



**RICHLAND COUNTY COUNCIL  
REGULAR SESSION AGENDA**

**JUNE 7, 2011  
6:00 PM**

**CALL TO ORDER**

**HONORABLE PAUL LIVINGSTON, CHAIR**

**INVOCATION**

**THE HONORABLE KELVIN E. WASHINGTON, SR.**

**PLEDGE OF ALLEGIANCE**

**THE HONORABLE KELVIN E. WASHINGTON, SR.**

**Approval Of Minutes**

1. Regular Session: May 17, 2011 [PAGES 6-12]
2. Zoning Public Hearing: May 24, 2011 [PAGES 14-15]

**Adoption Of The Agenda**

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

3. a. CMRTA Intergovernmental Agreement  
b. Redistricting Process

**Citizen's Input**

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

**Report Of The County Administrator**

5. a. Personnel Matter  
b. Solicitor's Office  
c. Richland 101  
d. Glory Communications

## Report Of The Clerk Of Council

### Report Of The Chairman

6. a. County Administrator's Evaluation

### Open/Close Public Hearings

7. a. An Ordinance Amending the Richland County Code of Ordinances, Ch. 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
- b. 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
- c. 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
- d. An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article VI, Supplemental Use 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
- e. 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

### Approval Of Consent Items

8. 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 [**THIRD READING**] [**PAGES 22-43**]
9. 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 [**THIRD READING**] [**PAGES 45-47**]
10. 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 [**THIRD READING**] [**PAGES 49-52**]

11. Change in Procedures for Collection of Yard Waste [**PAGES 54-57**]
12. Council Member Expense Account Policy Guidelines [**PAGES 59-60**]
13. Emergency Services Purchase Orders for 2011-2012 [**PAGES 62-63**]
14. Property Insurance for 2011-2012 [**PAGES 65-66**]
15. An Ordinance Amending the Fiscal Year 2010-2011 General Fund Annual Budget to appropriate \$79,000 of General Fund Undesignated Fund Balance to Clerk of Court for the purchase of additional shelving in Family Court, Civil Records, Criminal Records and the Archives Room [**FIRST READING**] [**PAGES 68-69**]
16. Relocation of Sheriff's Department's Region Two Substation to Decker Mall [**PAGES 71-73**]
17. Renaissance Foundation MOU Extension [**PAGES 75-82**]
18. Revise Richland County Human Resources Guidelines for Exit Interviews [**PAGES 83-86**]
19. Volunteer Fire Operations Insurance [**PAGES 88-89**]

### **Third Reading Items**

20. 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 [**PAGE 91**]

### **Second Reading Items**

21. An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article II, Rules of Construction/Definitions; Section 26-22, Definitions; and Article VII, General Development, Site, and Performance Standards; Section 26-179, Pedestrian, Bicycle, and Transit Amenities; so as to require new sidewalks to be ADA compliant and to allow for exemptions to the requirement of providing sidewalks under certain conditions [**PAGES 93-96**]
22. An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site, and Performance Standards; Section 26-180, Signs; so as to create a new section that would allow off-premise weekend directional signs under certain conditions [**PAGES 98-100**]

### **Report Of Development And Services Committee**

23. Amending the "Heir's Subdivision of Property Ordinance" [**PAGES 102-110**]
24. Right of Way Abandonment for Old Clarkson Road [**PAGES 112-119**]

25. Summit Parkway Sidewalk Project [**PAGES 121-125**]
26. An Ordinance Amending the Richland County Code of Ordinances; Chapter 17, Motor Vehicles and Traffic; Article II, General Traffic and Parking Regulations; so as to prohibit emailing or texting while operating a motor vehicle [**FIRST READING**] [**PAGES 127-131**]

### **Citizen's Input**

27. Must Pertain to Items Not on the Agenda

### **Executive Session**

### **Motion Period**

28. a. Motion that Chairman Livingston place on the Economic Development Committee agenda, the task of reviewing the Richland County business license fee and this fees impact on job creation and business recruitment within Richland County. Said Committee to review the competitiveness of our business license fee in regards to both calculation and surrounding/neighborhood Counties. Such review to include input and data from the Columbia Chamber of Commerce as well as other relevant entities. The findings from this review to be submitted to full Council once said review is completed. [**ROSE**]
- b. There are many issues with the Hospitality Tax use with the current program Richland County has in place. Based on that fact, I move that the Hospitality Tax Committee and Richland County Council review this grant program so that it can be re-vamped with an emphasis on funding projects and programs that bring in true tourists, not community events that pull the majority of their attendees from Richland County residents. [**MALINOWSKI**]

### **Adjournment**



# Richland County Council Request of Action

**Subject**

Regular Session: May 17, 2011[PAGES 6-12]

# MINUTES OF



## RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, MAY 17, 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.*

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### MEMBERS PRESENT:

Chair	Paul Livingston
Vice Chair	Damon Jeter
Member	Gwendolyn Davis Kennedy
Member	Joyce Dickerson
Member	Valerie Hutchinson
Member	Norman Jackson
Member	Bill Malinowski
Member	Jim Manning
Member	L. Gregory Pearce, Jr.
Member	Seth Rose
Member	Kelvin Washington

**OTHERS PRESENT** – Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Ancheta, Randy Cherry, Stephany Snowden, Tamara King, Larry Smith, Anna Fonseca, Amelia Linder, Daniel Driggers, Dale Welch, Kevin Etheridge, 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 L. Gregory Pearce, Jr.

## PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable L. Gregory Pearce, Jr.

## PRESENTATION OF RESOLUTION

**Blythewood Middle School** – Ms. Dickerson presented a resolution to Blythewood Middle School honoring them for being redesignated as a School to Watch by the National Forum to Accelerate Middle Grades Reform for the second time.

## APPROVAL OF MINUTES

**Regular Session: May 3, 2011** – Mr. Malinowski stated that the vote on p. 6 of the minutes should reflect that he voted in favor of the motion.

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

## ADOPTION OF AGENDA

Mr. Washington stated that Black Expo Funding needed to be added under the Report of Economic Development Committee.

Mr. Malinowski stated that Item #12 needed to be removed from the Consent Agenda and placed under Second Reading Items.

Mr. Pearce stated that Distribution of County Administrator Evaluation Forms needed to be added under the Report of the Chairman.

Mr. Smith stated that an Economic Development legal briefing and CMRTA IGA Negotiations needed to be added under the Report of the Attorney for Executive Session Items.

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

## REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

**Economic Development—Legal Advice** – No action was taken.

**CMRTA IGA Negotiations** – No action was taken.

## CITIZENS' INPUT

No one signed up to speak.

## REPORT OF THE COUNTY ADMINISTRATOR

**Employee Grievance [ACTION]** – Mr. Pearce moved, seconded by Mr. Malinowski, to uphold the Administrator's recommendation. The vote in favor was unanimous.

**Recreational Event** – Mr. Pope stated that the Columbia Rowing Club will be hosting two regattas: The Broad River Sculls on May 28<sup>th</sup> and the Head of the Broad on October 8<sup>th</sup> at the Rowing Center.

**Glory Communications Recognition** – Mr. Pope stated this item is to be rescheduled.

**Joint Economic Development Committee Meeting, June 1<sup>st</sup>, 2-4 p.m., City of Columbia** – Mr. Pope stated that the Joint Economic Development Committee meeting will be held on June 1<sup>st</sup> from 2-4 p.m. at the City of Columbia.

**2011 Historic Preservation Award** – Mr. Pope stated that the Township received the 2011 Historic Preservation Award for excellence in New Construction in a Historic Context.

**Redistricting** – Mr. Pope stated that per Council's request the Redistricting information has been added to the County's website.

**Budget** – Mr. Pope stated that the Budget staff had distributed additional information.

## REPORT OF THE CLERK OF COUNCIL

No report was given.

## REPORT OF THE CHAIRMAN

**Central Midlands Council of Governments Letter re: Additional Board Member** – Mr. Livingston stated that according to the 2010 Census Richland County is entitled to an additional member on the CMCOG Board and suggested that Mr. Pope be considered for the additional position.

**County Administrator's Evaluation** – Mr. Pearce distributed postage paid envelopes and copies of the Administrator's evaluation form to Council in order for Council to submit the completed forms to the consultant by the May 31<sup>st</sup> deadline.

## PRESENTATION

**Neil McLean, EngenuitySC** – Mr. McLean gave a brief presentation regarding the NuHub.



## OPEN/CLOSE PUBLIC HEARINGS

- 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 – No one signed up to speak.

## APPROVAL OF CONSENT ITEM

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

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

### 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** – Mr. Pearce moved, seconded by Ms. Hutchinson, to approve this item. The vote in favor was unanimous.

Mr. Pearce moved, seconded by Mr. Malinowski, to reconsider this item. The motion failed.

### SECOND READING

**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** – Mr. Pearce moved, seconded by Mr. Jeter, to approve this item. The vote was in favor.

### REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

**PCO Jenkins Brothers Road, LP Assignment** – Mr. Washington stated the committee recommended approval of this item. The vote in favor was unanimous.

**Request for Amendment to Covenants and Restrictions** – Mr. Malinowski moved, seconded by Ms. Kennedy, to accept staff's recommendation to deny the amendment to the covenants and restrictions. The vote was in favor.

**Black Expo** – Mr. Washington stated that the committee recommended funding \$9,000 from the FY11 Hospitality Tax Round II funds for the Black Expo.

Ms. Dickerson made a substitute motion to approve funding \$5,000 from the FY11 Hospitality Tax Round II funds for the Black Expo. The motion died for lack of a second.

A discussion took place.

The vote was in favor of funding \$9,000 from the FY11 Hospitality Tax Round II funds.

### REPORT OF RULES AND APPOINTMENTS COMMITTEE

#### I. NOTIFICATION OF VACANCIES

- a. **Accommodations Tax Committee—2** – Mr. Malinowski stated that the committee recommended advertising for these positions. The vote in favor was unanimous.

## II. NOTIFICATION OF APPOINTMENTS

- a. **Accommodations Tax Committee—3** – Mr. Malinowski stated that the committee recommended re-advertising for these positions. The vote in favor was unanimous.
- b. **Appearance Commission, Landscaper—1** – Mr. Malinowski stated that the committee recommended re-advertising for this position. The vote in favor was unanimous.
- c. **Building Codes Board of Adjustments and Appeals—5** – Mr. Malinowski stated that the committee recommended re-advertising for these positions. The vote in favor was unanimous.
- d. **Employee Grievance Committee – 1** – Mr. Malinowski stated that the committee recommended re-appointing Ms. Josephine A. McRant. The vote in favor was unanimous.
- e. **Hospitality Tax Committee – 1** – Mr. Malinowski stated that the committee recommended re-advertising for this position. The vote in favor was unanimous.
- f. **Internal Audit Committee – 1** – Mr. Malinowski stated that the committee recommended re-advertising for this position. The vote in favor was unanimous.

## CITIZEN'S INPUT

No one signed up to speak.

## MOTION PERIOD

**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]** – This item was referred to the D&S Committee.

**Motion to address the effect of landscaping on non-profit organizations vs. commercial properties and certificate of occupancy. (Rural vs. Urban Landscaping) [JACKSON]** – This item was referred to the D&S Committee.

**To donate the Woodrow Wilson Home and the Hampton Preston Mansion to a non-profit organization that can handle its historic value and solicit funding from a larger area of funders. Or create such organization and turn over all title and responsibility [JACKSON]** – This item was referred to the A&F Committee.

Mr. Jeter submitted a recusal form regarding an item on the FY11-12 Budget.

**ADJOURNMENT**

The meeting adjourned at approximately 7:38 p.m.

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

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Damon Jeter, Vice-Chair

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Gwendolyn Davis Kennedy

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Joyce Dickerson

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Valerie Hutchinson

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Norman Jackson

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Jim Manning

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L. Gregory Pearce, Jr.

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Seth Rose

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Kelvin E. Washington, Sr.

The minutes were transcribed by Michelle M. Onley

# Richland County Council Request of Action

**Subject**

Zoning Public Hearing: May 24, 2011 [**PAGES 14-15**]

# MINUTES OF



## RICHLAND COUNTY COUNCIL ZONING PUBLIC HEARING TUESDAY, MAY 24, 2011 7:00 p.m.

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

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### MEMBERS PRESENT:

Chair	Paul Livingston
Vice Chair	Damon Jeter
Member	Joyce Dickerson
Member	Valerie Hutchinson
Member	Norman Jackson
Member	Gwendolyn Davis Kennedy
Member	Bill Malinowski
Member	L. Gregory Pearce, Jr.
Member	Kelvin E. Washington, Sr.

Absent        Seth Rose

**OTHERS PRESENT:** Anna Fonseca, Amelia Linder, Sparty Hammett, Holland Leger, Brian Cook, Geo Price, Melinda Edwards, Larry Smith, Monique Walters, Michelle Onley

### CALL TO ORDER

The meeting was called to order at approximately 7:04 p.m.

### ADDITIONS/DELETIONS TO AGENDA

There were no additions or deletions.

## TEXT AMENDMENT

**An Ordinance Amending the Richland County Code of Ordinances to require new sidewalks to be ADA compliant and to allow for exemptions to the requirement of providing sidewalks under certain conditions**

Mr. Livingston opened the floor to the public hearing.

No one signed up to speak.

The floor to the public hearing was closed.

Ms. Dickerson moved, seconded by Ms. Hutchinson, to give First Reading approval to this item. The vote in favor was unanimous.

**An Ordinance Amending the Richland County Code of Ordinances to create a new section that would allow off-premise weekend directional signs under certain conditions**

Mr. Livingston opened the floor to the public hearing.

Mr. Earl McLeod spoke in favor of this item.

The floor to the public hearing was closed.

Mr. Manning moved, seconded by Ms. Kennedy, to give First Reading approval to this item. The vote was in favor.

## ADJOURNMENT

The meeting adjourned at approximately 7:16 p.m.

Submitted respectfully by,

Paul Livingston  
Chair

The minutes were transcribed by Michelle M. Onley

# Richland County Council Request of Action

**Subject**

- a. CMRTA Intergovernmental Agreement
- b. Redistricting Process



# 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. Personnel Matter
- b. Solicitor's Office
- c. Richland 101
- d. Glory Communications

# Richland County Council Request of Action

**Subject**

- a. County Administrator's Evaluation

# Richland County Council Request of Action

## **Subject**

- a. An Ordinance Amending the Richland County Code of Ordinances, Ch. 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
- b. 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
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- d. An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article VI, Supplemental Use 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
- e. 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

# 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 **[THIRD READING] [PAGES 22-43]**

## **Notes**

First Reading: May 3, 2011  
Second Reading: May 17, 2011  
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](mailto: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**

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 **[THIRD READING] [PAGES 45-47]**

## **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: May 17, 2011  
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 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 **[THIRD READING] [PAGES 49-52]**

## **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: May 17, 2011

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**

Change in Procedures for Collection of Yard Waste **[PAGES 54-57]**

**Notes**

The committee recommended that Council direct staff to explore a higher level of service for each solid waste collection area as the existing contract for each area comes up for renewal, renegotiation or rebid. The vote in favor was unanimous.

## Richland County Council Request of Action

**Subject:** Change in Procedures for Collection of Yard Waste

**A. Purpose**

The purpose of this item is to request the County Council's consideration of a motion made at the March 15, 2011, Council Meeting regarding the curbside collection of yard waste in Richland County.

**B. Background / Discussion**

At the March 15, 2011, Council Meeting, Council Member Jim Manning introduced the following motion:

“I move that we change whatever is necessary so that the Talking Trash Booklet can read that Yard Trash will be picked up equivalent to 4 hoppers as opposed to 2 hoppers.”

Under the County's current solid waste collection procedures, the collectors pick up the equivalent of two rollcars of yard waste each week. Piles of yard waste that exceed this amount are picked up over multiple weeks until the piles are completely diminished. This procedure is included in the Solid Waste Ordinance as well as the contracts that the County has with the collectors.

While the County's solid waste collection service is an exceptional benefit to our citizens, with overwhelming customer satisfaction and relatively few complaints, staff is aware of and sensitive to the dissatisfaction that this procedure creates with some customers, particularly those who have large lawns and routinely place at curbside a large amount of yard waste for collection. It is clearly understood that many of the customer complaints concerning solid waste center around the fact that the collectors only pick up a portion of a large yard waste pile each week and it may take several weeks to completely diminish such a pile.

By the same token, however, staff would caution against changing the procedures in the middle of a contract term. The County's solid waste collectors have contracts with terms of five years each. The expiration date of each contract is as follows:

Area 1	All Waste	December 2013
Area 2	Waste Industries	December 2012
Area 3	Southland / Advanced	December 2014
Area 4	Waste Industries	December 2014
Area 5A	Ard's Sanitation	December 2013

Area 5B	Bruce Johnson	December 2013
Area 6	Southland / Advanced	December 2012
Area 7	Bruce Johnson	December 2013

If the collection procedure were to be changed in midstream, the Solid Waste Ordinance would have to be amended, as would the collection contracts, to account for the additional amount of yard waste to be collected. Perhaps even more significantly, the collectors would demand additional payment as their costs would likely increase significantly.

For these reasons, the staff recommends that the additional level of yard waste collection be incorporated, as an option for the Council’s consideration, into the procurement process as each contract comes up for renewal, renegotiation or rebid. In this way, the County would not have to change contracts in mid-term, would not have to pursue a budget amendment in the middle of a fiscal year to fund the additional level of service, and could more adequately plan for the increased cost (if the Council decides that the higher level of service is to be provided).

**C. Financial Impact**

The financial impact to the County would be increased costs for solid waste collection due to a higher level of service being provided to the customers. The extent of the increased costs could only be determined after extensive negotiations with the solid waste collectors, which, at this point, has not yet occurred.

**D. Alternatives**

1. Approve the motion to move to a higher level of service with respect to the collection of yard waste in Richland County.
2. Direct the staff to explore a higher level of service for each solid waste collection area as the existing contract for each area comes up for renewal, renegotiation or rebid.
3. Continue the level of yard waste collection service as it exists today, i.e., the two rollcart equivalent.

**E. Recommendation**

By: Motion by Council Member Manning Date: March 15, 2011 Council Meeting

**F. Reviews**

(Please replace the appropriate box with a ✓ and then support your recommendation in the Comments section before routing. Thank you!)

**Finance**

Reviewed by: Daniel Driggers Date: 4/4/11

Recommend Council approval  Recommend Council denial

Comments regarding recommendation: This is Council discretion. I would agree with the last paragraph of section B and recommend that additional

research and negotiation take place to determine the cost impact of the service change to the user fee and incorporate changes in service level as contracts are renewed.

### **Solid Waste**

Reviewed by: Paul Alcantar

Date: 4/12/2011

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: I agree with Mr. Driggers' comments. Prior to changing the Talkin' Trash booklet, an agreement for the change in service should be negotiated. Also this will take an ordinance change and a change to the hauler's contracts. In order to maintain consistency of service throughout the County, it may be best, if we do not implement the change until we have renegotiated with all of the haulers.

Richland County currently provides free disposal of yard waste for Richland County citizens from their primary resident at the Richland County Landfill. We are currently investigating possible yard waste programs and have a containerized yard waste pilot program in place in Pine Valley/Kingswood Subdivision. Data from this pilot program may be instrumental in determining a more effective and efficient yard waste program for the County.

### **Procurement**

Reviewed by: Rodolfo Callwood

Date: 4/15/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: At discretion of the county council. The agreements presently allows for removal of all containerized, bundled, bagged, and boxed yard waste and an equivalent of two roll carts of loose yard waste.

### **Legal**

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Council discretion: However, I concur with the above referenced comments regarding re-negotiating the agreements as well determining what additional costs will be incurred by the constituents for this higher level of service.

### **Administration**

Reviewed by: Tony McDonald

Date: 4/15/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval of Alternative #2 above, i.e., direct the staff to explore a higher level of service for each solid waste collection area as the existing contract for each area comes up for renewal, renegotiation or rebid. In this way, as stated above, the County would not have to change contracts in mid-term, would not have to pursue a budget amendment in the middle of a fiscal year to fund the additional level of



service, and could more adequately plan for the increased cost (if the Council decides that the higher level of service is to be provided).

# Richland County Council Request of Action

**Subject**

Council Member Expense Account Policy Guidelines [PAGES 59-60]

**Notes**

The committee recommended that Council approve the motion to amend the Council's expense account policy by issuing each Council Member a credit card. The vote in favor was unanimous.

## Richland County Council Request of Action

**Subject:** Council Member Expense Account Policy Guidelines

**A. Purpose**

The purpose of this item is to request the County Council's consideration of a motion made at the April 19, 2011, Council Meeting regarding a proposed amendment to the Council Member expense account policy guidelines.

**B. Background / Discussion**

At the April 19, 2011, Council Meeting, Council Members Damon Jeter, Paul Livingston and Kelvin Washington introduced the following motion:

**“According to the Richland County Council’s Individual expense account policy guidelines, “The funds are intended to be used as a general government reimbursement expense fund. I make a motion that Council amend the policy, and direct the County Administrator to incorporate a credit card program for council members in the budget process. The program should provide each council member with a credit card. Members would be required to provide receipts associated with expenditures at the end of the month. In cases where the transaction involves a business that does not accept a credit card, Council members would be able to get a counter check processed at any Bank of America location. This would allow the council members to have more immediate access to funds rather than waiting on a check to be issued, and would provide the County a small savings from the cost of writing a check.”**

**C. Financial Impact**

There would be no additional costs to the County by implementing the credit card program. Instead, there would likely be a small savings as a result of the County not having to write an individual check for each transaction. Implementation would also result in less paperwork and processing time relating to Council Member expenses.

**D. Alternatives**

1. Approve the motion to move to amend the Council’s expense account policy by issuing each Council Member a credit card.
2. Do not approve the proposed amendment to the Council’s expense account policy and continue processing payments as in the past.

**E. Recommendation**

By: Motion by Council Members Jeter, Livingston and Washington

Date: April 19, 2011 Council Meeting

**F. Reviews**

(Please replace the appropriate box with a ✓ and then support your recommendation in the Comments section before routing. Thank you!)

**Finance**

Reviewed by: Daniel Driggers

Date: 5/4/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Approval would provide an easier access to funds however as with all processes there would be some associated risk accepted. I would encourage the approval to include clear guidelines on the allowable expenditures and reporting requirements inclusive of the needed supporting documents otherwise a risk accepted is the inability to substantiate an expenditure recorded.

**Procurement**

Reviewed by: Rodolfo Callwood

Date:5/4/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Legal**

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Administration**

Reviewed by: Tony McDonald

Date: 5/5/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval due to the fact that the proposed credit card option would streamline Council Members' management of their expense accounts. The proposal would also save money by reducing paperwork and staff time involved in processing expenditures. I concur with the Finance Director, however, that guidelines to address allowable expenditures and reporting requirements should be developed.

# Richland County Council Request of Action

**Subject**

Emergency Services Purchase Orders for 2011-2012 [**PAGES 62-63**]

**Notes**

The committee recommended that Council approve the purchase orders and contracts for services, contingent on the 2011-2012 budget, so there will not be an interruption of these services at the beginning of the new budget year. The vote in favor was unanimous.

## Richland County Council Request of Action

**Subject: Emergency Services Purchase Orders for 2011-2012 ESD 01052011**

### **A. Purpose**

The purpose of this report is to obtain Council's approval to award purchase orders and contracts for services in the 2011-2012 budget year. These services are required for the operations of the Emergency Services Department. The purchase order and contract approvals are subject to Council's adoption of the 2011-2012 budget.

### **A. Background / Discussion**

Each division in the Emergency Services Department uses vendors to provide service for operations. It is necessary to renew agreements and have them in place July 1, 2011, so that service will not be interrupted at the start of the new budget year. The implementation of the purchase orders and contracts are subject to available funding in the budget County Council approves for year 2011 / 2012. Purchase orders and contracts that exceed, or may exceed \$100,000 during the year are:

VENDOR	SERVICE	ESTIMATED AMOUNT
City of Columbia	EMS/ESD Diesel & Gasoline	\$342,000
Phillips Medical	Annual Service, EKG Monitors	\$ 72,000
Motorola	EMS/Radio Service	\$ 94,000
Motorola	ETS/911 Equip.Service Agreement	\$240,000
Motorola	FIRE Radio Service	\$186,000
Motorola	ADMIN/ETS Radio Service	\$ 41,000

### **B. Financial Impact**

Funding is included in the 2011 / 2012 budget request presented to Council. The purchase orders and contracts will be activated July 1, 2011, if funding has been approved in the budget.

### **C. Alternatives**

1. Approve the purchase orders and contracts to have uninterrupted service beginning July 1, 2011.
2. Do not approve the purchase orders and contracts.

### **D. Recommendation**

It is recommended that Council approve the purchase orders and contracts for services, contingent on the 2011-2012 budget, so there will not be an interruption of these mission essential services at the beginning of the new budget year.

Report by Michael A. Byrd, Director of Emergency Services. May 6, 2011

## F. Reviews

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

### Finance

Reviewed by: Daniel Driggers

Date: 5/10/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

### Procurement

Reviewed by: Rodolfo Callwood

Date: 5/18/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

### Legal

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

### Administration

Reviewed by: Tony McDonald

Date: 5/18/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend approval of the renewal of the contracts outlined above. Funding has been included in the FY 12 budget proposal, and approval of the contracts will be contingent on the Council's final adoption of the budget.

# Richland County Council Request of Action

**Subject**

Property Insurance for 2011-2012 [**PAGES 65-66**]

**Notes**

The committee recommended that Council approve the request to enter into a contract with Arthur J. Gallagher Risk Management in the amount of \$170,269 for property insurance for 2011-2012. The vote in favor was unanimous.



# Richland County Council Request of Action

**Subject:** PROPERTY INSURANCE for 2011-2012

## **A. Purpose**

County Council is requested to approve the purchase of property insurance for 2011-2012.

## **B. Background / Discussion**

The County received three proposals for its 2011-2012 property insurance. Arthur J. Gallagher Risk Management of Greenville, S.C. submitted the proposal that is in the best interest of the County.

## **C. Financial Impact**

The projected premium is \$ 170,269 which is within the proposed budget and is a reduction of this year's cost of \$ 191,300.

## **D. Alternatives**

1. Approve the request.
2. Do not approve the request.

## **E. Recommendation**

The proposal is recommended.

Recommended by: David Chambers, Risk Management, May 9, 2010

## **F. Reviews**

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

### **Finance**

Reviewed by: Daniel Driggers

Date: 5/9/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: The amount is included in the recommended budget

### **Procurement**

Reviewed by: Rodolfo Callwood

Date: 5/10/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

### **Legal**

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Item# 14

Attachment number 1  
Page 1 of 2

Comments regarding recommendation:

**Administration**

Reviewed by: Tony McDonald

Date: 5/10/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend approval of a contract with Arthur J. Gallagher for property insurance for FY 12. Gallagher offered the most comprehensive coverage of the three proposals that were received. Funding has been included in the FY 12 proposed budget.

# Richland County Council Request of Action

## **Subject**

An Ordinance Amending the Fiscal Year 2010-2011 General Fund Annual Budget to appropriate \$79,000 of General Fund Undesignated Fund Balance to Clerk of Court for the purchase of additional shelving in Family Court, Civil Records, Criminal Records and the Archives Room **[FIRST READING] [PAGES 68-69]**

## **Notes**

The committee recommended that Council approve the request from the Clerk of Court and Family Court to use \$79,000 to purchase additional shelving in Family Court, Civil Records, Criminal Records and the Archives rooms as well as purchase On Base software in order to scan documents in Family Court. The vote in favor was unanimous.

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

AN ORDINANCE AMENDING THE FISCAL YEAR 2010-2011 GENERAL FUND ANNUAL BUDGET TO APPROPRIATE \$79,000 OF GENERAL FUND UNDESIGNATED FUND BALANCE TO CLERK OF COURT FOR THE PURCHASE OF ADDITIONAL SHELVING IN FAMILY COURT, CIVIL RECORDS, CRIMINAL RECORDS AND THE ARCHIVES ROOM.

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

SECTION I. That the amount of seventy nine thousand dollars (\$79,000) be appropriated to FY 2010-2011 Clerk of Court. Therefore, the Fiscal Year 2010-2011 General Fund Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2010 as amended:	\$ 138,159,869
Appropriation of General Fund undesignated fund balance	<u>79,000</u>
Total General Fund Revenue as Amended:	\$ 138,238,869

EXPENDITURES

Expenditures appropriated July 1, 2010 as amended:	\$ 138,159,869
Increase to Clerk of Court's Current Budget	<u>79,000</u>
Total General Fund Expenditures as Amended:	\$ 138,238,869

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

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

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

RICHLAND COUNTY COUNCIL

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

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

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

\_\_\_\_\_  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

# Richland County Council Request of Action

## **Subject**

Relocation of Sheriff's Department's Region Two Substation to Decker Mall **[PAGES 71-73]**

## **Notes**

The committee recommended that Council approve the motion to relocate the Sheriff's Department's Region Two substation to Decker Mall, as well as the County's Central Court, and use up to \$7 million of the remaining 2010 bond issue to renovate the facility. The vote in favor was unanimous.

## Richland County Council Request of Action

**Subject:** Relocation of Sheriff's Department's Region Two Substation to Decker Mall

### **A. Purpose**

The purpose of this item is to request the County Council's consideration of a motion made at the April 19, 2011, Council Meeting regarding the relocation of the Sheriff's Department's Region Two Substation to Decker Mall.

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

At the April 19, 2011, Council Meeting, Council Member Jim Manning introduced the following motion:

**“Council endorses moving the Sheriff Department's Region Two Office to Decker Mall and that the remaining bond dollars be designated as renovation monies for the County's Decker property.”**

In September of 2010, the County Council approved a bond issue in the amount of \$9 million for various capital improvement projects, including the relocation of the Health Department from its current location at 2020 Hampton Street. It was subsequently determined by staff that the former Decker Mall on Decker Boulevard would be an ideal location for the Health Department and would allow for the future co-location of the Department of Social Services with the Health Department.

The Council later decided not to relocate the Health Department but to leave it at its current Hampton Street location. The Council proceeded, however, with the purchase of the Decker Mall, with a directive to the staff to develop a list of candidates that could be relocated to that site.

After consideration of several potential tenants for the Decker Mall facility, Administration is recommending that Central Court, currently located at 1400 Huger Street, be moved to Decker. This will allow for the eventual sale of the Huger Street property, as has been previously discussed with the Council.

Council Member Manning's motion to relocate the Sheriff's Department's Region Two Substation, currently housed at Columbia Mall on Two Notch Road, would result in a very compatible co-location of Traffic Court functions and a Sheriff's Substation. The Sheriff has endorsed the relocation of the Region Two Substation.

With respect to the funding, \$2 million of the \$9 million bond will be used for the purchase of Decker Mall, with \$7 million remaining. On April 5, 2011, the Council approved a motion from the Recreation Ad Hoc Committee to appropriate up to \$5 million of the remaining bond funds for the Regional Sports Complex, which could be offset with funding from the Hospitality Tax or the General Fund. Since then, the County Administrator has developed an alternative funding plan for the Sports Complex, which will de-obligate the \$5 million in bond funds for use on other capital

projects. The alternative funding plan for the Regional Sports Complex is being considered as part of the FY 12 budget for the Hospitality Tax Fund.

In conclusion, the staff recommends approval of Council Member Manning's motion to relocate the Sheriff's Region Two Substation to Decker Mall and to use the remaining \$7 million in bond funds to pay for the renovation of the facility. As part of the staff's endorsement of this motion, it is recommended that the Council approve the relocation of Central Court to Decker as well.

**C. Financial Impact**

The financial impact to the County would be the renovation costs for the Decker Mall facility, up to \$7 million. These funds are already available through the bond that was issued in 2010.

**D. Alternatives**

1. Approve the motion to relocate the Sheriff's Department's Region Two Substation to Decker Mall and use up to \$7 million of the remaining 2010 bond issue to renovate the facility.
2. Approve the motion to relocate the Sheriff's Department's Region Two Substation to Decker Mall, as well as the County's Central Court, and use up to \$7 million of the remaining 2010 bond issue to renovate the facility.
3. Do not approve the motion to relocate either the Sheriff's Substation or Central Court to Decker Mall and direct the staff to develop other alternatives for use of the site.

**E. Recommendation**

By: Motion by Council Member Manning Date: April 19, 2011 Council Meeting

**F. Reviews**

(Please replace the appropriate box with a ✓ and then support your recommendation in the Comments section before routing. Thank you!)

**Finance**

Reviewed by: Daniel Driggers Date: 5/5/11

Recommend Council approval  Recommend Council denial

✓ Council Discretion (please explain if checked)

Comments regarding recommendation:

This is Council discretion and is a strategic planning decision for the County with several complications; therefore, I would recommend that Council make the decision considering all the long term factors. I have listed some below and have discussed others with Administration that will be included in

Administration's comments:

- ✓ No cost plan for the renovation of Decker facility or the retrofit(start up equipment, etc) required for Region 2 is included so I would recommend the development and review prior to approval to evaluate if this can be accommodated with the bond funds.



- √ It is not stated in the ROA if the expansion of Region 2 would require recurring funding of additional positions, equipment, capital, etc but I would recommend that the amount be determined prior to approval with a funding plan.

**Legal**

Reviewed by: Larry Smith Date:  
 Recommend Council approval  Recommend Council denial  
√ Council Discretion (please explain if checked)  
Comments regarding recommendation: The relocation of the Sheriff's Region Two Substation is within Council's discretion. However, prior to approving the relocation I would recommend that the lease on the current space be reviewed to insure that when the move does occur, that the county is not subject to any damages for violating the terms of that lease. In addition, I would concur with the comments of Finance that the county obtain a cost analysis prior to making a final decision.

**Administration**

Reviewed by: Tony McDonald Date:  
√ Recommend Council approval  Recommend Council denial  
 Council Discretion (please explain if checked)  
Comments regarding recommendation: The original capital improvement plan submitted to and approved by the Council included the relocation of the Health Department to Decker Mall and, in turn, the relocation of some of the functions at the Judicial Center to the vacated Health Department Building to help relieve the overcrowding at the Judicial Center.

The Council has more recently, however, decided against the Health Department's relocation. The relocation of the Sheriff's Department's Region Two Substation and the County's Central Court is, in the professional opinion of Administration, the next best alternative for Decker. Alternative 2, therefore, is recommended, i.e., approve the motion to relocate the Sheriff's Department's Region Two Substation to Decker Mall, as well as the County's Central Court, and use up to \$7 million of the remaining 2010 bond issue to renovate the facility.

An alternative plan, to either relocate some of the existing functions at the Judicial Center or to acquire a new courthouse facility (estimated cost between \$75 million and \$150 million), will have to be addressed in the future.

# Richland County Council Request of Action

**Subject**

Renaissance Foundation MOU Extension **[PAGES 75-82]**

**Notes**

The committee recommended that Council approve the MOU extension for the Renaissance Foundation's funding through FY 14, which incorporates current reporting guidelines. The vote in favor was unanimous.

## Richland County Council Request of Action

**Subject:** Renaissance Foundation MOU Extension

### **A. Purpose**

County Council is requested to approve the MOU extension for the Renaissance Foundation that includes previously approved funding through FY14 and current reporting guidelines.

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

The current Renaissance Foundation MOU, written in November of 2006, expires on June 30, 2011. The attached changes update the document for their funding allocation that was extended through FY14 by Council in June 2009 (\$100,000 per year for FY12 through FY14).

The attached MOU also includes updates to reflect the current reporting structure that was approved by Council in September of 2010. These changes will require the Renaissance Foundation to submit mid-year and year-end reports just as all other H-Tax and A-Tax grantees are required to submit.

As with the current MOU, the Renaissance Foundation must submit a budget and impact on tourism statement so that staff may compare future expenditure reports to the Renaissance Foundation's budget ensuring that all activity is going according to plan and aligns with County and State Hospitality Tax regulations. These items must be submitted prior to receiving funds in FY12. A timeline is also requested in order to track progress during this multi-year period.

### **C. Financial Impact**

There is no financial impact associated with this request.

### **D. Alternatives**

1. Approve the MOU extension for the Renaissance Foundation.
2. Do not approve the MOU extension.

### **E. Recommendation**

It is recommended that Council approve the MOU extension for the Renaissance Foundation's funding through FY14 that incorporates current reporting guidelines.

Recommended by: Sara Salley

Department: Admin

Date: May 10, 2011

## F. Reviews

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

### Finance

Reviewed by: Daniel Driggers

Date: 5/10/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

### Legal

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

### Administration

Reviewed by: Roxanne Ancheta

Date: May 19, 2011

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: It is recommended that Council approve the attached MOU extension for the Renaissance Foundation's funding through FY14, which incorporates current reporting guidelines.

**STATE OF SOUTH CAROLINA )  
  )  
  )  
COUNTY OF RICHLAND )   **MEMORANDUM OF UNDERSTANDING  
  )  
  )  
  )  
  )**  
**BETWEEN THE RENAISSANCE  
FOUNDATION AND RICHLAND COUNTY,  
SOUTH CAROLINA****

THIS MEMORANDUM OF UNDERSTANDING is made and entered into this ~~14<sup>th</sup>~~  
           day of ~~November~~                                     , ~~2006~~ 2011, by and between the Renaissance  
Foundation and Richland County, South Carolina.

WHEREAS, Richland County has imposed a local hospitality tax, as provided in §§6-1-700 et seq., S.C. Code 1976, as amended, the funds from which must be used in accordance with State law; and

WHEREAS, the Renaissance Foundation is a 501(c)(3) non-profit organization under the United States Internal Revenue Code, was created to provide cultural diversity, outreach, resources, partnerships and initiatives within the community in order to bridge the gaps of disparities and to provide a platform to address these issues; and

WHEREAS, Renaissance Foundation plans to open the Bethel Cultural Arts Center at the site of historic Bethel AME Church, which will include a museum and performing arts facility that will enhance Columbia’s City Center’s inventory of venues by offering a variety of events that will attract a diverse audience to the museum and performing arts venue; and

WHEREAS, the Richland County Council recognizes the positive contributions the Renaissance Foundation can make toward improving the lives of citizens in Richland County and attracting tourism to Richland County, and desires to take full advantage of these contributions; and

WHEREAS, the Richland County Council, in exchange for the aforementioned contributions and services to the community, has determined that it is appropriate to award the

sum of One Hundred Thousand (\$100,000.00) Dollars per year to the Renaissance Foundation for fiscal year ~~2006~~2011/~~2007-2012~~ through fiscal year ~~2010~~2013/~~2011~~2014, from the Local Hospitality Tax Revenue Fund. The allocation of funds from 2011/2012 through fiscal year 2013/2014 are contingent upon the Richland County Council appropriating the funds for each fiscal year in its budget and determining that there have been sufficient hospitality tax revenues received during the fiscal year to make the appropriations.

NOW, THEREFORE, in consideration of the mutual benefits, covenants and agreements described herein, the parties hereto agree as follows:

- 1) The Renaissance Foundation will continue to work towards the establishing the Bethel Cultural Arts Center;
- 2) Richland County agrees to award the Renaissance Foundation the sum of One Hundred Thousand (\$100,000.00) Dollars for each of the fiscal years ~~2006~~2011/~~2007-2012~~ through ~~2010~~2013/~~2011~~2014, which shall equal a total award of ~~Five-Three~~ Hundred Thousand (\$~~500~~300,000.00) Dollars over ~~five-three~~ years, subject to conditions as outlined in paragraph ~~6-five~~ (~~65~~) below. Such funds are to be used as program operating funds and shall only be applied towards tourism related activities, as in accordance with §6-1-730, S.C. Code 1976, as amended.
- 3) The parties understand that the Renaissance Foundation shall submit a budget, timeline, and statement of tourism impact for the complete Three Hundred Thousand (\$300,000.00) Dollar award by July 31, 2011 or before disbursement of any funds
- ~~3)4)~~ The Renaissance Foundation shall request disbursement of approved funding by

~~submitting a Payment Request Form to the Grants Manager writing to the Richland County Budget Department~~ on a quarterly basis, with the quarters being July-September, October-December, January-March and April-June. ~~Each Such requestsrequest~~ shall include a balance sheet and detailed list of expenditures summary as of the end of the preceding for the quarter. The requests for disbursement should be mailed to: Sara Salley, Grants Manager, Richland County ~~Budget Department Administration, Hospitality Tax Disbursements,~~ P.O. Box 192, Columbia, SC 29202;

4)5) ~~The parties hereto understand that the funding for this award is for fiscal years 20062011/2007-2012 through 20102013/2011-2014 only, and that the appropriations herein agreed to shall be subject to the availability of funds for Richland County during each fiscal year;~~

5)6) ~~The parties understand that the Renaissance Foundation shall submit a budget plan for the complete Five Hundred Thousand (\$500,000.00) Dollar award, which must be approved by Richland County Council before disbursement of any funds. Yearly allocations of Local Hospitality Tax funds are to be expended between July 1 and June 30;~~

6)7) ~~The parties understand the Renaissance Foundation shall submit a mid-year report and required attachments no later than January 31 of each year, and an annual final report and required attachments no later than July 31 of each year. of expenditures and the impact on tourism for the preceding calendar year and a plan for the upcoming calendar year to the County Administrator on or before March 1 of each year.~~ The parties further understand that it is the intent of Richland

County to conduct a yearly review of the recipient agency herein to determine whether to continue funding of the recipient agency and at what level, contingent on the availability of funds in successive fiscal years;

7)8) The parties understand that Richland County strongly encourages the Renaissance Foundation to seek funding from the City of Columbia and any other governmental or private entity in an amount greater than or equal to the amount awarded herein and that such matching funding is vital to the success of the Renaissance Foundation;

8)9) This Agreement shall remain in full force and effect for fiscal years ~~2006~~2011/2007-2012 through ~~2010~~2013/2011-2014 provided the Renaissance Foundation continues to carry out its above-stated mission and uses the award for tourism related activities. If at any time Richland County Council finds that the awarded funds are not being used in accordance with Local Hospitality Tax requirements, as provided in applicable State law and the Richland County Code, Chapter 23, Article 6, Richland County may terminate this Memorandum of Understanding in writing shall immediately terminate. If at any time Richland County Council finds that the awarded funds are not being used in accordance with Local Hospitality Tax requirements, as provided in applicable state law and the Richland County Code, Chapter 23, Article 6, the County shall advise the Renaissance Foundation in writing of the basis of its finding that the awarded funds are not being used in accordance with the aforementioned statute and applicable law. Upon receipt of written notice, the Renaissance Foundation shall have thirty days to provide a written response and to provide an accounting



herein;

~~9~~10) The parties hereto expressly agree that the tendering of this award by Richland County and the acceptance thereof by the Renaissance Foundation in no way creates any agency relationship between the parties or any relationship which would subject Richland County to any liability for any acts or omissions of the recipient entity or entities. The Renaissance Foundation shall indemnify and hold harmless Richland County, its parent, subsidiaries and affiliates and all their respective directors, council members, officers, agents and employees (hereafter collectively referred to as the "Indemnatee") from liability, damages, losses, costs, expenses, demands, claims, suits, actions and causes of action on account of illness, personal injury or death to employees or any other persons, damage to property of Richland County or others or other loss or liability arising from or in connection with the Renaissance Foundation's performance of any services funded by this award. Further, the Renaissance Foundation, at its own expense, shall defend any demand, claim, suit, action or cause of action brought against the Indemnatee where such demand, claim, suit, action or cause of action arises from any cause for which the Indemnatee may be entitled to be indemnified and held harmless pursuant to this agreement, arising from or in connection with such demand, claim, suit, action or cause of action; provided, however, that the Indemnatee shall be entitled to participate in such defense;

~~10~~11) Any such employees, volunteers or persons authorized to conduct or carry out the mission of the Renaissance Foundation shall be the sole responsibility of the Renaissance Foundation, which shall ensure that such persons comply with all

applicable laws, rules, regulations or decisions of any federal, state, county or municipal governmental authority (including all requirements of state, federal or other grant authorities to ensure a drug-free workplace).

IN WITNESS WHEREOF WE THE UNDERSIGNED have this ~~14th~~ \_\_\_\_ day of ~~November~~ \_\_\_\_\_, ~~2006~~2011, set our hand and seal hereon.

RENAISSANCE FOUNDATION

WITNESSES:

\_\_\_\_\_  
Executive Director

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

RICHLAND COUNTY COUNCIL

WITNESSES:

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# Richland County Council Request of Action

**Subject**

Revise Richland County Human Resources Guidelines for Exit Interviews **[PAGES 83-86]**

**Notes**

The committee recommended that Council approve the motion to implement the proposed changes to the exit interview process. The vote in favor was unanimous.

## Richland County Council Request of Action

**Subject:** Revise Richland County Human Resources Guidelines for Exit Interviews

### **Purpose**

Motion by Manning - 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 Human Resources. 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.

### **Background / Discussion**

#### **Origin of Issue:**

Council Member Manning

#### **Lead Department:**

Human Resources Department

#### **What are the Key Issues (Precipitation of Project):**

Council Member Manning has requested Exit Interviews for be provided to all employees upon terminations (both voluntary and involuntary).

#### **Date Ready for Implementation:**

Upon Council approval

#### **Multiple Year Project:**

No

#### **Estimated Work Hours for Completion:**

There were 241 terminations for calendar year 2010. The proposed process will require an estimated 1 hour per exit interview (an estimated 241 additional hours per year by departments) as well as 25 hours to develop a program and/or choose a vendor. Up to 20 hours per month of time relating to the gathering and organizing interview data, analysis of input from interviews, development of recommendations, approval of recommendations, report of data collected and actions approved, and implementation of actions approved. The exact amount of time will vary depending on the number of terminations, input provided in the terminations, and actions approved for implementation relating to the interviews.

**Process to Date:**

Over the past couple years, Richland County Human Resources has conducted research, found best practices, and/or identified best practices in the area of Exit Interviews as below:

1. Researched the options of internal vs. external interviews
2. Conducted an analysis of the most effective type of exit interviews
3. Analyzed a few vendors for cost options
4. Determined that the most effective methods of conducted exit interviews, according to the research, are to:
  - a. Gathering and collating the data in a structured manner.
  - b. Aggregating the results for the organization as a whole
  - c. Analyzing the findings to identify consistent trends, patterns and themes
  - d. Using the results to determine and implement strategies to increase retention and reduce turnover.
5. Research shows that third party vendors generally yield more reliable and honest results, because terminated employees are more likely to provide reliable, candid, and accurate assessments to a third party rather than directly to their employer.
6. Determined that a well-orchestrated plan of exit surveys, in combination with other HR initiatives related to maximizing employee attitudes and behavior, has the potential to become a valuable tool to help reduce turnover and increase employee satisfaction and commitment.
7. Best practices report exit interviews are more effective when combined with employee climate surveys that take the pulse of employees that have decided to stay with the organization. This provides the employer to identify why employees are deciding to stay, while exit interviews provide information only about employees that have already left the organization. In addition, employee climate surveys can be used to cross check employee input from exit surveys.
8. Research shows the relationship between employees and their supervisors plays a significant role in whether employees decide to leave an employer.
9. Best practices state that if exit interviews are conducted by supervisors, they will need comprehensive training in an effort to mitigate inconsistencies in the presentation of questions, enhance the reliability of collected input, and help ensure the process is effective.
10. Best practices also state that exit survey information must be used otherwise, the process will lose creditability and employees will be less likely to share input and/or provide candid comments upon termination.
11. Research shows that a properly done exit survey process is very time intensive. Human Resources concluded that we did not have the resources and/or time to develop and implement an exit survey process. In addition, because of budgetary situation over the past few years Human Resources did not request additional funding to expand the exit interview process.
12. Best practices state a process should be established to address logistics such as development of forms, who will get survey input of exit interviews, who will decide and make recommendations based on the input and who will approve actions from the recommendations.

**Process Plan for Future Action:**

- Choose a method or process for conducting interviews
- Choose a vendor (if necessary)
- Implement new process
- Develop monthly reporting process

**Reference:**

**A. Financial Impact**

1. Cost of exit interview software, if purchased.
2. Cost of time involving supervisors, managers, and department heads conducting interviews.
3. Cost of time involving the collection and analysis of exit interview data.

**B. Alternatives**

1. Approve the proposed plan
2. Do not approve the proposed plan

**C. Recommendation**

Human Resources prepared this action under the direction of the County Administrator. It is important to note that Richland County currently has a voluntary exit interview process in place now. Any employee, supervisor, and/or department head that desires an exit interview be done currently has that option. A successful exit interview process will require the cooperation of employees, supervisors, and management. An exit interview process that is not properly executed will likely compound existing issues. Human Resources supports expanding the current voluntary exit interview process, provided the process is properly planned, supported with adequate resources, careful analysis of data done that enable accurate identification of turnover reasons, recommendations developed using the data analysis, and implementation of actions approved to mitigate undesirable turnover.

**F. Reviews**

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

**Finance**

Reviewed by: Daniel Driggers

Date: 5/12/11

Recommend Council approval

Recommend Council denial

✓ Council Discretion (please explain if checked)

Comments regarding recommendation: This is a policy decision for Council. While I do support the continued improvement of our County processes it is unclear to me from the ROA what is the recommendation being made and what if any cost will be based on the approval. It seems like the recommendation is to expand the current process but has several contingencies including but not limited to "...supported with adequate resources" but the level or cost of those resources are not identified. Does this mean additional personnel? I would recommend that the county determine the associated recurring cost of any decision and identify a funding source prior to approval.

**Human Resources**

Reviewed by: Dwight Hanna

Date:

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: See process to date and recommendations under "C".

### **Legal**

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

### **Administration**

Reviewed by: Tony McDonald

Date: 5/19/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: The concerns of the Finance Director have been noted; however, in discussion with the Human Resources Director, it was confirmed that no additional personnel or funding would be required to implement the proposed change to the exit interview process. Approval of Council Member Manning's motion, therefore, is recommended.

# Richland County Council Request of Action

**Subject**

Volunteer Fire Operations Insurance [PAGES 88-89]

**Notes**

The committee recommended that Council approve the request to purchase volunteer fire operations insurance with Selective Insurance in the amount of \$101,646 for FY 2011-2012. The vote in favor was unanimous.



# Richland County Council Request of Action

**Subject:** VOLUNTEER FIRE OPERATIONS INSURANCE

## **A. Purpose**

The request is to approve the purchase of volunteer fire operations insurance for 2011-2012.

## **B. Background / Discussion**

This will be a renewal of the insurance policy with Selective Insurance. The broker and company are located in Charlotte, NC. This specialty policy covers liability and property.

## **C. Financial Impact**

The projected premium is \$101,646, which is within the proposed budget and is a 4 % reduction of this year's cost.

## **D. Alternatives**

1. Approve the request.
2. Do not approve the request.

## **E. Recommendation**

The proposal is recommended.

Recommended by: David Chambers, Risk Management, May 12, 2010

## **F. Reviews**

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

### **Finance**

Reviewed by: Daniel Driggers

Date: 5/12/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Based on Risk Manager recommendation and funds are included in the recommended budget.

### **Procurement**

Reviewed by: Rodolfo Callwood

Date: 5/12/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

### **Legal**

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation:

**Administration**

Reviewed by: Tony McDonald

Date: 5/13/11

Recommend Council approval

Recommend Council denial

Council Discretion (please explain if checked)

Comments regarding recommendation: Recommend approval of the renewal of the volunteer fire operations insurance policy with Selective Insurance. Funding is included in the proposed FY 12 budget.

# 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 **[PAGE 91]**

## **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: May 17, 2011  
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 26, Land Development; Article II, Rules of Construction/Definitions; Section 26-22, Definitions; and Article VII, General Development, Site, and Performance Standards; Section 26-179, Pedestrian, Bicycle, and Transit Amenities; so as to require new sidewalks to be ADA compliant and to allow for exemptions to the requirement of providing sidewalks under certain conditions [**PAGES 93-96**]

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 II, RULES OF CONSTRUCTION/DEFINITIONS; SECTION 26-22, DEFINITIONS; AND ARTICLE VII, GENERAL DEVELOPMENT, SITE, AND PERFORMANCE STANDARDS; SECTION 26-179, PEDESTRIAN, BICYCLE, AND TRANSIT AMENITIES; SO AS TO REQUIRE NEW SIDEWALKS TO BE ADA COMPLIANT AND TO ALLOW FOR EXEMPTIONS TO THE REQUIREMENT OF PROVIDING SIDEWALKS UNDER CERTAIN CONDITIONS.

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 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:

*Americans with Disabilities Act (ADA).* A federal law enacted in 1990 to protect the civil rights of individuals with physical or mental disabilities from intentional or unintentional discrimination in housing, employment, education, access to public services and telecommunications and to ensure that persons with disabilities have equal access to same.

*Planting strip.* A strip of land intended to be planted with trees, shrubs, or other vegetation to separate a sidewalk from adjacent curbs or the edge of interior street pavement.

SECTION II. The Richland County Code of Ordinances, Chapter 26, Land Development; Article II, Rules of Construction/Definitions; Section 26-22, Definitions; is hereby amended to delete in their entirety the following definitions:

*Local commercial road.* A road in a commercial area used primarily for access to abutting properties and to feed traffic to collector roads. This classification includes roads located parallel and adjacent to limited access roads or highways that provide access to abutting commercial properties and protection from through traffic.

*Local residential road.* A road in a residential area used primarily for access to abutting properties and to feed traffic to collector roads. This classification includes roads located parallel and adjacent to limited access roads or highways that provide access to abutting residential properties and protection from through traffic. Average daily traffic is less than two thousand (2,000) vehicles.

SECTION III. The Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site, and Performance Standards; Section 26-179, Pedestrian, Bicycle, and Transit Amenities; is hereby amended to read as follows:

**Sec. 26-179. Pedestrian, bicycle, and transit amenities.**

(a) *Sidewalks and other pedestrian amenities.*

- (1) ~~*Residential districts*~~ *Institutional developments and major residential subdivisions.* All ~~permitted~~ new institutional developments and major residential subdivisions are required to have sidewalks provided along one (1) side of all roads within and abutting the development, except controlled access facilities. The radius of a cul-de-sac shall be exempt from the installation of sidewalks. Sidewalks shall have a minimum width of ~~four (4)~~ five (5) feet along external roads abutting the development and a minimum width of ~~three (3)~~ four (4) feet along internal roads. A median at least three (3) feet wide, consisting of a grassed area or a planting strip, shall be provided to separate all sidewalks from adjacent curbs or the edge of interior street pavement. Sidewalks shall match the grade or elevation of adjacent sidewalks at the property lines. If there is no adjacent sidewalk, then the sidewalk should be six (6) inches above the adjacent edge of the pavement grade at the property line. Adjustments of the grades specified shall be at the judgment of the engineer of record and specifically approved by the County Engineer. All sidewalks shall be constructed to the specifications of the public works department and shall meet the minimum requirements of the Americans with Disabilities Act, which are referenced in the County Engineer's "Design Guidelines Road Standards". Sidewalks that will not be dedicated to the county along private roadways shall have a minimum width of three (3) feet along internal roads, and shall be exempt from ADA compliance if allowed by federal law. The engineer of record shall provide a statement on the plans that certifies that all sidewalks shall be in compliance with ADA standards.
  
- (2) *Commercial, office, industrial, and PDD districts.* ~~a. Sidewalks.~~ All new development within any commercial, office, industrial, or PDD district is required to provide sidewalks along all sides of abutting roads, except along controlled access facilities. Sidewalks shall have a minimum width of five (5) feet and shall be constructed to the specifications of the public works department. A median strip at least three (3) feet wide, consisting of a grassed area or a planting strip, shall be provided to separate all sidewalks from adjacent curbs or the edge of interior street pavement. The sidewalk shall be six (6) inches above the adjacent edge of the pavement grade at the property line. Adjustments of the grades specified shall be at the judgment of the engineer of record and specifically approved by the County Engineer. The engineer of record shall provide a statement on the

plans that certifies that all sidewalks shall be in compliance with ADA standards.

~~b. *Pedestrian walkways.* Pedestrian walkways must be provided in all parking areas for new developments. It is encouraged that walkways also be provided to adjacent developments.~~

(3) *Access to schools, greenways, parks, and open space areas from residential developments.* In major residential land developments or subdivisions, access ways shall be provided by the developer to public schools, greenways, parks, and open space areas abutting the residential development and to open space or parks provided as part of a development. Such access shall be provided in conformance with the following:

a. *Where required.*

1. Accessways are required when cul-de-sac roads back up to public schools, greenways, parks, or open space areas.
2. Accessways are required where lots within the development back up to public schools, greenways, parks, and open space areas.

b. *Standards.*

1. *Access.* Access to adjacent public schools, greenways, parks, or open space areas, may be accomplished by direct access from a road, direct access from a cul-de-sac, or a designated access between lots.
2. *Width.* Accessways shall be a minimum of fifteen (15) feet in width.
3. *ADA compliant.* Walkways located within an access way shall meet the minimum requirements of the Americans with Disabilities Act.

(4) *Exemptions.* If the South Carolina Department of Transportation (SCDOT) denies sidewalks within their right-of-way due to the lack of connectivity, a written determination letter must be received by the Planning Department prior to the approval of preliminary plans or major land development. Any unusual existing site conditions that would create a safety hazard should also be identified by the engineer of record during the preliminary plan submittal. The County Engineer, in conjunction with the



Planning Director, will make a final determination of exemption from the sidewalk requirement.

- (b) *Bicycle facilities.* Bicycle parking shall be required for all uses requiring over fifty (50) automobile parking spaces. A minimum of five (5) bicycle parking spaces is required. Bicycle parking facilities shall be standard bicycle racks or other secured lockable facilities.
- (c) *Transit facilities.* Any major multi-family land development or major subdivision, and any major commercial, industrial, or office land development (when located along a public transportation transit route) must provide for a transit stop.

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

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

SECTION VI. Effective Date. This ordinance shall be 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

Public Hearing: May 24, 2011  
First Reading: May 24, 2011  
Second Reading: June 7, 2011 (tentative)  
Third Reading:

# 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 26-180, Signs; so as to create a new section that would allow off-premise weekend directional signs under certain conditions **[PAGES 98-100]**

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 26-180, SIGNS; SO AS TO CREATE A NEW SECTION THAT WOULD ALLOW OFF-PREMISE WEEKEND DIRECTIONAL SIGNS UNDER CERTAIN CONDITIONS.

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 definition:

*Sign, off-premises weekend directional.* An off-premise sign not greater than twenty-four (24) inches by twenty-four (24) inches in total size and placed only on the weekend, the purpose of which is limited exclusively to the identification of a use or occupancy located elsewhere and which tells the location of or route to such use or occupancy.

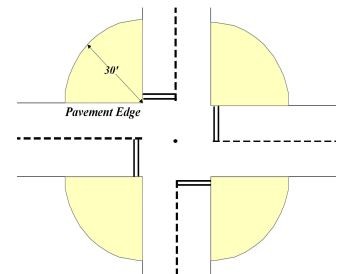
SECTION II. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General development, Site, and Performance Standards; Section 26-180, Signs; Subsection (b), General Standards; Paragraph (2), Standards Applicable to All Permitted Signs; Subparagraph a, Location; is hereby amended to read as follows:

- a. *Location.* Signs shall be located outside of the road right-of-way, behind sidewalk areas, outside of the sight visibility triangle, and no closer than five (5) feet to the front property line; provided, however, off-premises weekend directional signs may be located in a county road right-of-way.

SECTION III. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General development, Site, and Performance Standards; Section 26-180, Signs; is hereby amended to create a new subsection to read as follows:

- (q) *Off-premises weekend directional signs.*
  - (1) Off-premises weekend directional signs are permitted in all zoning districts, with the following restrictions:
    - a. A permit and identification sticker must be obtained from the Planning Department for each sign proposed to be erected; and a permit fee/sticker fee of five (\$5.00) dollars per sign, must be paid. Each permit shall be valid for one (1) year from the date of issuance.

1. The identification sticker must be affixed to the face of the sign, and will identify the permit number and the date of permit expiration.
2. Permits shall only be issued to and held in the name of the:
  - [a] Sign company erecting the sign;
  - [b] Business owner associated with or identified on the sign; or
  - [c] Real estate broker or agent.
- b. The sign area shall not exceed twenty-four (24) inches by twenty-four (24) inches.
- c. A sign shall include no more than three (3) lines of text and a business or company logo, and must include a directional arrow symbol.
- d. Sign height shall not exceed three (3) feet above adjacent grade.
- e. Signs may be placed along county roads in the right-of-way or on private property; provided, however, signs shall not obstruct visibility at any intersection location, nor shall the sign be erected within thirty (30) feet of an intersection (see example at right), nor shall more than two (2) signs per permit holder be allowed at an intersection.
- f. Prior to placing a sign on private property, written consent must be obtained from the property owner(s).
- g. No sign shall be erected on or abutting a road owned and maintained by the state of South Carolina unless specifically allowed by the South Carolina Department of Transportation.
- h. Signs shall be placed at least three (3) feet from the edge of the road pavement.
- i. Signs shall be placed no closer than one-quarter (1/4) of a mile (i.e. 1,320 feet) to another sign giving directions to the same location, unless the sign is placed near an intersection to show that a left or right turn is needed.



- j. No sign permitted in this subsection shall be erected more than one (1) mile from: 1) the site for which directions are being provided or 2) the nearest SCDOT classified collector or arterial road.
  - k. Signs shall not be erected before 5:00 p.m. on Friday evening and shall be completely removed by 11:59 p.m. on Sunday.
  - l. If a sign is damaged or faded, the permit holder may bring in the damaged sign (with permit) and obtain a replacement sticker at no additional cost.
- (2) Violations. Signs found in violation of these provisions shall be subject to immediate removal and disposal. In addition, a permit holder who commits an offense may be subject to the penalty provisions of Section 26-272.

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

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

SECTION VI. Effective Date. This ordinance shall be 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

Public Hearing: May 24, 2011  
First Reading: May 24, 2011  
Second Reading: June 7, 2011 (tentative)  
Third Reading:

# Richland County Council Request of Action

**Subject**

Amending the "Heir's Subdivision of Property Ordinance" [PAGES 102-110]

**Notes**

The committee directed that staff remove the hold harmless agreement and restrictive covenants from the ordinance as well as reduce the right of way width from 66 to 50 feet. The committee then recommended that Council send this item to the Planning Commission. The vote was in favor.

**Richland County Council Request for Action**

Subject: Amending the “Heir’s Subdivision of Property Ordinance”

**A. Purpose**

County Council is requested to consider a motion to amend Ordinance No. 001-11HR, which provided for the subdivision of real property to the heirs of a deceased owner.

**B. Background / Discussion**

On March 15, 2011, a motion was made by the Honorable Norman Jackson, as follows:

“Amend the recently passed Heirs Property Ordinance to remove staff’s addition that includes: Restrictive Covenants (RC), Hold Harmless Agreement (HHA) and the additional 16ft right of way from 66ft back to 50ft.”

In addition, Mr. Jackson commented as follows:

“Legal was supposed to review and approve the HHA and RC prior to Planning Commission and public hearing. It was done after third reading and legal cannot find any reason for those additional burdens and neither can I. 50ft right of way as the standard for ditch sections for two lane roads. This is dirt road and requires a 20 ft passage 4 ft less than the standard 24ft paved road.”

On January 4, 2011, County Council enacted Ordinance No. 001-11HR, which provided for the subdivision of real property to the heirs of a deceased property owner. The requirements to subdivide heir property are the submission of a hold harmless agreement and a 66 foot right-of-way width. The 66 foot right-of-way width standards are required for rural roads providing for swales instead of curb and gutter. These requirements have been included in the ordinance since the initial meeting to discuss the draft on September 16, 2010. This ordinance has the following enactment history:

- 9-16-10 Staff (Anna Almeida, Geo Price, Sean Busbee, David Hoops and Sparty Hammett) met with Councilman Jackson
- 9-22-10 Staff (Anna Almeida, Amelia Linder, and Sparty Hammett) met with Probate Judge and Councilman Jackson to discuss ordinance
- 9-28-10 D&S met and recommended approval (The County Attorney recommended approval with other comments, but expressed no concern regarding the hold harmless clause that was in the ordinance)
- 9-29-10 Amelia Linder sent Probate Judge a copy of the ordinance
- 9-29-10 The Probate Judge sent Amelia Linder back her recommendations
- 10-5-10 CC met and gave 1<sup>st</sup> reading to an amended ordinance (based on the Probate Judge’s recommendations)
- 11-1-10 PC met, but deferred any action on this ordinance

- 12-2-10 PC met, but lacked a quorum so no action was taken
- 12-7-10 CC met and took the ordinance back from the PC
- 12-21-10 ZPH was held and CC gave 2<sup>nd</sup> reading to the ordinance, with direction to staff to include a definition of “heir”.
- 1-4-11 CC met and gave 3<sup>rd</sup> reading to the ordinance, as amended (with the definition of “heir” included)

- \*CC – County Council
- \*ZPH – Zoning Public Hearing
- \*PC - Planning Commission
- \*D&S – Development and Services Committee

### **Restrictive Covenants**

There is no requirement in the ordinance that applicants submit “Restrictive Covenants” of any kind. Staff initiated this document as a way for citizens to easily meet the requirements of providing legal documentation that “the county shall not be responsible for either construction or routine (i.e. recurring) maintenance of the private road” and that “the parcels created by this process shall not be divided again, except in full compliance with all regulations in effect at the time”. In addition, the draft Restrictive Covenants included informational language, such as notifying the applicant that “subdivision plan review fees shall be waived”, “subdivision of the Property shall be exempt from the road paving requirements”, and “subdivision of the Property, and all parcels resulting from same, shall be exempt from the sidewalk requirements”. If the Council decides to direct staff not to use the Restrictive Covenants document, the ordinance requirements will have to be included in the actual Deed that a grantor uses to convey the lots, and the County Attorney will have to review each Deed that is presented to the County.

### **Hold Harmless Agreement**

The requirement for a “hold harmless” agreement was in the initial draft ordinance and throughout the adoption process. Staff recommended and supported the inclusion of “hold harmless” language in order to provide some protection to the County in the event a subsequent grantee of the subdivided property made a claim against the County for not maintaining the road or any other action or inaction that may be perceived as the County’s responsibility. The change in the policy stance of Council to allow private dirt roads necessitated that the ordinance provide some type of legal protection for the County in the event that the roads are not properly maintained. As discussed in Committee and Council meetings recently, when dirt roads are not maintained properly they can become dangerous and impassable to emergency vehicles.

Based upon the number of emergency maintenance requests performed by Public Works on the existing private dirt roadways in Richland County, there is a high likelihood that some of the “private dirt roads” created through the Heir Property ordinance may not be maintained properly and may become impassable to emergency vehicles. The provisions in the Heir Property ordinance are in place to reduce the County’s liability. Public Works had a total of 50 requests for one-time emergency maintenance in 2010. A total of 27 of the requests were approved and completed. Per Section 21-13 of the Richland County Code, the following is one of the criteria



that has to be met – Emergency medical services, sheriff department vehicles and other county vehicles cannot, in the lawful performance of their duties, gain full and immediate access to at least one (1) residence unless road scraping is performed.

Numerous counties and cities require hold harmless or indemnification agreements to reduce liability related to construction, maintenance, and use of private roads. For example, the following is the private road requirement from the Berkeley County Code of Ordinance:

(2) *Hold harmless and indemnification agreement.* The developers must require and receive a hold harmless agreement and indemnification agreement signed by each landowner. These agreements shall be presented to and approved by the county attorney, or his designee, prior to final platting and shall operate to relieve the county of any liability or responsibility arising from the construction and use of the private street and/or drainage facility. This release shall be in favor of the county from any harm which may result from the use of the private street by adjoining landowners, visitors, or any user of the road, including the public at large. Each signed agreement will be recorded with the plat and reference shall be made as to the character of the road on the plat.

It should also be noted that the County Attorney has recommended the use of “Hold Harmless Agreements” in other instances in the past, to wit: during an e-mail exchange on March 22, 2011 concerning the Public Works Department’s involvement in the “Celebration of Water” event planned at Columbia Park and at the Columbia Canal, the County Attorney asked “Does the county have a Hold Harmless Agreement or Indemnification Agreement a it relates to these “risky” activities?” In addition, on March 31, 2011, the County Attorney stated, “. . . the county needs to determine what options it has for protecting itself against any liability should something occur during this event”. It was exactly for this reason (protecting the county against liability) as to why the “hold harmless” agreement was included in the ordinance.

**66’ Right-of-Way Width**

The requirement for a minimum road right-of-way width of 66 foot was in the initial draft ordinance and throughout the adoption process. The 66 foot right-of-way width was included in the ordinance, as this is the requirement for public or private roads in accordance with Section 26-181 (b) (1) a., of the Richland County Code of Ordinance, to wit:

<i>Road Classification</i>	<i>Minimum ROW (ft)</i>	<i>Minimum Pavement Width (ft)</i>
Rural	66	22
Minor Residential	50	21
Local Residential	50	25
Local Commercial	66	36
Collector	66	36
Industrial	80	36
Arterial	100	53

Section 26-181 (b) (1) a., of the Richland County Code of Ordinance, also addresses unpaved roads – “Roads without curb and gutter shall have a minimum right-of-way of sixty-six (66)

feet, although curb and gutters shall be installed on all paved roads unless the county engineer determines that another system is acceptable.”

### C. Financial Impact

The County would have more liability exposure with the deletion of the “hold harmless” requirement.

### D. Alternatives

1. Approve the amendments to Ordinance No. 001-11HR.
2. Do not approve the amendments, thereby leaving the ordinance as it was enacted on January 4, 2011.

### E. Recommendation

This request is at Council’s discretion.

Recommended by: Honorable Norman Jackson

Date: March 15, 2011

### F. Approvals

#### Planning

Reviewed by: Anna Fonseca

Date: 4/19/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: I recommend alternative #2. The hold harmless agreement protects the County from future legal action that could arise from current or future property owner’s expectations of maintenance of proposed roads. The current roadway width requirements are minimum standards which allow for the design of swales to handle storm water and future right-of-way.

#### Planning

Reviewed by: Amelia R. Linder

Date: 4/19/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: The “hold harmless” requirement provides the County with some protection; and I defer to the Public Works Department regarding the road width of 66’. My recommendation is alternative #2 – leave the ordinance as enacted on January 4, 2011.

#### Public Works

Reviewed by: David Hoops

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

I recommend that the 66' requirement for right of way be maintained. This will allow for future improvements to the roadway without the necessity to acquire additional right of way.

**Legal**

Reviewed by: Larry Smith

Date: 4/22/2011

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: The County Attorney Office would recommend approval of the Ordinance without the requirement of a Hold Harmless Agreement (HHA) and several other proposed revisions to the process.

By way of background/discussion the County Attorney Office was not involved in any meetings, discussions or development of this ordinance.

When the item was presented for review to the County Attorney's office through the Request of Action (ROA), there was reference to a HHA that had to be acceptable to the County legal department.

However, there was no HHA presented for review.

According to the current ROA chronologically the matter was submitted to Committee on 9-28-2010.

The first time that the Legal Department was forwarded the actual HHA for review was on or about March 2, 2011.

**Hold Harmless Agreement (HHA)**

Upon review of the HHA, there was no language in the Agreement which provided any legal rationale as to what County interest was going to be protected by the HHA. Despite my request for a reason or rationale, none was provided.

In the current ROA the Planning Department has now suggested several reasons for the HHA. The first reason that is given is the following: A subsequent grantee may make a claim against the County for not maintaining the road.

A subsequent grantee would not have privity of contract with the County. Therefore, requiring a HHA of the applicant would not prevent a subsequent grantee from making a claim against the County. The HHA would not apply to a subsequent grantee.

The second reason is the following: To protect the County in the event roads are not properly maintained.

Pursuant to Section 21-1 (i) of the County's current ordinance, the County would be prohibited from performing maintenance of these roads. This section reads as follows:

Private Road - As it is used in this article---A private road refers to a road that is **NOT** maintained by any public entity such as the County.

The provisions of the proposed ordinance regarding heir's property reads in part as follows:

Roads in subdivision of heir property **shall not be eligible or accepted** for County maintenance.

Therefore, in order for a claim for "**improper maintenance**" to arise, the County would have to violate its own ordinance in maintaining these roads.

If the County is going to require a HHA to protect the County against claims of "**improper maintenance**", such a requirement would be more appropriate for roads that

the County has to maintain, rather than being a requirement for roads it is prohibited by its own laws from maintaining.

It is noted in the ROA that other Counties require HHA. I would agree with that position. In each one of those instances there is a clear County interest that the HHA is designed to protect. However, I am not aware that there is any County that requires that their citizens execute a HHA as a condition to subdividing their land.

In addition, I would agree that I have recommended them in certain circumstances where in my opinion we were going to be engaged in some activity that created some potential for liability to the County.

In this instance, as I understand the extent of the Ordinance we are merely approving heirs distribution of their property to their heirs with no maintenance responsibility for those roads that are created through this process.

It is my understanding through the Planning Department that the County currently has no other ordinance related subdividing property, which requires the applicant to execute a HHA.

In this instance in my opinion there has been no rational basis to suggest that this should be a requirement that should be applied in this instance.

### **Covenants and Restrictions**

There is a suggestion that the County Attorney's Office review each deed presented to the County related to Covenants and Restrictions.

The County Attorney's Office does not have the staff to devote to such a task. In addition, the subdivision of property is a Planning function, and to the extent that the Planning Department has an Attorney or their staff, the review of the deeds should be a part of the process for that department.

### **Administration**

Reviewed by: Sparty Hammett

Date: 4/25/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend denial in regard to removing the requirement for the hold harmless agreement and the 66 foot right-of-way requirement. Recommendation is based on the need to reduce the liability to the County associated with allowing the construction of privately maintained dirt roads through the use of the hold harmless agreement, and the current Code requirement that all roads without curb and gutter require a 66 foot right-of-way.

The background information provided in the ROA clearly addresses the staff basis for requiring a hold harmless agreement. I would like to address two of the points raised in the County Attorney's comments. (1) The County Attorney stated the following regarding other counties requiring a HHA "in each one of those instances there is a clear County interest that the HHA is designed to protect." That clear County interest is *exactly the same interest* staff is trying to protect with the HHA requirement for the heir property ordinance - reduced liability related to construction, maintenance, and use of private roads. (2) The County Attorney states "that the County currently has no other ordinance related to subdividing property, which requires the applicant to execute a HHA... in my opinion there has been no rational basis to suggest that this should be a

requirement that should be applied in this instance.” The County does not allow any other applicants to construct private dirt roads which could become a liability to the County. Clearly there is no rational basis for comparing the requirements for other applicants to heir property applicants who are being allowed the opportunity to construct a private dirt road in lieu of a paved road with sidewalks.

**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 X, SUBDIVISION REGULATIONS; SECTION 26-224, DIVISION OF REAL PROPERTY TO HEIRS OF A DECEDENT; SUBSECTION (D), LEGAL DOCUMENTS REQUIRED; SO AS REDUCE THE WIDTH OF THE REQUIRED ROAD AND TO DELETE THE REQUIREMENT OF A HOLD HARMLESS AGREEMENT.

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 26, Land Development; Article X, Subdivision Regulations; Section 26-224, Division of Real Property to Heirs of a Decedent; Subsection (c), Special Requirements for Private road Subdivisions; Paragraph (2), Roads; is hereby amended to read as follows:

- (2) *Roads.* Roads in subdivisions of heir property shall be exempt from the road paving requirements of Sec. 26-181 of this chapter, but shall not be exempt from any other road design requirement. Roads in subdivisions of heir property shall not be eligible or accepted for county maintenance, which is otherwise provided pursuant to Section 21-5 of the Richland County Code of Ordinances, until they meet the road construction standards provided in Chapter 21 of the Richland County Code. The roadway shall have a minimum right-of-way width of ~~sixty-six (66)~~ fifty (50) feet and minimum twenty (20) foot wide passable surface, which meets the standards established and set forth by the county engineer. The subdivision documents shall include a conspicuous statement stating that improvements to the roadway without the approval of the county engineer are prohibited.

SECTION II. 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; Subsection (d), Legal Documents Required; is hereby amended to read as follows:

- (d) *Legal documents required.* An applicant for a subdivision of heir property shall submit:
  - (1) A copy of the certificate of appointment from the probate court.
  - (2) A copy of the probate court's order that divides the property amongst the heirs, if there is one.
  - (3) A copy of the will, if there is one.
  - (4) The necessary legal documents that:
    - a. Clearly provide permanent access to each lot.

- b. State that the county shall not be responsible for either construction or routine (i.e. recurring) maintenance of the private road.
- c. Clearly state that the parcels created by this process shall not be divided again, except in full compliance with all regulations in effect at the time.

~~(5) A "Hold Harmless Agreement" as to Richland County.~~

All legal documents shall be provided in a form acceptable to the county legal department.

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

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

# Richland County Council Request of Action

**Subject**

Right of Way Abandonment for Old Clarkson Road [**PAGES 112-119**]

**Notes**

The committee recommended that Council approve this item after staff determines past ownership of this property and provide this information, as well as a larger map, to Council. The vote was in favor.



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

**Subject:** Right of Way Abandonment for Old Clarkson Road

### **A. Purpose**

County Council is requested to support the proposed Right of Way abandonment of a portion of Old Clarkson Road from TMS #021613-02-06 to the intersection of Clarkson Road.

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

Richland County Public Works was contacted by Cox and Dinkins, consulting engineering firm, about the expansion of the New Jerusalem Baptist Church on Old Clarkson Road at the intersection of Clarkson Road. Jerusalem Baptist Church owns the property on both sides of Old Clarkson Road, where the road and right of way abandonment will occur. The expansion would entail the building of a new sanctuary and associated features. This would abandon approximately 750 feet of road and right of way from TMS# 021613-02-06 to the intersection of Clarkson Road. Once the road and right of way are abandoned, a cul-de-sac would be installed at the end of Old Clarkson Road and would lead into Jerusalem Baptist Church. Public Works has received letters of approval from all existing residents who live on Old Clarkson Road

### **C. Financial Impact**

There is no financial impact to the County for this Road and Right of Way abandonment.

### **D. Alternatives**

1. Approve the request to abandon a portion of Old Clarkson Road and Right of Way.
2. Do not approve the request to abandon a portion of Old Clarkson Road and Right of Way.

### **E. Recommendation**

It is recommended that County Council approve the request to abandon a portion of Old Clarkson Road and Right of Way.

Recommended by: David Hoops, P.E.    Department: Public Works    Date: April 7, 2011

**F. Reviews**

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

**Finance**

Reviewed by: Daniel Driggers

Date: 4/14/11

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Procurement**

Reviewed by: Rodolfo Callwood

Date: 4/14/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Legal**

Reviewed by: Larry Smith

Date:

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Administration**

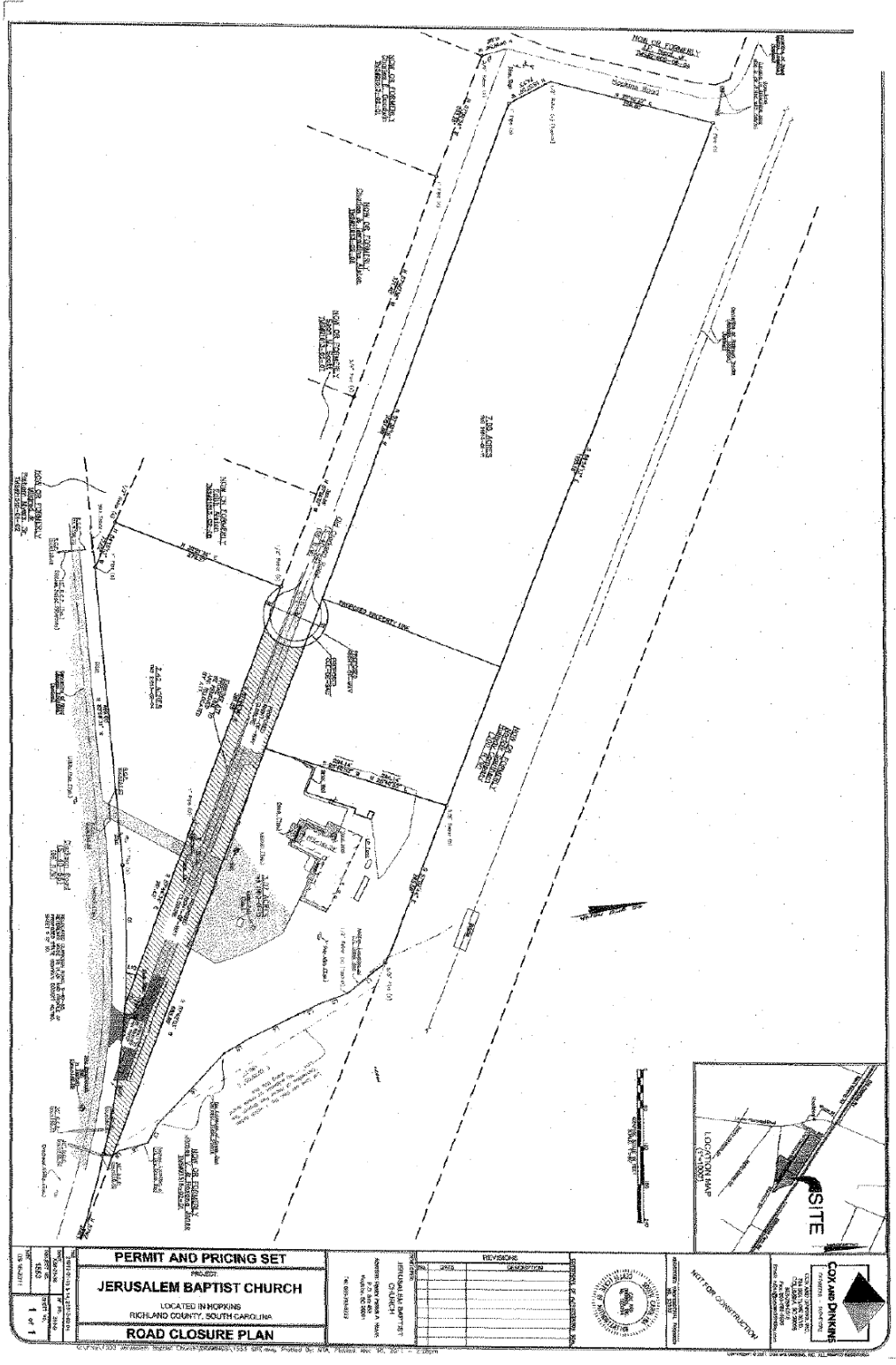
Reviewed by: Sparty Hammett

Date: 4/19/11

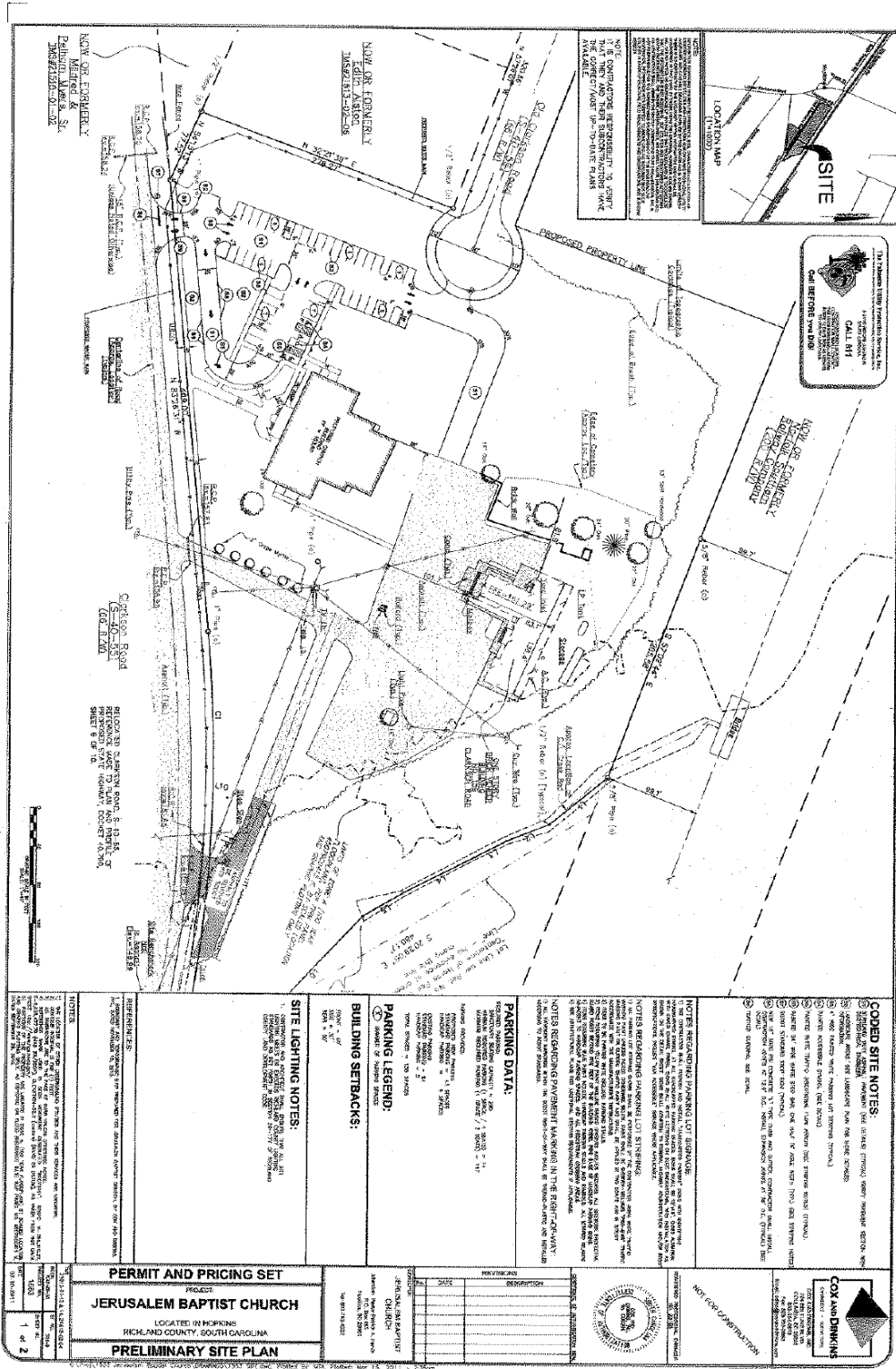
✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval of the request to abandon a portion of Old Clarkson Road and Right of Way.



<b>PERMIT AND PRICING SET</b> PROJECT: <b>JERUSALEM BAPTIST CHURCH</b> LOCATED IN HOPKINS RICHLAND COUNTY, SOUTH CAROLINA <b>ROAD CLOSURE PLAN</b>		REVISIONS <table border="1"> <tr><th>NO.</th><th>DATE</th><th>DESCRIPTION</th></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td></tr> </table>	NO.	DATE	DESCRIPTION											<b>NOT FOR CONSTRUCTION</b> 
NO.	DATE	DESCRIPTION														



**COX AND DINKINS**  
 ENGINEERS, ARCHITECTS & PLANNERS  
 1017 S. JEFFERSON ST., SUITE 100  
 RICHMOND, VA 23220  
 TEL: 804.781.1234  
 FAX: 804.781.1235  
 WWW.COXANDINKINS.COM  
 CALL 811  
 BEFORE YOU DIG  
 800.485.5884

**NOTES:**  
 1. THE DISTANCE BETWEEN THE PROPOSED LOT AND THE EXISTING LOT IS 100 FEET. THE DISTANCE BETWEEN THE PROPOSED LOT AND THE EXISTING LOT IS 100 FEET. THE DISTANCE BETWEEN THE PROPOSED LOT AND THE EXISTING LOT IS 100 FEET.



**PERMIT AND PRICING SET**

**PROJECT:**  
**JERUSALEM BAPTIST CHURCH**

LOCATED IN HOPKINS  
 RICHLAND COUNTY, SOUTH CAROLINA

**PRELIMINARY SITE PLAN**

DATE: \_\_\_\_\_  
 DRAWN BY: \_\_\_\_\_  
 CHECKED BY: \_\_\_\_\_  
 APPROVED BY: \_\_\_\_\_

**NOTES REGARDING THE PROPOSED LOT:**  
 1. THE DISTANCE BETWEEN THE PROPOSED LOT AND THE EXISTING LOT IS 100 FEET. THE DISTANCE BETWEEN THE PROPOSED LOT AND THE EXISTING LOT IS 100 FEET. THE DISTANCE BETWEEN THE PROPOSED LOT AND THE EXISTING LOT IS 100 FEET.

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Saturday, August 21, 2010

Mr. J. Milton Pope  
Richland County Administrator  
P.O. Box 192  
Columbia, South Carolina 29202

RE: Jerusalem Baptist, Old Clarkson Road Closing

Dear Mr. Pope:

I am writing this letter in support of the initiative which Jerusalem Baptist is undertaking with Richland County to close a portion of the road known as Old Clarkson Road. I own property at 116 Old Clarkson Road.

This closing, in my opinion, does not impact my property negatively and I would be happy with Jerusalem Baptist obtaining the portion of the R.O.W. (right of way) to include in their expansion plan. I have met with the church and seen their preliminary Master Plan and appreciate the professionalism in which they have undertaken to meet the growth of the church.

If I may be of further assistance or answer any questions, please call on me at 783.8385.

Sincerely,



cc: Mr. Larry Smith, Esquire  
Richland County Attorney  
P.O. Box 192  
Columbia, South Carolina 29202

Saturday, August 21, 2010

Mr. J. Milton Pope  
Richland County Administrator  
P.O. Box 192  
Columbia, South Carolina 29202

RE: Jerusalem Baptist, Old Clarkson Road Closing

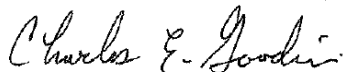
Dear Mr. Pope:

I am writing this letter in support of the initiative which Jerusalem Baptist is undertaking with Richland County to close a portion of the road known as Old Clarkson Road. I own property at 104 Old Clarkson Road.

This closing, in my opinion, does not impact my property negatively and I would be happy with Jerusalem Baptist obtaining the portion of the R.O.W. (right of way) to include in their expansion plan. I have met with the church and seen their preliminary Master Plan and appreciate the professionalism in which they have undertaken to meet the growth of the church.

If I may be of further assistance or answer any questions, please call on me at (803) 783-4542

Sincerely,



cc: Mr. Larry Smith, Esquire  
Richland County Attorney  
P.O. Box 192  
Columbia, South Carolina 29202

Saturday, August 21, 2010

Mr. J. Milton Pope  
Richland County Administrator  
P.O. Box 192  
Columbia, South Carolina 29202

RE: Jerusalem Baptist, Old Clarkson Road Closing

Dear Mr. Pope:

I am writing this letter in support of the initiative which Jerusalem Baptist is undertaking with Richland County to close a portion of the road known as Old Clarkson Road. I own property at 124 Old Clarkson Road.

This closing, in my opinion, does not impact my property negatively and I would be happy with Jerusalem Baptist obtaining the portion of the R.O.W. (right of way) to include in their expansion plan. I have met with the church and seen their preliminary Master Plan and appreciate the professionalism in which they have undertaken to meet the growth of the church.

If I may be of further assistance or answer any questions, please call on me at 803-397-6468

Sincerely,



cc: Mr. Larry Smith, Esquire  
Richland County Attorney  
P.O. Box 192  
Columbia, South Carolina 29202

Saturday, August 21, 2010

Mr. J. Milton Pope  
Richland County Administrator  
P.O. Box 192  
Columbia, South Carolina 29202

RE: Jerusalem Baptist, Old Clarkson Road Closing

Dear Mr. Pope:

I am writing this letter in support of the initiative which Jerusalem Baptist is undertaking with Richland County to close a portion of the road known as Old Clarkson Road. I own property at 130 Old Clarkson Road.

This closing, in my opinion, does not impact my property negatively and I would be happy with Jerusalem Baptist obtaining the portion of the R.O.W. (right of way) to include in their expansion plan. I have met with the church and seen their preliminary Master Plan and appreciate the professionalism in which they have undertaken to meet the growth of the church.

If I may be of further assistance or answer any questions, please call on me at 803-708-1048

Sincerely,

cc: Mr. Larry Smith, Esquire  
Richland County Attorney  
P.O. Box 192  
Columbia, South Carolina 29202



# Richland County Council Request of Action

**Subject**

Summit Parkway Sidewalk Project [**PAGES 121-125**]

**Notes**

The committee voted to send this item to Council without a recommendation. The vote was in favor.

# Richland County Council Request of Action

**Subject:** Summit Parkway Sidewalk Project

## **A. Purpose**

County Council is requested to support the Summit Parkway Sidewalk Project.

## **B. Background / Discussion**

In 2010, The Summit Commons commercial development was constructed at the intersection of Hardscrabble Road and Summit Parkway. With this development, a right turn lane was constructed on Summit Parkway to access the development off of Summit Parkway. With the installation of the right turn lane, pedestrian access was cut off from Summit Hills Circle down to the entrance of the Summit Commons Development, which then leads to Rice Creek Elementary and Ridgeview High School. When Public Works became aware of this situation, we were prepared to correct it at the full cost to the County. While Public Works was reviewing the situation, Public Works was contacted by the Summit Homeowners Association and asked if we could install a sidewalk on this section of Summit Parkway and split the construction in a 50/50 cost share. The Homeowners association would be responsible for relocating all irrigation and lighting and the associated features. Public Works would be responsible for preparing the plans and specs and would bid the construction of the sidewalk out under the Counties' procurement code. An IGA has been created and will be signed off on by both entities detailing the cost share and what each party is responsible for.

## **C. Financial Impact**

The estimated construction cost is approximately \$40,000 and would be split evenly between Richland County and the Summit Homeowners Association. This equates to approximately \$20,000 per entity.

## **D. Alternatives**

1. Approve the Summit Parkway Sidewalk program with a cost share with the Summit Homeowners Association.
2. Do not approve the Summit Parkway Sidewalk program with a cost share with the Summit Homeowners Association.

## **E. Recommendation**

It is recommended that County Council approve the Summit Parkway Sidewalk Project with a cost share with the Summit Homeowners Association.

Recommended by: David Hoops, P.E.    Department: Public Works    Date: April 7, 2011

**F. Reviews**

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

**Finance**

Reviewed by: Daniel Driggers

Date: 4/14/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This is a funding decision at Council’s discretion. The Financial section states that the cost to the County would be \$20k but no funding source is identified. Therefore approval would require the identification of a funding source and may require a budget amendment.

**Procurement**

Reviewed by: Rodolfo Callwood

Date: 4/14/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: No recommendation

**Legal**

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This is a policy decision of Council. However, if the county decides to participate in this project, I would recommend that some agreement is entered into by the county with the Homeowners Association regarding liability and maintenance.

**Administration**

Reviewed by: Sparty Hammett

Date: 4/18/11

✓ Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval of the Summit Parkway sidewalk project with a cost share with the Summit Homeowners Association. The funding source for the County’s portion (\$20,000) would be existing project funds within Roads and Drainage current budget. In terms of an agreement regarding liability and maintenance referenced by the County Attorney, the project would be a County managed construction project within the County’s right-of-way.

**STATE OF SOUTH CAROLINA )**      **AGREEMENT FOR SIDEWALK**  
    )      **INSTALLATION ALONG SUMMIT PARKWAY**  
**COUNTY OF RICHLAND )**                   **COLUMBIA, SOUTH CAROLINA 29229**

**THIS AGREEMENT** is entered into in duplicate originals this \_\_\_ day of \_\_\_\_\_, 2011, by and between **Richland County**, a political subdivision of the State of South Carolina, (hereinafter referred to as “the County”), and the **Summit Home Owners Association** (hereinafter referred to as “the Association”).

**WITNESSETH:**

**WHEREAS**, the County’s Department of Public Works approved a design for a project that took the pedestrian access away from Summit Parkway to the intersection of Summit Parkway and Hardscabble Road; and

**WHEREAS**, a sidewalk is needed along this section of Summit Parkway for the safety and use of pedestrians; and

**WHEREAS**, the Association has asked for the County’s assistance in constructing a sidewalk along this section of Summit Parkway; and

**WHEREAS**, the County is willing to partner with the Association in having the sidewalk constructed;

**NOW, THEREFORE**, in consideration of the promises, and the mutual understanding and obligations hereinafter set forth, the parties hereto agree as follows:

**Section I – County Responsibilities**

**A.** Through its Department of Public Works, the County will develop the plans and specifications for the installation of a sidewalk along the right side of Summit Parkway for a distance of approximately 1,150 feet, beginning at Summit Hills Circle and ending at the existing sidewalk located at the Summit Commons Development.

**B.** The County will seek bids for the sidewalk construction project through its procurement process, and has the sole authority for selecting the contractor for the project.

**C.** The County will pay all bills received from the contractor for the construction of this project; provided, however, the County will seek reimbursement from the Association for 50% of the total cost.

**D.** The County, through the Department of Public Works, will maintain the sidewalk if and when such maintenance is needed once the sidewalk has been constructed.

**Section II – Association Responsibilities**

A. The Association agrees to pay 50% of the total cost of construction within 30 days after receipt of written notification from the County.

B. The Association shall be responsible for all landscaping and irrigation that is adjacent to the sidewalk.

C. Prior to any construction work starting on the sidewalk, the Association agrees to be responsible for relocating the street lighting, any existing value boxes, and any trees and/or shrubs that the Association would like to keep, all of which is in proximity to the proposed sidewalk. Any trees and/or shrubs that remain, which would negatively impact the sidewalk, will be removed and disposed of during construction.

**Section III – Limitations on Liability:** The Association and its successors and assigns do hereby remise, release, acquit, and forever discharge Richland County, its employees, agents, successors, and assigns past, present, from future actions, causes of action, claims, demands, damages, costs, loss of services, expenses, compensation, third party actions, suits at law or indemnity of whatever nature, and all consequential damage on account of, or in any way arising from the services rendered under this Agreement, and further agrees to hold harmless and indemnify Richland County for any and all losses, claims, suits, and other liability arising from the services rendered under this Agreement. Specifically, the parties agree, as an essential condition of this Agreement, that the County shall have no liability as a result of the services provided hereunder or of the construction of the sidewalk.

**Section IV – Warranties:** The Parties hereto make no representations or warranties of any type, express or implied, except as specifically stated in this Agreement. Without limiting the foregoing, County explicitly disclaims any warranty regarding the services provided hereunder County specifically does not warrant that the products or services will increase safety or reduce the possibility of criminal activity. The warranties of merchantability and fitness for a particular purpose are specifically disclaimed.

**Section V – Amendment:** This Agreement may not be amended except by written agreement signed by an authorized representative of each Party.

**Section VI – Representation:** Each Party to the Agreement represents and warrants that it has full and complete authority to enter into and perform its respective obligations under this Agreement. Any person who executes this Agreement on behalf of any Party represents and warrants that he or she has full and complete authority to do so and that such represented Party shall be bound thereby.

**Section VII – Covenants:** This Agreement is an entire contract, each stipulation thereto being a part of the consideration for every other, and the terms, covenants, and conditions thereof inure to the benefit of and bind the successors and assigns of each of the parties hereto, as well as the parties themselves.

**Section VIII – Entire Understanding:** This Agreement contains the entire understanding of the Parties and supersedes all prior oral or written representation(s) concerning the subject matter hereof.

**RICHLAND COUNTY**

By: \_\_\_\_\_

(Print Name):

\_\_\_\_\_

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

Date: \_\_\_\_\_

**SUMMIT HOMEOWNERS ASSOCIATION**

By: \_\_\_\_\_

(Print Name):

\_\_\_\_\_

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

Date: \_\_\_\_\_

# Richland County Council Request of Action

## **Subject**

An Ordinance Amending the Richland County Code of Ordinances; Chapter 17, Motor Vehicles and Traffic; Article II, General Traffic and Parking Regulations; so as to prohibit emailing or texting while operating a motor vehicle **[FIRST READING] [PAGES 127-131]**

## **Notes**

The committee voted to send this item to Council without a recommendation. The vote in favor was unanimous.

## Richland County Council Request for Action

Subject: To adopt an ordinance banning texting while operating a motor vehicle

### A. Purpose

This request is, per Mr. Rose's motion, to adopt an ordinance (consistent with the City of Columbia's recently passed ordinance) banning texting while operating a motor vehicle.

### B. Background / Discussion

During the Motion Period of the March 15, 2011, County Council meeting, Mr. Rose made the following motion:

**In the interest of regional consistency and public safety, I move that Richland County Council adopt an ordinance (consistent to the City of Columbia) banning texting while operating a motor vehicle.**

The above referenced City of Columbia ordinance was used to create the attached ordinance. The language of the two ordinances is identical.

### C. Financial Impact

No known financial impact.

### D. Alternatives

1. Adopt the ordinance banning texting while operating a motor vehicle.
2. Do not adopt the ordinance.
3. Adopt the ordinance with revisions.

### E. Recommendation

Council Discretion.

Recommended by: Elizabeth A. McLean      Department: Legal      Date: 4/12/11

### F. Reviews

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

#### Finance

Reviewed by: Daniel Driggers

Date: 4/15/11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This is a policy decision for Council



**Legal**

Reviewed by: Larry Smith

Date:

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This is a policy decision of Council. However, I would recommend that there be some coordination with the Sheriff's Dept. regarding any issues that they may have related to enforcement of this ordinance.

**Administration**

Reviewed by: J. Milton Pope

Date: 4-20-11

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: The matter of regulating texting while operating a motor vehicle is a Public Safety issue that requires the input of the Chief Law Enforcement agent of the County (Sheriff Lott). Administration has contacted the Sheriff's Department and asked that they provide a representative to provide their position on this pending policy matter.

**STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY**

**ORDINANCE NO. \_\_\_\_-11HR**

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 17, MOTOR VEHICLES AND TRAFFIC; ARTICLE II, GENERAL TRAFFIC AND PARKING REGULATIONS; SO AS TO PROHIBIT EMAILING OR TEXTING WHILE OPERATING A MOTOR VEHICLE.

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 17, Motor Vehicles and Traffic; Article II, General Traffic and Parking Regulations; is hereby amended by the addition of Sec. 17-13, to read as follows:

**Sec. 17-13. E-mailing or text messaging on mobile device while operating a motor vehicle.**

(a) It shall be unlawful for a person to use a wireless electronic communication device to compose, send, or read a text-based communication while driving or operating a motor vehicle upon the public streets and highways within the City.

(b) For the purposes of this section, the following definitions shall apply:

*Hands-free wireless electronic communication device* means an electronic device, including, but not limited to, a mobile, cellular, wireless or digital telephone, a personal digital assistant, a text messaging device or a computer, that allows a person to wirelessly communicate with another person without the use of either hand by utilizing an internal feature or function of the device, an attachment, or an additional device. A hands-free wireless electronic communication device may require the use of either hand to activate or deactivate an internal feature or function of the device.

*Text-based communication* means a communication using text-based information, including, but not limited to, a text message, an SMS message, an instant message, or an electronic mail message.

*Wireless electronic communication device* means an electronic device that allows a person to wirelessly communicate with another person, including, but not limited to, a mobile, cellular, wireless or digital telephone, a personal digital assistant, a text messaging device, or a computer.

*Driving or operating a motor vehicle* means that the motor vehicle is moving or in motion.

- (c) This section does not apply to a person who is:
- (1) lawfully parked or stopped;
  - (2) using a hands-free wireless electronic communication device or a voice-activated feature or function of the device;
  - (3) activating or deactivating a wireless electronic communication device or an internal feature or function of the device;
  - (4) reading, selecting, or entering a telephone number or contact in a wireless electronic communication device for the purpose of making or receiving a telephone call;
  - (5) summoning medical or other emergency assistance;
  - (6) transmitting or receiving data as part of a digital dispatch system;
  - (7) using a citizen's band radio; or
  - (8) a law enforcement officer, firefighter, emergency medical technician, or other public safety official while in the performance of the person's official duties;
- (d) A person who violates this section is guilty of an infraction and shall be issued a Uniform Traffic Citation assessing a civil penalty in the amount of \$100.00. The civil penalty is subject to all other applicable court costs, assessments, and surcharges, if any.
- (e) A law enforcement officer must not:
- (1) stop a person for a violation of this section except when the officer has probable cause that a violation has occurred based on the officer's clear and unobstructed view of a person who is using a wireless electronic communication device to compose, send, or read a text-based communication while driving or operating a motor vehicle upon the public streets and highways of the city;
  - (2) seize or require the forfeiture of a wireless electronic communication device because of a violation of this section;
  - (3) search or request to search a motor vehicle, driver, or passenger in a motor vehicle, solely because of a violation of this section; or
  - (4) make a custodial arrest for a violation of this section.

(f) Nothing in this section is intended to conflict with enforcement of applicable restrictions or requirements imposed on commercial motor vehicle operators pursuant to the Federal Motor Carrier Safety Regulations.

SECTION II. The Richland County Code of Ordinances; Chapter 17, Motor Vehicles and Traffic; Article II, General Traffic and Parking Regulations; is hereby amended by the addition of the following language:

Secs. 17-14—17-17. 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 Onley  
Assistant Clerk of Council

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

# Richland County Council Request of Action

## **Subject**

a. Motion that Chairman Livingston place on the Economic Development Committee agenda, the task of reviewing the Richland County business license fee and this fees impact on job creation and business recruitment within Richland County. Said Committee to review the competitiveness of our business license fee in regards to both calculation and surrounding/neighborhood Counties. Such review to include input and data from the Columbia Chamber of Commerce as well as other relevant entities. The findings from this review to be submitted to full Council once said review is completed. **[ROSE]**

b. There are many issues with the Hospitality Tax use with the current program Richland County has in place. Based on that fact, I move that the Hospitality Tax Committee and Richland County Council review this grant program so that it can be re-vamped with an emphasis on funding projects and programs that bring in true tourists, not community events that pull the majority of their attendees from Richland County residents. **[MALINOWSKI]**

# Richland County Council Request of Action

**Subject**

Must Pertain to Items Not on the Agenda