, shall be borne by Grantee; provided further, however, that Grantors agree for themselves, their successors and assigns, not to build or allow any structure to be placed on the premises in such a manner that any part thereof will exist within the applicable above specified Easement Space, and in case such structure is built, then Grantor, or such successors and assigns as may be in possession and control of the premises at the time, will promptly remove the same upon demand of Grantee herein. Together also with the right of entry upon said lands of Grantor for all of the purposes aforesaid.

The words "Grantor" and "Grantee" shall include their heirs, executors, administrators, successors and assigns, as the case may be.

IN WITNESS WHEREOF, Grantor has caused this indenture to be duly executed the day and year first above written.

WITNESS:

County Council of Richland

1st Witness

By: _____ (SEAL)
Title:

2nd Witness

RW-4-E-SC-C (Rev. 4-2010)

State of South Carolina)
)
County of Richland)

Personally appeared before me the undersigned witness, and made oath that (s)he saw the within named **County Council of Richland** by the hand of _____ sign, seal and as its act and deed deliver the within easement for the uses and purposes therein mentioned, and that (s)he with the other subscribing witness, witnessed the due execution thereof.

Sworn to before me this _____ day of _____ (1st Witness)
_____ A.D., 2011.

Notary Public for South Carolina (L.S.)
My Commission Expires _____

**RIGHT OF WAY GRANT TO
SOUTH CAROLINA ELECTRIC & GAS COMPANY**

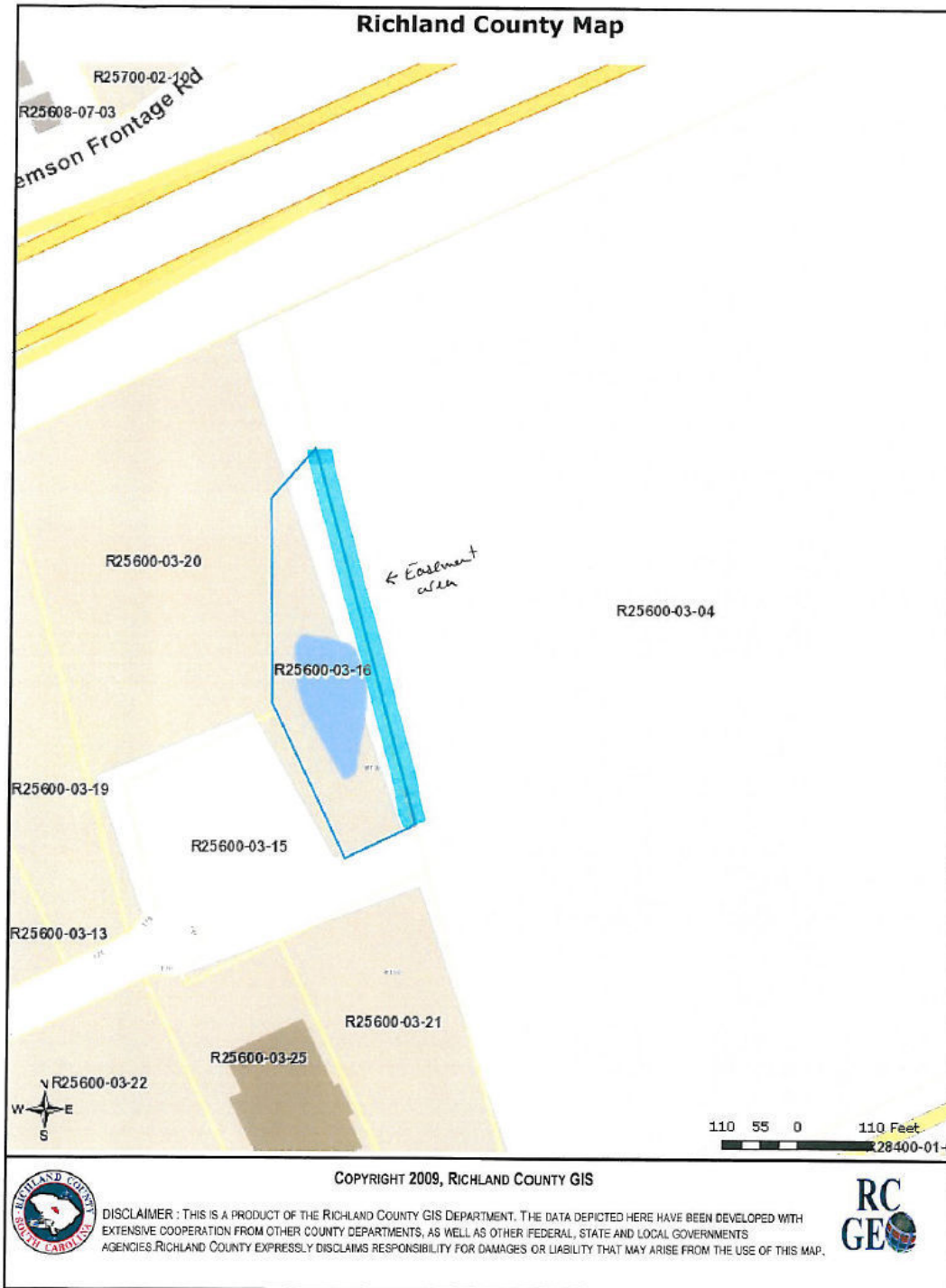
Line: **Monkey Joes - Newland Road**

County: **Richland**

R/W File Number: **16952**

Grantor(s): **County Council of Richland**

Return to: **SCE&G
Paulette T. Ritter - J29
Columbia, SC 29218**



SCE&G Requested Easement on County Property



DISCLAIMER: This is a product of the Richland County Public Works Department. The data depicted here have been developed with extensive cooperation from other county departments, as well as other federal, state and local government agencies. Reasonable efforts have been made to ensure the accuracy of this map. Richland County expressly disclaims responsibility for damages or liability that may arise from the use of this map.

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400 Powell Rd.
Columbia, SC 29203

Item# 8

Attachment number 2
Page 1 of 1

Richland County Council Request of Action

Subject

11-04MA
Elias Dib
OI to NC (1.29 Acres)
Hardscrabble Rd. & Summery Valley Dr.
TMS # 17216-10-22(p) **[THIRD READING] [PAGES 33-34]**

Notes

First Reading: April 26, 2011
Second Reading: May 3, 2011
Third Reading:
Public Hearing: April 26, 2011

STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ____-11HR

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 A PORTION OF THE REAL PROPERTY DESCRIBED AS TMS # 17216-10-22 FROM OI (OFFICE AND INSTITUTIONAL DISTRICT) TO NC (NEIGHBORHOOD COMMERCIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as a portion of TMS # 17216-10-22 from OI (Office and Institutional District) zoning to NC (Neighborhood Commercial District) zoning, as described in Exhibit A, which is attached hereto.

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

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

Section IV. Effective Date. This ordinance shall be effective from and after _____, 2011.

RICHLAND COUNTY COUNCIL

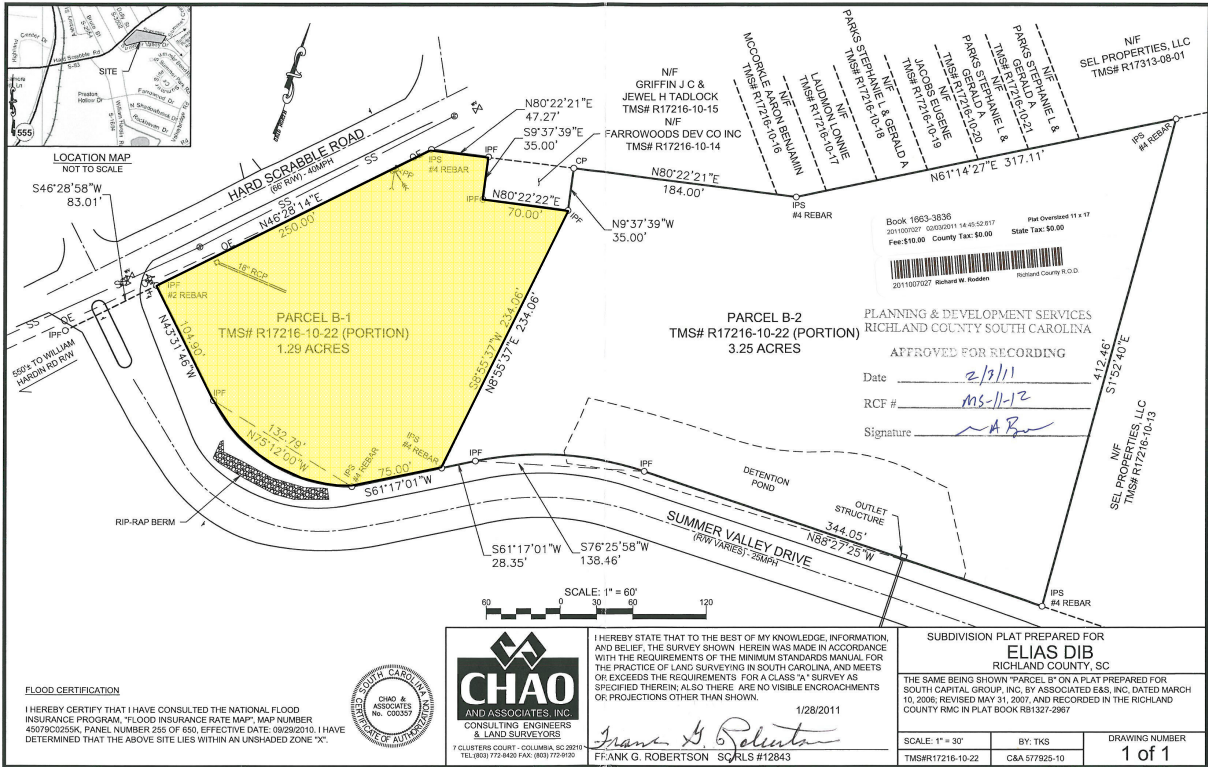
By: _____
Paul Livingston, Chair

Attest this _____ day of
_____, 2011.

Michelle M. Onley
Assistant Clerk of Council

Public Hearing: March 22, 2011
First Reading: April 26, 2011
Second Reading: May 3, 2011 (tentative)
Third Reading:

Exhibit A Property Description



Richland County Council Request of Action

Subject

An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site and Performance Standards; Section 26-185, Temporary and Accessory Uses; Subsection (B), Accessory Uses and Structures (Customary); Paragraph (1), General Standards and Limitations; Subparagraph (D); so as to provide size restrictions for accessory structures in the RU (Rural) District **[THIRD READING] [PAGES 36-37]**

Notes

First Reading: April 26, 2011
Second Reading: May 3, 2011
Third Reading:
Public Hearing: April 26, 2011

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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE VII, GENERAL DEVELOPMENT, SITE AND PERFORMANCE STANDARDS; SECTION 26-185, TEMPORARY AND ACCESSORY USES; SUBSECTION (B), ACCESSORY USES AND STRUCTURES (CUSTOMARY); PARAGRAPH (1), GENERAL STANDARDS AND LIMITATIONS; SUBPARAGRAPH (D); SO AS TO PROVIDE SIZE RESTRICTIONS FOR ACCESSORY STRUCTURES IN THE RU (RURAL) DISTRICT.

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:

Agricultural use. The keeping, grazing, or feeding of livestock; croplands; aquaculture; horticulture; silviculture; and/or apiaries. Provided, however, this definition does not include processing or distribution plants for agricultural products and supplies.

SECTION II. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General Development, Site and Performance Standards; Section 26-185, Temporary and Accessory Uses; Subsection (b), Accessory Uses and Structures (Customary); Paragraph (1), General Standards and Limitations; Subparagraph d., Size Restrictions; is hereby amended to read as follows:

d. *Size restrictions.*

1. Accessory structures in residential districts shall not exceed a maximum total area of fifty percent (50%) of the gross floor area of the principal building or one thousand two hundred (1,200) square feet, whichever is greater, and shall not cover more than thirty percent (30%) of the yard. Provided, however, accessory structures on lots that are two (2) acres in size or greater in the RU Rural district shall not exceed a maximum total area of fifty percent (50%) of the gross floor area of the principal building or twenty five hundred (2,500) square feet.
2. There are no size restrictions for accessory structures that are associated with agricultural uses in the RU district, provided that the lot size is greater than two (2) acres and that a one hundred (100) foot setback is maintained from all property lines.

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

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

SECTION V. Effective Date. This ordinance shall be enforced from and after _____, 2011.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE ____ DAY
OF _____, 2011.

Michelle M. Onley
Assistant Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: April 26, 2011
First Reading: April 26, 2011
Second Reading: May 3, 2011 (tentative)
Third Reading:

Richland County Council Request of Action

Subject

An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Section 6-96 and Section 6-97 of Article IV, Electrical Code; and Section 6-192 of Article XI, Energy Conservation Code, so as to codify the 2008 Edition of the National Electrical Code and the 2006 Edition of the International Energy Conservation Code, and to correctly reflect the 2006 International Residential Code in other sections of Chapter 6 **[SECOND READING] [PAGES 39-41]**

Notes

April 26, 2011 - The committee recommended that Council approve the codification of the 2008 National Electrical Code and the 2006 International Energy Conservation Code into the Richland County Code of Ordinances. The vote in favor was unanimous.

First Reading: May 3, 2011

Second Reading:

Third Reading:

Public Hearing:

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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS; SECTION 6-96 AND SECTION 6-97 OF ARTICLE IV, ELECTRICAL CODE; AND SECTION 6-192 OF ARTICLE XI, ENERGY CONSERVATION CODE; SO AS TO CODIFY THE 2008 EDITION OF THE NATIONAL ELECTRICAL CODE AND THE 2006 EDITION OF THE INTERNATIONAL ENERGY CONSERVATION CODE, AND TO CORRECTLY REFLECT THE 2006 INTERNATIONAL RESIDENTIAL CODE IN OTHER SECTIONS OF CHAPTER 6.

WHEREAS, State Law enables the South Carolina Building Codes Council to regulate the adoption and enforcement of building codes in the state of South Carolina; and

WHEREAS, the Building Codes Council has mandated that the 2008 National Electrical Code and the 2006 International Energy Conservation Code are to be used for commercial and/or residential construction, effective July 1, 2009; and

WHEREAS, the Building Codes Council has mandated that the 2006 International Residential Code is to be used for residential construction, effective July 1, 2009, and Richland County Council codified such code through the enactment of Ordinance No. 044-09HR on September 1, 2009; and

WHEREAS, although the Building Codes and Inspections Department is currently enforcing all of these updated codes, the Richland County Code of Ordinances currently shows the National Electrical Code as being the 2005 edition and the International Energy Conservation Code as being the 2003 edition, and shows the 2003 International Residential Code in other sections of Chapter 6; and

WHEREAS, codification of the latest building codes is in the public interest as it provides accurate information to interested citizens.

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

SECTION I. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article IV, Electrical Code; Section 6-96, Purpose; is hereby amended to read as follows:

Sec. 6-96. Purpose.

The purpose of this article is to provide for regulating the installation, alteration, and maintenance of all electrical installations that are not regulated by the ~~2003~~ 2006 edition of the International Residential Code.

SECTION II. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article IV, Electrical Code; Section 6-97, Adopted; is hereby amended to read as follows:

Sec. 6-97. Adopted.

The workmanship, construction, maintenance, or repair of all electrical work shall conform to the requirements set forth in the ~~2005~~ 2008 edition of the National Electrical Code, published by the National Fire Prevention Association.

SECTION III. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article V, Fire Prevention Code; Section 6-113, Purpose; is hereby amended to read as follows:

Sec. 6-113. Purpose.

The purpose of this article is to apply the provisions of the 2006 edition of the International Fire Code to all buildings and structures that are not regulated by the ~~2003~~ 2006 edition of the International Residential Code.

SECTION IV. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article VI, Gas Code; Section 6-125, Purpose; is hereby amended to read as follows:

Sec. 6-125. Purpose.

The purpose of this article is to provide for regulating the installation, alteration, and maintenance of all piping extending from the point of delivery of gas for use as a fuel and designated to convey or carry the same gas appliances, and regulating the installation and maintenance of appliances designated to use such gas as a fuel, in all buildings and structures that are not regulated by the ~~2003~~ 2006 edition of the International Residential Code.

SECTION V. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article VII, Mechanical Code; Section 6-139, Purpose; is hereby amended to read as follows:

Sec. 6-139. Purpose.

The purpose of this article is to provide for regulating the installation, alteration, and maintenance of all mechanical systems and other related appurtenances that are not regulated by the ~~2003~~ 2006 edition of the International Residential Code.

SECTION VI. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article VIII, Plumbing Code; Section 6-153, Purpose; is hereby amended to read as follows:

Sec. 6-153. Purpose.

The purpose of this article is to provide for regulating the installation, alteration, and maintenance of all plumbing and other related appurtenances that are not regulated by the ~~2003~~ 2006 edition of the International Residential Code.

SECTION VII. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article XI, Energy Conservation; Section 6-192, Adopted; is hereby amended to read as follows:

Sec. 6-192. Adopted.

There is hereby adopted by the county council the ~~2003~~ 2006 International Energy Conservation Code, including Chapter 1 (Administration and Enforcement), and all amendments thereto, as published by the International Code Council, Inc. The construction, alteration, repair, or maintenance of every building or structure shall conform to the requirements of this Code.

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

SECTION X. Effective Date. This ordinance shall be effective from and after _____, 2011.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE ____ DAY

OF _____, 2011

Michelle M. Onley
Assistant Clerk of Council

First Reading: May 3, 2011 (tentative)
Public Hearing:
Second Reading:
Third Reading:

Richland County Council Request of Action

Subject

An Ordinance Authorizing a lease to South Carolina Historic Aviation Foundation for temporary use of the Curtiss-Wright Hangar at the Jim Hamilton-LB Owens Airport **[SECOND READING] [PAGE 43]**

Notes

April 26, 2011 - The committee recommended that Council approve the request to lease the Curtiss-Wright Hangar to the South Carolina Historic Aviation Foundation based on the draft lease agreement. The vote in favor was unanimous.

First Reading: May 3, 2011

Second Reading:

Third Reading:

Public Hearing:

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

AN ORDINANCE AUTHORIZING A LEASE TO SOUTH CAROLINA HISTORIC AVIATION FOUNDATION FOR TEMPORARY USE OF THE CURTISS-WRIGHT HANGAR AT THE JIM HAMILTON-LB OWENS AIRPORT.

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 County of Richland and its employees and agents are hereby authorized to temporarily lease the Curtiss-Wright Hangar at the LB Owens Airport to the South Carolina Historic Aviation Foundation, as specifically described in the Lease, a copy of which is attached hereto and incorporated herein.

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

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

SECTION IV. Effective Date. This ordinance shall be enforced from and after _____, 2011.

RICHLAND COUNTY COUNCIL

By: _____
Paul Livingston, Chair

Attest this _____ day of
_____, 2011.

Michelle M. Onley
Assistant Clerk of Council

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

Richland County Council Request of Action

Subject

An Ordinance Amending the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; by the addition of Article VI, Equal Enjoyment and Privileges to Public Accommodations; so as to prohibit discrimination in the equal enjoyment and privileges to public accommodations **[SECOND READING]**
[PAGES 45-48]

Notes

April 26, 2011 - The committee recommended that Council adopt a public accommodations ordinance consistent with the City of Columbia. The vote in favor was unanimous.

First Reading: May 3, 2011

Second Reading:

Third Reading:

Public Hearing:

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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 16, LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS; BY THE ADDITION OF ARTICLE VI, EQUAL ENJOYMENT AND PRIVILEGES TO PUBLIC ACCOMMODATIONS; SO AS TO PROHIBIT DISCRIMINATION IN THE EQUAL ENJOYMENT AND PRIVILEGES TO PUBLIC ACCOMMODATIONS.

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

SECTION I. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article V, Marriage Licenses; is hereby amended by the addition of the following language to read as follows:

Secs. 16-62—16-64. Reserved.

SECTION II. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; is hereby amended by the addition of “Article VI. Equal Enjoyment and Privileges to Public Accommodations”, to read as follows:

ARTICLE VI. EQUAL ENJOYMENT AND PRIVILEGES TO PUBLIC ACCOMMODATIONS

Sec. 16-65. Title.

This article shall be known and may be cited as the Richland County "Public Accommodations Ordinance."

Sec. 16-66. Policy; purpose of law.

It is the policy of Richland County that no person shall be discriminated against in the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of any place of public accommodation on the basis of race, color, religion, sex, age, national origin, familial status, ~~handicap~~, disability or sexual orientation.

The general purpose of this article is to safeguard all individuals within the unincorporated areas of Richland County from discrimination in the equal enjoyment and privileges to public accommodations because of race, color, religion, national origin, sex, familial status, disability, or sexual orientation; thereby to protect their interest in personal dignity and freedom from humiliation; to secure Richland County against

domestic strife and unrest which would menace its democratic institutions; to preserve the public health and general welfare; and to further the interests, rights, and privileges of individuals within the Richland County.

Sec. 16-67. Definitions.

Except where the context clearly indicates otherwise, the following terms as used in this article shall have the following meanings:

Disability means a physical or mental impairment that substantially limits one or more of the major life activities of the individual, a record of such ~~an~~ impairment or being regarded as having such ~~an~~ impairment.

Discrimination means any direct or indirect act or practice of exclusion, distinction, restriction, segregation, limitation, refusal, denial, or any other act or practice of differentiation or preference in the treatment of a person or persons because of race, color, religion, national origin, age, sex, familial status, ~~handicap~~, disability or sexual orientation in the aiding, abetting, inciting, coercing or compelling thereof.

Place of public accommodation means any place which serves the public and requires a license or permit issued by the State of South Carolina, its agencies, or Richland County to operate, including, but not limited to:

- (1) Any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence;
- (2) Any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment, or any gasoline station;
- (3) Any hospital, clinic, or other medical facility which provides overnight accommodations;
- (4) Any retail or wholesale establishment;
- (5) Any motion picture house, theater, concert hall, billiard parlor, saloon, barroom, golf course, sports arena, stadium, or other place of amusement, exhibition, recreation, or entertainment; and,
- (6) Any establishment which is physically located within the premises of any establishment otherwise covered by this subsection article, ~~or within the premises of which is physically located any such covered establishment~~, and which holds itself out as serving patrons of such covered establishment.

Sexual orientation means a person's real or perceived heterosexuality, homosexuality or bisexuality, or gender identity or expression.

Sec. 16-68. Prohibition of discrimination in a place of public accommodation.

No person who owns, manages, operates, or otherwise controls a place of public accommodation, or any employee thereof, shall discriminate against any person in the full and equal enjoyment of the goods, services, facilities, privileges, advantages and accommodations of such place on the basis of that person's race, color, religion, sex, age, national origin, familial status, disability, or sexual orientation.

Sec. 16-68.69. Exemption from public accommodations provisions.

The provisions of this article do not apply to a private club or other establishment not in fact open to the general public.

Sec. 16-69. Purpose of law; construction; effect.

~~The general purpose of this article is to safeguard all individuals within the unincorporated areas of Richland County from discrimination in the equal enjoyment and privileges to public accommodations because of race, color, religion, national origin, sex, familial status, handicap, disability or sexual orientation; thereby to protect their interest in personal dignity and freedom from humiliation; to secure Richland County against domestic strife and unrest which would menace its democratic institutions; to preserve the public health and general welfare; and to further the interests, rights, and privileges of individuals within the Richland County.~~

Sec. 16-70. Enforcement and penalties.

In addition to appropriate civil and/or equitable remedies for enforcement of this article, ~~a violation of this article shall constitute a misdemeanor punishable as provided by law. Each day of noncompliance with the provisions of this article constitutes a separate and distinct violation.~~ person who owns, manages, operates, or otherwise controls a place of public accommodation, or is an employee thereof, and who fails to comply with the provisions of this article shall be deemed guilty of an infraction. An infraction is punishable by a fine of five hundred dollars (\$500). Each day on which a violation of this Article occurs shall be considered a separate and distinct infraction.

~~SECTION II. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article V, Marriage Licenses; is hereby amended by the addition of the following language to read as follows:~~

Secs. 16-62—16-64. Reserved.

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

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

SECTION V. Effective Date. This ordinance shall be effective from and after _____, 2011.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE _____ DAY

OF _____, 2011

Michelle M. Onley
Assistant Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: May 3, 2011 (tentative)
Second Reading: May 17, 2011 (tentative)
Public Hearing:
Third Reading:

Richland County Council Request of Action

Subject

An Ordinance Authorizing the issuance and sale of not to exceed \$2,000,000 General Obligation Bonds, Series 2011A, 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 [**SECOND READING**] [**PAGES 50-71**]

Notes

First Reading: May 3, 2011

Second Reading:

Third Reading:

Public Hearing:

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

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED \$2,000,000 GENERAL OBLIGATION BONDS, SERIES 2011A, 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.

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

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

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

(b) Article X, Section 14 of the Constitution of the State of South Carolina, 1895, as amended (the "Constitution"), provides that each county shall have the power to incur bonded indebtedness in such manner and upon such terms and conditions as the General Assembly shall prescribe by general law. Such debt must be incurred for a public purpose and a corporate purpose in an amount not exceeding eight percent (8%) of the assessed value of all taxable property of such county.

(c) Pursuant to Title 4, Chapter 15 of the Code (the same being and hereinafter referred to as the "County Bond Act"), the governing bodies of the several counties of the State may each issue general obligation bonds to defray the cost of any authorized purpose and for any amount not exceeding their applicable constitutional limit.

(d) The County Bond Act provides that as a condition precedent to the issuance of bonds an election be held and the result be favorable thereto. Title 11, Chapter 27 of the Code of Laws of South Carolina 1976, as amended, provides that if an election be prescribed by the provisions of the County Bond Act, but not be required by the provisions of Article X of the Constitution, then in every such instance, no election need be held (notwithstanding the requirement therefor) and the remaining provisions of the County Bond Act shall constitute a full and complete authorization to issue bonds in accordance with such remaining provisions.

(e) The assessed value of all the taxable property in the County as of June 30, 2010, for purposes of computation of the County's constitutional debt limit, is \$1,469,731,925 which excludes exempt manufacturing property of \$17,618,900. Eight percent of such sum is \$117,578,554. As of the date hereof, the outstanding general obligation debt of the County subject to the limitation imposed by Article X, Section 14(7) of the Constitution is \$43,940,000. Thus, the County may incur not exceeding \$73,638,554 of additional general obligation debt within its applicable debt limitation.

(f) It is now in the best interest of the County for the County Council to provide for the issuance and sale of not exceeding \$2,000,000 general obligation bonds of the County pursuant to the aforesaid provisions of the Constitution and laws of the State of South Carolina, the proceeds of which will be used to provide funds for: (i) acquiring vehicles for use by the Sheriff's Department for the 2011-12 fiscal year (the "Project"); (ii) paying costs of issuance of the bonds; and (iii) such other lawful corporate and public purposes as the County Council shall determine.

SECTION 2. Authorization and Details of Bonds. Pursuant to the aforesaid provisions of the Constitution and laws of the State, there is hereby authorized to be issued not exceeding \$2,000,000 aggregate principal amount of general obligation bonds of the County to be designated "Not exceeding \$2,000,000 (or such other amount as may be issued) General Obligation Bonds, Series 2011A, of Richland County, South Carolina" (the "Bonds") for the purpose stated in Section 1(f) of this Ordinance.

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

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

SECTION 3. Delegation of Authority Relating to the Bonds. The County Council hereby delegates to the Administrator or his lawfully-authorized designee the authority: (a) to determine the maturity dates of the Bonds and the respective principal amounts maturing on such dates; (b) to determine the interest payment dates of the Bonds; (c) to determine redemption provisions, if any, for the Bonds; (d) the date and time of sale of the Bonds; (e) to receive bids on behalf of the County Council; and (f) to award the sale of the Bonds to the lowest bidder therefor in accordance with the terms of the Notice of Sale for the Bonds.

After the sale of the Bonds, the Administrator or his lawfully-authorized designee shall submit a written report to the County Council setting forth the results of the sale of the Bonds.

SECTION 4. Registration, Transfer and Exchange of Bonds. The County shall cause books (herein referred to as the "registry books") to be kept at the offices of the Registrar/Paying Agent, for the registration and transfer of the Bonds. Upon presentation at its office for such purpose the Registrar/Paying Agent shall register or transfer, or cause to be registered or transferred, on such registry books, the Bonds under such reasonable regulations as the Registrar/Paying Agent may prescribe.

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

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

SECTION 5. Record Date. The County hereby establishes a record date for the payment of interest or for the giving of notice of any proposed redemption of Bonds, and such record date shall be the fifteenth (15th) day of the calendar month preceding each semiannual interest payment date on such Bond or in the case of any proposed redemption of Bonds, such record date shall be the fifteenth (15th) day prior to the giving of notice of redemption of bonds.

SECTION 6. Mutilation, Loss, Theft or Destruction of Bonds. In case any Bond shall at any time become mutilated in whole or in part, or be lost, stolen or destroyed, or be so defaced as to impair the value thereof to the owner, the County shall execute and the Registrar shall authenticate and deliver at the principal office of the Registrar, or send by registered mail to the owner thereof at his request, risk and expense a new Bond of the same series, interest rate and maturity and of like tenor and effect in exchange or substitution for and upon the surrender for cancellation of such defaced, mutilated or partly destroyed Bond, or in lieu of or in substitution for such lost, stolen or destroyed Bond. In any such event the applicant for the issuance of a substitute Bond shall furnish the County and the Registrar evidence or proof satisfactory to the County and the Registrar of the loss, destruction, mutilation, defacement or theft of the original Bond, and of the ownership thereof, and also such security and indemnity in an amount as may be required by the laws of the State of South Carolina or such greater amount as may be required by the County and the Registrar. Any duplicate Bond issued under the provisions of this Section in exchange and substitution for any defaced, mutilated or partly destroyed Bond or in substitution for any allegedly lost, stolen or wholly destroyed Bond shall be entitled to the identical benefits under this Ordinance as was the original Bond in lieu of which such duplicate Bond is issued, and shall be entitled to equal and proportionate benefits with all the other Bonds of the same series issued hereunder.

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

SECTION 7. Execution of Bonds. The Bonds shall be executed in the name of the County with the manual or facsimile signature of the Chair of the County Council attested by the manual or facsimile signature of the Clerk of the County Council under a facsimile of the seal of the County impressed, imprinted or reproduced thereon; provided, however, the facsimile signatures appearing on the Bonds may be those of the officers who are in office on the date of adoption of this Ordinance. The execution of the Bonds in such fashion shall be valid and effectual, notwithstanding any subsequent change in such offices. The Bonds shall not be valid or become obligatory for any purpose unless there shall have been endorsed thereon a certificate of authentication. Each Bond shall bear a certificate of authentication manually executed by the Registrar in substantially the form set forth herein.

SECTION 8. Form of Bonds. The Bonds shall be in substantially the form attached hereto as Exhibit A and incorporated herein by reference.

SECTION 9. Security for Bonds. The full faith, credit, and taxing power of the county is irrevocably pledged to the payment of the Bonds. The Bonds are payable from an ad valorem tax levied annually by the County Auditor and collected by the County Treasurer.

The Council shall give the County Auditor and the County Treasurer written notice of the delivery of and payment for the Bonds and they are hereby directed to levy and collect annually, on all taxable property in the County, an ad valorem tax sufficient to pay the principal and interest of the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

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

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

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

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

“Government Obligations” shall mean any of the following:

- (a) direct obligations of the United States of America or agencies thereof or obligations, the payment of principal or interest on which, in the opinion of the Attorney General of the United States, is fully and unconditionally guaranteed by the United States of America;
- (b) non-callable, U. S. Treasury Securities - State and Local Government Series (“SLGS”);
- (c) general obligation bonds of the State, its institutions, agencies, school districts and political subdivisions; and

(d) a defeasance obligation as defined in Section 6-5-10 of the S.C. Code as such as may be amended from time to time.

(c) Such Bond or Bonds shall be defeased as provided in Section 11-14-110 of the S.C. Code as such may be amended from time to time.

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

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

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

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

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

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

Notwithstanding the foregoing, at the request of the purchaser, the Bonds will be issued as one single fully-registered bond and not issued through the book-entry system.

SECTION 14. Sale of Bonds, Form of Notice of Sale. The Bonds shall be sold at public sale. A Notice of Sale in substantially the form attached hereto as Exhibit C and incorporated herein by reference shall be distributed to prospective bidders and a summary of such Notice of Sale shall be published in a newspaper having general circulation in the State of South Carolina or in a financial publication published in the City of New York, State of New York, or both, not less than seven (7) days prior to the date set for such sale.

SECTION 15. Preliminary and Final Official Statement. The County Council hereby authorizes and directs the Administrator to prepare, or cause to be prepared, a Preliminary Official Statement to be distributed to prospective purchasers of the Bonds together with the Notice of Sale. The County Council authorizes the Administrator to designate the Preliminary Official Statement as “near final” for purposes of Rule 15c2-12 of the Securities Exchange Commission. The Administrator is further authorized to see to the completion of the final form of the Official Statement upon the sale of the Bonds so that it may be provided to the purchaser of the Bonds.

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

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

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

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

(b) The balance of the proceeds shall be applied for the purposes set forth in this Ordinance including defraying the costs and expenses of issuing the Bonds.

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

SECTION 20. Reimbursement of Certain Expenditures. The County Council hereby declares that this Ordinance shall constitute its declaration of official intent pursuant to Treasury Regulation § 1.150-2 to reimburse the School District from the proceeds of the Bonds for expenditures with respect to the Project (the “Expenditures”). The County anticipates incurring Expenditures with respect to the

capital improvements prior to the issuance by the County of the Bonds for such purposes. To be eligible for reimbursement of the Expenditures, the reimbursement allocation must be made not later than 18 months after the later of (a) the date on which the Expenditures were paid, or (b) the date the Project was placed in service, but in no event more than three (3) years after the original Expenditures. The Expenditures are incurred solely to acquire, construct or rehabilitate property having a reasonably expected economic life of at least one (1) year. The source of funds for the Expenditures with respect to the Project will be the County's general reserve funds or other legally-available funds.

SECTION 21. Tax Covenants. The County hereby covenants and agrees with the Holders of the Bonds that it will not take any action which will, or fail to take any action which failure will, cause interest on the Bonds to become includable in the gross income of the Bondholders for federal income tax purposes pursuant to the provisions of the IRC and regulations promulgated thereunder in effect on the date of original issuance of the Bonds. The County further covenants and agrees with the holders of the Bonds that no use of the proceeds of the Bonds shall be made which, if such use had been reasonably expected on the date of issue of the Bonds would have caused the Bonds to be "arbitrage bonds," as defined in Section 148 of the IRC, and to that end the County hereby shall:

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

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

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

SECTION 22. Miscellaneous. The County Council hereby authorizes any one or more of the following officials to execute such documents and instruments as necessary to effect the issuance of the Bonds: Chair of the County Council, County Administrator, Clerk to the County Council and County Attorney. The County Council hereby retains McNair Law Firm, P.A. as bond counsel and Ross, Sinclair & Associates, LLC, as Financial Advisor, in connection with the issuance of the Bonds. The County Administrator is authorized to execute such contracts, documents or engagement letters as may be necessary and appropriate to effectuate these engagements.

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

[Signature Page to Follow]

Enacted this ____ day of _____, 2011.

RICHLAND COUNTY, SOUTH CAROLINA

By: _____
Paul Livingston, Chair
Richland County Council

(SEAL)

ATTEST THIS ____ DAY OF
_____, 2011:

Clerk to Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Date of First Reading: May 3, 2011 (title only)
Date of Second Reading: May 17, 2011 (tentative)
Date of Public Hearing: June 7, 2011 (tentative)
Date of Third Reading: June 7, 2011 (tentative)

FORM OF BOND

UNITED STATES OF AMERICA
STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
GENERAL OBLIGATION BONDS, SERIES 2011A

No. R-

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

REGISTERED HOLDER: CEDE & CO.

PRINCIPAL AMOUNT: DOLLARS

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

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

For the payment hereof, both principal and interest, as they respectively mature and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of the County are irrevocably pledged and there shall be levied annually by the County Auditor and collected by the County Treasurer, in the same manner as other county taxes are levied and collected, a tax, without limit, on all taxable property in the County sufficient to pay the principal of and interest on this Bond as they respectively mature and to create such sinking fund as may be necessary therefore.

This Bond is one of a series of Bonds of like date of original issue, tenor and effect, except as to number, denomination, date of maturity, redemption provisions, and rate of interest, aggregating _____ Dollars (\$ _____), issued pursuant to and in accordance with the Constitution

and laws of the State of South Carolina, including Article X of the Constitution of the State of South Carolina, 1895, as amended; Title 4, Chapter 15, Code of Laws of South Carolina 1976, as amended; Title 11, Chapter 27 of the Code of Laws of South Carolina 1976, as amended; and Ordinance No. _____ duly enacted by the County Council on _____, 2011.

[Redemption Provisions]

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

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

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

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

RICHLAND COUNTY, SOUTH CAROLINA

Chair, County Council

(SEAL)
ATTEST:

Clerk, County Council

[FORM OF REGISTRAR'S CERTIFICATE OF AUTHENTICATION]

Date of Authentication:

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

_____ as Registrar

By: _____ Authorized Officer

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

TEN COM - As tenants in common

UNIF GIFT MIN. ACT

TEN ENT - As tenants by the entireties

_____ Custodian _____
(Cust.) (Minor)

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

under Uniform Gifts to Minors

(State)

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

[FORM OF ASSIGNMENT]

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

_____ (Name and address of Transferee)

the within Bond and does hereby irrevocably constitute and appoint _____ attorney to transfer the within Bond on the books kept for registration thereof, with full power of substitution in the premises.

Dated:

Signature Guaranteed:

(Authorizing Officer)

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

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

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

[FORM OF CERTIFICATE]

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

RICHLAND COUNTY, SOUTH CAROLINA

By: _____
Clerk, County Council

FORM OF NOTICE

NOTICE IS HEREBY GIVEN that the County Council (the "County Council") of Richland County, South Carolina (the "County"), on _____, 2011, enacted Ordinance No. _____ entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF NOT TO EXCEED \$2,000,000 GENERAL OBLIGATION BONDS, SERIES 2011A, OR SUCH OTHER APPROPRIATE SERIES DESIGNATION, OF RICHLAND COUNTY, SOUTH CAROLINA; FIXING THE FORM AND DETAILS OF THE BONDS; AUTHORIZING THE ADMINISTRATOR OF THE COUNTY TO DETERMINE CERTAIN MATTERS RELATING TO THE BONDS; PROVIDING FOR THE PAYMENT OF THE BONDS AND THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO" (the "Ordinance"). The Ordinance authorizes the issuance and approves the sale of not to exceed \$2,000,000 General Obligation Bonds, Series 2011A (the "Bonds") of the County.

The proceeds of the Bonds will be used to provide funds for: (i) acquiring vehicles for use by the Sheriff's Department for the 2011-12 fiscal year; (ii) paying costs of issuance of the bonds; and (iii) such other lawful corporate and public purposes as the County Council shall determine.

Pursuant to Section 11-27-40(8) of the Code of Laws of South Carolina, 1976, as amended, unless a notice, signed by not less than five (5) qualified electors of the County, of the intention to seek a referendum is filed both in the office of the Clerk of Court of the County and with the Clerk of the County Council, the initiative and referendum provisions of South Carolina law, Sections 4-9-1210 to 4-9-1230 of the Code of Laws of South Carolina, 1976, as amended, shall not be applicable to the Ordinance. The notice of intention to seek a referendum must be filed within twenty (20) days following the publication of this notice of the adoption of the aforesaid Ordinance in a newspaper of general circulation in Richland County.

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

FORM OF NOTICE OF SALE

§ _____ GENERAL OBLIGATION BONDS, SERIES 2011A
OF RICHLAND COUNTY, SOUTH CAROLINA

Time and Place of Sale: NOTICE IS HEREBY GIVEN that sealed bids, facsimile bids and electronic bids will be received on behalf of Richland County, South Carolina (the "County") in the Administrative Conference Room, 4th Floor, 2020 Hampton Street, Columbia, South Carolina, until 11:00 a.m., South Carolina time, on _____, _____, 2011, at which time said proposals will be publicly opened for the purchase of \$ _____ General Obligation Bonds, Series 2011A, of the County (the "Bonds").

Sealed Bids: Each hand delivered proposal shall be enclosed in a sealed envelope marked "Proposal for \$ _____ General Obligation Bonds, Series 2011A, Richland County, South Carolina" and should be directed to the County Administrator at the address in the first paragraph hereof.

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

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

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

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

The Bonds will be issued in fully-registered form registered as to principal and interest; will be dated _____, 2011; will be in denominations of \$5,000 or any integral multiple thereof not exceeding the principal amount of Bonds maturing in each year; and will mature serially in successive annual installments on _____ in each of the years and in the principal amounts as follows:

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

[Redemption Provisions]

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

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

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

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

Security: The full faith, credit and taxing power of the County are hereby irrevocably pledged for the payment of the principal of and interest on the Bonds as they respectively mature, and for the creation of such sinking fund as may be necessary therefor. There shall be levied annually by the County Auditor and collected by the County Treasurer, in the same manner as other county taxes are levied and collected, a tax, without limit, on all taxable property in the County sufficient to pay the principal of and interest on the Bonds as they respectively mature and to create such sinking fund as may be necessary therefor.

Good Faith Deposit: No good faith deposit is required.

Bid Form: Proposals should be enclosed in a separate sealed envelope marked "Proposal for \$ _____ General Obligation Bonds, Series 2011A, of Richland County, South Carolina" and should be directed to the Chair of the County Council at the address in the first paragraph hereof. It is

requested but not required that you submit your bid on the Proposal for Purchase of Bonds supplied with the Official Statement.

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

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

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

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

Delivery: The Bonds will be delivered on or about _____, 2011, in New York, New York, at the expense of the County. The balance of the purchase price then due, including the amount of accrued interest, must be paid in federal funds or other immediately available funds.

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

RICHLAND COUNTY, SOUTH CAROLINA
s/ _____
Chair, County Council

FORM OF CONTINUING DISCLOSURE CERTIFICATE

This Continuing Disclosure Certificate (the “Disclosure Certificate”) is executed and delivered by Richland County, South Carolina (the “County”) in connection with the issuance of \$ _____ General Obligation Bonds, Series 2011A, Richland County, South Carolina (the “Bonds”). The Bonds are being issued pursuant to an ordinance adopted by the County Council of the County (the “Ordinance”). The County covenants and agrees as follows:

SECTION 1. Purpose of the Disclosure Certificate. This Disclosure Certificate is being executed and delivered by the County for the benefit of the beneficial owners and in order to assist the Participating Underwriters (defined below) in complying with the Rule (defined below).

SECTION 2. Definitions. The following capitalized terms shall have the following meanings:

“**Annual Report**” shall mean any Annual Report provided by the County pursuant to, and as described in, Sections 3 and 4 of this Disclosure Certificate.

“**Dissemination Agent**” shall mean the County or any successor Dissemination Agent designated in writing by the County and which has filed with the County a written acceptance of such designation.

“**Listed Events**” shall mean any of the events listed in Section 5(a) of this Disclosure Certificate.

“**National Repository**” shall mean for purposes of the Rule, the Electronic Municipal Market Access (EMMA) system created by the Municipal Securities Rulemaking Board.

“**Bonds**” shall mean the \$ _____ General Obligation Bonds, Series 2011A, Richland County, South Carolina, dated _____, 2011.

“**Participating Underwriter**” shall mean _____ and any other original underwriter of the Bonds required to comply with the Rule in connection with offering of the Bonds.

“**Repository**” shall mean each National Repository and each State Depository, if any.

“**Rule**” shall mean Rule 15c2-12(b)(5) adopted by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as the same may be amended from time to time.

“**State Depository**” shall mean any public or private repository or entity designated by the State of South Carolina as a state depository for the purpose of the Rule. As of the date of this Certificate, there is no State Depository.

SECTION 3. Provision of Annual Reports.

(a) The County shall, or shall cause the Dissemination Agent to provide, not later than February 1 of each year, commencing in 2012, to each Repository an Annual Report which is consistent with the requirements of Section 4 of this Disclosure Certificate. Not later than fifteen (15) business days prior to such date the County shall provide the Annual Report to the Dissemination Agent, if other than the County; provided, that if the audited financial statements required pursuant to Section 4 hereof to be included in the Annual Report are not available for inclusion in the Annual Report as of such date,

unaudited financial statements of the County may be included in such Annual Report in lieu thereof, and the County shall replace such unaudited financial statements with audited financial statements within fifteen (15) days after such audited financial statements become available for distribution. The Annual Report may be submitted as a single document or as separate documents comprising a package, and may cross-reference other information as provided in Section 4 of this Disclosure Certificate; provided that the audited financial statements of the County may be submitted separately from the balance of the Annual Report.

(b) If the County is unable to provide to the Repositories an Annual Report by the date required in subsection (a), the County shall send a notice to the Municipal Securities Rulemaking Board and State Depository, if any, in substantially the form attached hereto as Exhibit A.

(c) The Dissemination Agent shall:

(1) determine each year prior to the date for providing the Annual Report the name and address of each National Repository and each State Depository, if any; and

(2) if the Dissemination Agent is other than the County, file a report with the County and (if the Dissemination Agent is not the Registrar) the Registrar certifying whether the Annual Report has been provided pursuant to this Disclosure Certificate, and, if provided, stating the date it was provided, and listing all the Repositories to which it was provided.

SECTION 4. Content of Annual Reports.

(a) Each Annual Report shall contain Annual Financial Information with respect to the County, including the information provided in the Official Statement under the headings: “THE BONDS—Security;” “DEBT STRUCTURE—Outstanding Indebtedness;” “CERTAIN FISCAL MATTERS—Assessed Value of Taxable Property in the County,” “—Estimated True Value of All Taxable Property in the County,” “—Tax Rates,” “—Tax Collections for Last Five Years,” and “—Ten Largest Taxpayers.”

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

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

SECTION 5. Reporting of Significant Events.

(a) Pursuant to the provisions of this Section 5, the County shall give, or cause to be given, notice of the occurrence of any of the following events (the “Listed Events”):

- (1) Principal and interest payment delinquencies;
- (2) Non-payment related defaults;
- (3) Unscheduled draws on debt service reserves reflecting financial difficulties;
- (4) Unscheduled draws on credit enhancements reflecting financial difficulties;

- (5) Substitution of credit or liquidity providers, or their failure to perform;
- (6) Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax status of the security, or other material events affecting the tax status of the security;
- (7) Modifications to rights of security holders;
- (8) Bond calls;
- (9) Tender offers;
- (10) Defeasances;
- (11) Release, substitution, or sale of property securing repayment of the securities;
- (12) Rating changes;
- (13) Bankruptcy, insolvency, receivership or similar event of the County;
- (14) The consummation of a merger, consolidation, or acquisition involving the County or the sale of all or substantially all of the assets of the County other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms;
- (15) Appointment of a successor or additional trustee or the change of name of a trustee.

(b) Whenever the County obtains knowledge of the occurrence of a Listed Event described in subsections (a)(2), (7), (8), (11), (14), or (15) above, the County shall as soon as possible determine if such event would be material under applicable federal securities laws. If the County determines that knowledge of the occurrence of such event would be material under applicable federal securities laws, the County shall promptly, and no later than 10 days after the occurrence of the event, file a notice of such occurrence with the Trustee, the Municipal Securities Rulemaking Board and the State Depository.

(c) Whenever the County obtains knowledge of the occurrence of a Listed Event described in subsections (a)(1), (3), (4), (5), (6), (9), (10), (12), or (13) above, the County shall promptly, and no later than 10 days after the occurrence of the event, file a notice of such occurrence with the Trustee, the Municipal Securities Rulemaking Board and the State Depository.

(d) Notwithstanding the foregoing, notice of Listed Events described in subsections (a)(8), (9), and (10) above need not be given under this subsection any earlier than the notice (if any) of the underlying event is given to owners of affected Bonds. For the purposes of the event identified in (a)(13) above, the event is considered to occur when any of the following occur: the appointment of a receiver, fiscal agent or similar officer for the County in a proceeding under the U.S. Bankruptcy Code or in any other proceeding under state or federal law in which a court or governmental authority has assumed jurisdiction over substantially all of the assets or business of the County, or if such jurisdiction has been assumed by leaving the existing governing body and officials or officers in possession but subject to the supervision and orders of a court or governmental authority, or the entry of an order confirming a plan of reorganization, arrangement or liquidation by a court or governmental authority having supervision or jurisdiction over substantially all of the assets or business of the County.

SECTION 6. Termination of Reporting Obligation. The County's obligations under this Disclosure Certificate shall terminate upon the defeasance, prior redemption or payment in full of the Bonds.

SECTION 7. Dissemination Agent. The County may, from time to time, appoint or engage a Dissemination Agent to assist it in carrying out its obligations under this Disclosure Certificate, and may discharge any such Agent, with or without appointing a successor Dissemination Agent. The initial Dissemination Agent shall be the County.

SECTION 8. Amendment; Waiver. Notwithstanding any other provision of this Disclosure Certificate, the County may amend this Disclosure Certificate and any provision of this Disclosure Certificate may be waived, if such amendment or waiver is supported by an opinion of counsel expert in federal securities laws acceptable to the County, to the effect that such amendment or waiver would not, in and of itself, cause the undertakings herein to violate the Rule if such amendment or waiver had been effective on the date hereof but taking into account any subsequent change in or official interpretation of the Rule.

SECTION 9. Additional Information. Nothing in this Disclosure Certificate shall be deemed to prevent the County from disseminating any other information, using the means of dissemination set forth in this Disclosure Certificate or any other means of communication, or including any other information in any Annual Report or notice of occurrence of a Listed Event, in addition to that which is required by this Disclosure Certificate. If the County chooses to include any information in any Annual Report or notice of occurrence of a Listed Event, in addition to that which is specifically required by this Disclosure Certificate, the County shall have no obligation under this Certificate to update such information or include it in any future Annual Report or notice of occurrence of a Listed Event.

SECTION 10. Default. In the event of a failure of the County, or the Dissemination Agent to comply with any provision of this Disclosure Certificate, any beneficial owner may take such actions as may be necessary and appropriate, including seeking injunctive relief or specific performance by court order, to cause the County, or the Dissemination Agent, as the case may be, to comply with its obligations under this Disclosure Certificate. A default under this Disclosure Certificate shall not be deemed an event of default under the Ordinance, and the sole remedy under this Disclosure Certificate in the event of any failure of the County, or the Dissemination Agent to comply with this Disclosure Certificate shall be an action to compel performance.

SECTION 11. Duties, Immunities and Liabilities of Dissemination Agent. The Dissemination Agent shall have only such duties as are specifically set forth in this Disclosure Certificate, and the County agrees to indemnify and save the Dissemination Agent, its officers, directors, employees and agents, harmless against any loss, expense and liabilities which they may incur arising out of or in the exercise or performance of their powers and duties hereunder, including the costs and expenses (including attorneys' fees) of defending against any claim of liability, but excluding liabilities due to the Dissemination Agent's negligence or willful misconduct. The obligations of the County under this Section shall survive resignation or removal of the Dissemination Agent and payment of the Bonds.

SECTION 12. Beneficiaries. This Disclosure Certificate shall inure solely to the benefit of the County, the Dissemination Agent, the Participating Underwriters, and Holders from time to time of the Bonds and shall create no rights in any other person or entity.

SECTION 13. Counterparts. This Disclosure Certificate may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

RICHLAND COUNTY, SOUTH CAROLINA

By: _____
County Administrator

Dated: _____, 2011

NOTICE TO REPOSITORIES OF FAILURE TO FILE ANNUAL REPORT

Name of Issuer: Richland County, South Carolina
Name of Issue: \$_____ General Obligation Bonds, Series 2011A
Richland County, South Carolina
Date of Issuance: _____, 2011

NOTICE IS HEREBY GIVEN that Richland County, South Carolina (the "County") has not provided an Annual Report with respect to the above-named Bonds as required by Sections 3 and 4 of the Continuing Disclosure Certificate executed and delivered by the County as Dissemination Agent. The County has notified us in writing that the Annual Report will be filed by _____.

Dated: _____

RICHLAND COUNTY, SOUTH CAROLINA

Richland County Council Request of Action

Subject

- a. PCO Jenkins Brothers Road, LP Assignment [**PAGES 73-81**]
- b. Request for Amendment to Covenants and Restrictions [**PAGES 82-85**]

A RESOLUTION

A RESOLUTION APPROVING THE ASSIGNMENT BY PCO JENKINS BROTHERS ROAD, LP OF ITS INTERESTS IN A LEASE AGREEMENT WITH RICHLAND COUNTY, SOUTH CAROLINA TO [EXETER JENKINS BROTHERS ROAD], LLC AND OTHER MATTERS RELATED THERETO.

WHEREAS, Richland County, South Carolina (the “County”) entered into a fee-in-lieu of taxes arrangement under Title 4, Chapter 12, Code of Laws of South Carolina 1976, as amended (the “Act”), by and through a Lease Agreement with Quatro Mid-Atlantic Resources III, LLC (“Quatro”) dated as of December 20, 1999 (the “Lease Agreement”);

WHEREAS, Quatro assigned its interests under the Lease Agreement and all related documents to PCO Jenkins Brothers Road, LP (“PCO”) which was approved by the Richland County Council on _____, 20____;

WHEREAS, PCO seeks to assign its interests under the Lease Agreement and all related documents to [Exeter Jenkins Brothers Road], LLC (“Exeter”) in accordance with the Act and Section 9.6 of the Lease Agreement; and

WHEREAS, pursuant to the Act and Section 9.6 of the Lease Agreement, with the written consent of the County, PCO may assign or otherwise transfer all or any of its rights, interests and obligations under the Lease Agreement.

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

SECTION 1. All terms used but not defined herein shall have the same meaning as ascribed to them in the Lease Agreement.

SECTION 2. The County Council hereby expressly consents to PCO’s proposed assignment of its interests under the Lease Agreement and all related documents to Exeter (the “Proposed Assignment”) as required by the Act and the Lease Agreement.

SECTION 3. The Chair of County Council and the Clerk to County Council, for and on behalf of the County, are hereby each authorized and directed to do any and all things necessary or appropriate in connection with this Resolution to effect the approval of the County to the Proposed Assignment as provided under the Lease Agreement.

SECTION 5. The County Council acknowledges that the assignment by PCO to Exeter of its interests in the Lease Agreement are conditioned upon PCO and Exeter consummating the transactions contemplated by that certain [Agreement of Sale] between PCO and Exeter dated _____, 2011, as amended.

SECTION 6. This Resolution shall take effect and be in full force from and after its passage by the County Council.

DONE in a meeting assembled this _____ day of May, 2011.

RICHLAND COUNTY, SOUTH CAROLINA

Paul Livingston, Chair of Richland County Council
Richland County, South Carolina

ATTEST:

Michelle Onley, Assistant Clerk
to Richland County Council
Richland County, South Carolina

ESTOPPEL CERTIFICATE

As permitted by Title 12, Chapter 44 of the Code of Laws of South Carolina, 1976, as amended, Richland County, South Carolina (the "County") entered into that certain Lease Agreement dated _____, 200_ with PCO Jenkins Brothers Road, LP, a South Carolina limited partnership (the "Company") (the "Lease Agreement"). The County hereby certifies that it is a party to the Lease Agreement. The County hereby further acknowledges that it has been advised that the Lease Agreement may be assigned to a purchaser of, and/or collaterally assigned in connection with a proposed financing secured by, the property subject to the Lease Agreement and certifies both to the Company and to any and all prospective purchasers, including without limitation, [Exeter Jenkins Brothers Road], LLC (collectively the "Purchasers"), and to any prospective lenders to the Company or mortgagees of such property, including any trustee on behalf of any holders of notes or other similar instruments, and any holders from time to time of such notes or other instruments, and their respective successors and assigns (collectively the "Mortgagees") that as of the date hereof:

1. The Lease Agreement is in full force and effect and has not been modified, assigned, supplemented or amended since its original execution, nor are there any other agreements between the County and the Company concerning the property subject to the Lease Agreement, whether oral or written;

2. The County is not in default under the Lease Agreement, the County has not received any notice of default under the Lease Agreement, and, to the County's knowledge, there are no events which have occurred that with the giving of notice or the passage of time or both, would result in a default by the County under the Lease Agreement;

3. The County has not sent any notice of default under the Lease Agreement, and at the present time the County has no claim against the Company under the Lease Agreement, and to the County's knowledge, there are no uncured defaults on the part of the Company under the Lease Agreement and there are no events which have occurred that, with the giving of notice or the passage of time or both, would result in a default by the Company thereunder;

4. To the County's knowledge, no action, voluntary or involuntary, concerning the Lease Agreement is pending against the County under federal or state laws;

5. The County hereby reaffirms the representations and warranties made in Section 3.1 of that certain Lease Agreement dated December 20, 1999 by and between the County and Quatro Mid-Atlantic Resourced III, LLC, which was assigned to the Company and approved by the Richland County Council on _____, 20__.

6. The Lease Agreement attached hereto as Exhibit A is true, complete and correct;

7. This Estoppel Certificate shall be binding upon the successors, assigns and representatives of the undersigned and any party claiming through or under the undersigned and shall inure to the benefit of all Purchasers and Mortgagees; and

8. The undersigned has the authority to execute and deliver this Certificate on behalf of the County and acknowledges that all Purchasers will rely on this estoppel certificate in purchasing the property and all Mortgagees will rely upon this estoppel certificate in extending credit to the Company or the Company's successors in interest.

IN WITNESS WHEREOF, the County has duly executed this Certificate this _____ day of _____, 2011.

RICHLAND COUNTY, SOUTH CAROLINA

Paul Livingston, Chair of Richland County Council
Richland County, South Carolina

ATTEST:

Michelle Onley, Assistant Clerk
to Richland County Council
Richland County, South Carolina

EXHIBIT A

Lease Agreement

Attached hereto.

ASSIGNMENT OF FILOT AGREEMENT

This ASSIGNMENT (the "Agreement") dated _____, 2011, is made from PCO JENKINS BROTHERS ROAD, LP, a South Carolina limited partnership ("Assignor") to [EXETER JENKINS BROTHERS ROAD], LLC, a Delaware limited liability company ("Assignee").

BACKGROUND

Pursuant to that certain [Agreement of Sale] dated _____, 2011 (the "Agreement of Sale"), Assignor has agreed to convey to Assignee all of its right, title and interest in and to certain real property and the improvements located thereon (the "Property") as more particularly described on Exhibit A attached hereto and made a part hereof.

Richland County, South Carolina ("County") is the fee owner of the Property and entered into that certain Lease Agreement dated December 20, 1999 with Quatro Mid-Atlantic Resourced III, LLC ("Quatro"), which was recorded on December 25, 1999 with the Register of Deeds for the County in Deed Book R-371 at page 2678 (the "FILOT Agreement"), a copy of which is attached hereto as Exhibit B and made a part hereof.

Quatro assigned its interests under the FILOT Agreement and all related documents to Assignor, which was approved by the Richland County Council on _____, 20__.

NOW, THEREFORE, in consideration of Ten Dollars (\$10.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, and intending to be legally bound hereby, Assignor agrees as follows:

1. Assignment of FILOT Agreement; Direction to County. Assignor hereby assigns, sets over and transfers to Assignee all of its right, title and interest in, to and under the FILOT Agreement. Pursuant to the FILOT Agreement, Assignee shall direct the County to reconvey to Assignee title to all Leased Property subject to the FILOT Agreement and to enter into a fee in lieu of tax agreement with Assignee relating to the FILOT Payments currently being paid by Assignor under the FILOT Agreement.

2. Assumption. Assignee shall and does hereby assume and agree to observe and perform all obligations and duties of Assignor as tenant under the FILOT Agreement arising from and after the date hereof.

3. Payment of County Costs and Expenses. Assignor and Assignee hereby agree that each of them shall be jointly and severally responsible for paying or reimbursing all costs and expenses of the County, including attorneys' fees, associated with the assignment of the interests of Assignor in and under the FILOT Agreement hereunder, the County's consent thereto, the reconveyance of the Leased Property to Assignee and the County's entry into a fee in lieu of tax agreement with Assignee.

4. Indemnification. Assignor shall indemnify and hold harmless Assignee and its affiliates and their respective officers, directors, employees and agents from and against any and all liabilities, claims, suits, costs or expenses, including reasonable attorneys' fees, arising prior to

the date hereof with respect to the FILOT Agreement, and Assignee shall indemnify and hold harmless Assignor and its affiliated and their respective officers, directors, employees and agents from and against any and all liabilities, claims, suits, costs, or expenses, including reasonable attorneys' fees, arising on or after the date hereof with respect to the FILOT Agreement.

5. Governing Law. This Assignment shall be governed and controlled in accordance with the laws of South Carolina.

6. Binding Effect; Counterparts. This Agreement shall be binding upon each party hereto, and such party's respective successors and assigns, and shall inure to the benefit of each party hereto and such party's successors and assigns. This Agreement may be executed on separate counterparts.

IN WITNESS WHEREOF, the undersigned have executed this Agreement on and as of the date first set forth above.

ASSIGNOR:

ASSIGNEE:

PCO JENKINS BROTHERS
ROAD, LP, a South Carolina
limited partnership

[EXETER JENKINS BROTHERS ROAD], LLC, a Delaware
limited liability company

By: _____
Name:
Title:

By: _____
Name:
Title:

Exhibit A

Legal Description

Exhibit B

FILOT Agreement

Attached hereto.

LAW OFFICE OF
RODDY M. JORDAN
1711 WOODCREEK FARMS ROAD, SUITE A
ELGIN, SOUTH CAROLINA 29045

E-MAIL RODDYJORDAN@AOL.COM

TELEPHONE (803) 788-8048

FACSIMILE (803) 788-7155

February 2, 2011

J. Milton Pope, County Administrator
Richland County
2020 Hampton Street/P.O. Box 192
Columbia, SC 29202

Re: Richland Northeast Industrial Park

Dear Mr. Pope:

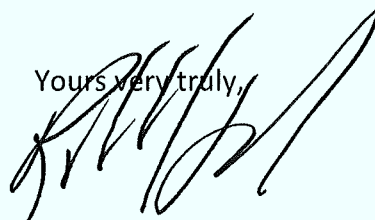
I am contacting you on behalf of Chosen 2 Conquer International Ministries. The Ministry is interested in acquiring a parcel of land located within the Richland Northeast Industrial Park upon which they would intend to construct a place of worship.

The Ministry is aware that the Covenants and Restrictions placed upon the Park in 1978 provide that the premises shall be only used for an industrial operation. I note that the Covenants and Restrictions provide that they are for the benefit of the County which reserves the right to release or to change or modify any of the restrictions.

I will appreciate if you will let me know whether the County will consider a request to modify the Covenants and Restrictions to permit the use of the property for church related purposes, and if so, what the procedure is to accomplish this.

Thank you for your consideration to this request.

Yours very truly,



Roddy M. Jordan

Item# 15

Attachment number 4
Page 1 of 2

cc: Pastor Pedro Maldonado, Jr.
Chose 2 Conquer International Ministries
P.O. Box 290328
Columbia, SC 29229

cc: Charles Daniels, III
Russell and Jeffcoat Real Estate
5219 N. Trenholm Road
Columbia, SC 29206

(2011)

Rd

Clemson Rd

Bookings

Two Notch Rd

Denied request for amendment
Forum Business Park II
720 Old Clemson Rd.
(25800-04-13)
(2011)

Currently requesting amendment for proposed place of worship
610 Clemson Rd.
(25800-04-17)
(2011)

Amended for automobile garage, sales, & restoration
520 Clemson Rd.
(25700-04-03)
(2010)

Amended for office, wholesale, retail, storage, distribution, and other uses permitted by the Richland County Zoning Ordinance
(25800-04-22)(25800-07-12)
(2007)

Amended for present uses in Forum Business Park III
531 Clemson Rd.
(25700-03-07)
(2011)

Woodlands County

Item# 15



2020 Hampton Street, 1st floor
Columbia, SC 29204-1002
P.O. Box 192
Columbia, SC 29202-0192
(803) 576-2174 direct
(803) 576-2182 fax
(803) 576-2180 front counter
geoprince@richlandonline.com

Richland County Planning and Development Services

Memo

To: Sparty Hammett, Assistant County Administrator
CC: Anna Fonseca, Planning Director
From: Geonard H. Price, Zoning Administrator
Date: 11 May 2011
Re: Pros/Cons of a place of worship within the industrial park located at 610 Clemson Road.

I have been unable to identify any benefits of allowing a place of worship within the industrial park. Based on my review of the covenants, the intent of the park was to provide for specific types of industrial uses, excluding the other permitted uses within the M-1 (Light Industrial) zoning district, as found in the Richland County Land Development Code.

A place of worship could change the character of the park, and consequently, make it difficult to justify the exclusion of other permitted uses within the M-1 district. In addition, due to various setback requirements from certain uses (both by the county and state), a place of worship could limit the use types on adjacent and abutting parcels.

Richland County Council Request of Action

Subject

Accommodations Tax Committee-2 [Benjamin Blackwell (Lodging), June 2, 2011*; Daniel R. Wilson (Lodging), June 2, 2011*]

Richland County Council Request of Action

Subject

Accommodations Tax Committee-3 [no applications were received]

Richland County Council Request of Action

Subject

Appearance Commission, Landscaper-1 [no applications were received]

Richland County Council Request of Action

Subject

Building Coders Board of Adjustments and Appeals- 5 [no applications were received]

Richland County Council Request of Action

Subject

Employee Grievance Committee-1 [one application was received from Josephine A. McRant*] **[PAGES 91-92]**



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

Name: Josephine A. McRant

Home Address: 1425 Friendly Woods Road, Blythewood, SC 29016

Telephone: (home) 803 754-6517 (work) 803 576-2467

Office Address: Dept. of Public Works, 400 Powell Road, Columbia, SC 29203

Email Address: mcrantj@rcgov.us

Educational Background: B. S. Admin., M. A. Management, Certificate in Mediation

Professional Background: HR Director; Dir. Admin. SC Attorney Gen.; Dir. Admin SC Lottery

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

Name of Committee in which interested: Grievance Board

Reason for interest: To utilize cumulative HR, ER and Administration experience to advocate fair and equitable employment practices for employees & management for RC Government.

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

Expertise in employee relations and resolving employee/employer disputes; balanced perspective and ability to view matters from both management and employee position.

Presently serve on any County Committee, Board or Commission? Grievance Board

Any other information you wish to give? Familiar with County Guidelines & Ordinances

Recommended by Council Member(s): N/A

Hours willing to commit each month: As needed

CONFLICT OF INTEREST POLICY

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

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

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

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

Have you been convicted or pled no contest of a crime other than minor traffic violations; checking yes does not automatically preclude you from consideration for appointment.

Yes _____ No X _____

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

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

Yes _____ No X _____

If so, describe: _____

Joseph A. McFont 2-20-11
Applicant's Signature Date

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

One form must be submitted for each Committee, Board or Commission on which you wish to serve.

Applications are current for one year.

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

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Richland County Council Request of Action

Subject

Hospitality Tax Committee-1 [no applications were received]

Richland County Council Request of Action

Subject

Internal Audit Committee-1 [no applications were received]

Richland County Council Request of Action

Subject

a. To discuss the Greater Columbia Chamber request to create an independent review task force to improve the business climate in the City of Columbia and Richland County **[LIVINGSTON]**

Richland County Council Request of Action

Subject

Must Pertain to Items Not on the Agenda