



- b. Community Relations Council Luncheon - \$1,500

## **Report Of The Chairman**

### **Open/Close Public Hearings**

- 6. a. Authorizing an Amendment to the Master Agreement governing the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to increase the percentage of the revenues generated by properties located in Richland County to be deposited in the Richland County Industrial Park Fund from three percent to five percent; and other related matters
- b. An Ordinance Amending the Fiscal Year 2014-2015 Hospitality Tax Fund Annual Budget to appropriate Two Million Twenty-Five Thousand Dollars (\$2,025,000) of Hospitality Fund Balance to provide funding for purchasing property associated with Project LM as recommended by the Economic Development Committee

### **Approval Of Consent Items**

- 7. An Ordinance Amending the Fiscal Year 2014-2015 Hospitality Tax Fund Annual Budget to appropriate Two Million Twenty-Five Thousand Dollars (\$2,025,000) of Hospitality Fund Balance to provide funding for purchasing property associated with Project LM as recommended by the Economic Development Committee [**THIRD READING**] [**PAGES 28-30**]
- 8. 15-20MA  
Ashley Chason  
RU to OI (3.7 Acres)  
1551 Dutch Fork Rd.  
02411-04-03 [**SECOND READING**] [**PAGES 31-32**]
- 9. 15-21MA  
Deanna M. Shealy  
RU to RS-LD (2.22 Acres)  
Island Trail  
01300-01-01/02 & 01400-01-02/03/04 [**SECOND READING**] [**PAGES 33-34**]
- 10. An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Increasing the Number of Uses in the Light Industrial District (LI) [**SECOND READING**] [**PAGES 35-41**]
- 11. An Ordinance Amending the Richland County Code of Ordinances; Chapter 6, Buildings and Building Regulations; Article III, Building Codes; Section 6-84, Boarded-Up Structures; Subsection (d), Paragraph (1); so as to change the language, "The Permit Fee Shall be \$25.53 for Residential Buildings and \$51.05 for Mixed-Use and Commercial Buildings" to "The Permit Fee Shall be charged at the rate on the current Richland County Fee Schedule" [**FIRST READING**] [**PAGES 42-46**]
- 12. Department of Public Works: Ballentine Park Project [**PAGES 47-50**]
- 13. Jim Hamilton - LB Owens Airport (CUB), Taxiway 'A' Grading & Extension, Phase 1, Recommendation of Construction Contract Award [**PAGES 51-61**]

### **Third Reading Items**

14. 14-38MA, George Goff, HI to GC (15.39 Acres), 1117 & 1105 Sparkleberry Lane Ext., 22909-04-01 & 22905-06-10 [**PAGES 62-63**]
15. An Ordinance Amending the Richland County Code of Ordinances; Chapter 26; Land Development; so as to remain in compliance with the National Flood Insurance Program upon the adoption of the new flood insurance rate map [**PAGES 64-107**]
16. Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain real property located in Richland County; the execution and delivery of a Credit Agreement to provide for Special Source Revenue Credits to Icon Columbia SC LLC, previously identified as Project Sandy; and other related matters [**PAGES 108-126**]
17. Authorizing an Amendment to the Master Agreement governing the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to increase the percentage of the revenues generated by properties located in Richland County to be deposited in the Richland County Industrial Park Fund from three percent to five percent; and other related matters [**PAGES 127-135**]

### **Second Reading Items**

18. An Ordinance Authorizing a ground lease between Richland County and Richland County School District Two on behalf of the Richland County Public Library; so as to allow for the automatic transfer of title to the library building to Richland County School District Two at the end of the lease term [**PAGES 136-137**]
19. 15-23MA  
JR LEX 2, LLC  
RU to RC (2.61 Acres)  
7743 Bluff Rd.  
32403-03-05 & 32403-03-06(p) [**PAGES 138-140**]

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

20. a. A Resolution adopting the amendment of the covenants and restrictions for the Richland Northeast Industrial Park, to remove certain restrictions on approximately a quarter of an acre [**PAGES 141-146**]

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

#### **1. Notification Of Vacancies**

21. a. Building Codes Board of Appeals - 1
- b. Library Board of Trustees - 4

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

22. BOARD TERMS: [**PAGES 149-170**]

- a. Review any appointments that go beyond four (4) years and pursue all avenues to amend the terms to make them no more than four (4) years in length **[MANNING]**
- b. MOTION: Move that the terms of Board members to the Lexington Richland Alcohol & Drug Commission [LRADAC] be changed from "two, three year terms" to "three, three year terms" so that Richland County appointees have the same opportunities for extended service on this board as Lexington County appointees are currently allowed **[PEARCE]**

## **Other Items**

### **23. REPORT OF THE SEWER AD HOC COMMITTEE:**

- a. An Ordinance Amending the Richland County Code of Ordinances, Chapter 24, Utilities; Article IV, Sewers and Sewage Disposal; Division 2, Use of Public Sewers; Section 24-81, Use of Public Sewers Required; so as to clarify that the section only applies to new construction **[THIRD READING] [PAGES 171-173]**
  1. Septic tanks that are functioning properly should not be disallowed in Richland County. Direct staff to contact DHEC to determine why a septic that needs maintenance or repair is not allowed to be done if a public sewer is within 200 feet of the property. Property owners should not be forced to incur expenses that will burden them for years to come and replacement septic system should be allowed provided it is shown the new system can function properly **[MALINOWSKI]**
- b. Lower Richland Sewer Update
- c. Lower Richland Sewer Litigation Update **[EXECUTIVE SESSION]**

## **Citizen's Input**

24. Must Pertain to Items Not on the Agenda

## **Executive Session**

## **Motion Period**

25. a. Any group or entity requesting funds at budget time from Richland County Government must be made through a council member. Requests should not be arbitrarily sent to the Administrator or other staff member and then efforts made to seek a sponsor. The requesting group should take the time and effort to obtain support from at least one council member to get it on the budget motions list **[MALINOWSKI]**
- b. Moving forward effective July 1, 2015, to add to the Neighborhood Improvement Guidelines, any Neighborhood/Community/HOA which does not allow public attendance and/or deny access to anyone is consider a private entity and is not allowed/authorized to receive any form of funding from Richland County **[DIXON]**
- c. I move that Council record non-electronic roll call voting for all final votes that are not unanimous for third reading or one time votes; and which are not merely procedural in nature **[MANNING]**

## **Adjournment**



### **Special Accommodations and Interpreter Services**

Citizens may be present during any of the County's meetings. If requested, the agenda and backup materials will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), as amended and the federal rules and regulations adopted in implementation thereof.

Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the Clerk of Council's office either in person at 2020 Hampton Street, Columbia, SC, by telephone at (803) 576-2061, or TDD at 803-576-2045 no later than 24 hours prior to the scheduled meeting.

# Richland County Council Request of Action

## **Subject**

- a. Regular Session: May 19, 2015 [**PAGES 7-19**]
- b. Zoning Public Hearing: May 26, 2015 [**PAGES 20-22**]

# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA

### REGULAR SESSION MINUTES

May 19, 2015  
6:00 PM  
County Council Chambers

*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*

#### CALL TO ORDER

Mr. Rush called the meeting to order at approximately 6:00 PM

#### INVOCATION

The Invocation was led by the Honorable Greg Pearce

#### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Greg Pearce

#### PRESENTATION OF RESOLUTION

**Building Safety Month Proclamation** – Mr. Rush presented Mr. Phipps with a proclamation recognizing May as Building Safety Month.

#### APPROVAL OF MINUTES

**Regular Session: May 5, 2015** – Mr. Manning moved, seconded by Mr. Pearce, to approve the minutes as submitted. The vote in favor was unanimous.

#### ADOPTION OF THE AGENDA

Mr. McDonald stated an item entitled “Greene Street Phase I Utility Relocation Contingency” needs to be added under the Report of the Transportation Ad Hoc Committee.

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



#### Council Members Present

Torrey Rush, Chair  
Greg Pearce, Vice Chair  
Joyce Dickerson  
Julie-Ann Dixon  
Norman Jackson  
Damon Jeter  
Paul Livingston  
Bill Malinowski  
Jim Manning  
Seth Rose  
Kelvin E. Washington, Sr.

#### Others Present:

Tony McDonald  
Sparty Hammett  
Warren Harley  
Brandon Madden  
Michelle Onley  
Monique McDaniels  
Rob Perry  
Chris Gossett  
Larry Smith  
Beverly Harris  
Amelia Linder  
Laura Renwick  
Quinton Epps  
Gloria Tanner  
Ray Peterson  
Nelson Lindsay  
Tracy Hegler  
Janet Claggett  
Donny Phipps  
Dale Welch  
Cheryl Patrick  
Andrea Bolling  
Ismail Ozbek  
Michael Byrd

# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA



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### REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION ITEMS

Mr. Smith stated the following item was a potential Executive Session Item:

a. **Library Lease**

#### CITIZENS' INPUT

*{For Items on the Agenda Not Requiring a Public Hearing}*

No one signed up to speak.

**POINT OF PERSONAL PRIVILEGE** – Mr. Manning recognized Mr. Phil Bartlett, Richland County Riverbanks Zoo Board appointee and the Italian foreign exchange student he is sponsoring. The foreign exchange student is attending Richland Northeast High School this year.

### REPORT OF THE COUNTY ADMINISTRATOR

- a. **Budget Work Session, May 21<sup>st</sup> at 4:00 PM and Budget Public Hearing, May 21<sup>st</sup> at 6:00 PM** – Mr. McDonald reminded Council about the upcoming budget work session and budget public hearing on Thursday, May 21<sup>st</sup>.
- b. **Budget Motion List** – Mr. McDonald reminded Council the budget motions are due to the Administrator's Office by Friday, May 22<sup>nd</sup>.

Mr. Pearce inquired if the draft budget had been published.

Mr. McDonald stated the draft budget has been provided to the public and media, but is not sure if the draft budget has been placed on the County website. In addition, any documents that were illegible in the budget book have been reprinted and will be provided to Council.

### REPORT OF THE CLERK OF COUNCIL

**Public Works Luncheon, May 20<sup>th</sup> at 11:30 AM** – Ms. McDaniels reminded Council of the upcoming Public Works luncheon on May 20<sup>th</sup>.

### REPORT OF THE CHAIRMAN

**SC Connect Award** – Mr. Rush congratulated IT staff on receiving the SC Connect Award, which designates Richland County as "America's First Certified Connected Capital Community."



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## SOUTH CAROLINA



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### PRESENTATION

**Epworth Children's Home, Rev. John Holler** – Rev. John Holler gave a brief overview of the services provided by the Epworth Children's Home and thanked Council for their continued support.

### OPEN/CLOSE PUBLIC HEARINGS

- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 24, Utilities; Article IV, Sewers and Sewage Disposal; Division 2, Use of Public Sewers; Section 24-81, Use of Public Sewers Required; so as to clarify that the section only applies to new construction**

Ms. Helen Taylor Bradley, Ms. Edna Sims, Ms. Sara Prioleau, Ms. Lottie P. Wesley, Mr. Peter Palmer, Ms. Donzetta Lindsey, Ms. Wendy Brawley, Ms. Jennifer Mancke, and Mr. Paul Brawley spoken in opposition of this item.

Mr. Bill Stangler spoke in favor of the item.

- **Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain real property located in Richland County; the execution and delivery of a Credit Agreement to provide for Special Source Revenue Credits to Icon Columbia SC LLC, previously identified as Project Sandy; and other related matters – no one signed up to speak.**

### APPROVAL OF CONSENT ITEM

- **15-11MA, Mark & Cynthia Harrelson, RS-HD to RU (4.04 Acres), 4430 Old Leesburg Rd., 25002-03-03(p) [THIRD READING]**
- **15-16MA, Elias Dib, OI to RM-MD (3.25 Acres), Summer Valley Dr., 17216-10-24 [THIRD READING]**
- **15-17MA, Two Notch Commercial Development, MH/NC to GC (1.68 Acres), Two Notch Rd. & Aubrey St., 22914-02-03 & 09 [THIRD READING]**
- **An Ordinance Amending the Fiscal Year 2014-2015 Hospitality Tax Fund Annual Budget to appropriate Two Million Twenty-Five Thousand Dollars (\$2,025,000) of Hospitality Fund Balance to provide funding for purchasing property associated with Project LM as recommended by the Economic Development Committee [SECOND READING]**

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

### THIRD READING

**An Ordinance Amending the Richland County Code of Ordinances: Chapter 26: Land Development; so as to remain in compliance with the National Flood Insurance Program upon the adoption of the new flood insurance rate map** – Mr. Pearce moved, seconded by Ms. Dixon, to approve this item.

Mr. Manning made a substitute motion, seconded by Mr. Pearce, to defer this item. The vote in favor was unanimous.

### SECOND READING

**An Ordinance Amending the Richland County Code of Ordinances, Chapter 24, Utilities; Article IV, Sewers and Sewage Disposal; Division 2, Use of Public Sewers; Section 24-81, Use of Public Sewers Required; so as to clarify that the section only applies to new construction** – Mr. Livingston moved, seconded by Ms. Dickerson, to approve this item.

Mr. Malinowski requested that “new construction” be defined in the ordinance and further requested clarification of what is meant by “adjoining” in the DHEC sewer report (i.e. would it require tunneling across the road to hook into the sewer system?).

Mr. Hammett stated that “new construction” would be any newly constructed building or residence and does not include renovations. He further stated that “adjoining” would include require crossing the roadway if the sewer system were accessible.

Mr. Malinowski inquired if the Lower Richland citizens that were concerned about not receiving surveys had been contacted as previously requested.

Mr. Hammett stated the citizens identified in the minutes were contacted.

The vote was in favor of this item.

**Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain real property located in Richland County; the execution and delivery of a Credit Agreement to provide for Special Source Revenue Credits to Icon Columbia SC LLC, previously identified as Project Sandy; and other related matters** – Mr. Livingston moved, seconded by Mr. Malinowski, to approve this item.

Mr. Pearce made a substitute motion, seconded by Ms. Dixon, to approve the item with the caveat that a moratorium be placed on any future student housing projects until such time as the City of Columbia and/or the University of South Carolina provide the

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County with a long-range needs assessment plan as to future privately owned as to student housing in Richland County.

Mr. Washington inquired if the University of South Carolina periodically presented their strategic plan.

Mr. McDonald stated he does not recall the University doing that in the past.

Mr. Jackson inquired if the moratorium would only affect USC or would other institutions be affected as well. *{No response was given.}*

Mr. Pearce amended his motion as follows: “prior to any future student housing projects being approved by Richland County that we request a long-range needs assessment plan for future housing projects in Richland County.”

Mr. Pearce withdrew his motion.

The vote was in favor of this item.

**Authorizing an Amendment to the Master Agreement governing the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to increase the percentage of the revenues generated by properties located in Richland County to be deposited in the Richland County Industrial Park Fund from three percent to five percent; and other related matters** – Mr. Livingston moved, seconded by Ms. Dixon, to approve this item. The vote in favor was unanimous.

### REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

**Alcohol on County Property: Palmetto Tasty Tomato Festival: Development of Process Moving Forward** – Mr. Pearce stated the Airport Commission vigorously debated the issue at their last meeting and decided not to take action on the request until next year.

Mr. Pearce moved, seconded by Ms. Dickerson, to table this item.

Mr. Washington stated staff was to draft a policy for future events; therefore, this would table that part of the item as well.

Mr. Pearce withdrew his motion.

Mr. Pearce moved, seconded by Ms. Dickerson, to refer this item back to committee. The vote in favor was unanimous.

**McCrary Training Center** – Mr. Harley stated the request is to relocate an EMS unit. The cost of installation of the alerting system would be approximately \$6,000.

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

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

### REPORT OF RULES AND APPOINTMENTS COMMITTEE

#### I. NOTIFICATION OF VACANCIES

- a. **Planning Commission -1** – Mr. Malinowski stated the committee recommended advertising for the vacancy.

#### II. DISCUSSION FROM RULES AND APPOINTMENTS COMMITTEE

##### a. VOTING

1. **I move that County Council amend its rules to require roll call voting on every vote taken**

##### A. Roll Call Voting Options

Mr. Malinowski stated the committee recommended to not amend the current Council Rules regarding voting.

Mr. Rose stated the City of Columbia, Lexington County and the State Legislature have adopted the practice of roll call voting. Roll call voting would insure accountability of each Council member and a record of how they vote on each item.

Mr. Rose made a substitute motion, seconded by Mr. Pearce, to defer this item and have staff bring back to Council alternatives and options for roll call voting.

##### **FOR**

Rose  
Pearce

##### **AGAINST**

Dixon  
Malinowski  
Jackson  
Rush  
Livingston  
Dickerson  
Washington  
Manning  
Jeter

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The substitute motion failed.

**FOR**

Dixon  
Malinowski  
Jackson  
Rush  
Livingston  
Dickerson  
Washington  
Manning  
Jeter

**AGAINST**

Rose  
Pearce

The vote was in favor of the committee's recommendation.

- b. After discussion between the Rules Committee Chair and Clerk of Council it has been determined that the rules of Richland County Council are efficient and outline the duties and responsibilities of each council member. Therefore, it is recommended that the committee review the current policies/procedures for any additional input/changes**
  - 1. Allow members to electronically participate during executive session**

Mr. Malinowski stated the committee recommended not amending the Council rules. The vote in favor was unanimous.

**c. BOARD TERMS**

- 1. Richland County Boards, Commissions, and Committees:**
  - a. Boards, Commissions, and Committees governed by Richland County Council**
  - b. Boards, Commissions, and Committees with specific criteria**
  - c. Boards, Commissions and Committees that involve other governing bodies**
- 2. Richland County Boards, Commissions and Committees that have been dissolved:**
  - a. Youth Commission**

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- b. Appearance Commission
- c. Economic Development Committee
- d. Disabilities and Special Needs Board
- e. Midlands Commission on Homelessness
- f. Complete Street Commission
- g. Building Board of Adjustment and Appeals
- h. Performing Arts Center Board
- i. Transportation Study Commission

This item was held in committee.

- 3. **MOTION: Move that the terms of Board members to the Lexington Richland Alcohol & Drug Commission [LRADAC] be changed from “two, three years terms” to “three, three year terms” so that Richland County appointees have the same opportunities for extended service on this board as Lexington County appointees are currently allowed [PEARCE]**

This item was held in committee

### REPORT OF TRANSPORTATION AD HOC COMMITTEE

- a. **Riverbanks Zoo Project: Bridge Construction over Railroad – Contractor Quote** – Mr. Livingston stated the committee recommended approaching the contractor presently under contract to the Riverbanks Zoo to negotiate a change order price to construct the bridge. Staff will bring back to Council the negotiated contract, as well as the SLBE participation, for approval. The vote in favor was unanimous.  
  
Mr. Livingston moved, seconded by Mr. Washington, to reconsider this item. The motion failed.
- b. **Bluff Road Widening Project: Partnering Opportunity with Central Midlands Council of Governments (CMCOG) and County Transportation Committee (CTC)** – Mr. Livingston stated the committee recommended moving forward with the partnership between CMCOG, CTC and SCDOT to include their sidewalk design on the Bluff Road and Rosewood Drive with the County’s Bluff Road Widening Project. This item will also be presented to the TPAC Committee. The vote in favor was unanimous.
- c. **Federal Funding for Major Projects: CMCOG** – Mr. Livingston stated the committee recommended formally requesting federal funds on major penny projects to develop them to federal standards. The vote in favor was unanimous.

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- d. **Encroachment Permit: Broad River Road Widening Project** – Mr. Livingston stated the committee recommended denial of the request. The vote in favor was unanimous.

Mr. Perry stated the request for the encroachment permit came to staff from a private business owner. Staff forwarded the request to committee for action.

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

- e. **Greene Street Phase I Utility Relocation Contingency** – Mr. Livingston stated the committee recommended adding a 5% contingency to the Greene Street Phase I project for utility relocation related to the project and moving forward to add a utility contingency to all major projects brought to Council.

Mr. Washington inquired what the contingency on this project equated to.

Mr. McDonald stated it equates to \$640,000.

The vote was in favor.

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

### CITIZENS' INPUT

No one signed up to speak.

**POINT OF PERSONAL PRIVILEGE** – Mr. Pearce stated the Palmetto Health Annual Report was distributed to Council.

### EXECUTIVE SESSION

- a. **Richland Library Lease** – Ms. Dickerson moved, seconded by Mr. Livingston, to proceed as discussed in Executive Session and to give first reading by title only to the text amendment attached to this item.

### MOTION PERIOD

Mr. Pearce moved, seconded by Mr. Jackson, for unanimous consent to add the following motion to the motion list:

- a. **Prior to the approval of any new financial incentives for privately owned student housing construction in Richland County, the City of Columbia**

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## SOUTH CAROLINA

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and/or the University of South Carolina and/or any other educational institution in need of additional student housing will be asked to provide the County with a long range needs assessment of student housing needs  
- This item was referred to the A&F Committee.

- b. **Participation in Executive Sessions of public bodies created in whole or in part by Richland County: I move that any board, committee, agency, entity or public body created in whole or in part by ordinance or act of Richland County may adopt bylaws and rules of procedure for its operation not inconsistent with the ordinances of Richland County; provided, however, that any board, committee, agency, entity or public body created in whole or in part by an ordinance or act of Richland County shall develop permit any member of the Richland County Council who is a liaison to, or an ex officio member thereof, to attend any executive session such board, committee, agency, entity or public body may hold.**

Should any board, committee, agency, entity or public body created in whole or in part by Richland County refuse to allow any member of the Richland County Council who is a liaison to, or an ex officio member thereof, to attend any executive session described herein, such refusal shall be reported by either the Chair of County Council, or by any member thereof, at the next meeting of County Council after such refusal, or as soon thereafter as is practical. Further, the facts and circumstances of any denial of access to an executive session as provided for herein shall be briefed by or to County Council during the annual budget process.

The purpose of this motion is not to overly burden any public body subject to this motion, or to become involved in the day-to-day operations thereof, but instead to exercise appropriate oversight of public bodies created by, funded by, or created and funded by Richland County [WASHINGTON] - This item was referred to the Rules & Appointments Committee.

- c. **Request for financial, operational and management information from entities funded in whole or in part by Richland County: I move that..."any board, committee, commission, agency, entity or public body or private organization, regardless of size or membership, funded in whole or in part by Richland County provide financial, operational and management information to Richland County, care of its Administrator or the Administrator's designee, including, but not limited to: [list desired information here]**



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**This information should be provided within a reasonable timeframe, but no later than \_\_\_\_, for the County to meaningfully consider the same during its annual budget process.**

**Any public body or private organization or entity that fails to timely provide the requested information, or that provides incomplete information, will be considered to have an incomplete budget request for the budget year to which the information sought pertains, and shall not be considered for County funding for the budget year to which the information sought pertains until all other organizations and entities which have completed budget submissions are considered for funding. In other words, organizations and entities with incomplete budget submissions will be considered for funding last during that budget cycle.**

**Any organization or entity may request a partial or full waiver to provide such information as is described herein, and if, in the opinion of the County's governing body, there is a valid justification for the failure to provide the information sought (such as an excessive administrative burden), the County's governing body may grant such a waiver and proceed with the budget funding request at the same point as the organization or entity may have fallen for consideration had such organization or entity filed a completed budget request.**

**For purposes of a "waiver" as described herein, the same are to be given only for one budget year at a time, and only on a case-by-case basis. [WASHINGTON] – This item was referred to the Rules & Appointments Committee.**

- d. Ordinance clarifying Richland County's role in providing or paying for administrative, legal or other services for public bodies not created by Richland County: "I move that Council pass an ordinance providing that: Richland County shall not provide administrative or other services, or legal representation or funding for legal representation for any board, commission, committee, entity or any other "public body" as defined in the South Carolina Freedom of Information Act as codified at the date of the adoption of this ordinance for any public body that 1) was created or established by any authority other than the governing body of Richland County and 2) whose members are appointed by any authority other than the governing body of Richland County.**

**For any such public body that is required by the United States of America, the State of South Carolina, or any other competent authority, to be funded by Richland County, the same in its budget request shall include requested funding amounts for all administrative, legal or other services it needs to carry out its mission and operations. In other words,**

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if any such organization or entity anticipates the need for legal or other services, for example, that organization or entity should include a funding request for such services so the same may be paid for out of its budget.

The purpose of this motion is not to deprive any such organization or entity of services it may need, but to appropriately place the responsibility and authority for such services in the hands of the organization or entity over which Richland County has no role or responsibility other than to provide mandated funding [WASHINGTON] – This item was referred to the Rules & Appointments Committee.

- e. **Ordinance providing for the appointment of Ex Officio members to public bodies whose membership is appointed by the governing body of Richland County.**

The governing body of Richland County may appoint up to three (3) ex officio members to any board, commission, committee, entity or any other “public body” as defined in the South Carolina Freedom of Information Act whose members are appointed by the governing body of Richland County. Such ex officio members shall pursuant to Robert’s Rules of Order have all the privileges of board (or other public entity) membership, including the right to make motions and to vote and to participate in regular or special called meetings and executive sessions, but none of the obligations. Ex officio members have no obligation to participate and should not be counted in determining the number required for a quorum or whether a quorum is present at a meeting. When an ex officio member of any board, commission, committee, entity or any other public body ceases to hold the office that entitles him or her to such membership, his or her membership on the public body terminates automatically [WASHINGTON] – This item was referred to the Rules & Appointments Committee.

- f. **In attending a meeting with small local businesses, questions came up about the County ordinance allowing franchise businesses participating in the County’s SLBE program. Motion to change the SLBE ordinance not to allow franchise businesses to qualify as SLBE [WASHINGTON] – This item was referred to the OSBO Committee.**
- g. **Richland County adopt FEMA standards [JACKSON] – This item was referred to the D&S Committee.**
- h. **Create a resolution to be forwarded to SCDOT showing Richland County support for placement of signs on I-77 and I-20 indicating the directions/exits for the Fort Jackson National Cemetery. This will assure**

# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA

**Richland County Council**  
**Regular Session**  
**Tuesday, May 19, 2015**  
**Page Thirteen**



**the fallen defenders of our freedom are not overlooked regarding their final resting place [MALINOWSKI]** – Mr. Washington moved, Ms. Dixon, to adopt the resolution. The vote in favor was unanimous.

### **ADJOURNMENT**

The meeting adjourned at approximately 8:00 PM.

\_\_\_\_\_  
Torrey Rush, Chair

\_\_\_\_\_  
Greg Pearce, Vice-Chair

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

\_\_\_\_\_  
Julie-Ann Dixon

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

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

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

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

\_\_\_\_\_  
Jim Manning

\_\_\_\_\_  
Seth Rose

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

The Minutes were transcribed by Michelle M. Onley, Deputy Clerk of Council

# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA

### ZONING PUBLIC HEARING

May 26, 2015  
7:00 PM  
County Council Chambers

*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*

#### CALL TO ORDER

Mr. Rush called the meeting to order at approximately 7:01 PM

#### ADDITIONS/DELETIONS TO THE AGENDA

Ms. Linder stated Case #15-18 was being administratively withdrawn.

#### ADOPTION OF THE AGENDA

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

#### MAP AMENDMENTS

##### **15-18MA, Elton Johnson, GC to RU (.97 Acres), 6423 Monticello Rd., 09401-06-07**

This item was administratively withdrawn.

##### **15-19MA, James Woodhill, RU to RC (5 Acres), 16001 Garners Ferry Rd., 39400-02-42**

Mr. Washington moved, seconded by Mr. Malinowski, to accept the applicant's withdrawal. The vote in favor was unanimous.

##### **15-20MA, Ashley Chason, RU to OI (3.7 Acres), 1551 Dutch Fork Rd., 02411-04-03**

Mr. Rush opened the floor to the public hearing.

Mr. Chason, the applicant, spoke in favor of the re-zoning request.

The floor to the public hearing was closed.

Mr. Malinowski moved, seconded by Ms. Dixon, to approve this item. The vote in favor was unanimous.



#### Council Members Present

Torrey Rush, Chair  
Greg Pearce, Vice Chair  
Joyce Dickerson  
Julie-Ann Dixon  
Norman Jackson  
Paul Livingston  
Bill Malinowski  
Jim Manning  
Seth Rose  
Kelvin E. Washington, Sr.

#### Others Present:

Tony McDonald  
Sparty Hammett  
Michelle Onley  
Monique McDaniels  
Tracy Hegler  
Amelia Linder  
Holland Leger  
Tommy DeLage  
Geo Price

# RICHLAND COUNTY COUNCIL

## SOUTH CAROLINA

Zoning Public Hearing  
Tuesday, May 26, 2015  
Page Two



**15-21MA, Deanna M. Shealy, RU to RS-LD (2.22 Acres), Island Trail, 01300-01-01/02 & 01400-01-02/03/04**

Mr. Rush opened the floor to the public hearing.

The applicant chose not to speak at this time.

The floor to the public hearing was closed.

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

**15-22MA, Craig Waites, RU to GC (15 Acres), Garners Ferry Rd., 21800-05-18(p)**

Mr. Jackson moved, seconded by Ms. Dixon, to accept the applicant's withdrawal. The vote in favor was unanimous.

**15-23MA, JR LEX 2, LLC, RU to RC (2.61 Acres), 7746 Bluff Rd., 32403-03-05 & 32403-03-06(p)**

Mr. Rush opened the floor to the public hearing.

Mr. Julius Murray and Mr. Tony Cates spoke in favor of this item.

Mr. John Lloyd, Mr. Robert Garrett, and Mr. Ronnie Lovett spoke against this item.

The floor to the public hearing was closed.

Mr. Livingston moved, seconded by Ms. Dickerson, to approve this item.

Mr. Washington requested that staff review the neighboring properties zoning and insure those property owners have the zoning designation they need and/or request.

The vote was in favor.

### TEXT AMENDMENTS

**An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; increasing the number of uses in the Light Industrial District (LI)**

Mr. Rush opened the floor to the public hearing.

No one signed up to speak.

The floor to the public hearing was closed.

# RICHLAND COUNTY COUNCIL

## S O U T H C A R O L I N A

**Zoning Public Hearing**  
**Tuesday, May 26, 2015**  
**Page Three**



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

### **ADJOURNMENT**

The meeting adjourned at approximately 7:17 PM.

# Richland County Council Request of Action

**Subject**

- a. ARD Sanitation Transfer
- b. Lower Richland Sewer Litigation Update

# 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. Upgrade Together Conference - June 13, 2015
- b . Budget Update

# Richland County Council Request of Action

**Subject**

- a. New Employee
- b. Community Relations Council Luncheon - \$1,500

# Richland County Council Request of Action

## **Subject**

- a. Authorizing an Amendment to the Master Agreement governing the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to increase the percentage of the revenues generated by properties located in Richland County to be deposited in the Richland County Industrial Park Fund from three percent to five percent; and other related matters
  
- b. An Ordinance Amending the Fiscal Year 2014-2015 Hospitality Tax Fund Annual Budget to appropriate Two Million Twenty-Five Thousand Dollars (\$2,025,000) of Hospitality Fund Balance to provide funding for purchasing property associated with Project LM as recommended by the Economic Development Committee

## **Notes**

First Reading: May 5, 2015

Second Reading:

Third Reading:

Public Hearing:

# Richland County Council Request of Action

## **Subject**

An Ordinance Amending the Fiscal Year 2014-2015 Hospitality Tax Fund Annual Budget to appropriate Two Million Twenty-Five Thousand Dollars (\$2,025,000) of Hospitality Fund Balance to provide funding for purchasing property associated with Project LM as recommended by the Economic Development Committee **[THIRD READING] [PAGES 28-30]**

## **Notes**

First Reading: May 5, 2015

Second Reading: May 19, 2015

Third Reading:

Public Hearing:

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-15HR

AN ORDINANCE AMENDING THE FISCAL YEAR 2014-2015 HOSPITALITY TAX FUND ANNUAL BUDGET TO APPROPRIATE TWO MILLION TWENTY-FIVE THOUSAND DOLLARS (\$2,025,000) OF HOSPITALITY FUND BALANCE TO PROVIDE FUNDING FOR PURCHASING PROPERTY ASSOCIATED WITH PROJECT LM AS RECOMMENDED BY THE ECONOMIC DEVELOPMENT COMMITTEE.

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

SECTION I. That the amount of Two Million Twenty-Five Thousand Dollars (\$2,025,000) be appropriated to provide funding for purchasing property associated with Project LM. Therefore, the Fiscal Year 2014-2015 Hospitality Tax Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2014 as amended:	\$ 6,154,250
Appropriation of Hospitality Tax Fund Balance:	<u>\$ 2,025,000</u>
Total Hospitality Tax Fund Revenue as Amended:	\$ 8,179,250

EXPENDITURES

Expenditures appropriated July 1, 2014 as amended:	\$ 6,154,250
Purchasing property associated with Project LM:	<u>\$ 2,025,000</u>
Total Hospitality Tax Fund Expenditures as Amended:	\$ 8,179,250

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 \_\_\_\_\_, 2015.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Torrey Rush, Chair

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

OF \_\_\_\_\_, 2015

\_\_\_\_\_  
S. Monique McDaniels  
Clerk of Council

RICHLANDCOUNTYATTORNEY'S OFFICE

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

First Reading:            May 5, 2015 (tentative)  
Second Reading:  
Public Hearing:  
Third Reading:

# Richland County Council Request of Action

## **Subject**

15-20MA  
Ashley Chason  
RU to OI (3.7 Acres)  
1551 Dutch Fork Rd.  
02411-04-03 [**SECOND READING**] [**PAGES 31-32**]

## **Notes**

First Reading: May 26, 2015  
Second Reading:  
Third Reading:  
Public Hearing: May 26, 2015

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-15HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TMS # 02411-04-03 FROM RU (RURAL DISTRICT) TO OI (OFFICE AND INSTITUTIONAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 02411-04-03 from RU (Rural District) zoning to OI (Office and Institutional District) zoning.

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

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

Section IV. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2015.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Torrey Rush, Chair

Attest this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
S. Monique McDaniels  
Clerk of Council

Public Hearing: May 26, 2015  
First Reading: May 26, 2015  
Second Reading: June 2, 2015 (tentative)  
Third Reading:



# Richland County Council Request of Action

## **Subject**

15-21MA  
Deanna M. Shealy  
RU to RS-LD (2.22 Acres)  
Island Trail  
01300-01-01/02 & 01400-01-02/03/04 [**SECOND READING**] [**PAGES 33-34**]

## **Notes**

First Reading: May 26, 2015  
Second Reading:  
Third Reading:  
Public Hearing: May 26, 2015

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-15HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTIES DESCRIBED AS TMS # 01300-01-01/02 AND 01400-01-02/03/04 FROM RU (RURAL DISTRICT) TO RS-LD (RESIDENTIAL, SINGLE-FAMILY – LOW DENSITY DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real properties described as TMS # 01300-01-01/02 and 01400-01-02/03/04 from RU (Rural District) zoning to RS-LD (Residential, Single-Family – Low Density District) zoning.

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

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

Section IV. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2015.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Torrey Rush, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2015.

\_\_\_\_\_  
S. Monique McDaniels  
Clerk of Council

Public Hearing: May 26, 2015  
First Reading: May 26, 2015  
Second Reading: June 2, 2015 (tentative)  
Third Reading:

# Richland County Council Request of Action

## **Subject**

An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Increasing the Number of Uses in the Light Industrial District (LI) **[SECOND READING] [PAGES 35-41]**

## **Notes**

First Reading: May 26, 2015

Second Reading:

Third Reading:

Public Hearing: May 26, 2015

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-15HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; ARTICLE V, ZONING DISTRICTS AND DISTRICT STANDARDS; SECTION 26-141, TABLE OF PERMITTED USES WITH SPECIAL REQUIREMENTS, AND SPECIAL EXCEPTIONS; SO AS TO PERMIT ADDITIONAL USES IN THE LI LIGHT INDUSTRIAL DISTRICTS.

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

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

(ORDINANCE CONTINUES ON NEXT PAGE)

USE TYPES	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LI	HI
<b><u>Retail Trade and Food Services</u></b>																	
Antique Stores (See Also Used Merchandise Shops and Pawn Shops)											P	P	P	P	P		
Appliance Stores														P	P		
Art Dealers											P	P	P	P	P		
Arts and Crafts Supply Stores												P	P	P	P		
Auction Houses													P	P	P	P	
Automotive Parts and Accessories Stores													P	P	P	P	
Bakeries, Retail												P	P	P	P	P	
Bars and Other Drinking Places											SE	SE	SR	SR	SR	SR	
Bicycle Sales and Repair												P	P	P	P	P	
Boat and RV Dealers, New and Used														P	P	<u>P</u>	
Book, Periodical, and Music Stores											P	P	P	P	P		
Building Supply Sales with Outside Storage													P	P	P	P	P
Building Supply Sales without Outside Storage													P	P	P	P	P
Camera and Photographic Sales and Service												P	P	P	P		
Candle Shops												P	P	P	P		
Candy Stores (Confectionery, Nuts, Etc.)												P	P	P	P		
Caterers, No On Site Consumption											P	P	P	P	P	P	
Clothing, Shoe, and Accessories Stores												P	P	P	P		
Coin, Stamp, or Similar Collectibles Shops												P	P	P	P		
Computer and Software Stores												P	P	P	P		
Convenience Stores (with Gasoline Pumps)												P	P	P	P	P	P
Convenience Stores (without Gasoline Pumps)												P	P	P	P	P	P

USE TYPES	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LI	HI
Cosmetics, Beauty Supplies, and Perfume Stores												P	P	P	P		
Department, Variety or General Merchandise Stores												P	P	P	P		
Direct Selling Establishments, Not Otherwise Listed														P	P	P	
Drugstores, Pharmacies, with Drive-Thru											P		P	P	P	P	
Drugstores, Pharmacies, without Drive-Thru											P	P	P	P	P	P	
Electronic Shopping and Mail Order Houses														P	P	P	P
Fabric and Piece Goods Stores												P	P	P	P		
Flea Markets, Indoor													P	P	P	P	
Flea Markets, Outdoor													P	P	P	P	
Floor Covering Stores													P	P	P		
Florists												P	P	P	P		
Food Service Contractors												P	P	P	P		
Food Stores, Specialty, Not Otherwise Listed												P	P	P	P		
Formal Wear and Costume Rental												P	P	P	P		
Fruit and Vegetable Markets												P	P	P	P	P	
Fuel Sales (Non- Automotive)																SR	SR
Furniture and Home Furnishings													P	P	P		
Garden Centers, Farm Supplies, or Retail Nurseries												P	P	P	P		
Gift, Novelty, Souvenir, or Card Shops												P	P	P	P		
Hardware Stores												P	P	P	P		
Grocery/Food Stores (Not Including Convenience Stores)												P	P	P	P		

USE TYPES	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LI	HI
Health and Personal Care Stores, Not Otherwise Listed												P	P	P	P		
Hobby, Toy, and Game Stores												P	P	P	P		
Home Centers														P	P		
Home Furnishing Stores, Not Otherwise Listed												P	P	P	P		
Jewelry, Luggage, and Leather Goods (May Include Repair)												P	P	P	P		
Liquor Stores												P	P	P	P		
Manufactured Home Sales														SR	SR	SR	
Meat Markets												P	P	P	P		
Miscellaneous Retail Sales – Where Not Listed Elsewhere, and Where All Sales and Services are Conducted within an Enclosed Building												P	P	P	P		
Motor Vehicle Sales – Car and Truck – New and Used													P	P	P	<u>P</u>	
Motorcycle Dealers, New and Used													P	P	P	<u>P</u>	
Musical Instrument and Supplies Stores (May Include Instrument Repair)												P	P	P	P		
News Dealers and Newsstands												P	P	P	P		
Office Supplies and Stationery Stores											P	P	P	P	P		
Optical Goods Stores											P	P	P	P	P		
Outdoor Power Equipment Stores													P	P	P		
Paint, Wallpaper, and Window Treatment Sales												P	P	P	P		
Pawnshops														P	P		
Pet and Pet Supplies Stores												P	P	P	P		
Record, Video Tape, and Disc Stores												P	P	P	P		
Restaurants, Cafeterias											P	P	P	P	P	P	

USE TYPES	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LI	HI
Restaurants, Full Service (Dine-In Only)											P	P	P	P	P	P	
Restaurants, Limited Service (Delivery, Carry Out)											P	P	P	P	P	P	
Restaurants, Limited Service (Drive-Thru)													P	P	P	P	
Restaurants, Snack and Nonalcoholic Beverage Stores											P	P	P	P	P	P	
Service Stations, Gasoline													P	P	P	P	
Sporting Goods Stores												P	P	P	P		
Television, Radio or Electronic Sales													P	P	P		
Tire Sales													P	P	P		
Tobacco Stores												P	P	P	P		
Truck Stops														P	P	P	P
Used Merchandise Stores												P	P	P	P		
Video Tape and Disc Rental												P	P	P	P		
Warehouse Clubs and Superstores														P	P		



SECTION II. 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; Paragraph (44), Manufactured Home Sales; is hereby amended to read as follows:

(44) *Manufactured home sales.*

- a. Use districts: General Commercial; M-1 Light Industrial, LI Light Industrial.
- b. Sales and storage areas shall be screened from adjacent residentially zoned ~~or used~~ properties.

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 enforced from and after \_\_\_\_\_, 2015.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Torrey Rush, Chair

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

OF \_\_\_\_\_, 2015

\_\_\_\_\_  
S. Monique McDaniels  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: May 26, 2015  
First Reading: May 26, 2015  
Second Reading: June 2, 2015 (tentative)  
Third Reading:

# Richland County Council Request of Action

## **Subject**

An Ordinance Amending the Richland County Code of Ordinances; Chapter 6, Buildings and Building Regulations; Article III, Building Codes; Section 6-84, Boarded-Up Structures; Subsection (d), Paragraph (1); so as to change the language, "The Permit Fee Shall be \$25.53 for Residential Buildings and \$51.05 for Mixed-Use and Commercial Buildings" to "The Permit Fee Shall be charged at the rate on the current Richland County Fee Schedule" **[FIRST READING] [PAGES 42-46]**

## **Notes**

May 26, 2015 - The Committee recommended that Council approve the request to amend Section 6-84 to change the language regarding the permit fee. The Committee directed staff to publish Section 6-84 on the County's website with the redlined changes to ensure that the public is aware thereof.

## Richland County Council Request of Action

**Subject:** Amend Section 6-84d(1), Boarded-up Structures, to remove the permit fee amounts

### **A. Purpose**

County Council is requested to approve an ordinance amendment to the Richland County Code of Ordinances; Chapter 6, Buildings and Building Regulations; Section 6-84, Boarded-up Structures; so as to change the language, “The permit fee shall be \$25.53 for residential buildings and \$51.05 for mixed-use and commercial buildings.” to “The permit fee shall be charged at the rate on the current Richland County Fee Schedule, which is on file with the Building Codes and Inspections Department”.

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

Richland County Council approved an increase in fees when the FY 2014-2015 Annual Budget went into effect on July 1, 2014. However, the permit fees in Chapter 6; Section 6-84, Boarded-up Structures; are inconsistent with the new fees. Changing the language in this section of the Richland County Code of Ordinances so that there is no dollar amount, will avoid future amendments within the Code and will lessen confusion that may arise with citizens.

### **C. Legislative / Chronological History**

This is a staff-initiated request. Therefore, there is no legislative history.

### **D. Financial Impact**

None. The current permit fees, as set by the Richland County Fee Schedule for FY 2014-2015, are \$25.91 (residential) and \$51.82 (mixed use and commercial).

### **E. Alternatives**

1. Approve the request to amend Section 6-84 to change the language regarding the permit fee, so as remove the inconsistency in fee amounts.
2. Do not approve the request to amend Section 6-84 to change the language regarding the permit fee, and allow the inconsistency to remain.

### **F. Recommendation**

It is recommended that Council approve the request to amend Section 6-84 to change the language regarding the permit fee.

Recommended by: Donny Phipps

Department: Building Services

Date: April 15, 2015

### **G. Reviews**

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

Please be specific in your recommendation. While “Council Discretion” may be appropriate at times, it is recommended that Staff provide Council with a professional recommendation of approval or denial, and justification for that recommendation, as often as possible.

**Finance**

Reviewed by: Daniel Driggers

Date: 4/30/15

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

**Legal**

Reviewed by: Elizabeth McLean

Date: 5/20/15

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council’s discretion.

**Administration**

Reviewed by: Sparty Hammett

Date: 5/20/15

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-15HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS; ARTICLE III, BUILDING CODES; SECTION 6-84, BOARDED-UP STRUCTURES; SUBSECTION (D), PARAGRAPH (1); SO AS TO CHANGE THE LANGUAGE, “THE PERMIT FEE SHALL BE \$25.53 FOR RESIDENTIAL BUILDINGS AND \$51.05 FOR MIXED-USE AND COMMERCIAL BUILDINGS” TO “THE PERMIT FEE SHALL BE CHARGED AT THE RATE ON THE CURRENT RICHLAND COUNTY FEE SCHEDULE, WHICH IS ON FILE WITH THE BUILDING CODES AND INSPECTIONS DEPARTMENT”.

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 III, Building Codes; Section 6-84, Boarded-up Structures; Subsection (d), Covering of Any Means of Egress and Ingress of Structures; Paragraph (1); is hereby amended to read as follows:

- (1) It shall be unlawful for any person to cover any means of egress or ingress of a structure so as to secure the structure without first obtaining a permit to do so from the Building Codes and Inspections Department. ~~The permit fee shall be \$25.53 for residential buildings and \$51.05 for mixed use and commercial buildings.~~ The permit fee shall be charged at the rate on the current Richland County Fee Schedule, which is on file with the Building Codes and Inspections Department. The permit shall authorize the owner to board the structure in conformance with the “National Arson Prevention Initiative” Board-Up Procedures. No later than five (5) days after boarding the property, the owner shall register the structure with the Property Maintenance Division.

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

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

SECTION IV. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2015.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Torrey Rush, Chair

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

OF \_\_\_\_\_, 2015

---

S. Monique McDaniels  
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**

Department of Public Works: Ballentine Park Project [**PAGES 47-50**]

## **Notes**

May 26, 2015 - The Committee recommended that Council approve the request to enter into a contract with Sox and Sons for the Ballentine Park Paving Project in the amount of \$111,048.31.

# Richland County Council Request of Action

**Subject:** Department of Public Works: Ballentine Park Project

## **A. Purpose**

County Council is requested to enter into a contract for the Ballentine Park Paving Project with Sox and Sons in the amount of \$111,048.31.

## **B. Background / Discussion**

The Ballentine Park is a Richland County-owned park that has a recreation building, soccer fields, a playground, and a walking trail. Currently, there is a gravel parking lot at the building, and visitors have to drive through this lot to reach the gravel parking lot for the soccer fields. See attached map.

The Ballentine Park Paving Project will include the paving of the building parking lot, and the construction of a second paved driveway to the soccer fields parking lot. This will keep the soccer traffic from driving through the parking lot of the recreation building.

This project was advertised in February 2015, and bids were opened on February 23<sup>rd</sup>. The lowest responsive, responsible bidder was Sox & Sons Construction, Co. We negotiated with Sox and Sons and have agreed to a contract price of \$111,048.31 for the project.

## **C. Legislative / Chronological History**

- February 2014 - Public works started working on the Ballentine Park Access Drive project to keep soccer traffic from driving through the recreation building parking lot.
- October 8, 2014 - Paving of the recreation building parking lot was approved by County Council using the savings from a current Iron Mountain Contract.
- December 2014 - Public Works combined both projects into a single project in anticipation of more competitive bids.
- February 2015 – The project was advertised and bids were received. Sox and Sons was the lowest responsive, responsible bidder.
- March – April 2015- Public Works negotiated with Sox and Sons for a contract price of \$111,048.31.
- May 2015 – ROA for the award of the project is being routed to County Council.

## **D. Financial Impact**

The total cost for the construction of this project is \$111,048.31. The Funding will come from two sources. \$78,864.17 is being funded by the CTC (County Transportation Committee) and \$32,184.14 will come from the saving on a current Iron Mountain Contract that has been moved into the Engineering Budget.

## **E. Alternatives**

1. Approve the request to enter into a contract with Sox and Sons for the Ballentine Park Paving Project in the amount of \$111,048.31.
2. Do not approve the request to enter into a contract with Sox and Sons for the Ballentine Park Paving Project in the amount of \$111,048.31

## **F. Recommendation**

It is recommended that Council approve the request to enter into a contract with Sox and Sons for the Ballentine Park Paving Project in the amount of \$111,048.31.



Recommended by: Ismail Ozbek

Department: Public Works

Date: 5-7-14

### G. Reviews

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

Please be specific in your recommendation. While “Council Discretion” may be appropriate at times, it is recommended that Staff provide Council with a professional recommendation of approval or denial, and justification for that recommendation, as often as possible.

#### Finance

Reviewed by: Daniel Driggers

Date: 5/11/15

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Use of the “savings” from the iron Mountain contract was previously approved by Council.

#### Procurement

Reviewed by: Cheryl Patrick

Date: 5/11/2015

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Public Works began preliminary work on the access drive to connect Bird Road to the existing parking lot for the soccer fields and playground area behind the Community Center. They obtained \$100,000 in funding from the CTC for this project. While this project was being designed, the request to pave the existing community center parking lot was approved by Council (using the savings from the Iron Mountain contract re-negotiation). Since both of these projects entail base prep and paving, Public Works decided to bid them together. The initial bid amount of \$117,425.24 was subsequently negotiated with Sox and Sons to \$111,048.31.

#### Legal

Reviewed by: Elizabeth McLean

Date: 5/20/15

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council’s discretion.

#### Administration

Reviewed by: Sparty Hammett

Date: 5/20/15

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

New Driveway



# Richland County Council Request of Action

## **Subject**

Jim Hamilton - LB Owens Airport (CUB), Taxiway 'A' Grading & Extension, Phase 1, Recommendation of Construction Contract Award [**PAGES 51-61**]

## **Notes**

May 26, 2015 - The Committee recommended that Council approve the request to award the construction contract for Phase 1 of the Jim Hamilton - LB Owens Airport (CUB) Taxiway 'A' Grading & Extension Project to Graham County Land Company in the amount of \$827,350.00.

## Richland County Council Request of Action

**Subject:** Jim Hamilton - LB Owens Airport (CUB), Taxiway 'A' Grading & Extension, Phase 1, Recommendation of Construction Contract Award

### **A. Purpose**

County Council is requested to accept the recommendation of the County's Airport Consultant, WK Dickson, and approve acceptance of the Bid of the "Lowest Responsible and Responsive" Bidder for Phase 1 of the Jim Hamilton – LB Owens Airport (CUB) Taxiway 'A' Grading & Extension Project.

WK Dickson recommends that a Contract with Graham County Land Company of Robbinsville, NC for the base-bid plus Alternate Bid 3, for a total of \$827,350.10 be prepared for the County's consideration and execution.

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

There is a need at CUB to extend Taxiway 'A', to the end of the Runway 31, in order to eliminate the need for "Back-Taxiing".

In order to extend Taxiway 'A', a large parallel ditch needs to be piped and back-filled. Phase 1 of this project includes the construction of Taxiway 'D', the clearing of trees on adjacent land and in the parallel ditch and the installation of new and re-located perimeter security fencing.

On April 23, 2015, bids for this project were received (See Attached Bid Tabulation). Six (6) Bidders responded. Graham County Land Company was determined to be the lowest responsive and responsible Bidder for the Base Bid and the chosen Alternate Bid # 3.

This project is funded 90% by the FAA, 5% by the State of South Carolina and 5% by Richland County. Richland County has applied for and received funding for this phase of the project, prepared Plans and Specifications, applied for FEMA (Federal Emergency Management Agency), USACE (U.S. Army Corps of Engineers) and SCDHEC (S.C. Department of Health & Environmental Control) permits, Bid Phase 1 and is now ready to commence with contracting for this phase of the project.

### **C. Legislative / Chronological History**

The following prior actions by Richland County Council and Administration relate to this request:

- February 2011 - Airport Master Plan approved
- June 2012 - Master Agreement with WK Dickson & Company, Incorporated awarded
- January 2013 - Work Authorization 1 approved (initial Twy 'A' extension design)
- January 2014 - Work Authorization 3 approved (final Twy 'A' extension design)
- April 2014 - Work Authorization 5 approved (initial mitigation design)

- August 2014 - Richland County received a Grant from the FAA for \$2,502,108 and subsequently received matching grant from the State of South Carolina, for this project and additional projects. Richland County's required 5% match to this FAA Grant was included in this Fiscal Year's operating budget.

**D. Financial Impact**

The total cost for the recommended alternative is \$827,350.00. These funds are provided from the following sources:

Federal Aviation Administration	90%	\$744,615.00
South Carolina Aeronautics Commission	5%	\$41,367.50
Richland County	5%	<u>\$41,367.50</u>
		\$827,350.00

**E. Alternatives**

The following two alternatives are provided:

1. Approve the request to award the construction contract for Phase 1 of the Jim Hamilton – LB Owens Airport (CUB) Taxiway ‘A’ Grading & Extension Project to Graham County Land Company in the amount of \$827,350.00.
2. Do not approve the request to award the construction contract for Phase 1 of the Jim Hamilton – LB Owens Airport (CUB) Taxiway ‘A’ Grading & Extension Project to Graham County Land Company in the amount of \$827,350.00. If this alternative is chosen, Taxiway ‘A’ will remain as-is and the safety enhancement that will eliminate Back-Taxiing will remain as it has in the past.

**F. Recommendation**

It is recommended that Council approve this request to approve a contract with Graham County Land Company, LLC in order to complete Phase 1 of this project.

Recommended by: Christopher Eversmann, PE, AAE, Airport Director  
 Department: Airport  
 Date: May 7, 2015

**G. Reviews**

**Finance**

Reviewed by: Daniel Driggers Date: 5/15/15  
 Recommend Council approval  Recommend Council denial  
 Comments regarding recommendation:

**Procurement**

Reviewed by: Cheryl Patrick Date: 5/15/2015  
 Recommend Council approval  Recommend Council denial  
 Comments regarding recommendation:

**Legal**

Reviewed by: Elizabeth McLean

Date: 5/20/15

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Policy decision left to Council's discretion.

**Administration**

Reviewed by: Sparty Hammett

Date: 5/20/15

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:



May 6, 2015

Mr. Christopher Eversmann, PE, AAE  
Jim Hamilton - L.B. Owens Airport  
1400 Jim Hamilton Boulevard  
Columbia, SC 29205

Ms. Cheryl Patrick, Director of Procurement  
Richland County  
Office of Procurement & Contracting  
2020 Hampton Street, Suite 3064  
Columbia, SC 29204

RE: Taxiway "A" Grading & Extension - Phase One  
WKD Project No. 20120182.02.CA

Dear Mr. Eversmann and Ms. Patrick:

Construction bids for the referenced project were received on April 23, 2015 at 3:00 PM. Six (6) total bids were received and read aloud. An itemized tabulation of the bids submitted is enclosed for your review and information.

We have reviewed the bids, original proposal documents, and bid tabulation enclosed herein. We recommend the award to Graham County Land Company, LLC, as the Lowest Responsive/Responsible Bidder, with a bid price in the amount of \$435,850.10 (Base Bid) + \$391,500.00 (Bid Alternate 3) = \$827,350.10.

We recommend the award to Graham County Land Company, LLC subject to their ability to provide all required bonding and other assurances as required in the specifications. We also recommend this award due to the availability of sufficient federal and state funding assistance offered.

Please carefully examine these documents and contact us if you have any questions.

Sincerely,  
W. K. Dickson & Co., Inc.



Kenneth C. Hawk Jr., PE  
Senior Project Manager

KCH/st  
cc: Cheryl Patrick - original bids and bid tabulation  
Anna Lynch, FAA, bid tabulation

**BIDS RECEIVED SUMMARY**

Jim Hamilton - L.B. Owens Airport  
 Taxiway "A" Grading & Extension - Phase One  
 Columbia, South Carolina  
 WKD No. 20120182.02.CA - FAA AIP No. 3-45-0017-020-2014  
 April 23 2015 @ 3:00 PM

I hereby certify that this bid summary is true and correct to the best of my knowledge.

By:   
 Kenneth C. Hawk, Jr., PE - Senior Project Manager

Contractor	Base Bid Total	Alternate Bid 1 (10' high chain link & slatted privacy fence) Total	Alternate Bid 2 (10' high chain link & acoustifence mat) Total	Alternate Bid 3 (10' high acoustiblock all weather sound panel) Total	Alternate Bid 4 (10' high sound fighter barrier wall) Total	Alternate Bid 5 (10' high sound barrier wall (sheet steel)) Total	DBE %
Graham County Land Company, LLC Robbinsville, NC - General Contractor	\$435,850.10	\$66,120.00*	\$52,200.00*	\$391,500.00**	\$1,444,200.00	\$435,000.00*	10.91%
<b>Base Bid + Alternate Totals</b>		<b>\$501,970.10</b>	<b>\$488,050.10</b>	<b>\$827,350.10</b>	<b>\$1,880,050.10</b>	<b>\$870,850.10</b>	
McClam & Associates, Inc. Little Mountain, SC - General Contractor	\$489,117.00	\$62,292.00	\$177,480.00	\$413,250.00	\$769,950.00*	\$915,240.00	12.60%
<b>Base Bid + Alternate Totals</b>		<b>\$551,409.00</b>	<b>\$666,597.00</b>	<b>\$902,367.00</b>	<b>\$1,259,067.00</b>	<b>\$1,404,357.00</b>	
Cherokee, Inc. Columbia, SC - General Contractor	\$679,050.00	\$121,800.00	\$243,600.00	\$1,026,600.00	\$783,000.00	\$1,078,800.00	13.6%
<b>Base Bid + Alternate Totals</b>		<b>\$800,850.00</b>	<b>\$922,650.00</b>	<b>\$1,705,650.00</b>	<b>\$1,462,050.00</b>	<b>\$1,757,850.00</b>	
Rifenburg Construction, Inc.** Zebulon, NC - General Contractor	\$713,372.00	\$62,692.20	\$262,566.00	\$398,982.00	\$874,619.40	No Bid	10.8%
<b>Base Bid + Alternate Totals</b>		<b>\$776,064.20</b>	<b>\$975,938.00</b>	<b>\$1,112,354.00</b>	<b>\$1,587,391.40</b>	<b>No Bid</b>	
Richardson Construction Company Columbia, SC - General Contractor	\$767,330.00	\$104,400.00	\$234,900.00	\$957,000.00	\$696,000.00	\$896,100.00	10.8%
<b>Base Bid + Alternate Totals</b>		<b>\$871,730.00</b>	<b>\$1,002,230.00</b>	<b>\$1,724,330.00</b>	<b>\$1,463,330.00</b>	<b>\$1,663,430.00</b>	
IPW Construction Group, LLC North Charleston, SC - General Contractor	\$919,076.62	\$136,346.40	\$274,572.00	\$417,408.60	\$896,100.00	\$870,000.00	25%
<b>Base Bid + Alternate Totals</b>		<b>\$1,055,423.02</b>	<b>\$1,193,648.62</b>	<b>\$1,336,485.22</b>	<b>\$1,815,176.62</b>	<b>\$1,789,076.62</b>	
Greenwall Construction Service, Inc. Myrtle Beach, SC - General Contractor	DID NOT BID						
Kirven Construction, Inc. Darlington, SC - General Contractor	DID NOT BID						
L-J, Inc. Columbia, SC - General Contractor	DID NOT BID						
Triangle Grading & Paving, Inc. Burlington, NC - General Contractor	DID NOT BID						

\* Lowest bid received for each alternate bid item.

\*\* Non-responsive due to "No Bid" for Alternate Bid 5.



**BID TABULATION**  
**Taxiway "A" Grading & Extension - Phase One**  
**Jim Hamilton - L.B. Owens Airport**  
**WKD #20120182.02.CA**  
**Bid Date April 23, 2015**

BASE BID				Graham County Land Company, LLC		McClam & Associates, Inc.		Cherokee, Inc.		
Item No.	Spec Section	Description	Bid Qty	Unit	Unit Price	Extended Total	Unit Price	Extended Total	Unit Price	Extended Total
1	M-101-1	Mobilization	1	LS	\$80,000.00	\$80,000.00	\$58,240.00	\$58,240.00	\$110,000.00	\$110,000.00
2	D-701-1	Install 36" RCP, Class III	272	LF	\$77.00	\$20,944.00	\$87.50	\$23,800.00	\$100.00	\$27,200.00
3	D-701-2	Flared End Section for 36" RCP	4	EA	\$2,150.00	\$8,600.00	\$1,882.00	\$7,528.00	\$2,500.00	\$10,000.00
4	P-101-1	Remove Light & Pole	1	EA	\$600.00	\$600.00	\$1,064.00	\$1,064.00	\$1,150.00	\$1,150.00
5	P-101-2	Install Light & Pole Complete	1	LS	\$1,350.00	\$1,350.00	\$4,424.00	\$4,424.00	\$4,750.00	\$4,750.00
6	P-101-3	Remove Chain-link Fence	2,620	LF	\$2.75	\$7,205.00	\$2.60	\$6,812.00	\$4.00	\$10,480.00
7	P-151-1	Clearing & Grubbing	7	AC	\$5,500.00	\$38,500.00	\$6,160.00	\$44,968.00	\$15,000.00	\$105,000.00
8	P-151-2	Clearing (no grubbing)	7	AC	\$9,000.00	\$63,000.00	\$10,080.00	\$70,520.00	\$15,000.00	\$97,500.00
9	P-151-2	Select Tree Removal (Columbin Gardens)	60	EA	\$500.00	\$30,000.00	\$336.00	\$20,160.00	\$600.00	\$36,000.00
10	P-154-1	Base Course (6" Thick)	715	SY	\$7.25	\$5,183.75	\$13.50	\$9,652.50	\$30.00	\$21,450.00
11	P-156-1	Rip Rap Protection (Inlet & Outlet)	2	EA	\$900.00	\$1,800.00	\$1,994.00	\$3,988.00	\$3,000.00	\$6,000.00
12	P-156-2	Temporary 8" Diameter Compst Filter Sock	3,000	LF	\$2.60	\$7,800.00	\$7.25	\$21,750.00	\$7.50	\$22,500.00
13	P-156-3	Temporary Inlet Protection (Type A)	1	EA	\$180.00	\$180.00	\$504.00	\$504.00	\$1,000.00	\$1,000.00
14	P-156-4	Erosion Control Matting	800	SY	\$2.00	\$1,600.00	\$2.75	\$2,200.00	\$3.00	\$2,400.00
15	P-156-5	Roadside Ditch Improvements	1	LS	\$11,500.00	\$11,500.00	\$16,800.00	\$16,800.00	\$20,000.00	\$20,000.00
16	P-501-1	Portland Cement Concrete Pavement	715	SY	\$80.00	\$57,200.00	\$76.20	\$54,483.00	\$90.00	\$64,350.00
17	P-620-1	Permanent ReflectORIZED Pavement Marking Yellow	760	SF	\$2.55	\$1,938.00	\$2.50	\$1,900.00	\$5.50	\$4,180.00
18	P-620-2	Permanent Non-ReflectORIZED Pavement Marking Black	905	SF	\$2.55	\$2,307.75	\$2.50	\$2,262.50	\$5.50	\$4,977.50
19	P-620-3	Permanent ReflectORIZED Pavement Marking Red	85	SF	\$6.25	\$531.25	\$6.00	\$510.00	\$5.50	\$467.50
20	F-162-1	6' High Temporary Chain-link Safety Fence	1,425	LF	\$4.65	\$6,626.25	\$4.50	\$6,412.50	\$6.00	\$8,550.00
21	F-162-2	8' High Chain-link Fence	2,056	LF	\$18.60	\$38,241.60	\$17.25	\$35,466.00	\$25.00	\$51,400.00
22	F-162-3	20' Wide Double Swing Gate	3	EA	\$1,550.00	\$4,650.00	\$1,435.00	\$4,305.00	\$1,650.00	\$4,950.00
23	T-901-1	Permanent Seeding (Mulched)	7	AC	\$2,650.00	\$19,345.00	\$1,625.00	\$11,375.00	\$1,690.00	\$12,337.00
24	L-108-1	Trenching for Direct Buried Cable or Ductbank	350	LF	\$3.65	\$1,277.50	\$4.50	\$1,575.00	\$5.00	\$1,750.00
25	L-108-2	Trenching for Counterpoise	350	LF	\$1.85	\$647.50	\$4.50	\$1,575.00	\$5.00	\$1,750.00
26	L-108-3	Bare Counterpoise Wire, Installed in Trench, Ductbank, or Conduit, including Ground Rods & Ground Connectors	320	LF	\$1.85	\$592.00	\$3.50	\$1,120.00	\$4.00	\$1,280.00
27	L-108-4	#8 AWG L-824C Cable Installed in Trench, Ductbank, or Conduit	450	LF	\$4.25	\$1,912.50	\$3.50	\$1,575.00	\$4.00	\$1,800.00
28	L-108-5	Additional Ground Rods As Needed, including Exothermic Weld & Ground Wire Extension	2	EA	\$200.00	\$400.00	\$336.00	\$672.00	\$400.00	\$800.00
29	L-110-1	2-way 4" Schedule 40 PVC Electrical Duct, Concrete Encased	60	LF	\$75.00	\$4,500.00	\$65.00	\$3,900.00	\$70.00	\$4,200.00
30	L-125-1	L-851 T New Stake Mounted Medium Intensity Taxiway Light, including Ground Rod, Transformer & Connectors	6	EA	\$900.00	\$5,400.00	\$784.00	\$4,704.00	\$940.00	\$5,640.00
31	Plants	Dwarf Crape Myrtle (5 Gallon)	354	EA	\$42.00	\$14,868.00	\$196.00	\$69,384.00	\$100.00	\$35,400.00
<b>Total Base Bid Amount</b>						<b>\$435,850.10</b>		<b>\$489,117.00</b>		<b>\$679,050.00</b>

contractor math error - entered \$12,337.00

contractor math error - entered \$678,950.00

Alternate Bid 1										
1	F-162-1	10' High Chain-link & Slatted Privacy Fence	1,740	1F	\$38.00	\$66,120.00	\$35.80	\$62,292.00	\$70.00	\$121,800.00
<b>Total Alternate Bid 1</b>						<b>\$66,120.00</b>		<b>\$62,292.00</b>		<b>\$121,800.00</b>
<b>Total Base Bid + Alternate Bid 1</b>						<b>\$501,970.10</b>		<b>\$551,409.00</b>		<b>\$800,850.00</b>
Alternate Bid 2										
1	F-162-1	10' High Chain-link & Acoustifence Mat (1/8" Thick) Fence	1,740	1F	\$30.00	\$52,200.00	\$102.00	\$177,480.00	\$140.00	\$243,600.00
<b>Total Alternate Bid 2</b>						<b>\$52,200.00</b>		<b>\$177,480.00</b>		<b>\$243,600.00</b>
<b>Total Base Bid + Alternate Bid 2</b>						<b>\$488,050.10</b>		<b>\$666,597.00</b>		<b>\$922,650.00</b>
Alternate Bid 3										
1	F-162-1	12' High SimTek All Weather Sound Panel	1,740	1F	\$225.00	\$391,500.00	\$237.50	\$413,250.00	\$590.00	\$1,026,600.00
<b>Total Alternate Bid 3</b>						<b>\$391,500.00</b>		<b>\$413,250.00</b>		<b>\$1,026,600.00</b>
<b>Total Base Bid + Alternate Bid 3</b>						<b>\$827,350.10</b>		<b>\$902,367.00</b>		<b>\$1,705,650.00</b>
Alternate Bid 4										
1	F-162-1	10' High Sound Fighter Barrier Wall	1,740	1F	\$830.00	\$1,444,200.00	\$442.50	\$769,950.00	\$450.00	\$783,000.00
<b>Total Alternate Bid 4</b>						<b>\$1,444,200.00</b>		<b>\$769,950.00</b>		<b>\$783,000.00</b>
<b>Total Base Bid + Alternate Bid 4</b>						<b>\$1,880,050.10</b>		<b>\$1,259,067.00</b>		<b>\$1,462,050.00</b>
Alternate Bid 5										
1	F-162-1	10' High Sound Barrie Wall (Sheet Steel)	1,740	1F	\$250.00	\$435,000.00	\$526.00	\$915,240.00	\$620.00	\$1,078,800.00
<b>Total Alternate Bid 5</b>						<b>\$435,000.00</b>		<b>\$915,240.00</b>		<b>\$1,078,800.00</b>
<b>Total Base Bid + Alternate Bid 5</b>						<b>\$870,850.10</b>		<b>\$1,404,357.00</b>		<b>\$1,757,850.00</b>

BASE BID					Rifenburg Construction Inc.		Richardson Construction Company		IPW Construction Group, LLC	
Item No.	Spec Section	Description	Bid Qty	Unit	Unit Price	Extended Total	Unit Price	Extended Total	Unit Price	Extended Total
1	M-101-1	Mobilization	1	LS	\$333,000.00	\$333,000.00	\$176,000.00	\$176,000.00	\$76,800.00	\$76,800.00
2	D-701-1	Install 36" RCP, Class III	272	LF	\$105.00	\$28,560.00	\$100.00	\$27,200.00	\$117.00	\$31,824.00
3	D-701-2	Flared End Section for 36" RCP	4	EA	\$1,700.00	\$6,800.00	\$3,000.00	\$12,000.00	\$840.00	\$3,360.00
4	P-101-1	Remove Light & Pole	1	EA	\$600.00	\$600.00	\$1,500.00	\$1,500.00	\$1,140.00	\$1,140.00
5	P-101-2	Install Light & Pole Complete	1	LS	\$6,000.00	\$6,000.00	\$5,000.00	\$5,000.00	\$4,740.00	\$4,740.00
6	P-101-3	Remove Chain-link Fence	2,620	LF	\$2.60	\$6,812.00	\$5.00	\$13,100.00	\$13.20	\$34,584.00
7	P-151-1	Clearing & Grubbing	7	AC	\$7,300.00	\$53,290.00	\$20,000.00	\$146,000.00	\$13,200.00	\$96,360.00
8	P-151-2	Clearing (no grubbing)	7	AC	\$8,000.00	\$52,000.00	\$5,000.00	\$32,500.00	\$21,230.00	\$137,995.00
9	P-151-2	Select Tree Removal (Columbia Gardens)	60	EA	\$575.00	\$34,500.00	\$900.00	\$54,000.00	\$2,280.00	\$136,800.00
10	P-154-1	Base Course (6" Thick)	715	SY	\$18.00	\$12,870.00	\$20.00	\$14,300.00	\$12.00	\$8,580.00
11	P-156-1	Rip Rap Protection (Inlet & Outlet)	2	EA	\$1,900.00	\$3,800.00	\$3,000.00	\$6,000.00	\$1,200.00	\$2,400.00
12	P-156-2	Temporary 8" Diameter Compost Filter Sock	3,000	LF	\$6.65	\$19,950.00	\$10.00	\$30,000.00	\$30.00	\$90,000.00
13	P-156-3	Temporary Inlet Protection (Type A)	1	EA	\$150.00	\$150.00	\$1,000.00	\$1,000.00	\$600.00	\$600.00
14	P-156-4	Erosion Control Matting	800	SY	\$3.00	\$2,400.00	\$5.00	\$4,000.00	\$18.00	\$14,400.00
15	P-156-5	Roadside Ditch Improvements	1	LS	\$3,400.00	\$3,400.00	\$15,000.00	\$15,000.00	\$42,000.00	\$42,000.00
16	P-501-1	Portland Cement Concrete Pavement	715	SY	\$68.00	\$48,620.00	\$125.00	\$89,375.00	\$120.00	\$85,800.00
17	P-620-1	Permanent ReflectORIZED Pavement Marking Yellow	760	SF	\$3.00	\$2,280.00	\$7.00	\$5,320.00	\$5.70	\$4,332.00
18	P-620-2	Permanent Non-ReflectORIZED Pavement Marking Black	905	SF	\$3.00	\$2,715.00	\$7.00	\$6,335.00	\$5.70	\$5,158.50
19	P-620-3	Permanent ReflectORIZED Pavement Marking Red	85	SF	\$6.00	\$510.00	\$10.00	\$850.00	\$5.70	\$484.50
20	F-162-1	6' High Temporary Chain-link Safety Fence	1,425	LF	\$4.00	\$5,700.00	\$10.00	\$14,250.00	\$3.90	\$5,557.50
21	F-162-2	8' High Chain-link Fence	2,056	LF	\$17.00	\$34,952.00	\$25.00	\$51,400.00	\$28.02	\$57,609.12
22	F-162-3	20' Wide Double Swing Gate	3	EA	\$1,500.00	\$4,500.00	\$2,000.00	\$6,000.00	\$1,900.00	\$5,700.00
23	T-901-1	Permanent Seeding (Mulched)	7	AC	\$1,700.00	\$12,410.00	\$2,500.00	\$18,250.00	\$4,800.00	\$35,040.00
24	L-108-1	Trenching for Direct Buried Cable or Ductbank	350	LF	\$3.50	\$1,225.00	\$6.00	\$2,100.00	\$4.80	\$1,680.00
25	L-108-2	Trenching for Counterpoise Bare Counterpoise Wire, Installed in Trench, Ductbank, or Conduit, including Ground Rods & Ground Connectors	350	LF	\$2.00	\$700.00	\$6.00	\$2,100.00	\$4.80	\$1,680.00
26	L-108-3		320	LF	\$2.00	\$640.00	\$5.00	\$1,600.00	\$3.60	\$1,152.00
27	L-108-4	#8 AWG L-824C Cable Installed in Trench, Ductbank, or Conduit Additional Ground Rods As Needed, including Exothermic Weld & Ground Wire Extension	450	LF	\$4.00	\$1,800.00	\$5.00	\$2,250.00	\$3.60	\$1,620.00
28	L-108-5		2	EA	\$115.00	\$230.00	\$400.00	\$800.00	\$612.00	\$1,224.00
29	L-110-1	2-way 4" Schedule 40 PVC Electrical Duct, Concrete Encased	60	LF	\$69.00	\$4,140.00	\$100.00	\$6,000.00	\$69.60	\$4,176.00
30	L-125-1	L-851T New Stake Mounted Medium Intensity Taxiway Light, including Ground Rod, Transformer & Connectors	6	EA	\$850.00	\$5,100.00	\$900.00	\$5,400.00	\$840.00	\$5,040.00
31	Plans	Dwarf Crane Myrtle (5 Gallon)	354	EA	\$67.00	\$23,718.00	\$50.00	\$17,700.00	\$60.00	\$21,240.00
<b>Total Base Bid Amount</b>						<b>\$713,372.00</b>		<b>\$767,330.00</b>		<b>\$919,076.62</b>

Alternate Bid 1					Contractor's work value - assumed \$775,234.00					
1	F-162-1	12 High Chain-link & Metal Privacy Fence	1,740	1P	\$36.81	\$62,652.20	\$40.00	\$69,600.00	\$76.81	\$132,252.20
Total Alternate Bid 1						\$62,652.20		\$69,600.00		\$132,252.20
Total Base Bid + Alternate Bid 1						\$776,064.20		\$871,730.00		\$1,647,794.20
Alternate Bid 2										
1	F-162-1	12 High Chain-link & Acoust/Fence Mat (1.8" Thick) Fence	1,740	1P	\$153.90	\$267,786.00	\$175.00	\$304,500.00	\$177.80	\$307,572.00
Total Alternate Bid 2						\$267,786.00		\$304,500.00		\$307,572.00
Total Base Bid + Alternate Bid 2						\$975,938.00		\$1,092,230.00		\$1,955,423.60
Alternate Bid 3										
1	F-162-1	12 High Noise-Red. Acoustic Sound Panel	1,740	1P	\$227.20	\$395,328.00	\$250.00	\$435,000.00	\$220.80	\$384,180.00
Total Alternate Bid 3						\$395,328.00		\$435,000.00		\$417,438.00
Total Base Bid + Alternate Bid 3						\$1,112,354.00		\$1,224,330.00		\$1,336,485.20
Alternate Bid 4										
1	F-162-1	12 High Sound Barrier Divisor Wall	1,740	1P	\$487.31	\$847,119.40	\$470.00	\$819,000.00	\$515.00	\$896,100.00
Total Alternate Bid 4						\$847,119.40		\$819,000.00		\$896,100.00
Total Base Bid + Alternate Bid 4						\$1,557,391.40		\$1,465,330.00		\$1,815,176.60
Alternate Bid 5										
1	F-162-1	12 High Sound Barrier Wall (Sheet Steel)	1,740	1P	\$0.00	\$0.00	\$225.00	\$391,500.00	\$200.00	\$348,000.00
Total Alternate Bid 5							No Bid	\$391,500.00		\$348,000.00
Total Base Bid + Alternate Bid 5							No Bid	\$1,663,430.00		\$1,789,876.60
						Contractor's work value - assumed \$971,000.00				

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I hereby certify that this resolution is true and correct to the best of my knowledge.

By:

  
 Kenneth C. Hawk, Jr., PE - Senior Project Manager

# CUB Taxiway Project – Phase I



Google earth

WK DICKSON

# Richland County Council Request of Action

## **Subject**

14-38MA, George Goff, HI to GC (15.39 Acres), 1117 & 1105 Sparkleberry Lane Ext., 22909-04-01 & 22905-06-10 [**PAGES 62-63**]

## **Notes**

First Reading: December 16, 2014  
Second Reading: February 10, 2015  
Third Reading:  
Public Hearing: December 16, 2014

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-15HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTIES DESCRIBED AS TMS # 22909-04-01 AND # 22905-06-10 FROM HI (HEAVY INDUSTRIAL DISTRICT) TO GC (GENERAL COMMERCIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real properties described as TMS # 22909-04-01 and 22905-06-10 from HI (Heavy Industrial District) zoning to GC (General Commercial District) zoning.

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

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

Section IV. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2015.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Torrey Rush, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2015.

\_\_\_\_\_  
S. Monique McDaniels  
Clerk of Council

Public Hearing: December 16, 2014  
First Reading: December 16, 2014  
Second Reading: February 10, 2015  
Third Reading: June 2, 2015 (tentative)

# Richland County Council Request of Action

## **Subject**

An Ordinance Amending the Richland County Code of Ordinances; Chapter 26; Land Development; so as to remain in compliance with the National Flood Insurance Program upon the adoption of the new flood insurance rate map  
**[PAGES 64-107]**

## **Notes**

First Reading: April 28, 2015  
Second Reading: May 5, 2015  
Third Reading:  
Public Hearing: April 28, 2015



STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-15HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; SO AS TO REMAIN IN COMPLIANCE WITH THE NATIONAL FLOOD INSURANCE PROGRAM UPON THE ADOPTION OF THE NEW FLOOD INSURANCE RATE MAP.

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; “Substantial damage” is hereby amended to read as follows:

*Substantial damage.* Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damage condition would equal or exceed ~~fifty percent (50%)~~ forty percent (40%) of the market value of the structure before the damage occurred. Substantial damage also means flood-related damage sustained by a structure on two (2) separate occasions during a ten (10) year period for which the cost of repairs at the time of each such flood event, on the average, exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

SECTION II. The Richland County Code of Ordinances, Chapter 26, Land Development; Article II, Rules of Construction/Definitions; Section 26-22, Definitions; “Substantial improvement” is hereby amended to read as follows:

*Substantial improvement.* Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds ~~fifty percent (50%)~~ forty percent (40%) of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “repetitive loss” or “substantial damage,” regardless of the actual repair work performed. Substantial improvement also means improvement on a structure on separate occasions during any ten (10) year period for which the cost of total repairs over that time exceeds forty percent (40%) of the market value of the structure.

SECTION III. The Richland County Code of Ordinances, Chapter 26, Land Development; Article III, Administration; Section 26-36, Richland County Public Works; Subsection (a), Powers and Duties Pursuant to this Chapter; is hereby amended to read as follows:

- (a) *Powers and duties pursuant to this chapter.*
  - (1) *Engineering Division/Stormwater Management Division.* The Richland County Engineering Division and the Stormwater Management Division,

under the direction of the Richland County Engineer, shall have the following powers and duties in administering and implementing Article VIII. of this chapter and other relevant laws and regulations pertaining to stormwater management and erosion and sediment control in Richland County:

- a. To review and approve/deny all plans for stormwater management to assure that all applicable requirements of this chapter have been satisfied.
- b. To enforce all provisions of the stormwater management and erosion and sediment control provisions of this chapter and other relevant laws and regulations relating to stormwater management. (See Sections 26-64, 26-202 and 26-203 of this chapter).
- c. To review and approve/deny all applications for land disturbance permits to assure that all applicable requirements of this chapter have been satisfied.
- d. To interpret the terms and provisions of Section 26-64 and Article VIII. of this chapter.

(2) *Flood coordinator.* The Richland County Flood Coordinator, under the direction of the Richland County Engineer, shall have the following powers and duties in administering and implementing Section 26-106 of this chapter and other relevant laws and regulations pertaining to floodplain management in Richland County:

- a. To review all applications for zoning and land disturbance permits within the FP Floodplain Overlay District to assure that all applicable requirements of this chapter have been satisfied.
- b. To advise any applicant for a zoning and/or land disturbance permit within the FP Floodplain Overlay District that additional federal or state permits may be required and require that copies of any permits or permit applications for activities on the proposed site be provided and maintained on file with the flood coordinator.
- c. To notify adjacent communities and the State Coordinator for the National Flood Insurance Program of the South Carolina Department of Natural Resources, Land, Water and Conservation Division, prior to any alteration or relocation of a watercourse, and to submit evidence of such notification to FEMA.
- d. To prevent encroachments within floodways unless the certification and flood hazard reduction provisions of Section 26-106 of this chapter are met.

- e. Where interpretation is needed as to the exact location of the boundaries of special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), to make the necessary interpretation.
- f. When base flood elevation data of floodway data have not been provided in accordance with Section 26-106 of this chapter, to obtain, review, and reasonably utilize the best available base flood elevation data and floodway data available from a federal, state or other source at his/her discretion, in order to administer the provisions of Section 26-106 of this chapter and other relevant laws and regulations pertaining to floodplain management in Richland County.
- g. When a regulatory floodway has not been designated, the flood coordinator must require that no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted within Zones AE and A1-30 on the community's FIRM, unless it is demonstrated by an engineer registered with the state, that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood at any point within the community more than one (1) foot.
- h. Mail annually a notice, ~~including a copy of the application of a development permit,~~ to owners or occupants of structures within or touched by the regulatory floodplain areas, to provide information as to the status of the flood hazard for each property. ~~This notice shall require that owners provide this notice and a copy of the development permit to subsequent purchasers of the property.~~
- i. To serve notices of violation, issue stop work orders, revoke or suspend permits and take corrective actions for violations of Section 26-106 of this chapter and other relevant laws and regulations pertaining to floodplain management in Richland County.
- j. To maintain all records pertaining to the administration of this ordinance and make these records available for public inspection.
- k. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C 1334.

SECTION IV. The Richland County Code of Ordinances, Chapter 26, Land Development; Article IV, Amendments and Procedures; Section 26-61, Review in FP Floodplain Overlay District; is hereby amended to read as follows:

**Sec. 26-61. Review in FP Floodplain Overlay District.**

- (a) *Purpose.* A floodplain development permit is required in conformance with the provisions of this chapter (particularly Section ~~26-103~~ 26-106) prior to the commencement of any development activities in the FP Overlay District. The purpose of this permit is to ensure that compliance with all regulations concerning floodplain development is achieved.
- (b) *Pre-application procedure.* No pre- application conference is required prior to applying for a floodplain development permit. Applicants are encouraged to call or visit the county's flood coordinator prior to requesting a floodplain development permit to determine what information is required for the application.
- (c) *Plan submittal.* Application for a floodplain development permit shall be made to the flood coordinator on forms furnished by the county or through the county's electronic permitting system. ~~and shall~~ The scaled plans may include, but are not limited to: the nature, location, dimensions, and elevations of the project area; existing and proposed structures; and the location of fill and compensation areas, all items required on that application. An application may be submitted by a property owner or authorized agent. The information submitted for the permit shall be certified by a land surveyor, engineer, or architect authorized by law to certify the required information and plans. Specifically the following information is required:
  - (1) A plot plan that shows the 100-year floodplain contour or a statement that the entire lot is within the floodplain must be provided by the applicant when the lot is within or appears to be within the floodplain as mapped by the Federal Emergency Management Agency. The plot plan must be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by such professional. The plot plan must show the floodway, if any, as identified by the Federal Emergency Management Agency.
  - (2) Where When base flood elevation data is ~~provided~~ available, plan submittal for a development permit within the flood hazard area shall show:
    - a. The elevation (in relation to mean sea level) of the lowest floor of all new and substantially improved structures, and
    - b. If the structure will be flood-proofed in accordance with the Non-Residential Construction requirements, the elevation to which the structure will be flood-proofed.

(3) Where When base flood elevation data is not provided available, the provisions in the standards for streams without estimated base flood elevations and floodways must be met.

The information submitted for the permit shall be certified by a land surveyor, engineer, or architect authorized by law to certify the required information and plans.

- (d) *Staff review.* The county flood coordinator shall review all applications for a flood development permit and approve or deny such applications. Approval or denial of a flood development permit shall be based on all applicable provisions of this chapter and the following relevant factors:
- (1) The danger to life and property due to flooding or erosion damage;
  - (2) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - (3) The danger that material may be swept onto other lands to the injury of others;
  - (4) The compatibility of the proposed use with existing and anticipated development;
  - (5) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - (6) The costs of providing governmental services during and after flood conditions, including maintenance and repair of roads and bridges and public utilities and facilities such as sewer, gas, electrical and water systems; and
  - (7) The relationship of the proposed use to any comprehensive planning document for that area.
- (e) *Public notification.* No public notification is required for floodplain development permit issuance.
- (f) *Formal review.* No formal review is required for floodplain development permit review.
- (g) *Variances.* No variances are permitted from the regulations found in Section 26-106 regarding ~~on~~ floodplain development (~~Section 26-103 of this chapter~~) which are pertinent to the issuance of a floodplain development permit.
- (h) *Appeals.* The Richland County Administrator shall hear and decide appeals from determinations made by the flood coordinator. Any owner who has received a decision from the coordinator may appeal this decision to the Richland County Administrator by giving notice of appeal in writing to the flood coordinator within twenty (20) days following issuance of the decision. In the absence of an appeal, the

order of the flood coordinator shall be final. The Richland County Administrator shall hear an appeal within a reasonable time and may affirm, modify and affirm, or reverse the decision of the coordinator. Written record of the appeal decision shall be provided by the Richland County Administrator to the flood coordinator.

- (i) *Permit validity.* The effective date of a floodplain development permit shall be the date as stamped on the permit. Permits shall be valid only when signed by the flood coordinator. Any floodplain development permit issued shall become invalid if the authorized work is not commence within ~~six (6)~~ twelve (12) months after the issuance of the permit, or if the authorized work is suspended or abandoned for a period of ~~six (6)~~ twelve (12) months after the time of commencing the work, unless an extension has been granted in writing by the flood coordinator.

(j) *Interpretation. In the interpretation and application of Section 26-106, all provisions shall be considered as minimum requirements, liberally construed in favor of Richland County, and deemed neither to limit nor repeal any other powers granted under State law. Section 26-106 is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where the provisions of Section 26-106 and another provision conflict or overlap, whichever imposes the more stringent restrictions shall prevail.*

SECTION V. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-106, FP Floodplain Overlay District; Subsection (c), Permitted Uses, Permitted Uses with Special Requirements; is hereby amended to read as follows:

- (c) *Permitted uses, permitted uses with special requirements, and special exceptions.*
  - (1) *General:* Any use permitted outright, with special requirements, or permitted as an accessory use in the general use district(s) to which the FP Overlay District is affixed to, is permitted; provided that such use complies with all applicable regulations set forth below and in the other sections of this chapter. (See however, restrictions for development in the designated floodway as set forth in subsection (d)(2)~~ih~~. below). All applications for land development permits for uses permitted in the FP Overlay District shall be reviewed by the flood coordinator in accordance with the requirements of subsection (d) below. Before the planning department may issue a land development permit, a floodplain development permit must be issued. The findings and recommendations of the flood coordinator shall be binding upon the planning department unless otherwise appealed.
  - (2) *Permitted special exceptions.* Any use listed as a special exception in the general use district(s) to which the FP Overlay District is affixed to may be permitted by the Richland County Board of Zoning Appeals as set forth in Section 26-56 of this chapter; provided that such uses comply with all applicable regulations set forth below and in the other sections of this chapter. (See, however, restrictions for

development in the designated floodway as set forth in subsection (d)(2) ~~ih~~. below). All applications for special exceptions in the FP Overlay District shall be reviewed by the flood coordinator prior to review by the board of zoning appeals in accordance with the requirements of subsection (d) below. Before the board of zoning appeals may approve a special exception, a floodplain development permit must be issued. The findings and recommendations of the flood coordinator shall be binding upon the board of zoning appeals.

SECTION VI. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-106, FP Floodplain Overlay District; Subsection (d), Standards in the Floodplain; Paragraph (1), General Standards; is hereby amended to read as follows:

(1) *General standards.*

- a. Before a permit is issued, the applicant shall demonstrate that encroachments onto the floodplain are minimized. New development, if permitted in the area of special flood hazard, shall minimize disruption to shorelines, stream channels, stream banks, and the regulatory floodway. As used in this paragraph, the term “minimize” shall mean the lowest degree of interruption (i.e. the uniformity or continuity) to the natural course of action or activity.

~~b. General reasons for disapproval of flood development permit application. New construction, substantial improvements, or other development (including fill) shall not be approved in a special flood hazard area if it does any of the following:~~

- ~~1. Adversely affects the capacity of channels or floodways of any watercourse in the floodplain area to convey the regulatory flood or any flood of more frequent occurrence.~~
- ~~2. Would measurably increase, based on FEMA approved hydrologic models, flood flows or flood heights, or increase flood damage upon off-site properties during the occurrence of the regulatory flood or any flood of more frequent occurrence.~~
- ~~3. Would individually or cumulatively, when combined with all other existing and anticipated development (assuming an equal degree of encroachment for a significant reach on both sides of the watercourse), increase flood levels or expose additional upstream, downstream, or adjacent properties to adverse flood effects due to flooding during the regulatory flood or any flood of more frequent occurrence.~~

~~4. Increases velocities or volumes of floodwaters to the extent that significant erosion of floodplain soils would occur either on the subject property or on some other property upstream or downstream.~~

~~5. Does not provide compensatory storage for any measurable loss of flood storage capacity.~~

~~e. *Eneroachments that result in increase in flood levels.* Any eneroachment in special flood hazard areas, including fill, new construction, substantial improvements, and other development that would result in any increase in flood levels during the occurrence of the regulatory flood or any flood of more frequent occurrence shall be prohibited.~~

db. *Anchoring.* All new construction and/or substantial improvements shall be designed and anchored to prevent flotation, collapse, or lateral movement of the structures.

ec. *Materials/methods to be used.* All new construction and/or substantial improvements shall be constructed with flood resistant materials and utility equipment resistant to flood damage. All new construction and/or substantial improvements shall be constructed by methods and practices that minimize flood damages.

fd. *Electric, ventilation, plumbing, heating, and air conditioning equipment.* Electric, ventilation, plumbing, heating, and air conditioning equipment (including ductwork), and other service facilities, shall be designed and elevated two (2) feet above the base flood elevation so as to prevent water from entering or accumulating within the components during conditions of flooding as specifically provided for below:

1. *When not substantial improvement.* The replacement of existing electrical, ventilation, plumbing, heating, and air conditioning equipment (including ductwork) and other service facilities, that do not constitute a substantial improvement, are encouraged to be elevated at least two (2) feet above the base flood elevation, but they may be located at the original location and elevation.

2. *New construction and substantial improvement.* All electrical, ventilation, plumbing, heating, and air conditioning equipment (including ductwork), and other service facilities, for new construction ~~or~~ and substantial



improvement must be elevated at least two (2) feet above the base flood elevation.

3. *Outdoor faucets.* The requirements listed above do not preclude the installation of outdoor faucets for shower heads, sinks, hoses, etc. as long as cut off devices and back flow devices are installed to prevent contamination to the service components and thereby minimize any flood damages to the building.

ge. *Water and sanitary sewage systems.* All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the sanitary sewage systems into flood waters.

hf. *On-site waste disposal systems.* On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.

ig. *Foundation systems.* Hydrodynamic pressure must be considered in the design of any foundation system when velocity waters or the potential for debris flow exists. If flood velocities are excessive (greater than five (5) feet per second), foundation systems other than solid foundation walls should be considered so that obstructions to damaging flood flows are minimized.

jh. *Non-conforming buildings or uses (see also Article X. of this chapter on nonconforming uses generally).* Non-conforming buildings or uses may not be enlarged, replaced, or rebuilt unless such enlargement or reconstruction is accomplished in conformance with the provisions of this section. Provided, however, nothing in this section shall prevent the repair, reconstruction, or replacement of an existing building or structure located totally or partially within the floodway, if the bulk of the building or structure below base flood elevation in the floodway is not increased, and provided that such repair, reconstruction, or replacement meets all of the other requirements of this section. Reconstructions or replacements of existing buildings or structures shall be placed with their longitudinal axis parallel to the predicted direction of the flow of flood waters or be placed so that their longitudinal axis are on lines parallel to those of adjoining structures so as to offer the minimum resistance to the flow of floodwaters.

ki. *American with Disabilities Act (ADA).* A building must meet the specific standards for floodplain construction as outlined in

subsection (d)(2) below, as well as any applicable ADA requirements. The cost of improvements required to meet the ADA provisions shall be included in the costs of the improvements for calculating substantial improvement.

- h. *Watercourse alterations and maintenance.* In addition to the notifications required for watercourse alterations per Section 26-36 (a) (2) c., a maintenance requirement will be included in Floodplain Development Permits whenever a watercourse is altered or relocated within a Special Flood Hazard Area. Such maintenance activities shall ensure that the flood-carrying capacity of the watercourse is not diminished, and shall consist of periodic inspections, and routine channel clearing and dredging, or other related functions. In addition, the permittee shall keep a written record describing all maintenance activities performed, the frequency of performance, and the name of the person(s) responsible for such maintenance and provide copies to the Flood Coordinator. The Flood Coordinator shall keep permitting records on file for FEMA inspection.

SECTION VII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-106, FP Floodplain Overlay District; Subsection (d), Standards in the Floodplain; Paragraph (2), Specific Standards; Subparagraph a.; is hereby amended to read as follows:

- a. *Residential construction.* New construction ~~or~~ and substantial improvement of any residential structure (including manufactured homes) shall have the lowest floor elevated no lower than two (2) feet above the base flood elevation. No basements are permitted. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with subsection f. below.

SECTION VIII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-106, FP Floodplain Overlay District; Subsection (d), Standards in the Floodplain; Paragraph (2), Specific Standards; Subparagraph b.; is hereby amended to read as follows:

- b. *Nonresidential construction.* New construction ~~or~~ and substantial improvement of any commercial industrial, or nonresidential structure shall have the lowest floor (including basement), or mechanical and utility equipment, elevated no lower than two (2) feet above the level of the base flood elevation or be flood-proofed to a level no lower than two (2) feet above the level of the base flood elevation, provided that all areas of the building (including mechanical and utility equipment) below the required elevation are watertight with walls substantially

impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with subsection f. below. A land surveyor, engineer, or architect authorized by law to certify such information shall certify that the standards of this subsection are satisfied. Flood-proofed structures shall have an approved maintenance plan with an annual exercise as required by FEMA. The maintenance plan must be approved by the flood coordinator and notification of the annual exercise shall be provided to same.

SECTION IX. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-106, FP Floodplain Overlay District; Subsection (d), Standards in the Floodplain; Paragraph (2), Specific Standards; Subparagraph f., Elevated Buildings; is hereby amended to read as follows:

- f. *Elevated buildings.* New construction ~~or~~ and substantial improvements of elevated buildings that include fully enclosed areas formed by foundation and other exterior walls and are used solely for the parking of vehicles, building access, or limited storage in an area other than a basement, and are subject to flooding, shall be designed to preclude finished space and shall be designed to automatically equalize flood forces on exterior walls by allowing for the entry and exit of floodwaters.
  - 1. *Designs for elevated buildings.* Designs for complying with this requirement must either be certified by a land surveyor, engineer, or architect authorized by law to certify such information, or meet the following minimum criteria:
    - [a] Provide a minimum of two (2) openings on different walls having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
    - [b] The bottom of all openings shall be no higher than one (1) foot above grade;
    - [c] Only the portions of openings that are below the base flood elevation can be counted towards the required net opening amount;
    - [ed] Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided they

permit the automatic flow of floodwaters in both directions, including engineered vents; and

[~~de~~] Fill placed around foundation walls shall be graded so that the grade inside the enclosed area is equal to or higher than the adjacent grade outside the building on at least one side of the building.

2. *Access to enclosed area.* Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standards exterior door) or entry to the living area (stairway or elevator).
3. *Interior portion of enclosed area.* The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, except to enclose a limited storage area. In addition, the interior portion must be void of utilities, except for essential lighting as required, and cannot be temperature controlled. One wet location switch and/or outlet connected to a ground fault interrupt breaker may be installed below the required lowest floor elevation as specified in subsections (d) (2) a., b., and d., above.
4. *Construction materials.* All construction materials below the required lowest floor elevation, as specified in subsections (d) (2) a., b., and d. above, shall be of flood resistant materials.

SECTION X. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-106, FP Floodplain Overlay District; Subsection (d), Standards in the Floodplain; Paragraph (2), Specific Standards; Subparagraph g., Temporary Structures; is hereby deleted in its entirety; and all subsequent subparagraphs shall be re-alphabetized in correct alphabetical order.

~~g. *Temporary structures.* Certain types of temporary structures (e.g. fruit stands, construction site offices, portable toilets, etc.) may be situated temporarily on flood-prone property without having to comply with the elevation or flood-proofing criteria of subsections (d)(2)a. and b. above, respectively, provided that the following criteria are met:~~

- ~~1. *Temporary development permit procedure.* All applicants must submit to the flood coordinator, prior to the issuance of a temporary development permit, a written plan for the removal of any temporary structures or development in the event of a hurricane or flash flood warning notification. The plan shall be~~

~~reviewed and approved in writing, and must include the following information:~~

~~[a] A specified time period that the temporary use will be permitted;~~

~~[b] The name, address, and phone number of the individual responsible for the removal of temporary structures or development;~~

~~[c] The time frame for removal of any structures in the event of a flooding event, with a minimum of seventy-two (72) hours before landfall of a hurricane or immediately upon flood warning notification;~~

~~[d] Unless movable by the owner, a copy of the contract or other suitable instrument with a trucking company to ensure the availability of removal equipment when needed;~~

~~[e] Designation, accompanied by documentation, of a location outside the floodplain where any temporary structure will be moved; and~~

~~[f] A plan to restore the area to its natural condition once the temporary permit expires or the temporary use is terminated, whichever is first.~~

~~2. *Structure mobility.* The structure is mobile, or can be made so, and is capable of being removed from the site with a maximum of four (4) hours warning.~~

~~3. *Time on property.* The structure will not remain on the property for more than one hundred and eighty (180) days.~~

SECTION XI. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-106, FP Floodplain Overlay District; Subsection (d), Standards in the Floodplain; Paragraph (2), Specific Standards; new Subparagraph g., Accessory Structures; is hereby amended to read as follows:

- g. *Accessory structures.* ~~An accessory structure or garage, the cost of which is greater than \$1,000.00 must comply with the elevated structure requirements of subsection (d) (2) a. and b. above. When accessory structures of \$1,000.00 or less are to be placed in the floodplain, the following criteria shall be met: An accessory structure greater in value than ten thousand dollars (\$10,000) or a detached garage larger than a two-car garage (greater larger than 600 sq. feet).~~

must comply with the construction requirements of subsections (d) (2) a. and b., above. When an accessory structure used for limited storage or parking, (valued at less than \$10,000) and is smaller than or equal to 600 square feet, is placed in the floodplain, the following criteria shall be met:

1. *One-story.* Accessory structures shall be no higher than a single-story building.
12. *Not for habitation.* Accessory structures shall not be used for human habitation (including work, sleeping, living, cooking, or restroom areas);
23. *Flood damage potential.* Accessory structures shall be designed to have low flood damage potential;
34. *Placement.* Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters;
45. *Anchoring.* Accessory structures shall be firmly anchored to prevent flotation, collapse, or lateral movement of the structure;
56. *Service facilities.* Service facilities, such as electrical and heating equipment, shall be installed in accordance with subsection (d) (1) f. above; and
67. *Openings.* Openings to relieve hydrostatic pressure during a flood shall be provided below base flood elevation in conformance with subsection (d) (2) f. above.

SECTION XII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-106, FP Floodplain Overlay District; Subsection (d), Standards in the Floodplain; Paragraph (2), Specific Standards; new Subparagraph i., Fill; is hereby amended to read as follows:

- i. *Fill.* Fill is ~~discouraged because storage capacity is removed from floodplains, natural drainage patterns are adversely altered and erosion problems can develop and wildlife habitat can be diminished~~ the placement of natural sands, dirt, soil, or rock above the natural grade in order to raise the elevation of the ground. Dredged material may only be used as fill upon certification of suitability by a registered professional geotechnical engineer. The use of fill shall be limited to the elevation of individual structures (including garages and garage aprons), utilities,

infrastructure, and public road crossings. Other methods of elevating structures should be considered first.

1. To allow the elevation of individual structures, the amount of fill used shall be the minimum necessary. Floodplain authorization for fill shall be based on findings by the county engineer that the minimum fill being used for raising the structure is the most feasible alternative.
2. Fill, if approved, shall meet the following conditions:
  - [a] The flood storage capacity of the floodplain shall not be affected and flood heights shall not be increased ~~by more than 0.049 feet unless compensatory storage is provided on the same parcel or within the same watershed.~~ The space occupied by the authorized fill below Base Flood Elevation for all encroachment within the special flood hazard areas within unincorporated Richland County, with the exception of the special flood hazard area adjacent to Lake Murray, shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the Base Flood Elevation. All such excavations shall be constructed to drain freely to the watercourse.
  - [b] Flooding from any source shall not be increased for neighboring properties. Neighboring and adjacent properties shall not be adversely affected in any way nor shall drainage problems be caused or aggravated as a result of fill.
  - [c] Fill shall not be placed in the floodway except for essential utilities and necessary infrastructure, and must meet the approval of the county engineer.
  - [d] Fill shall not be placed in nontidal wetlands without the required state and federal permits.
3. In the event buildings on adjacent properties are known or determined to be subject to flooding under current conditions, the county engineer may require submission of hydrologic and hydraulic analyses to adequately demonstrate that the effects of the proposed fill will not increase flooding on neighboring properties. Additional fill for landscaping purposes is not permitted. Landscaping mulch (tree bark or pine needles) is not considered fill and is allowed.

4. Where allowed, fill material shall meet the following additional requirements:

~~[a] Fill shall only consist of soil, rock materials, or other material approved by the county engineer. Landfills, dumps, and sanitary soil fills shall not be permitted. Dredged material may be used as fill only upon certification of suitability by a registered professional engineer.~~

[ba] Fill material shall be compacted to 95% of the maximum density, obtainable with the standard proctor test method issued by The American Society For Testing And Materials (ASTM standard D-698) to provide the necessary stability and resistance to erosion, scouring or settling.

~~[c] Fill slopes shall be no steeper than one vertical to two horizontal, unless substantiating data justifying steeper slopes are submitted to and approved by the county engineer.~~

[db] Fill shall be performed in such manner as to maintain or increase flood storage and conveyance capacity, and to not increase FEMA base flood elevations, nor to have an adverse impact on neighboring properties.

~~[e] Fill shall not cause an increase in the base flood elevation by more than 0.049 feet. Applicants shall further demonstrate that the cumulative effect of the proposed development, when combined with all other existing development, will not increase the base flood elevation at any point within the county by more than 0.049 feet.~~

[fc] All fill placed at or below the flood elevation in the floodplain shall be balanced with at least an equal amount of soil material removal from the same parcel(s) or from sub-watershed for all special flood hazard areas within unincorporated Richland County, with the exception of the special flood hazard area adjacent to Lake Murray. Compensatory storage required to offset floodplain fill must be created before the project begins and should be available throughout the construction period. The required volume of compensatory storage must be provided within the project boundary. ~~The applicant shall demonstrate, using a South Carolina registered professional engineer, no net loss of floodplain storage for 10, 50, and 100 year storm events.~~



[~~gd~~] Excavation shall not be counted as compensating for fill if such areas will be filled with water in non-storm conditions.

[~~he~~] Fill shall be performed in a manner to maintain or increase slope stability and maintain or decrease erosive velocities. Fill slopes shall be no greater than two (2) horizontal to one (1) vertical. Flatter slopes may be required where velocities may result in erosion.

[~~if~~] Applicants must submit an as-built survey certification by a South Carolina registered professional engineer that demonstrates that the required volume of storage has been created on site in order to ensure no net loss as outlined and demonstrated per the approved plans.

~~[j]. The use of fill shall not have an adverse impact on neighboring properties.~~

5. ~~The county engineer shall inspect the fill activity. A certification sealed by a professional engineer registered in South Carolina shall be submitted prior to approval of a building permit for compliance with this section. The engineer must provide calculations and complete the county's engineering "No Impact Certification" form. Any change in the flood flow within a regulatory floodplain through fill must be submitted and approved through the FEMA "Letter of Map Revision" process in addition to review by the flood coordinator and county engineer. The county engineer shall provide a copy of the letter of approval, approved site plans, and signed "No Impact Certification" issued by FEMA to the floodplain coordinator.~~

6. A South Carolina registered professional engineer shall certify that all of the above standards and requirements within this subsection ~~26-104 (j)~~ 26-106 (i) have been met.

SECTION XIII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-106, FP Floodplain Overlay District; Subsection (e), Standards for Streams Not Having Established Base Flood Elevations and/or Floodways; is hereby amended to read as follows:

(e) *Standards for streams not having established base flood elevations and/or floodways.* Located within the areas of special flood hazard are small streams where no base flood elevation data have been provided ~~or~~ and where no

floodways have been identified. The following provisions shall apply to these areas:

No encroachments, including fill, new construction, substantial improvement, or other development shall be permitted within one hundred (100) feet of the stream bank unless certification (with supporting technical data by a South Carolina licensed and/or registered land surveyor, engineer, or architect authorized by law to certify such information) is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. Such data shall be submitted to the flood coordinator.

~~(1) — *Activity within one hundred (100) feet of the stream bank.* — No encroachments, including fill, new construction, substantial improvement, or other development shall be permitted within one hundred (100) feet of the stream bank unless certification (with supporting technical data by a land surveyor, engineer, or architect authorized by law to certify such information) is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. Such data shall be submitted to the flood coordinator.~~

~~(2) — *Elevation.* — In special flood hazard areas without base flood elevation data, new construction or substantial improvements of structures shall be elevated so that the lowest floor is no less than three (3) feet above the highest adjacent grade at the building site.~~

SECTION XIV. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-106, FP Floodplain Overlay District; Subsection (f), Standards for Subdivision/Planned Development Community/Large-Scale Development Proposals; Paragraph (1), General; is hereby amended to read as follows:

- (1) ~~*General.* All subdivisions, planned development communities, and large-scale development proposals shall be consistent with the need to minimize or eliminate flood damage. Base flood elevation data provided through hydrologic and hydraulic modeling performed in accordance with FEMA standards showing that there is no rise in the base flood elevation for the community and no risk to human health and welfare shall be provided. All such developments shall be designed so as not to create or increase the level of flooding existing at the time of development. In all areas where base flood elevation data are not available, applications for subdivision proposals and other proposed developments containing at least 50 lots or 5 acres, whichever is less, shall include a hydrologic and hydraulic analysis that generates base flood elevations. In lieu of the aforementioned, the entire Zone A special flood hazard area shall be placed in a perpetual deeded open space.~~

SECTION XV. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-106, FP Floodplain Overlay

District; Subsection (g), Standards for Areas of Shallow Flooding (AO and AH Zones); is hereby amended to read as follows:

- (g) *Standards for areas of shallow flooding (AO and AH Zones).* Located within the areas of special flood hazard are areas designated as shallow flooding. The following provisions shall apply within such areas:
- (1) *Residential structures.* All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. ~~If no depth number is specified, the lowest floor (including basement) shall be elevated at least three (3) feet above the highest adjacent grade.~~
  - (2) *Nonresidential structures.* The lowest floor (including the basement) for all new construction and substantial improvements of nonresidential structures shall meet one of the following standards:
    - a. *Elevation.* The nonresidential structures(s) shall be elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. ~~If no depth number is specified, the lowest floor (including basement) shall be elevated at least three (3) feet above the highest adjacent grade;~~ or,
    - b. *Construction.* The nonresidential structure(s), together with attendant utility and sanitary facilities, must be designed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A land surveyor, engineer or architect authorized by law to certify such information shall submit a certification to the flood coordinator that the standards of this section are satisfied. There shall be adequate drainage paths around structures on slopes to guide floodwaters around and away from the proposed structures.
  - ~~(3) Slopes. All structures on slopes must have drainage paths around them in order to guide water away from such structure; provided, however, such drainage paths must not adversely affect adjacent properties.~~

SECTION XVI. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-106, FP Floodplain Overlay District; Subsection (h), Standards for Levees; Paragraph (1), General Standards; is hereby amended to read as follows:

- (1) *General standards.* All levees protecting residential structures or nonresidential structures that are not flood-proofed shall be designed, constructed, and maintained to provide protection against the 500-year flood, plus three (3) feet of freeboard. Flood elevations shall be as shown on the latest Flood Insurance Rate Maps as determined by appropriate hydrologic methods. Any levee constructed or improved under this subsection shall also comply with the other applicable provisions of Section ~~26-203~~ 26-202 of this chapter.

SECTION XVII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-106, FP Floodplain Overlay District; Subsection (h), Standards for Levees; Paragraph (2), Specific Standards; Subparagraph a., Design and Construction; is hereby amended to read as follows:

- a. *Design and construction.* Design and construction shall be in accordance with the latest edition of the U.S. Army Corps of Engineers' Manual EM 1110-2-1913 ~~(31 March 1978)~~ Design and Construction of Levees. The design and construction of drainage systems within levees shall be in accordance with the latest edition of the U.S. Army Corps of Engineers' Manual EM 1110-2-1413 ~~(15 Jan 1987)~~ Hydrologic Analysis of Interior Areas. A South Carolina Registered Professional Engineer shall certify that he has been involved in the design, construction, and inspection phases and shall certify that the construction meets requirements of the Corps of Engineers.

SECTION XVIII. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VIII, Resource Protection Standards; Section 26-202, Stormwater Management and SWPPs; Subsection (c), Requirements and Standards; Paragraph (2), Primary Drainage Channel Requirements; Subparagraph d., Areas of Special Flood Hazard; is hereby amended to read as follows:

- d. *Areas of special flood hazard.* In areas of special flood hazard, final grading of all lots and building sites for new construction or substantial improvement shall provide for elevation on fill, pilings, or earth filled curtain walls of the lowest habitable floor to at least two (2) feet above the 100-year flood elevation. Where fill is used to meet this requirement, the area two (2) feet above the 100-year flood elevation shall extend at least ten (10) feet from each side of the building pad. Certain types of non-residential structures are permitted within the floodplain if properly "flood-proofed" in compliance with Section ~~26-104(d)~~ 26-106(d) of this chapter and all applicable building code requirements.

SECTION XIX. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VIII, Resource Protection Standards; Section 26-202, Stormwater Management and SWPPs; Subsection (c), Requirements and Standards; Paragraph (2), Primary Drainage Channel

Requirements; Subparagraph g., Structures or Obstructions in Regulatory Floodway; Clause 1.; is hereby amended to read as follows:

1. Such proposed impediment is a permitted use pursuant to Section ~~26-104(d)(2)~~; 26-106 (d) of this chapter; or

SECTION XX. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VIII, Resource Protection Standards; Section 26-202, Stormwater Management and SWPPs; Subsection (c), Requirements and Standards; Paragraph (3), Secondary Drainage Channel and Surface Requirements; Subparagraph d., Areas of Special Flood Hazard; is hereby amended to read as follows:

- d. *Areas of special flood hazard.* In areas of special flood hazard, final grading of all lots and building sites for new construction, or substantial improvement of residential structures, shall provide for elevation on fill, pilings, or earth filled curtain walls of the lowest habitable floor to at least two (2) feet above the 100-year flood elevation. Where fill is added to meet this requirement, the area two (2) feet above the 100-year flood elevation shall extend at least ten (10) feet from each side of the building pad. Certain types of structures are permitted within the floodplain if properly “flood-proofed” in compliance with Section ~~26-104(d)~~ 26-106 (d) of this chapter and all applicable building code requirements.

SECTION XXI. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VIII, Resource Protection Standards; Section 26-202, Stormwater Management and SWPPs; Subsection (c), Requirements and Standards; Paragraph (5), Design Criteria for Improvements; Subparagraph d., Levees; Clause 1., USACE Manuals; is hereby amended to read as follows:

1. *USACE Manuals.* Design and construction shall be in accordance with the latest edition of the USACE’s Manual EM 1110-2-1913 ~~(31-March-1978)~~ Design and Construction of Levees. The design and construction of drainage systems within levees shall be in accordance with the latest edition of the USACE’s Manual EM 1110-2-1413 ~~(15-Jan-1987)~~ Hydrologic Analysis of Interior Areas. A South Carolina Registered Professional Engineer shall certify that he/she has been involved in the design, construction, and inspection phases and shall certify that the construction meets requirements of the corps of engineers

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

SECTION XXIV. Effective Date. This ordinance shall be enforced from and after \_\_\_\_\_, 2015.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Torrey Rush, Chair

ATTEST THIS THE \_\_\_\_\_ DAY  
OF \_\_\_\_\_, 2015

\_\_\_\_\_  
S. Monique McDaniels  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Public Hearing: July 1, 2014  
Second Public Hearing: April 28, 2015  
First Reading: April 28, 2015  
Second Reading: May 5, 2015 (tentative)  
Third Reading:

## MEMORANDUM

**TO:** Sparty Hammett, Assistant County Administrator  
**THROUGH:** Ismail Ozbek, Public Works Director  
**FROM:** Andrea Bolling  
**SUBJECT:** Updated FEMA Flood Maps  
**DATE:** May 14, 2015

In response to the comments and questions from Councilman Pearce during the May 5, 2015 County Council meeting regarding the new Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs), please find attached the following:

- An overall county map showing the current and preliminary delineation of the special flood hazard areas (SFHA) within the County;
- A map index and larger scale maps by Council District for additional detail; and
- A summary of the changes to the base flood elevations along the Congaree River approximately 3.5 miles upstream and 3.5 miles downstream of I-77.

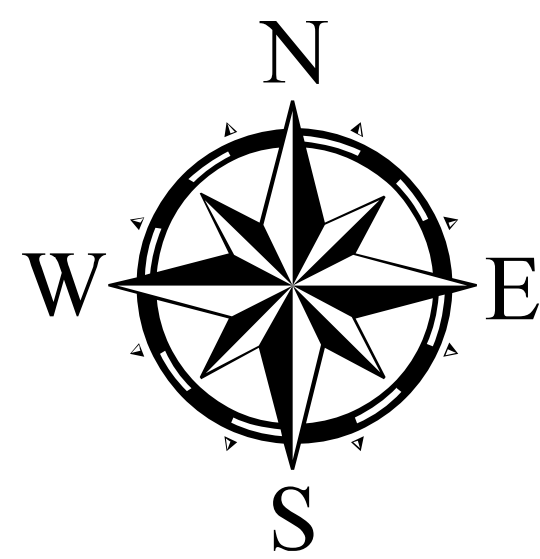
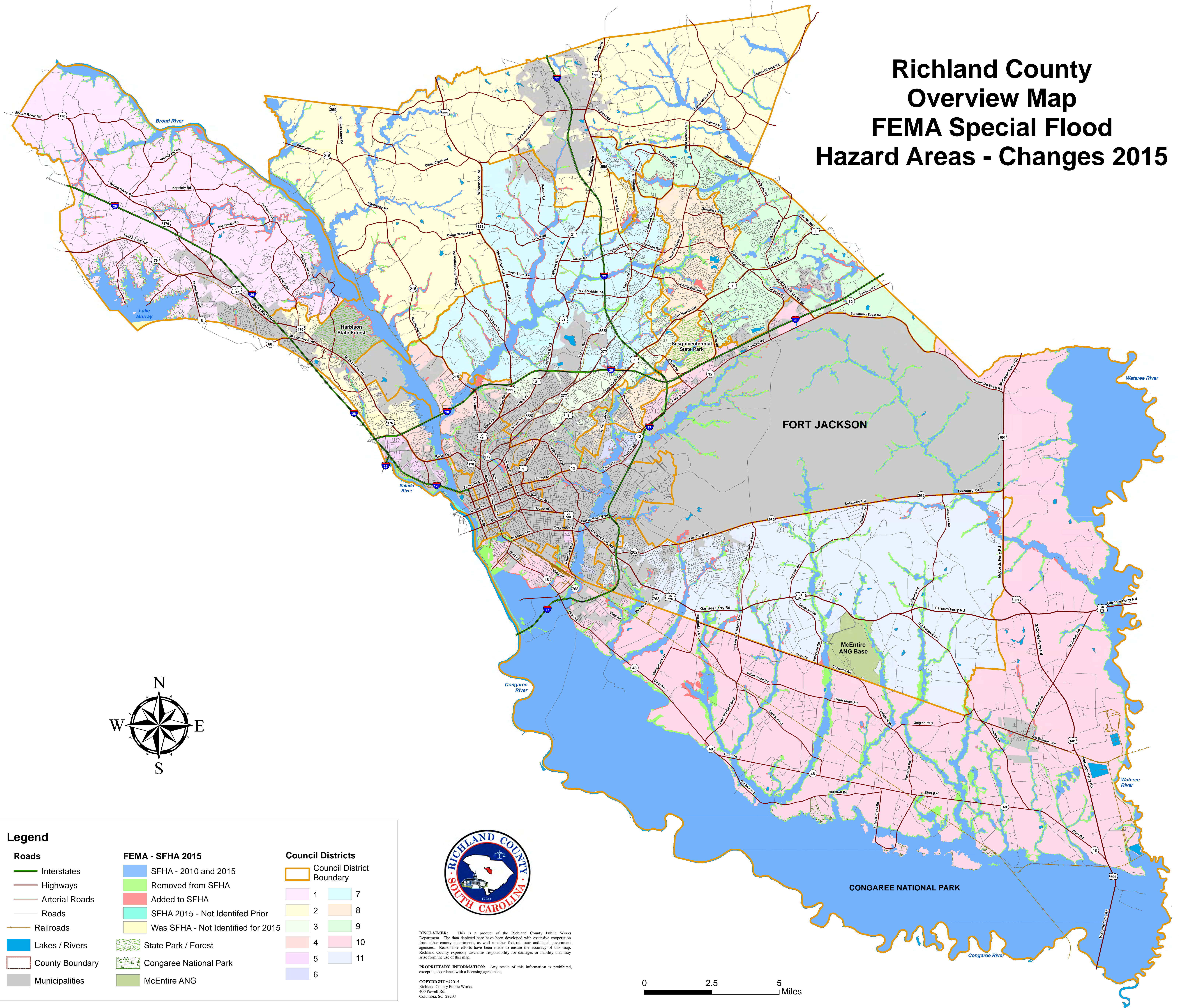
The attached information provides details from the preliminary Richland County FIRMs that were released on April 30, 2015. Please note that all of this information is currently going through quality assurance and quality control with FEMA. There may be changes in the upcoming weeks.

At this point in the remapping process, the preliminary maps have been released. The data is available in paper form at the County Administration Building and electronically on the FEMA website. A Preliminary DFIRM Community Coordination (PDCC) meeting is scheduled for June 24, 2015. Following the PDCC meeting, also on June 24, FEMA will host the Public Open House at 2020 Hampton Street. At the Open House, County staff will provide citizens information on their specific property. FEMA will have representative to answer questions about the data used to develop the model/map, insurance, grants, and appeals.

Once the Public Open House is completed, 2 postings in the newspaper will be done in addition to the Federal Register Publication. At which time, the 90-day appeal and comment period begin. Once any and all appeals and comments are resolved, a Letter of Final Determination is sent out and the six month compliance period begins. During the compliance period, County Council will need to adopt the FIS and maps in County floodplain ordinance. This is done by updating the date of the effective map and study in the ordinance. The Final Maps and Flood Insurance Study would then be printed and distributed by FEMA's Map Service Center.

The properties of the County currently located in the Special Flood Hazard Area (SFHA) based on the 2010 map and those being added to SFHA based on the preliminary maps will be sent the annual Flood Happens brochure that includes the information on the Public Open House date, location, and time. The Public Information Office will also provide the Public Open House information to the media and update the County website as the event approaches.

# Richland County Overview Map FEMA Special Flood Hazard Areas - Changes 2015



## Legend

<b>Roads</b>	<b>FEMA - SFHA 2015</b>	<b>Council Districts</b>
Interstates	SFHA - 2010 and 2015	Council District Boundary
Highways	Removed from SFHA	1
Arterial Roads	Added to SFHA	2
Roads	SFHA 2015 - Not Identified Prior	3
Railroads	Was SFHA - Not Identified for 2015	4
Lakes / Rivers	State Park / Forest	5
County Boundary	Congaree National Park	6
Municipalities	McEntire ANG	7
		8
		9
		10
		11



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

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

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Columbia, SC 29203

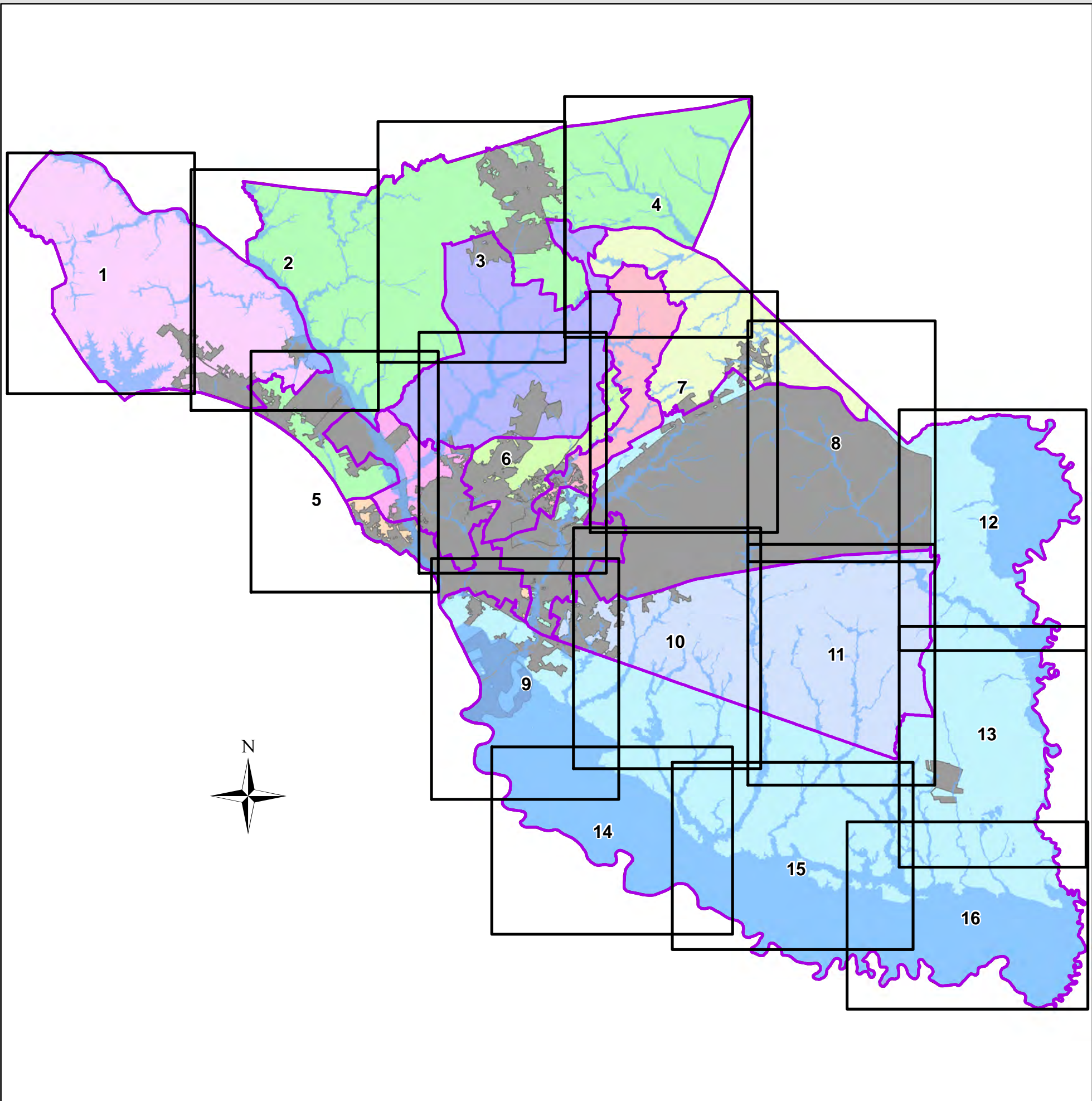
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# Richland County, SC



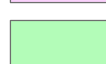

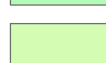
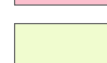
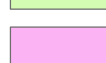


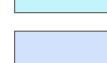
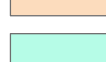


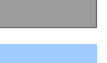

## FEMA Special Flood Hazard Areas Changes: 2015

### Council Districts and Grid Index



### Legend

#### COUNCIL DISTRICT AND CORRESPONDING MAPS

	1	Map 1, 2		7	Map 3, 4, 5, 6, 7
	2	Map 2, 3, 4, 5, 6		8	Map 4, 6, 7
	3	Map 6, 7		9	Map 4, 7, 8
	4	Map 5, 6		10	Map 7 - 16
	5	Map 5, 6, 9		11	Map 9, 10, 11
	6	Map 6, 7, 9, 10		Municipalities	
	Council District Boundary			SFHA - New 2015 Maps	
	Map Grid Boundary				



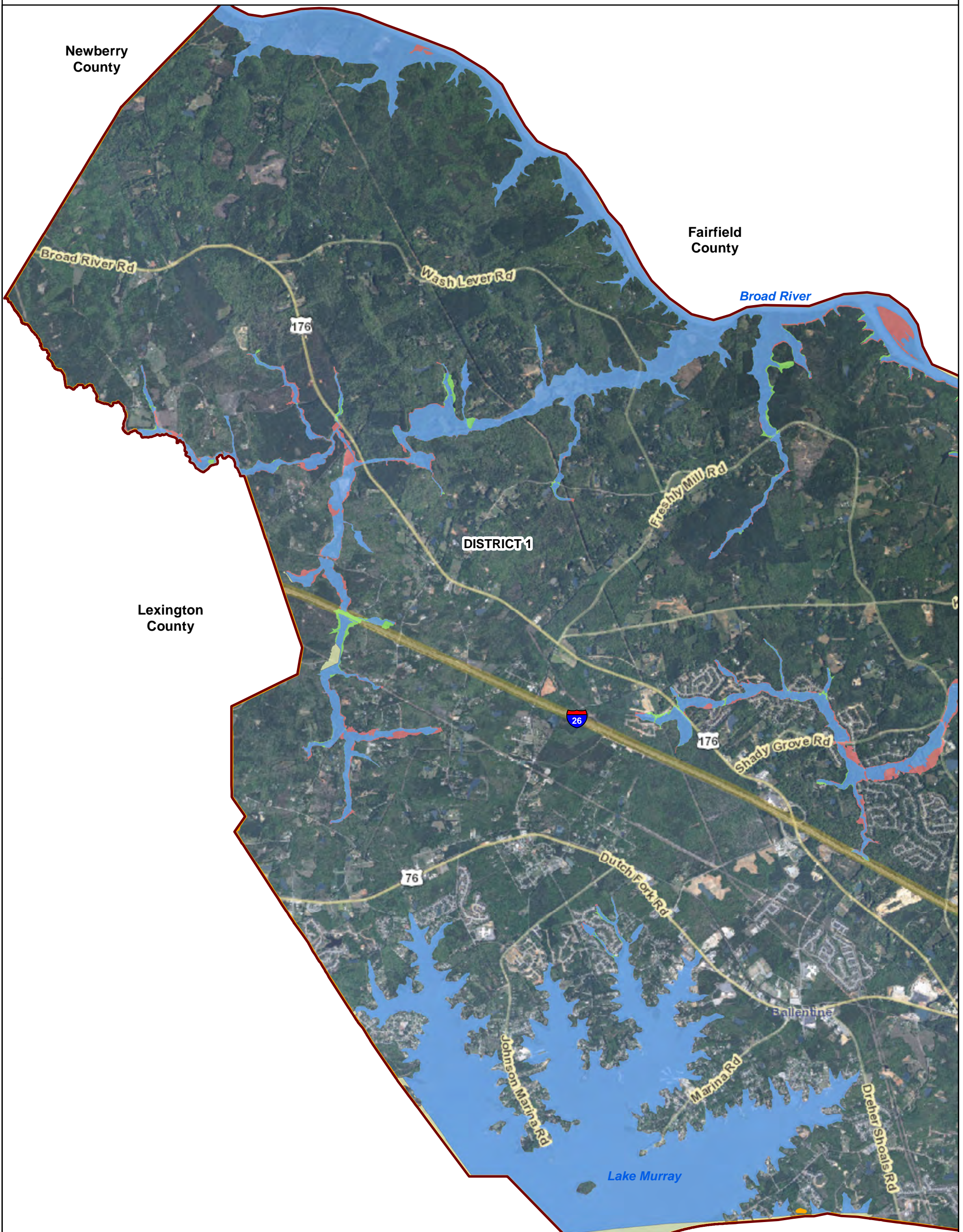
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# Richland County, SC

## FEMA Special Flood Hazard Areas Changes: 2015 - MAP 1



### Legend

- SFHA (ZONE A / AE)
- ADDED TO SFHA
- REMOVED FROM SFHA
- 2015 SFHA - NO ZONE PRIOR
- WAS SFHA - NO ZONE 2015
- Council Districts



0 0.25 0.5 1  
Miles

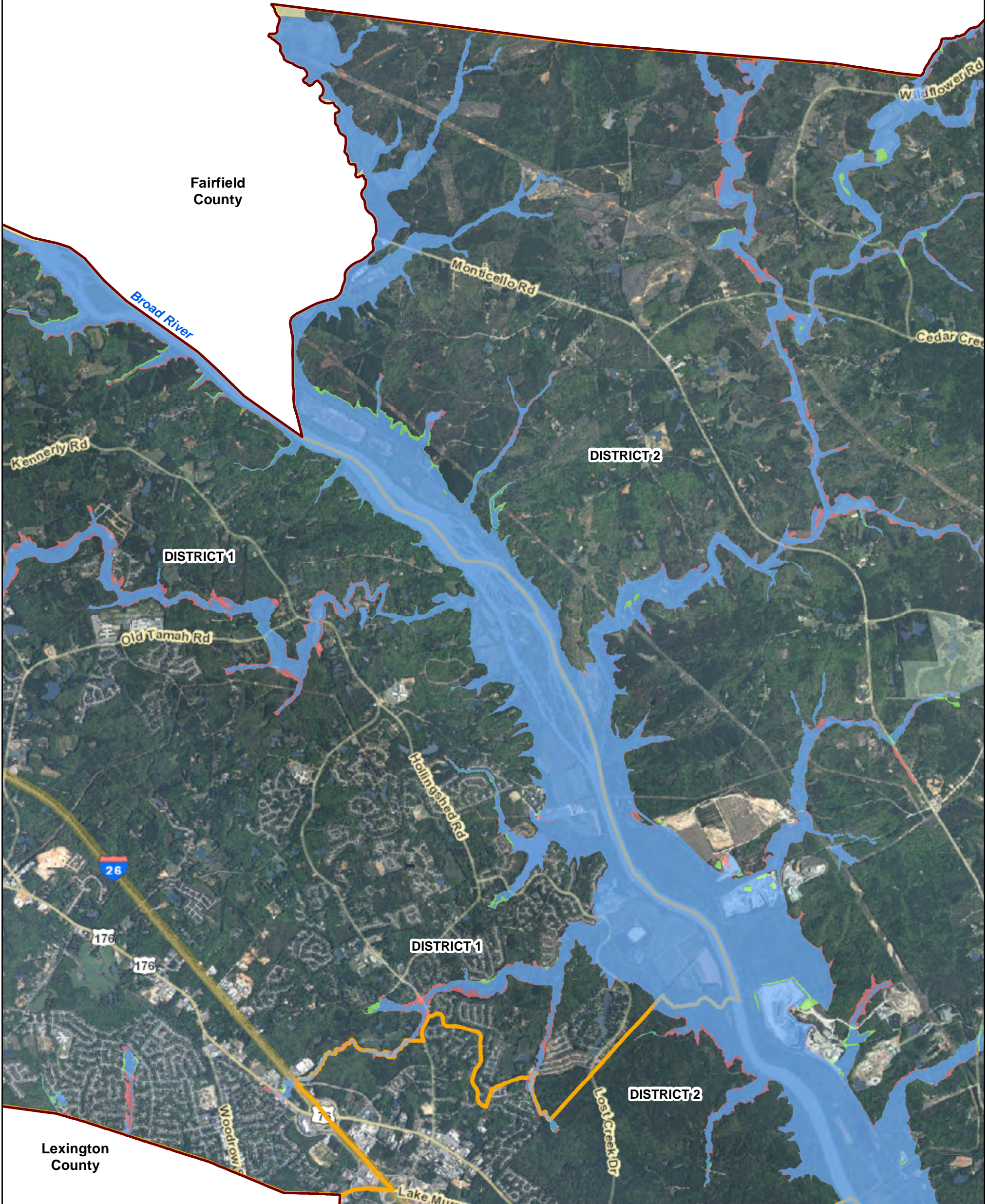
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# Richland County, SC

## FEMA Special Flood Hazard Areas Changes: 2015 - MAP 2



### Legend

- SFHA (ZONE A / AE)
- ADDED TO SFHA
- REMOVED FROM SFHA
- 2015 SFHA - NO ZONE PRIOR
- WAS SFHA - NO ZONE 2015
- Council Districts

0 0.25 0.5 1  
Miles



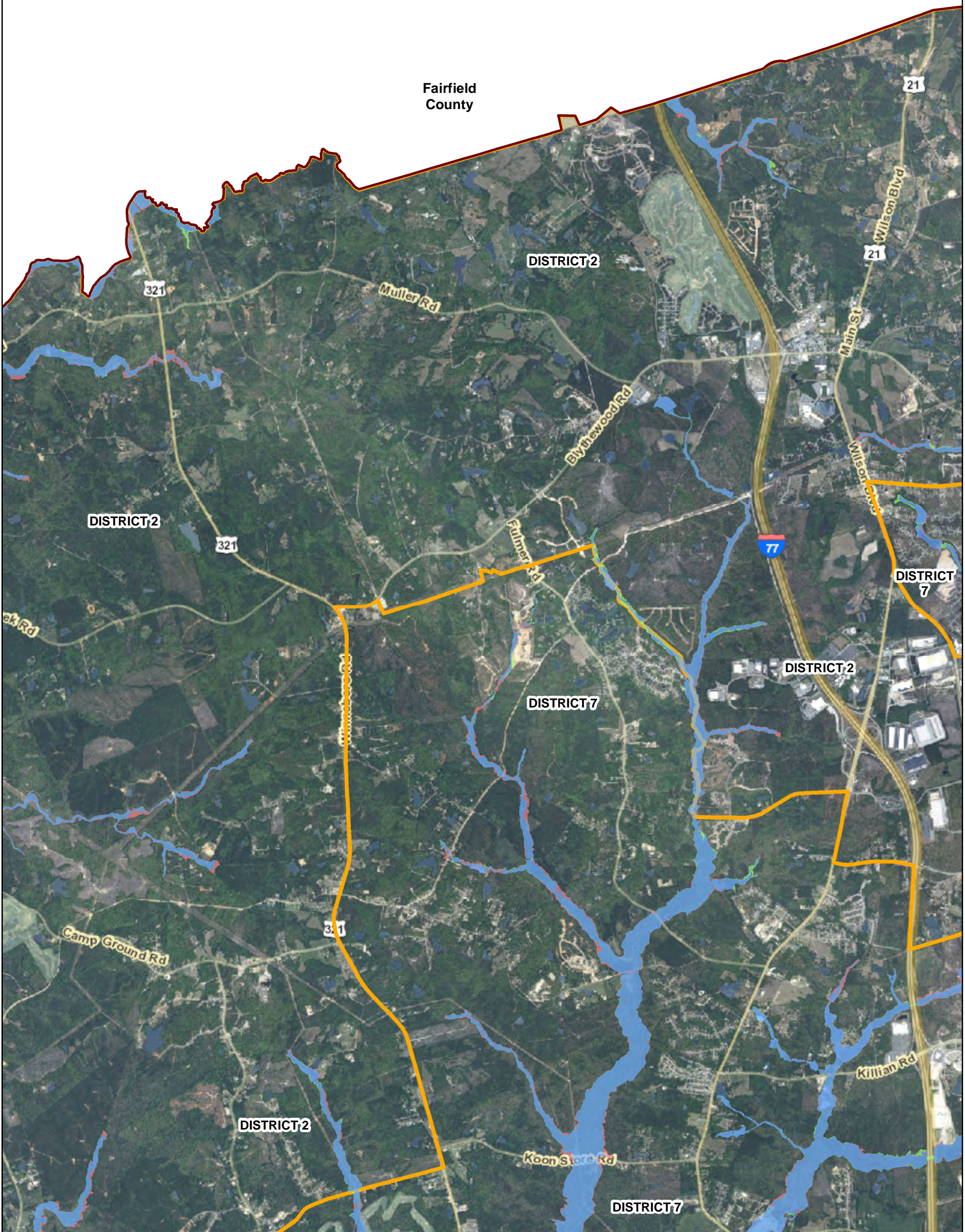
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# Richland County, SC

## FEMA Special Flood Hazard Areas Changes: 2015 - MAP 3



### Legend

- SFHA (ZONE A / AE)
- ADDED TO SFHA
- REMOVED FROM SFHA
- 2015 SFHA - NO ZONE PRIOR
- WAS SFHA - NO ZONE 2015
- Council Districts



0 0.25 0.5 1 Miles

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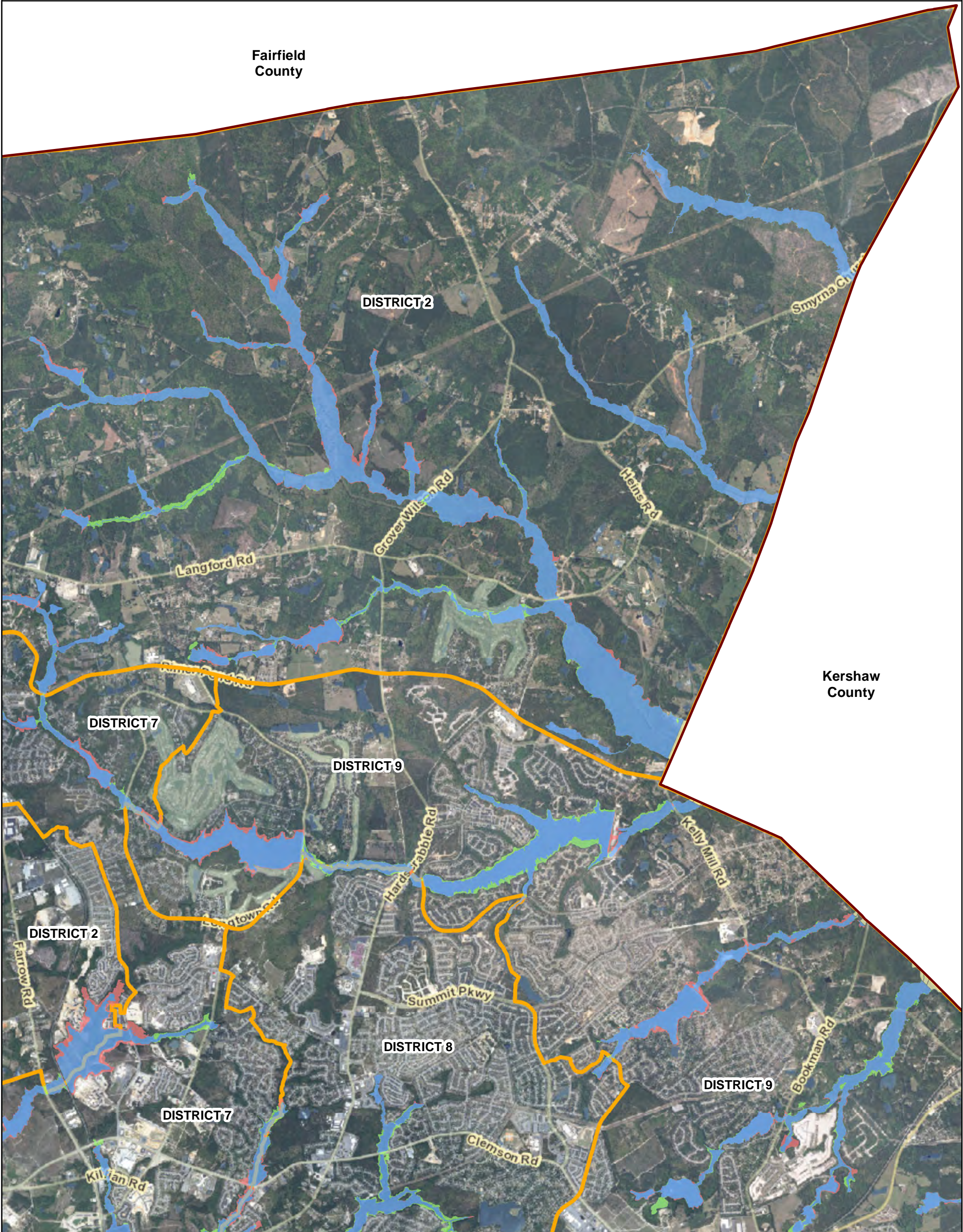
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# Richland County, SC

## FEMA Special Flood Hazard Areas Changes: 2015 - MAP 4

Fairfield County



Kershaw County

### Legend

- SFHA (ZONE A / AE)
- ADDED TO SFHA
- REMOVED FROM SFHA
- 2015 SFHA - NO ZONE PRIOR
- WAS SFHA - NO ZONE 2015
- Council Districts



0 0.25 0.5 1 Miles

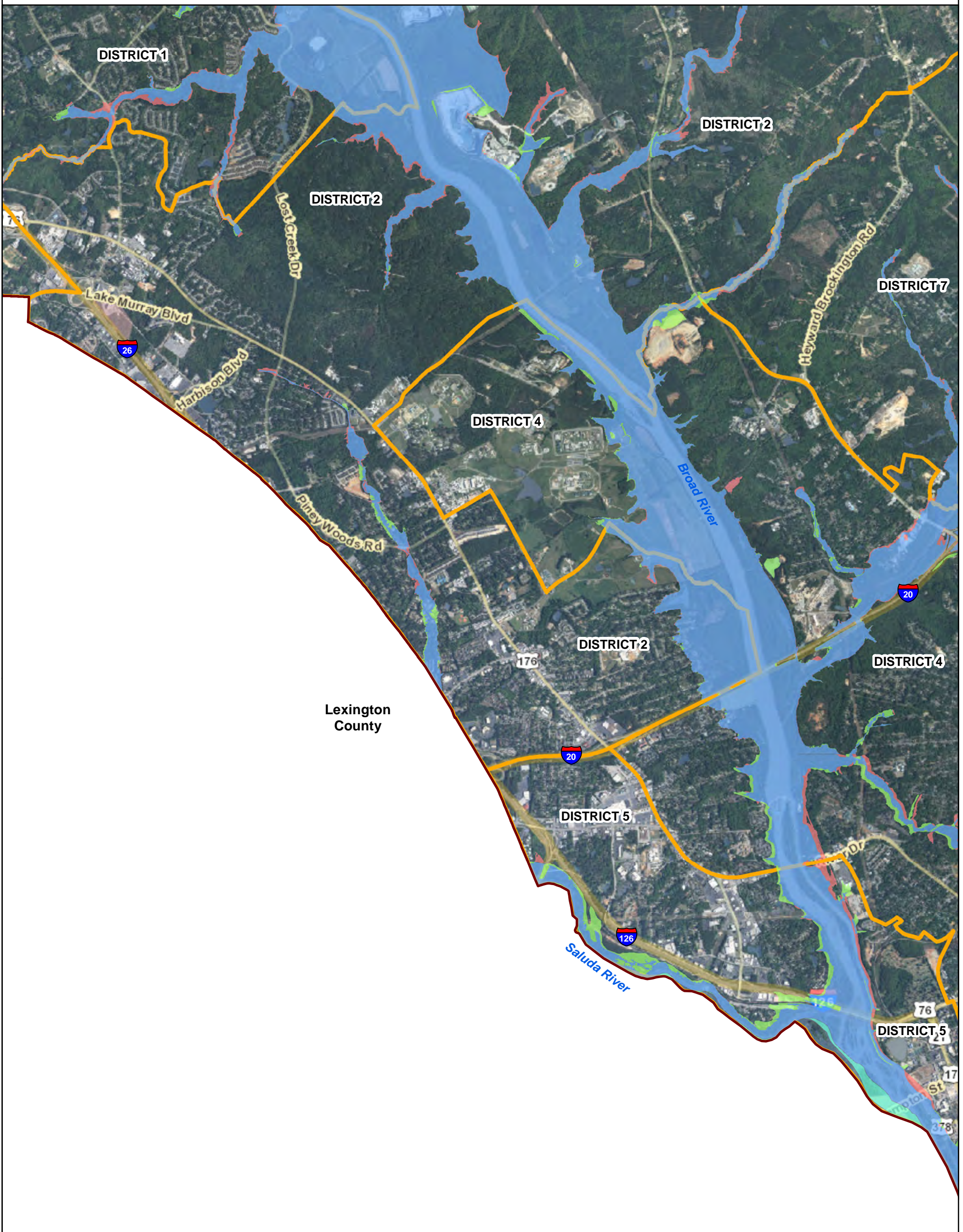
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# Richland County, SC

## FEMA Special Flood Hazard Areas Changes: 2015 - MAP 5



### Legend

- SFHA (ZONE A / AE)
- ADDED TO SFHA
- REMOVED FROM SFHA
- 2015 SFHA - NO ZONE PRIOR
- WAS SFHA - NO ZONE 2015
- Council Districts



0 0.25 0.5 1 Miles

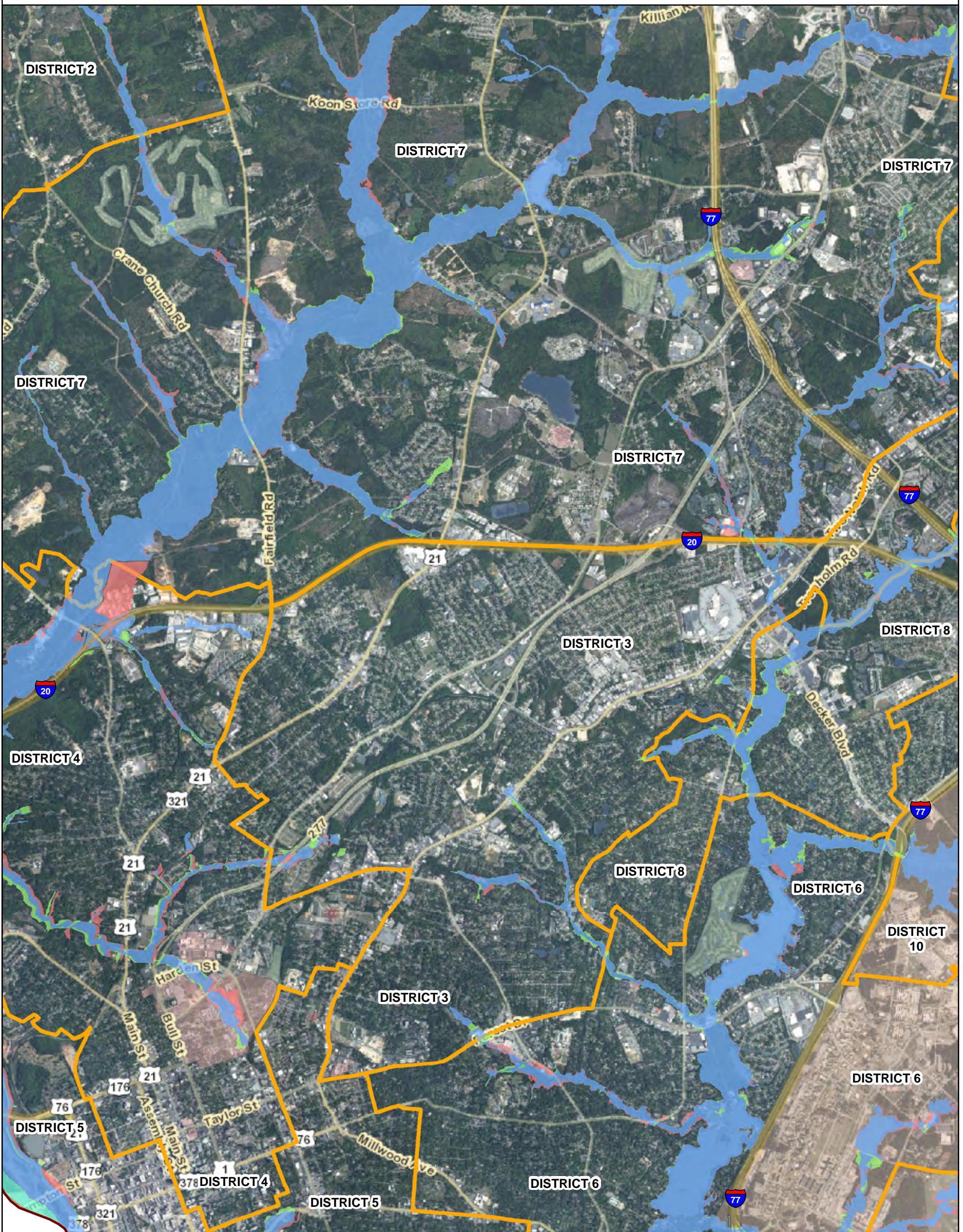
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# Richland County, SC

## FEMA Special Flood Hazard Areas Changes: 2015 - MAP 6



### Legend

- SFHA (ZONE A / AE)
- ADDED TO SFHA
- REMOVED FROM SFHA
- 2015 SFHA - NO ZONE PRIOR
- WAS SFHA - NO ZONE 2015
- Council Districts

0 0.25 0.5 1  
Miles



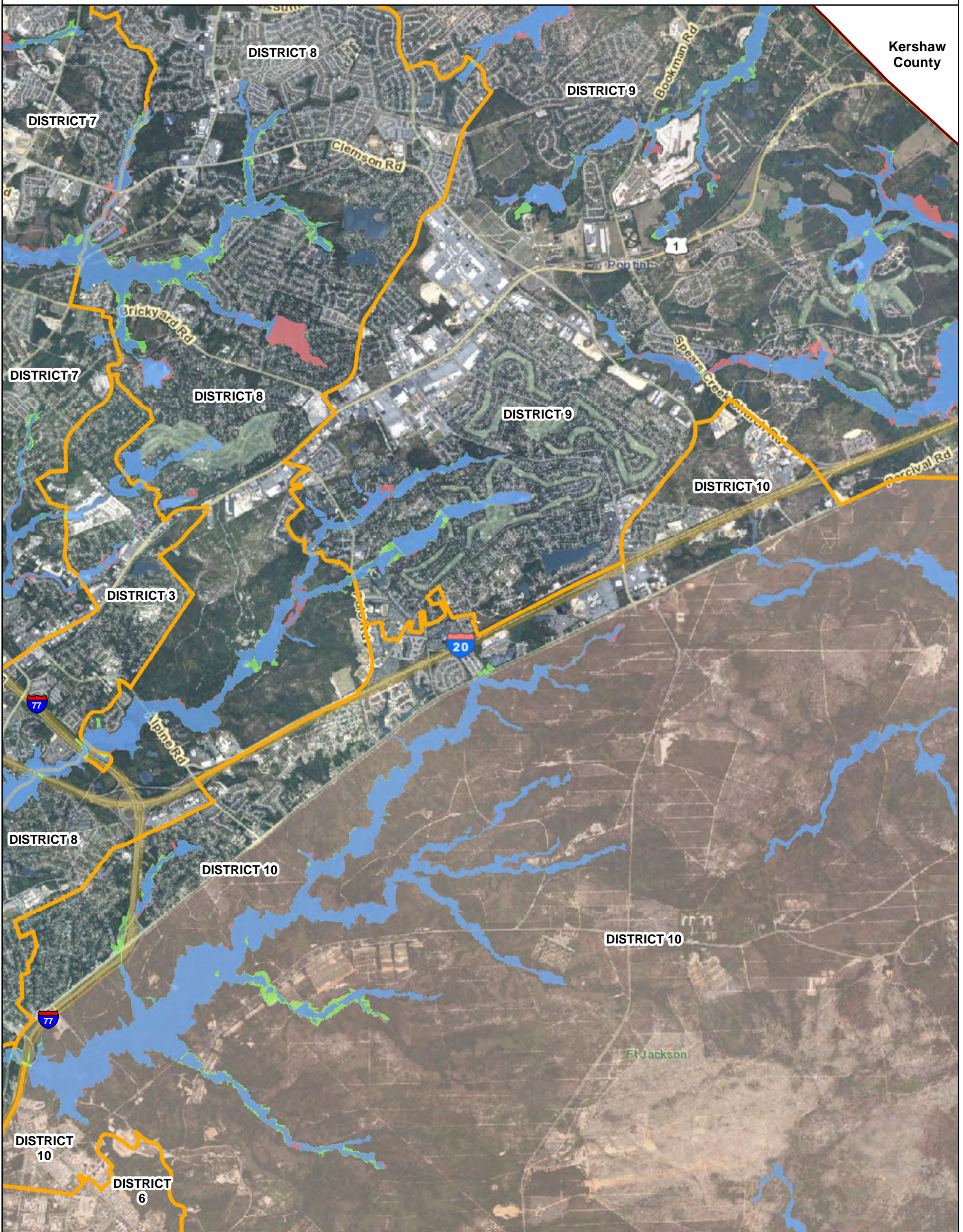
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# Richland County, SC

## FEMA Special Flood Hazard Areas Changes: 2015 - MAP 7



### Legend

- SFHA (ZONE A / AE)
- ADDED TO SFHA
- REMOVED FROM SFHA
- 2015 SFHA - NO ZONE PRIOR
- WAS SFHA - NO ZONE 2015
- Council Districts



0 0.25 0.5 1  
Miles

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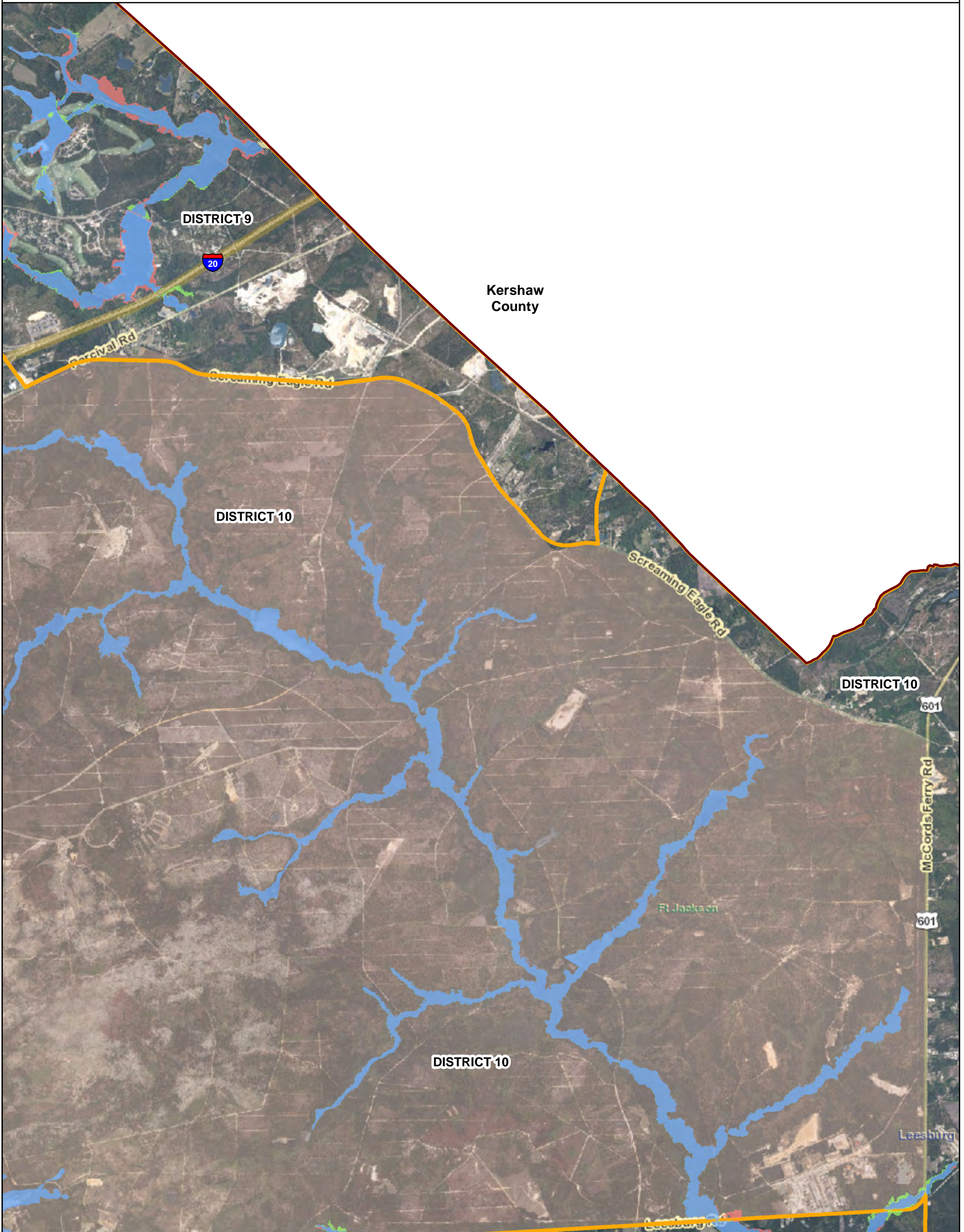
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# Richland County, SC

## FEMA Special Flood Hazard Areas Changes: 2015 - MAP 8



### Legend

- SFHA (ZONE A / AE)
- ADDED TO SFHA
- REMOVED FROM SFHA
- 2015 SFHA - NO ZONE PRIOR
- WAS SFHA - NO ZONE 2015
- Council Districts



0 0.25 0.5 1  
Miles

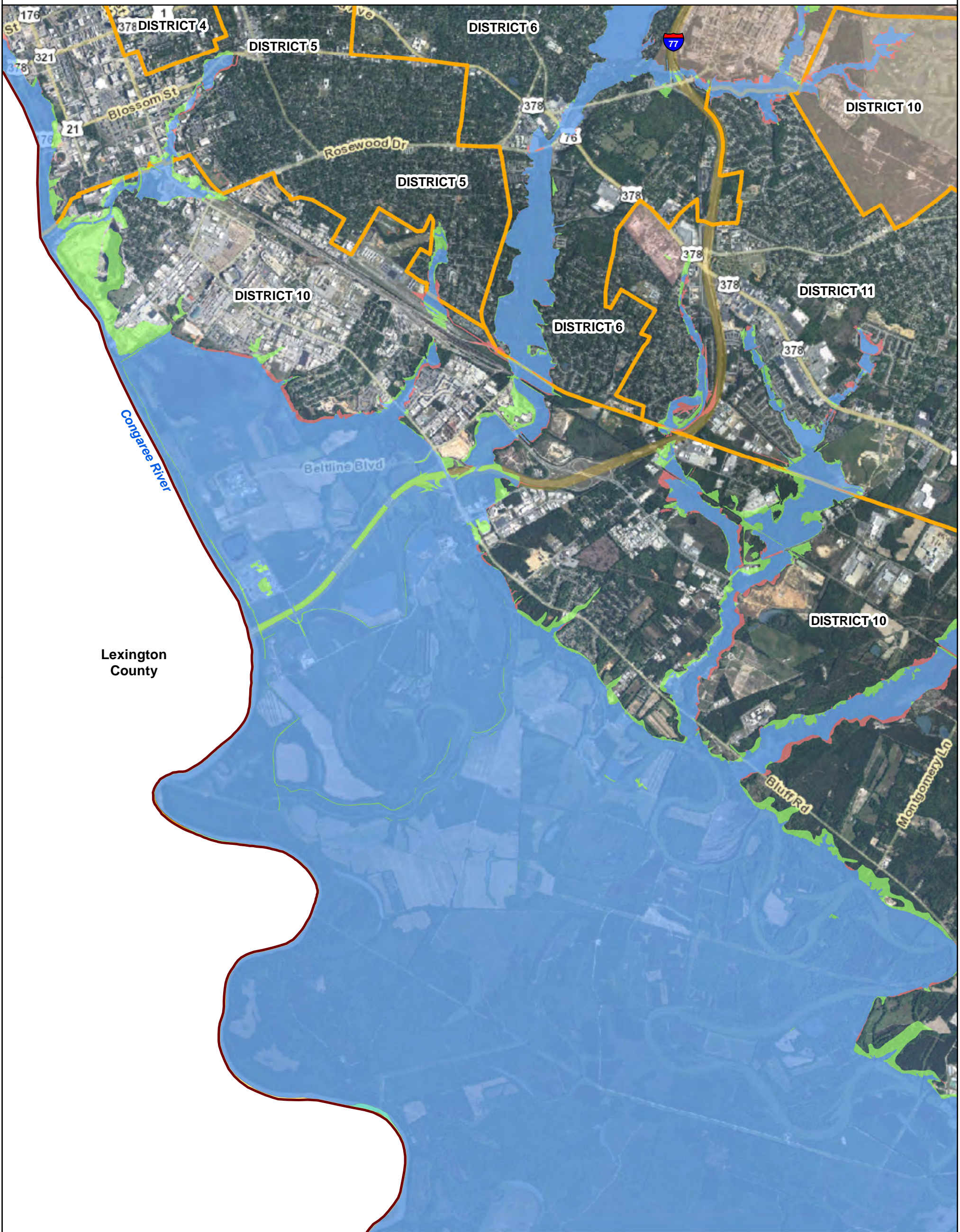
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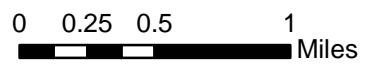
## FEMA Special Flood Hazard Areas Changes: 2015 - MAP 9



Lexington County

### Legend

- SFHA (ZONE A / AE)
- ADDED TO SFHA
- REMOVED FROM SFHA
- 2015 SFHA - NO ZONE PRIOR
- WAS SFHA - NO ZONE 2015
- Council Districts



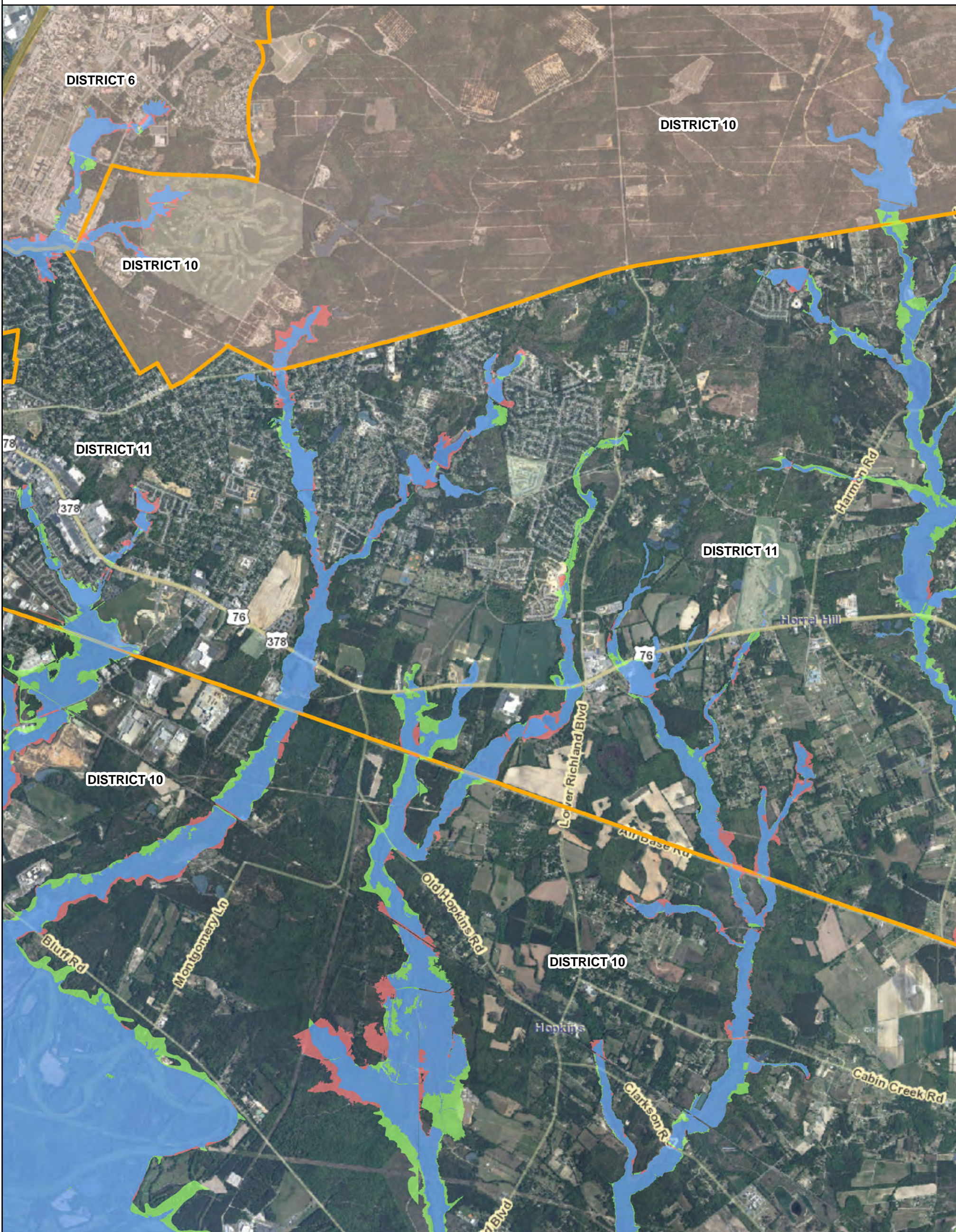
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# Richland County, SC

## FEMA Special Flood Hazard Areas Changes: 2015 - MAP 10



### Legend

- SFHA (ZONE A / AE)
- ADDED TO SFHA
- REMOVED FROM SFHA
- 2015 SFHA - NO ZONE PRIOR
- WAS SFHA - NO ZONE 2015
- Council Districts



0 0.25 0.5 1  
Miles

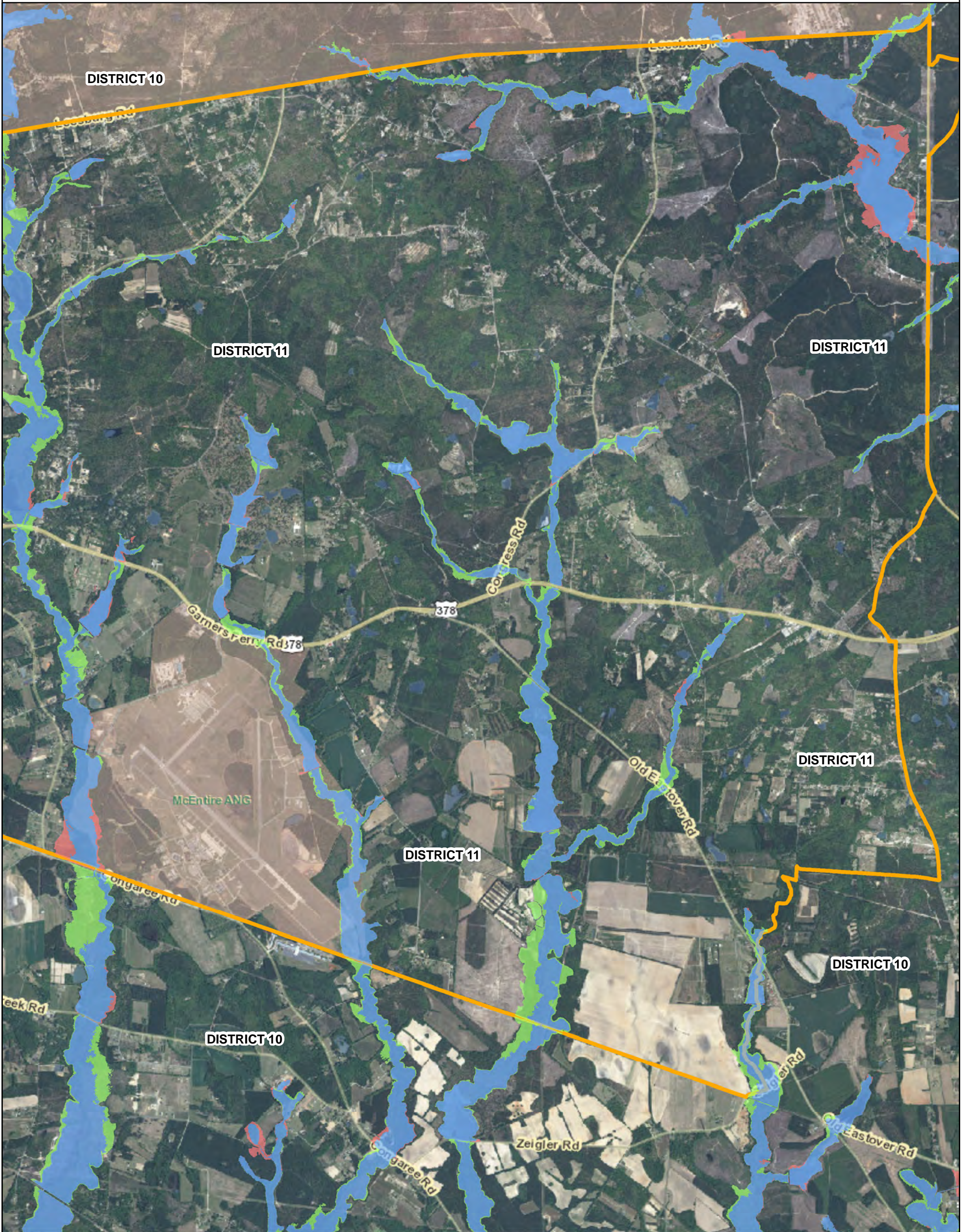
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# Richland County, SC

## FEMA Special Flood Hazard Areas Changes: 2015 - MAP 11



### Legend

- SFHA (ZONE A / AE)
- ADDED TO SFHA
- REMOVED FROM SFHA
- 2015 SFHA - NO ZONE PRIOR
- WAS SFHA - NO ZONE 2015
- Council Districts



0 0.25 0.5 1 Miles

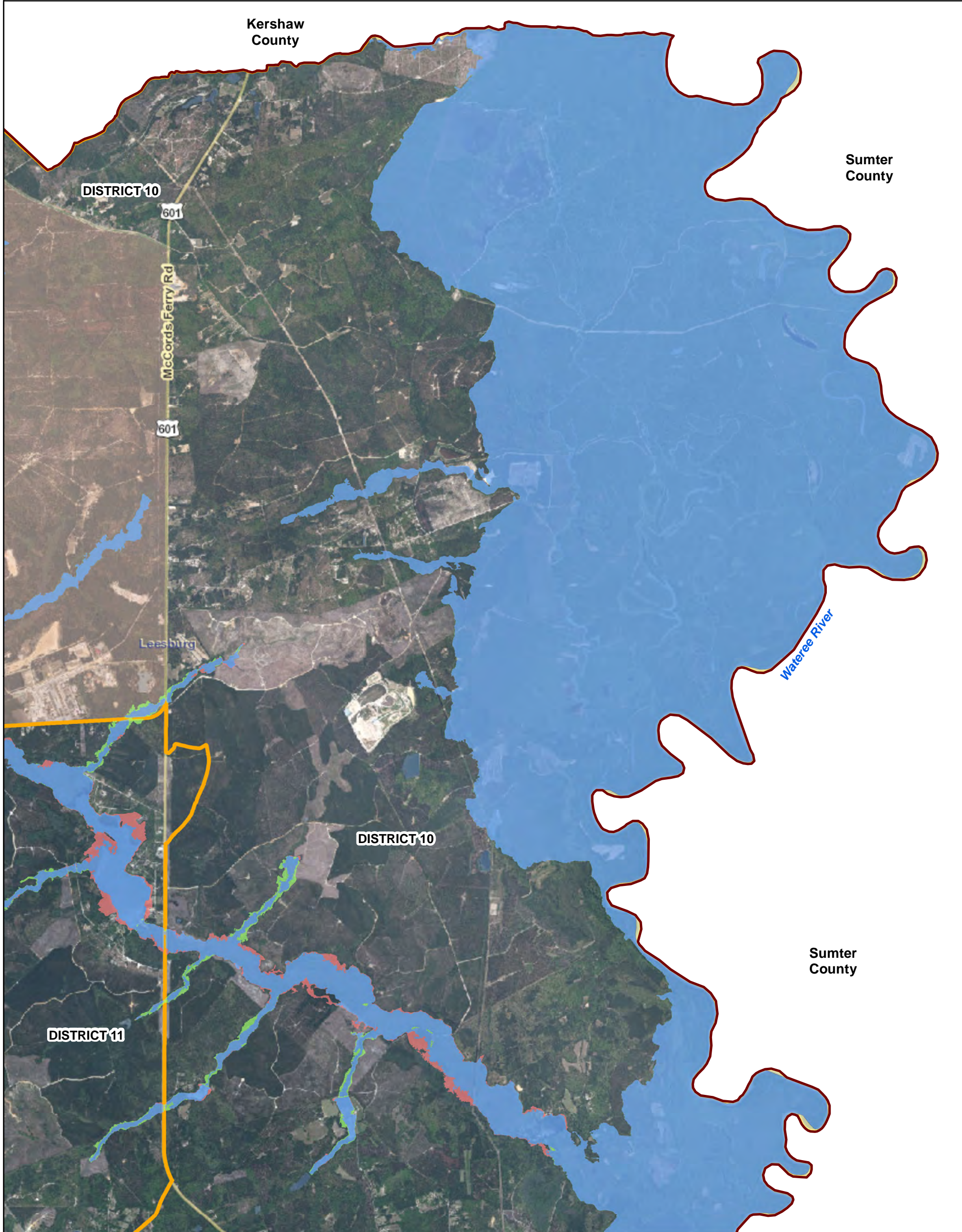
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# Richland County, SC

## FEMA Special Flood Hazard Areas Changes: 2015 - MAP 12



### Legend

- SFHA (ZONE A / AE)
- ADDED TO SFHA
- REMOVED FROM SFHA
- 2015 SFHA - NO ZONE PRIOR
- WAS SFHA - NO ZONE 2015
- Council Districts



0 0.25 0.5 1  
Miles

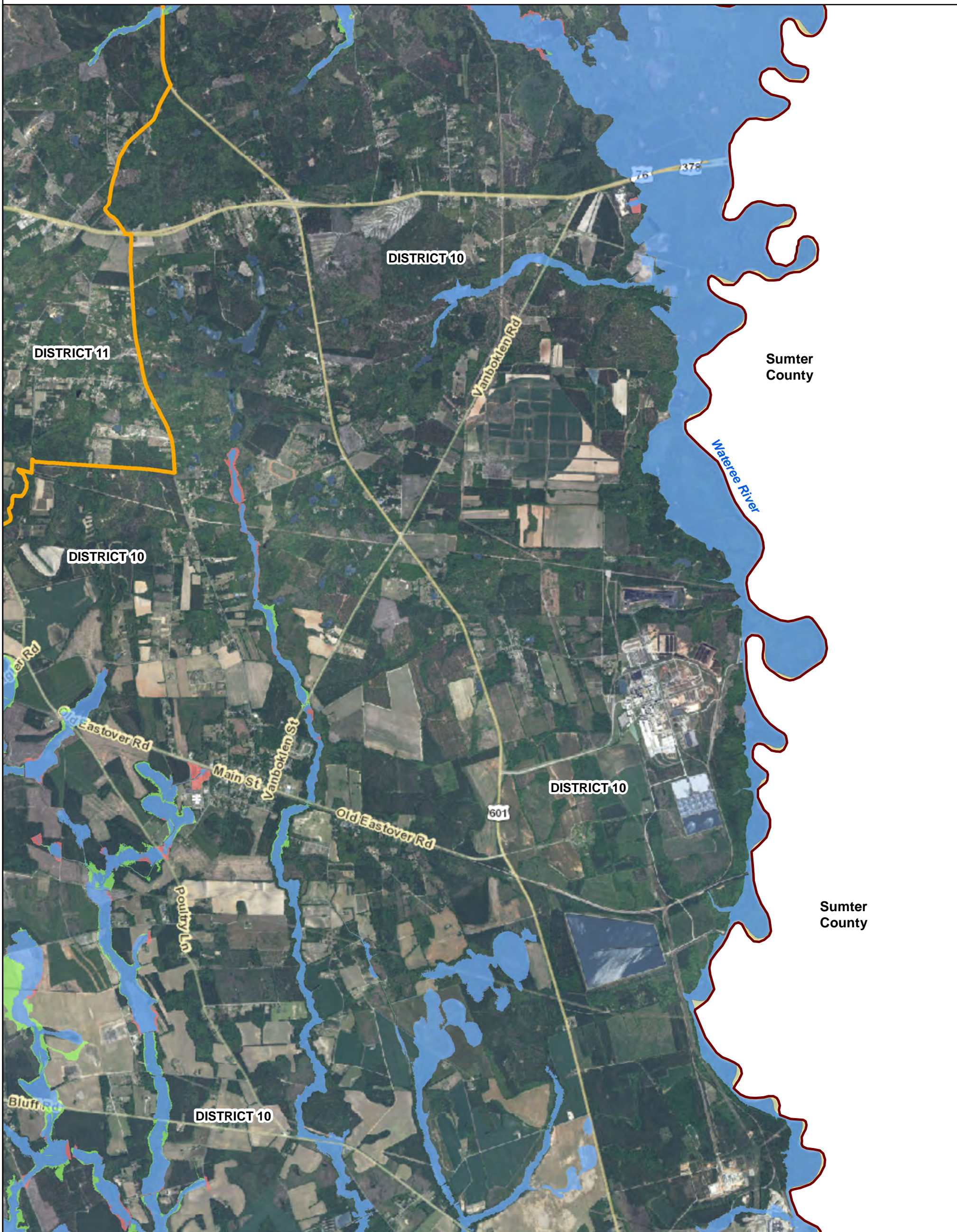
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# Richland County, SC

## FEMA Special Flood Hazard Areas Changes: 2015 - MAP 13



### Legend

- SFHA (ZONE A / AE)
- ADDED TO SFHA
- REMOVED FROM SFHA
- 2015 SFHA - NO ZONE PRIOR
- WAS SFHA - NO ZONE 2015
- Council Districts



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# Richland County, SC FEMA Special Flood Hazard Areas Changes 2015 - MAP 14



## Legend

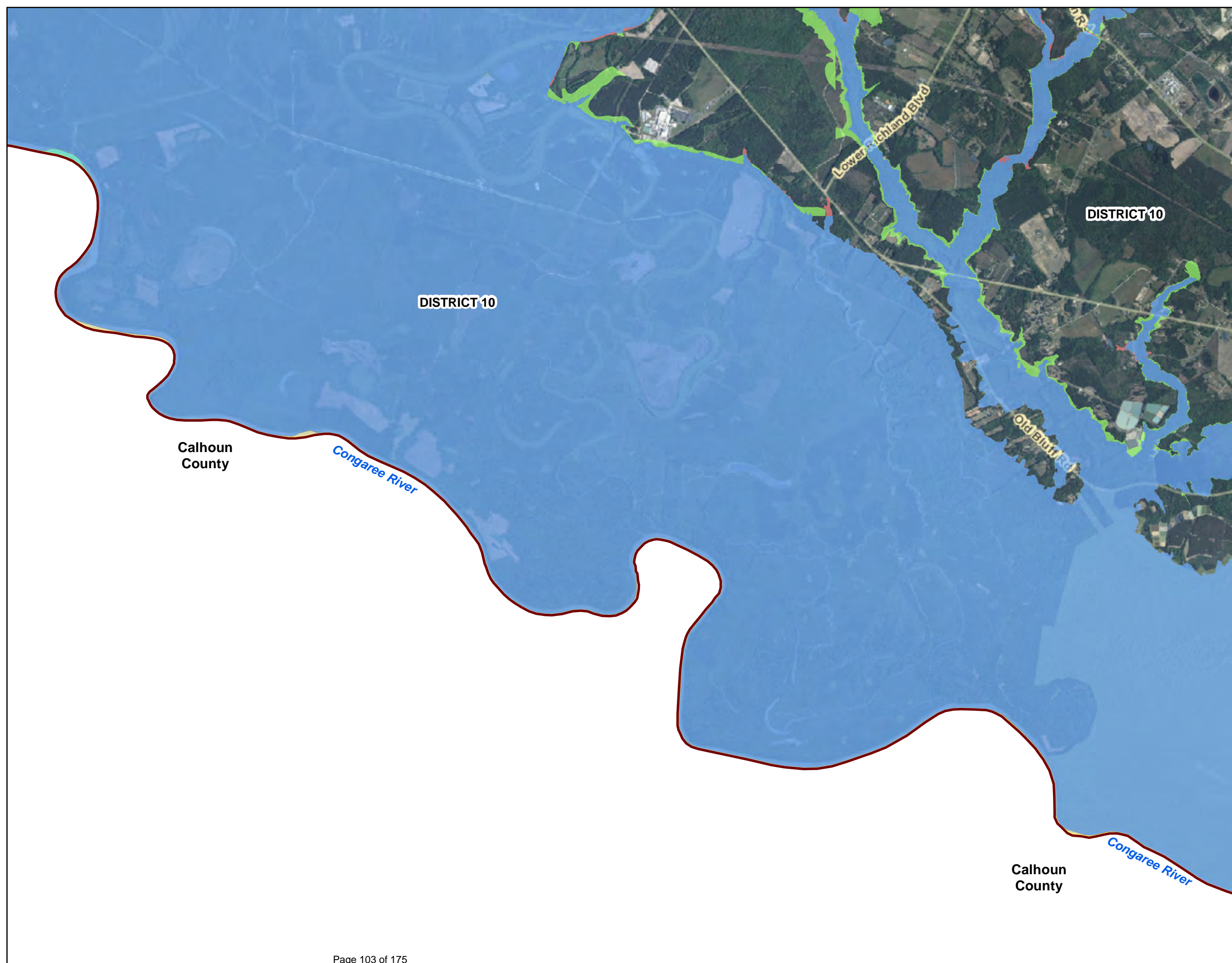
- SFHA (ZONE A / AE)
- ADDED TO SFHA
- REMOVED FROM SFHA
- 2015 SFHA - NO ZONE PRIOR
- WAS SFHA - NO ZONE 2015
- Council Districts



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# Richland County, SC FEMA Special Flood Hazard Areas Changes 2015 - MAP 15



## Legend

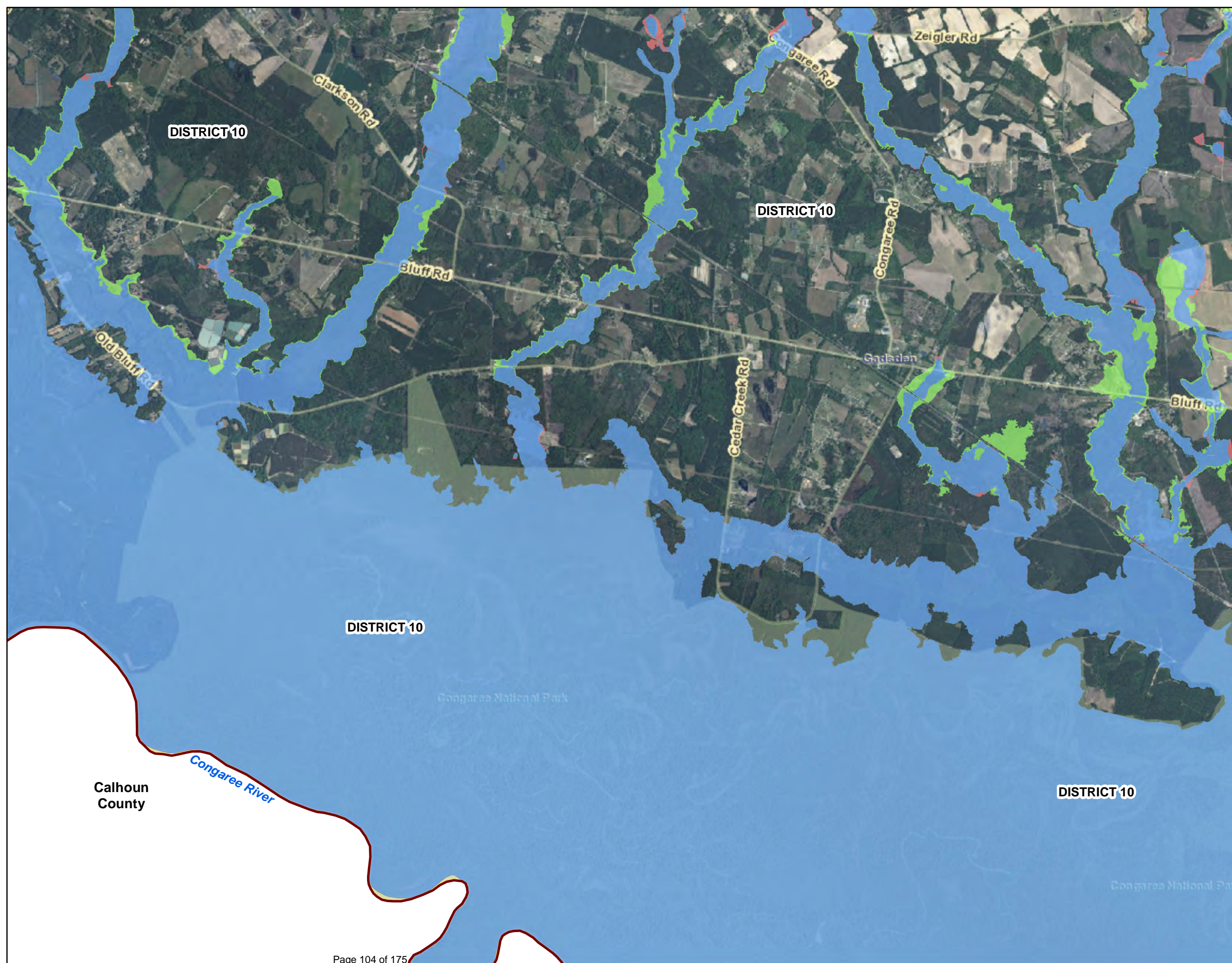
- SFHA (ZONE A / AE)
- ADDED TO SFHA
- REMOVED FROM SFHA
- 2015 SFHA - NO ZONE PRIOR
- WAS SFHA - NO ZONE 2015
- Council Districts



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# Richland County, SC FEMA Special Flood Hazard Areas Changes 2015 - MAP 16



## Legend

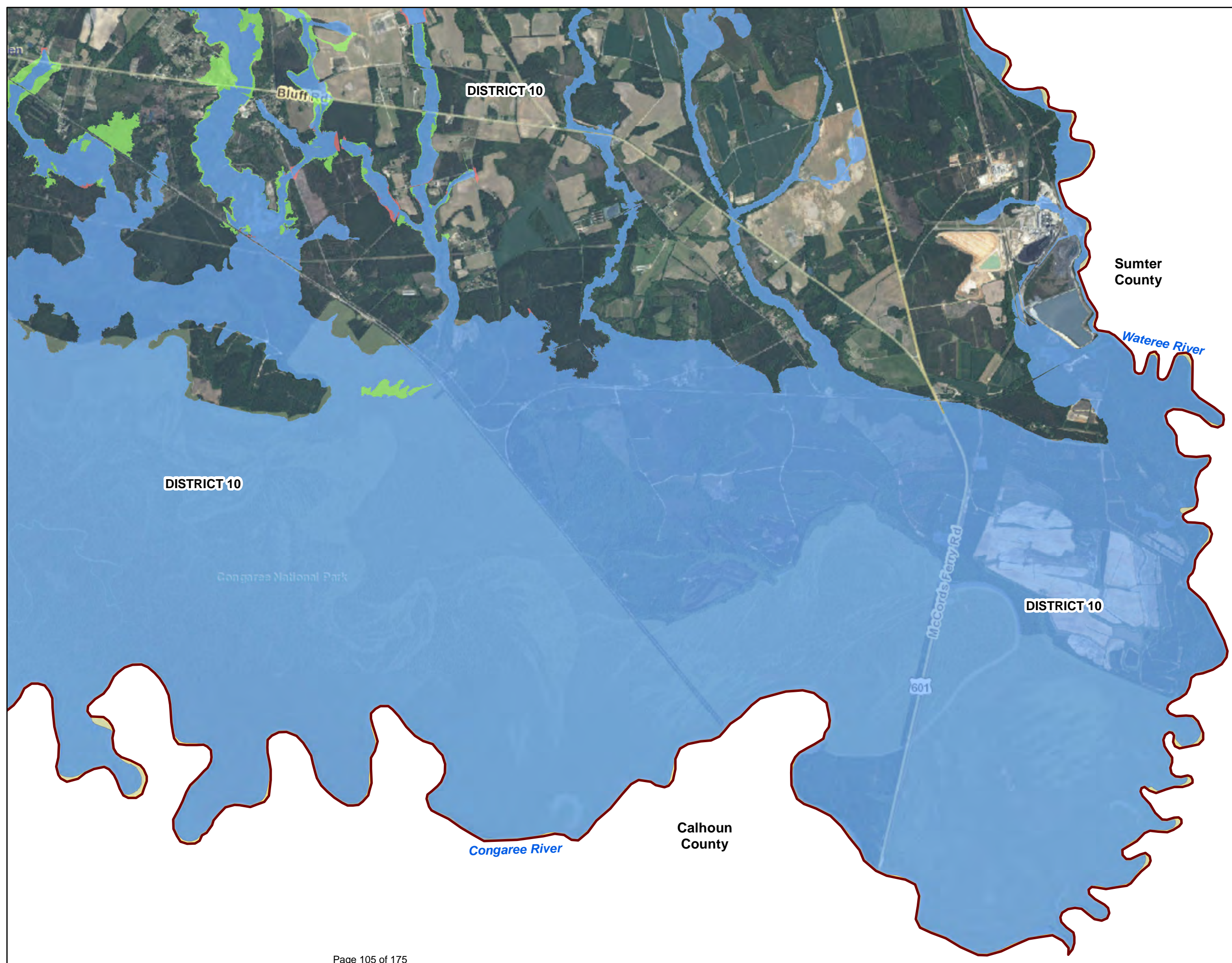
- SFHA (ZONE A / AE)
- ADDED TO SFHA
- REMOVED FROM SFHA
- 2015 SFHA - NO ZONE PRIOR
- WAS SFHA - NO ZONE 2015
- Council Districts



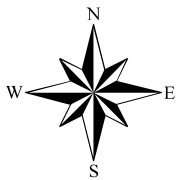
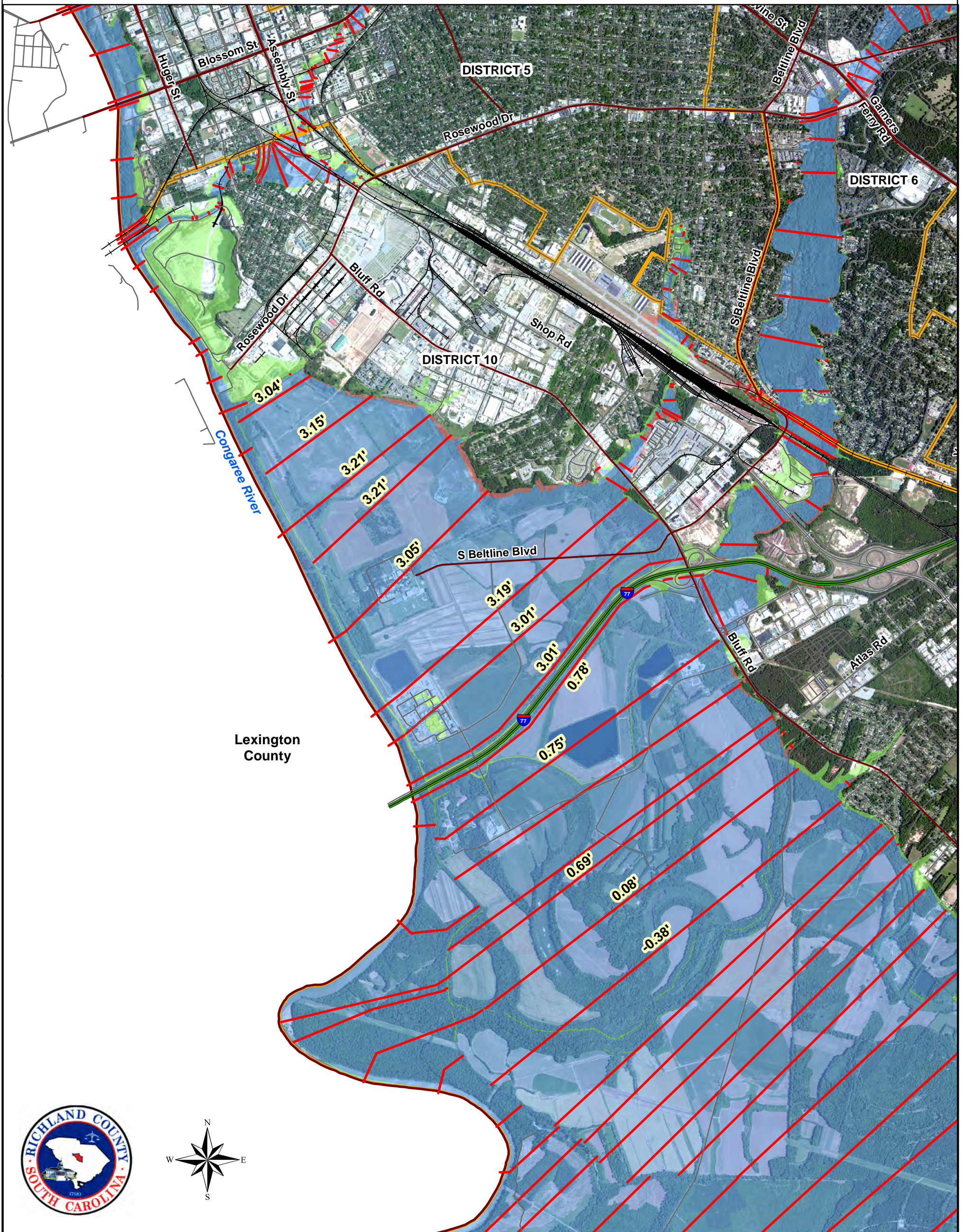
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# Richland County, SC - Congaree Area Base Flood Elevation Changes: 2015



## Legend

- |   |  |
|---|--|
| <span style="display: inline-block; width: 20px; height: 10px; background-color: #ADD8E6; border: 1px solid black;"></span> SFHA (ZONE A / AE)        | <span style="display: inline-block; width: 20px; border-bottom: 2px solid red;"></span> BFE - Cross Sections |
| <span style="display: inline-block; width: 20px; height: 10px; background-color: #FFC0CB; border: 1px solid black;"></span> ADDED TO SFHA             | <span style="display: inline-block; width: 20px; border: 2px solid orange;"></span> Council Districts        |
| <span style="display: inline-block; width: 20px; height: 10px; background-color: #90EE90; border: 1px solid black;"></span> REMOVED FROM SFHA         |  |
| <span style="display: inline-block; width: 20px; height: 10px; background-color: #7FFFD4; border: 1px solid black;"></span> 2015 SFHA - NO ZONE PRIOR |  |
| <span style="display: inline-block; width: 20px; height: 10px; background-color: #FFFF00; border: 1px solid black;"></span> WAS SFHA - NO ZONE 2015   |  |

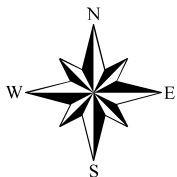
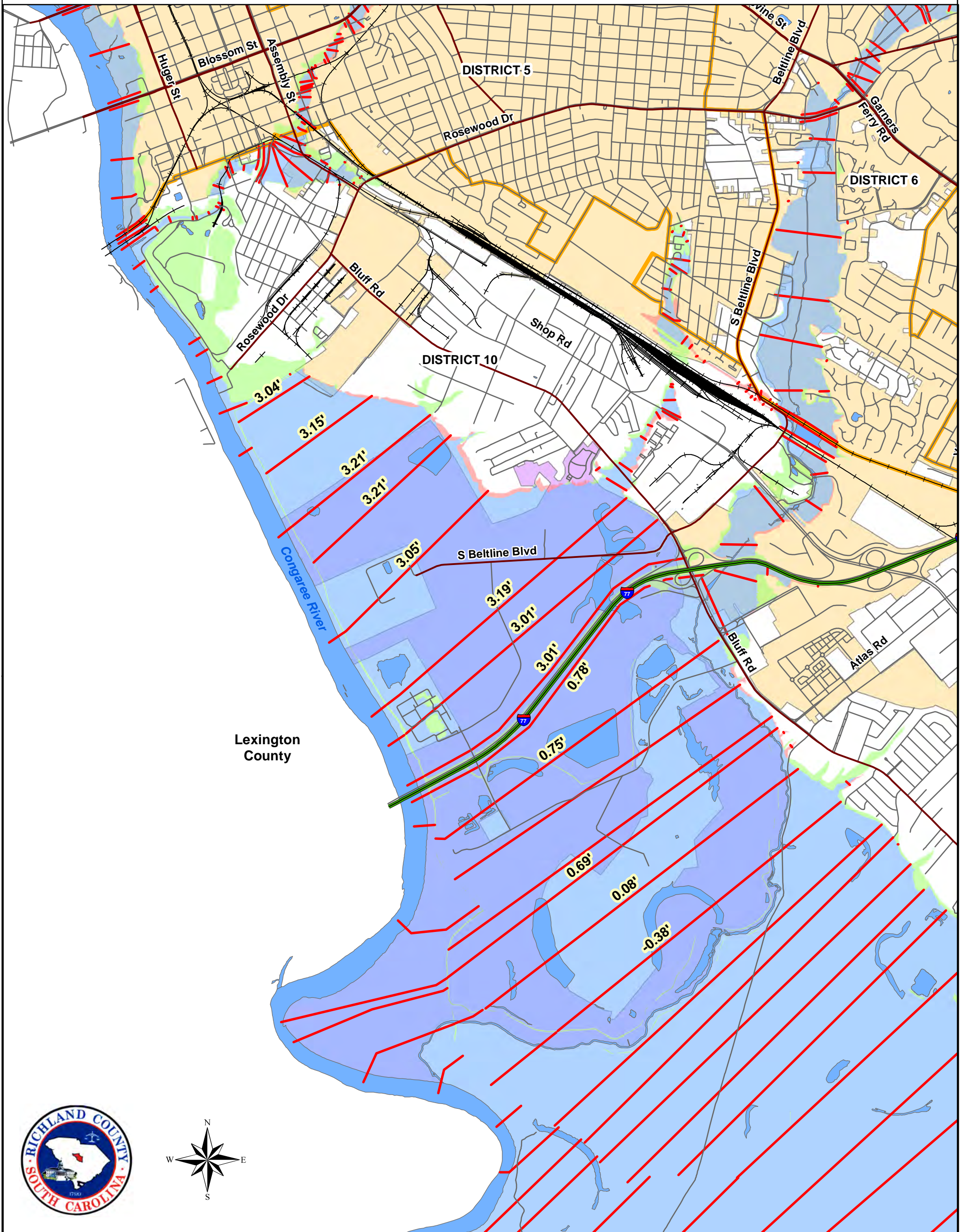
0    0.25    0.5    1  
Miles

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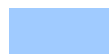



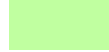



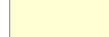

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# Richland County, SC - Congaree Area Base Flood Elevation Changes: 2015



## Legend

- |  |                           |   |                      |
|--|---------------------------|---|----------------------|
|  | SFHA (ZONE A / AE)        |  | BFE - Cross Sections |
|  | ADDED TO SFHA             |  | Council Districts    |
|  | REMOVED FROM SFHA         |  | Waterbody            |
|  | 2015 SFHA - NO ZONE PRIOR |  | Columbia             |
|  | WAS SFHA - NO ZONE 2015   |  | Cayce                |

0 0.25 0.5 1 Miles

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# Richland County Council Request of Action

## **Subject**

Authorizing the expansion of the boundaries of the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to include certain real property located in Richland County; the execution and delivery of a Credit Agreement to provide for Special Source Revenue Credits to Icon Columbia SC LLC, previously identified as Project Sandy; and other related matters **[PAGES 108-126]**

## **Notes**

First Reading: May 5, 2015

Second Reading: May 19, 2015

Third Reading:

Public Hearing: May 19, 2015

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

AUTHORIZING THE EXPANSION OF THE BOUNDARIES OF THE I-77 CORRIDOR REGIONAL INDUSTRIAL PARK JOINTLY DEVELOPED WITH FAIRFIELD COUNTY TO INCLUDE CERTAIN REAL PROPERTY LOCATED IN RICHLAND COUNTY; THE EXECUTION AND DELIVERY OF A CREDIT AGREEMENT TO PROVIDE FOR SPECIAL SOURCE REVENUE CREDITS TO ICON COLUMBIA SC LLC, PREVIOUSLY IDENTIFIED AS PROJECT SANDY; AND OTHER RELATED MATTERS.

WHEREAS, Richland County (“County”), a public body corporate and politic under the laws of the State of South Carolina, is authorized under Article VIII, Section 13(D) of the South Carolina Constitution and Title 4, Chapter 1 of the Code of Laws of South Carolina, 1976, as amended (collectively, “Act”), to (i) create multi-county industrial parks in partnership with counties having contiguous borders with the County; and (ii) include the property of eligible companies within such multi-county industrial parks, which inclusion under the terms of the Act makes such property exempt from *ad valorem* property taxes, and changes the character of the annual receipts from such property to fees-in-lieu of ad valorem property taxes in an amount equivalent to the *ad valorem* taxes that would have been due and payable but for the location of the property in such multi-county industrial parks (“Fee Payments”);

WHEREAS, the County is further authorized by the Act to grant credits against such Fee Payments (“Credit”) in order to assist a company located in a multi-county industrial park in paying the cost of designing, acquiring, constructing, improving, or expanding (A) the infrastructure serving the County or the property of a company located within such multi-county industrial parks or (B) for improved or unimproved real estate and personal property used in the operation of a commercial enterprise located within such multi county industrial park in order to enhance the economic development of the County (“Infrastructure”);

WHEREAS, the County and Fairfield County, South Carolina have previously developed a multi-county industrial park (“Park”) and entered into the “Master Agreement Governing the I-77 Corridor Regional Industrial Park,” dated April 15, 2003 which governs the operation of the Park (“Park Agreement”);

WHEREAS, if plans proceed as expected, Icon Columbia SC LLC, a limited liability company organized and existing under the laws of the State of Delaware, previously identified as Project Sandy (“Company”), will make an investment of at least \$40,000,000 in the County, on a site more particularly described on Exhibit A, to establish a student-housing facility in the County (“Facility”);

WHEREAS, the Facility is expected to provide significant economic benefits to the County and surrounding areas, including an increase in tax base and stimulation of additional development;

WHEREAS, at the Company’s request, and in order to make the Project economically feasible, the County has offered as a reimbursement to the Company for its expenditures on Infrastructure benefitting the County and the Facility, a Credit against the Company’s Fee Payments on the Facility, the terms and conditions of which are more particularly described in the Credit Agreement between the County and the Company, the form of which is attached as Exhibit B; and

WHEREAS, to effect the Credit, the County desires to expand the boundaries of the Park and amend the Master Agreement to include the Facility in the Park.

NOW THEREFORE, THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, ORDAINS:

**Section 1. Expansion of Park Boundaries; Inclusion of Facility.** There is hereby authorized an expansion of the Park boundaries to include the Facility and an amendment to the Master Agreement. The County Council Chair, or the Vice Chair in the event the Chair is absent, the County Administrator and the Clerk to the County Council are hereby authorized to execute such documents and take such further actions as may be necessary to complete such expansion of the Park boundaries. Pursuant to the terms of the Master Agreement and the Act, such expansion shall be complete on the adoption of (i) a companion ordinance by the Fairfield County Council and (ii) a resolution or ordinance by the City of Columbia City Council consenting to the inclusion of the of the Facility in the Park.

**Section 2. Approval of Credit; Authorization to Execute Credit Agreement.** There is hereby authorized a Credit against the Company's Fee Payments with respect to the Facility as a reimbursement to the Company for its qualifying Infrastructure expenditures. The form and terms of the Credit as set forth in the Credit Agreement that is before this meeting are approved and all of the Credit Agreement's terms and conditions are incorporated in this Ordinance by reference as if the Credit Agreement was set out in this Ordinance in its entirety. The County Council Chair, or the Vice-Chair in the event the Chair is absent, is authorized and directed to execute the Credit Agreement, in the name of and on behalf of the County, subject to any revisions as may be approved by the Chair or the County Administrator following receipt of advice from counsel to the County and that do not materially affect the obligation and rights of the County under the Credit Agreement, and the Clerk to County Council is authorized and directed to attest the Credit Agreement.

**Section 3. Further Assurances.** The County Administrator (and his designated appointees) is authorized and directed, in the name of and on behalf of the County, to take whatever further actions and execute whatever further documents as the County Administrator (and his designated appointees) deems to be reasonably necessary and prudent to effect the intent of this Ordinance.

**Section 4. Savings Clause.** The provisions of this Ordinance are separable. If any part of this Ordinance is, for any reason, unenforceable then the validity of the remainder of this Ordinance is unaffected.

**Section 5. General Repealer.** Any prior ordinance, resolution or order, the terms of which are in conflict with this Ordinance, is, only to the extent of that conflict, repealed.

This Ordinance is effective after its third reading and public hearing.

RICHLAND COUNTY, SOUTH CAROLINA

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Chairman, Richland County Council

(SEAL)  
ATTEST:

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Clerk to Richland County Council

First Reading: May 5, 2015  
Second Reading: May 19, 2015  
Public Hearing: May 19, 2015  
Third Reading: June 2, 2015

**EXHIBIT A**  
**PROPERTY DESCRIPTION**

Parcel 1:

All those certain pieces, parcels or lots of land, situate, lying and being on the western side of Main Street, in the City of Columbia, County of Richland, State of South Carolina, being shown as Parcels "A" containing 34,898 square feet (0.801 acres) and Parcel "B" containing 230 square feet (0.005 acres), as shown on a survey entitled, "Closing Survey for South Carolina Baptist Convention, prepared by Whitworth & Associates, Inc., dated September 25, 2001 and recorded in the Office of the Register of Deeds for Richland County in Record Book 571, page 1411, and having such boundaries and measurements as shown on said survey.

Parcel 2:

All that certain piece, parcel or lot of land, together with improvements thereon, situate, lying and being at the Southwest corner of the intersection of College and Main Streets in the City of Columbia, County of Richland, State of South Carolina, being shown and delineated as Parcel "A" on a plat of College Street Associates, by Polson Surveying Co., Inc., dated July 24, 1989, recoded in the Office of the Register of Deeds for Richland County in Plat Book 52, page 6836; said Parcel being bounded and measuring as follows: On the Northeast by the right of way of Main Street, whereon it fronts and measures 105.35 feet; on the Northwest by the right of way of College Street, whereon it fronts and measures 174.69 feet; on the Southwest by property now or formerly of S.C. Beer Wholesalers, whereon it measures 68.56 feet; on the Northwest again by property now or formerly of S.C. Beer Wholesalers, whereon it measures 27.59 feet; on the Southwest again by Parcel "B" below-described, whereon it measures 35.49 feet; and on the Southeast by property now or formerly of Crowson Stone Printing Co., whereon it measures 202.68 feet. Be all measurements a little more or less.

ALSO, all right title and interest if any, in and to Parcel "B" as shown on the aforesaid plat prepared by Polson Surveying Co., Inc. dated July 24, 1989; said Parcel being bounded and measuring as follows: On the Northwest by property now or formerly of S.C. Beer Wholesalers, whereon it measures 7.20 feet on the Southwest by property now or formerly of S.C. Beer Wholesalers, whereon it measures 35.40 feet; on the Southeast by property now or formerly of Crowson Stone Printing Co., whereon it measures 7.50 feet; and on the Northeast by the above-described Parcel "A", whereon it measures 35.49 feet; be all measurements a little more or less.



**EXHIBIT B**  
**FORM OF CREDIT AGREEMENT**

**CREDIT AGREEMENT**

**by and between**

**RICHLAND COUNTY, SOUTH CAROLINA**

**and**

**ICON COLUMBIA SC LLC**

**Effective as of \_\_\_\_\_, 2015**

## CREDIT AGREEMENT

This CREDIT AGREEMENT, effective as of \_\_\_\_\_, 2015 (“Agreement”), is by and between RICHLAND COUNTY, SOUTH CAROLINA, a body politic and corporate, and a political subdivision of the State of South Carolina (“County”), and Icon Columbia SC LLC, a limited liability company organized and existing under the laws of the State of Delaware and previously identified as Project Sandy (“Company,” with the County, “Parties,” each, a “Party”).

### WITNESSETH:

WHEREAS, the County, acting by and through its County Council (“County Council”), is authorized and empowered under and pursuant to the provisions of Article VIII, Section 13(D) of the South Carolina Constitution and the provisions of Title 4, Chapter 1 of the Code of Laws of South Carolina, 1976, as amended (collectively, “Act”), to (i) jointly develop a multi-county industrial or business park with a county having coterminous borders with the County; and (ii) in the County’s discretion, include within the boundaries of the multi-county industrial park the property of qualifying companies, which inclusion under the terms of the Act makes such property exempt from *ad valorem* property taxes, and changes the character of the annual receipts from such property to fees-in-lieu of *ad valorem* property taxes (“Fee Payments”) in an amount equivalent to the *ad valorem* taxes that would have been due and payable but for the location of the property in such multi-county industrial park;

WHEREAS, the County is further authorized by the Act, to grant a credit (“Credit”) to a company located in a multi-county industrial park against the company’s Fee Payments as a reimbursement for qualifying expenditures made by the company for the cost of designing, acquiring, constructing, improving or expanding (i) infrastructure serving the company’s project or the County and (ii) improved and unimproved real estate used in the operation of a commercial enterprise in order to enhance the economic development of the County (“Infrastructure”);

WHEREAS, pursuant to the authority provided in the Act, the County and Fairfield County, South Carolina have previously established a multi-county industrial park (“Park”) and entered into the “Master Agreement Governing the I-77 Corridor Regional Industrial Park,” dated April 15, 2003 which governs the operation of the Park (as amended from time to time, “Park Agreement”);

WHEREAS, if plans proceed as expected, the Company will make an investment of at least \$40,000,000 in the County, on a site more particularly described on Exhibit A (“Site”), to establish a student-housing facility in the County (“Facility”);

WHEREAS, pursuant to the County’s Ordinance No. [REDACTED] dated [REDACTED], 2015 (“County Ordinance”), the County authorized the expansion of the boundaries of the Park and an amendment to the Park Agreement to include the Site and, as a result, the Facility in the Park;

WHEREAS, as required under the provisions of the Act, because the Facility is located in the City of Columbia, South Carolina (“City”), the City has, pursuant to Ordinance No. [REDACTED] dated [REDACTED], 2015, consented to the inclusion of the Site within the boundaries of the Park; and

WHEREAS, pursuant to the County Ordinance, the County further authorized the execution and delivery of this Agreement and agreed to provide a Credit against the Company’s Fee Payments due with respect to the Facility to reimburse the Company for its expenditures on Infrastructure, subject to the terms and conditions below.

NOW, THEREFORE, in consideration of the respective representations and agreements hereinafter contained, the County and the Company agree as follows:

**ARTICLE I  
REPRESENTATIONS**

SECTION 1.01. Representations by the County. The County makes the following representations:

(a) The County is a body politic and corporate and a political subdivision of the State of South Carolina;

(b) The County is authorized and empowered by the provisions of the Act to enter into, and carry out its obligations under, this Agreement;

(c) The County has duly approved this Agreement by adoption of the County Ordinance in accordance with the Act and any other applicable state and local law;

(d) By proper action of the County Council, the County has duly authorized the execution and delivery of this Agreement and any and all actions reasonably necessary and appropriate to consummate the transactions contemplated hereby;

(e) The County has included the Site and, as a result, the Facility in the Park and shall maintain the Site and the Facility within the Park for the duration of this Agreement to facilitate the Company's receipt of the Credits; and

(f) The County enters into this Agreement for the purpose of promoting the economic development of the County.

SECTION 1.02. Representations by the Company. The Company makes the following representations:

(a) The Company is a limited liability company, duly organized, validly existing, and in good standing, under the laws of the State of Delaware, has power to enter into this Agreement, and by proper corporate action has authorized the officials signing this Agreement to execute and deliver it and take all actions reasonably necessary and appropriate to consummate the transactions contemplated hereby; and

(b) The Credits provided by the County in the manner set forth in this Agreement have been instrumental in inducing the Company to establish the Facility in the County.

**ARTICLE II  
INVESTMENT AND OPERATION OF THE FACILITY**

SECTION 2.01. Investment Commitment. The Company shall invest at least \$40,000,000 in connection with the Facility ("Investment Commitment") by the Certification Date (as defined below). The Company shall certify to the County achievement of the Investment Commitment within 90 days of the issue date of the Certificate of Occupancy for the Facility ("Certification Date"), by providing documentation to the County of project development costs for the Facility sufficient to reflect such investment, in form and substance reasonably acceptable to the County. If the Company fails to achieve and certify the Investment Commitment to the County, as set forth above, then the County may terminate this Agreement and, upon any such termination, the Company shall be entitled to no further benefits hereunder. Notwithstanding anything in this Agreement to the contrary and subject to the Act, investment in connection with the Facility may, but shall not be required to, include, in the aggregate, capital expenditures and costs (including, but not limited to, expenditures and costs incurred for, or in connection

with, land acquisition, demolition, building construction, site preparation, site improvements, infrastructure construction, other real property improvements, and personal property acquisition) and soft costs (including, but not limited to, architectural fees, engineering fees, financing fees, legal fees, studies, developer and general contracting fees, insurance, permits and tap fees, impact fees, renting and marketing costs and project development costs).

SECTION 2.02. Operation of the Facility as a Private Dormitory. The Company shall operate the Facility in a manner which satisfies the requirements applicable as of the date hereof to private dormitories under Section 17-321 of the Code of Ordinances of the City of Columbia, South Carolina, as amended, a copy of which is attached hereto as Exhibit B, (“City Code”) as set forth in this Section 2.02; provided, however, that certain space in the building housing the facility shall be conveyed to the South Carolina Baptist Convention for use as part of the Baptist Collegiate Ministry, and certain other space on the ground floor may be used for retail or other commercial uses (collectively, the “Non-Housing Space”). If the Facility fails to comply with such requirements as of the issue date of a Certificate of Occupancy for the Facility, then such failure shall be deemed an Event of Default under Section 4.01 hereof and the County shall, subject to the cure provisions set forth in Section 4.01 hereof, have the right to terminate this Agreement and, upon any such termination, the Company shall be entitled to no further benefits hereunder. If at any time during the Credit Term (as defined below), the Facility ceases to be operated as a private dormitory or is otherwise found by the City, in its reasonable discretion, to be non-compliant with the requirements of Section 17-321 of the City Code as in effect as of the date hereof, then such failure shall be deemed an Event of Default under Section 4.01 hereof and the County shall, subject to the cure provisions set forth in Section 4.01 hereof, have the right to terminate this Agreement and, upon any such termination, the Company shall be entitled to no further benefits hereunder.

### **ARTICLE III CREDIT TERMS**

#### SECTION 3.01. Amount and Duration of Credit.

(a) If, for any year of the Credit Term (as defined below), the Company’s gross Fee Payment (which shall be the Fee Payment before the deduction of any Credit due hereunder) payable with respect to the Facility (excluding any portion of the gross Fee Payment allocable to the Non-Housing Space) is greater than or equal to \$1,000,000, the County shall provide a 50% Credit against the Fee Payment due with respect to the Facility for such year, as provided herein. If, for any year of the Credit Term (as defined below), the Company’s gross Fee Payment with respect to the Facility is less than \$1,000,000 for such year, then the County shall provide a Credit against the Fee Payment with respect to the Facility for such year sufficient to reduce the Company’s Net Fee Payment (as defined below) to \$500,000 (excluding any portion of the net Fee Payment allocable to the Non-Housing Space). If, for any year of the Credit Term (as defined below), the Company’s gross Fee Payment with respect to the Facility is less than \$500,000, then this Agreement shall terminate prospectively.

(b) The Company is eligible to receive a Credit, as set forth in this Agreement, for a period of 10 consecutive years, beginning with the first full year for which the Company owes a Fee Payment with respect to the Facility following the receipt by the Company of a Certificate of Occupancy for the Facility (“Credit Term”).

(c) For each year of the Credit Term, the County shall prepare and issue the annual Fee Payment bill with respect to the Facility net of the Credit set forth in Section 3.01(a) hereof (“Net Fee Payment”). Following receipt of any such Net Fee Payment bill, the Company shall timely remit such Net Fee Payment to the County in accordance with applicable law.

(d) If any portion of this Agreement is found to be invalid or unenforceable by a court of competent jurisdiction, the County agrees to provide the Company with a Credit in a maximum amount and for a maximum term that is not invalid or unenforceable under the terms of such court ruling, but in no event may the value of such revised Credit exceed the value of the Credit offered to the Company set forth in Section 3.01 of this Agreement.

(e) No breach by the County of this Agreement shall result in the imposition of any pecuniary liability upon the County or any charge upon its general credit or against its taxing power. The liability of the County under this Agreement or for any breach or default by the County of any of the foregoing shall be limited solely and exclusively to the Fee Payments received from the Company. The County shall not be required to provide the Credit set forth in this Agreement except with respect to the Fee Payments received from the Company.

SECTION 3.02. Cumulative Limit on Credit. The cumulative dollar amount expended by the Company on Infrastructure shall equal or exceed the cumulative dollar amount of the Credit received by the Company under this Agreement.

SECTION 3.03. Termination.

Unless first terminated under any other provision of this Agreement, this Agreement terminates on the expiration of the Credit Term and payment by the Company of any outstanding Net Fee Payment due on the Facility pursuant to the terms of this Agreement.

**ARTICLE IV  
DEFAULTS AND REMEDIES**

SECTION 4.01. Events of Default. If any Party fails duly and punctually to perform any material covenant, condition, agreement or provision contained in this Agreement on the part of such Party to be performed, which, except as otherwise provided in this Agreement, failure shall continue for a period of 60 days after written notice by the other Party specifying the failure and requesting that it be remedied is given to the defaulting Party, then such Party is in default under this Agreement (“Event of Default”); provided, however, that if any such failure is not, with due diligence, susceptible of cure within such 60-day period, then such defaulting Party shall have an additional period of time not to exceed 30 days from the date of such written notice by the other Party to cure such failure, unless such Parties agree in a writing signed by all Parties to an extension of such time prior to its expiration.

SECTION 4.02. Legal Proceedings by Company and County. On the happening of any Event of Default by a Party, then and in every such case the other Party, in its discretion may:

- (a) subject to the cure provisions in Section 4.01 hereof, terminate this Agreement;
- (b) by mandamus, or other suit, action, or proceeding at law or in equity, enforce all of its rights and require the defaulting Party to perform its duties under the Act and this Agreement;
- (c) bring suit upon this Agreement;
- (d) exercise any or all rights and remedies in effect in the State of South Carolina, or other applicable law; or
- (e) by action or suit in equity enjoin any acts or things which may be unlawful or in violation of its rights.

SECTION 4.03. Remedies Not Exclusive. No remedy in this Agreement conferred upon or reserved either to the Company or County is intended to be exclusive of any other remedy or remedies, and each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or now or hereafter existing at law or in equity or by statute.

SECTION 4.04. Nonwaiver. No delay or omission of the Company or County to exercise any right or power accruing upon any default or Event of Default shall impair any such right or power or shall be construed to be a waiver of any such default or Event of Default, or an acquiescence therein; and every power and remedy given by this Article IV to the Company or County may be exercised from time to time and as often as may be deemed expedient.

## **ARTICLE V MISCELLANEOUS**

SECTION 5.01. Assignment. The Company may assign this Agreement in whole or in part with the prior written consent of the County, which consent will not be unreasonably withheld, conditioned, or delayed, and may be given by resolution of County Council. Notwithstanding the foregoing, any assignment of this Agreement, in whole or in part, to an affiliated entity of the Company is hereby approved without any further action of the County Council. The County's Director of Economic Development must receive notice of any assignment to an affiliated entity of the Company.

### SECTION 5.02. Examination of Records; Confidentiality.

(a) The Company agrees that the County and its authorized agents shall have the right to request and receive copies of the Company's records of cost of the Facility and of use of the Facility sufficient to verify compliance by the Company with its obligations under this Agreement.

(b) The County, and County Council, acknowledge and understand that the Company may have and maintain at the Facility certain confidential and proprietary information, including but not limited to financial, sales or other information concerning the Company's operations ("Confidential Information") and that any disclosure of the Confidential Information would result in substantial harm to the Company and could thereby have a significant detrimental impact on the Company's employees and also upon the County. Therefore, except as required by law, the County, and County Council, agrees to keep confidential, and to cause employees, agents and representatives of the County to keep confidential, the Confidential Information which may be obtained from the Company, its agents or representatives. The County, and County Council, shall not disclose and shall cause all employees, agents and representatives of the County not to disclose the Confidential Information to any person other than in accordance with the terms of this Agreement.

SECTION 5.03. Successors and Assigns. All covenants, stipulations, promises, and agreements contained in this Agreement, by or on behalf of, or for the benefit of, the County or the Company, as the case may be, shall bind or inure to the benefit of the successors of the County or the Company, as the case may be, from time to time and any officer, board, commission, agency, or instrumentality to whom or to which any power or duty of the County, shall be transferred.

SECTION 5.04. Provisions of Agreement for Sole Benefit of County and Company. Except as in this Agreement otherwise specifically provided, nothing in this Agreement expressed or implied is intended or shall be construed to confer upon any person other than the County and the Company any right, remedy, or claim under or by reason of this Agreement, this Agreement being intended to be for the sole and exclusive benefit of the County and the Company.

SECTION 5.05. Severability. In case any one or more of the provisions of this Agreement shall, for any reason, be held to be illegal or invalid, the illegality or invalidity shall not affect any other provision of this Agreement, and this Agreement and the Credits shall be construed and enforced as if the illegal or invalid provisions had not been contained herein or therein.

SECTION 5.06. No Liability for Personnel of County or Company. No covenant or agreement contained in this Agreement is deemed to be a covenant or agreement of any member, agent, or employee of the County or its governing body or the Company or any of its officers, employees, or agents in an individual capacity, and neither the members of the governing body of the County nor any official executing this Agreement is liable personally on the Credits or the Agreement or subject to any personal liability or accountability by reason of the issuance thereof.

SECTION 5.07. Indemnification Covenant.

(a) Except as provided in paragraph (b) below, the Company shall indemnify and save the County, its employees, elected officials, officers and agents (each, an “Indemnified Party”) harmless against and from all claims by or on behalf of any person arising from the County’s execution of this Agreement, performance of the County’s obligations under this Agreement or the administration of its duties pursuant to this Agreement, or otherwise by virtue of the County having entered into this Agreement. If such a claim is made against any Indemnified Party, then subject to the provisions of (b) below, the Company shall defend the Indemnified Party in any action or proceeding.

(b) Notwithstanding anything herein to the contrary, the Company is not required to indemnify any Indemnified Party against any claim or liability (i) occasioned by the acts of that Indemnified Party, which are unrelated to the execution of this Agreement, performance of the County’s obligations under this Agreement, or the administration of its duties under this Agreement, or otherwise by virtue of the County having entered into this Agreement; or (ii) resulting from that Indemnified Party’s own negligence, bad faith, fraud, deceit, or willful misconduct.

(c) An Indemnified Party may not avail itself of the indemnification provided in this Section unless it provides the Company with prompt notice, reasonable under the circumstances, of the existence or threat of any claim or liability, including, without limitation, copies of any citations, orders, fines, charges, remediation requests, or other claims or threats of claims, in order to afford the Company notice, reasonable under the circumstances, within which to defend or otherwise respond to a claim.

(d) Following this notice, the Company shall resist or defend against any claim or demand, action or proceeding, at its expense, using counsel of its choice. The Company is entitled to manage and control the defense of or response to any claim, charge, lawsuit, regulatory proceeding or other action, for itself and the Indemnified Party; provided the Company is not entitled to settle any matter at the separate expense or liability of any Indemnified Party without the consent of that Indemnified Party. To the extent any Indemnified Party desires to use separate counsel for any reason, other than a conflict of interest, that Indemnified Party is responsible for its independent legal fees.

SECTION 5.08. Notices. All notices, certificates, requests, or other communications under this Agreement are sufficiently given and are deemed given, unless otherwise required by this Agreement, when (i) delivered or (ii) sent by facsimile and confirmed by United States first-class registered mail, postage prepaid, addressed as follows:

(a)	if to the County:	Richland County, South Carolina Attn: Director of Economic Development 2020 Hampton Street (29204)
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Post Office Box 192  
Columbia, South Carolina 29202

with a copy to  
(does not constitute notice):

Parker Poe Adams & Bernstein LLP  
Attn: Ray E. Jones  
1201 Main Street, Suite 1450 (29201)  
Post Office Box 1509  
Columbia, South Carolina 29202

(b) if to the Company:

Icon Columbia SC LLC  
Attn: Tom Trubiana, President  
999 South Shady Grove Road, Suite 600  
Memphis, Tennessee 38120

with a copy to  
(does not constitute notice):

Haynsworth Sinkler Boyd, P.A.  
Attn: John B. McArthur  
1201 Main Street, Suite 2200 (29201)  
Post Office Drawer 11889  
Columbia, South Carolina 29211-1889

The County and the Company may, by notice given under this Section, designate any further or different addresses to which subsequent notices, certificates, requests or other communications shall be sent.

SECTION 5.09. Administrative Fees.

(a) The Company shall reimburse the County for reasonable expenses, including, reasonable attorneys' fees, related to (i) review and negotiation of this Agreement, or (ii) review and negotiation of any other documents related to the Facility, in an amount not to exceed \$5,000.

SECTION 5.10. Merger. This Agreement constitutes the entire agreement among the parties to it with respect to the matters contemplated in it, and it is understood and agreed that all undertakings, negotiations, representations, promises, inducements and agreements heretofore had among these parties are merged herein.

SECTION 5.11 Agreement to Sign Other Documents; Conversion to Fee in Lieu of Taxes.

(a) The County agrees that it will from time to time, and at the expense of the Company, execute and deliver such further instruments and take such further action as may be reasonable and as may be required to carry out the purpose of this Agreement; provided, however, that such instruments or actions shall never create or constitute an indebtedness of the County within the meaning of any state constitutional provision (other than the provisions of Article X, Section 14(10) of the South Carolina Constitution) or statutory limitation and shall never constitute or give rise to a pecuniary liability of the County or a charge against its general credit or taxing power or pledge the credit or taxing power of the State of South Carolina, or any other political subdivision of the State of South Carolina.

SECTION 5.12. Agreement's Construction. The Parties agree that each Party and its counsel have reviewed and revised this Agreement and that any rule of construction to the effect that ambiguities are to

be resolved against a drafting party does not apply in the interpretation of this Agreement or any amendments or exhibits to this Agreement.

SECTION 5.13. Applicable Law. South Carolina law, exclusive of its conflicts of law provisions that would refer the governance of this Agreement to the laws of another jurisdiction, governs this Agreement.

SECTION 5.14. Counterparts. This Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original; but such counterparts shall together constitute but one and the same instrument.

SECTION 5.15. Amendments. This Agreement may be amended only by written agreement of the parties hereto.

SECTION 5.16. Waiver. Either Party may waive compliance by the other Party with any term or condition of this Agreement but the waiver is valid only if it is in a writing signed by the waiving Party.

*[TWO SIGNATURE PAGES FOLLOW]  
[REMAINDER OF PAGE INTENTIONALLY BLANK]*

IN WITNESS WHEREOF, Richland County, South Carolina, has caused this Agreement to be executed by the appropriate officials of the County and its corporate seal to be hereunto affixed and attested, effective the day and year first above written.

RICHLAND COUNTY, SOUTH CAROLINA

---

Chair, Richland County Council

(SEAL)  
ATTEST:

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Clerk to Richland County Council

IN WITNESS WHEREOF, Icon Columbia SC LLC has caused this Agreement to be executed by its authorized officers, effective the day and year first above written.

ICON COLUMBIA SC LLC

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

*[REMAINDER OF PAGE INTENTIONALLY BLANK]*

**EXHIBIT A**  
**DESCRIPTION OF SITE**

Parcel 1:

All those certain pieces, parcels or lots of land, situate, lying and being on the western side of Main Street, in the City of Columbia, County of Richland, State of South Carolina, being shown as Parcels "A" containing 34,898 square feet (0.801 acres) and Parcel "B" containing 230 square feet (0.005 acres), as shown on a survey entitled, "Closing Survey for South Carolina Baptist Convention, prepared by Whitworth & Associates, Inc., dated September 25, 2001 and recorded in the Office of the Register of Deeds for Richland County in Record Book 571, page 1411, and having such boundaries and measurements as shown on said survey.

Parcel 2:

All that certain piece, parcel or lot of land, together with improvements thereon, situate, lying and being at the Southwest corner of the intersection of College and Main Streets in the City of Columbia, County of Richland, State of South Carolina, being shown and delineated as Parcel "A" on a plat of College Street Associates, by Polson Surveying Co., Inc., dated July 24, 1989, recoded in the Office of the Register of Deeds for Richland County in Plat Book 52, page 6836; said Parcel being bounded and measuring as follows: On the Northeast by the right of way of Main Street, whereon it fronts and measures 105.35 feet; on the Northwest by the right of way of College Street, whereon it fronts and measures 174.69 feet; on the Southwest by property now or formerly of S.C. Beer Wholesalers, whereon it measures 68.56 feet; on the Northwest again by property now or formerly of S.C. Beer Wholesalers, whereon it measures 27.59 feet; on the Southwest again by Parcel "B" below-described, whereon it measures 35.49 feet; and on the Southeast by property now or formerly of Crowson Stone Printing Co., whereon it measures 202.68 feet. Be all measurements a little more or less.

ALSO, all right title and interest if any, in and to Parcel "B" as shown on the aforesaid plat prepared by Polson Surveying Co., Inc. dated July 24, 1989; said Parcel being bounded and measuring as follows: On the Northwest by property now or formerly of S.C. Beer Wholesalers, whereon it measures 7.20 feet on the Southwest by property now or formerly of S.C. Beer Wholesalers, whereon it measures 35.40 feet; on the Southeast by property now or formerly of Crowson Stone Printing Co., whereon it measures 7.50 feet; and on the Northeast by the above-described Parcel "A", whereon it measures 35.49 feet; be all measurements a little more or less.

**EXHIBIT B**  
**CODE OF ORDINANCES**

# Richland County Council Request of Action

## **Subject**

Authorizing an Amendment to the Master Agreement governing the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County to increase the percentage of the revenues generated by properties located in Richland County to be deposited in the Richland County Industrial Park Fund from three percent to five percent; and other related matters [**PAGES 127-135**]

## **Notes**

First Reading: May 5, 2015

Second Reading: May 19, 2015

Third Reading:

Public Hearing:

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

AUTHORIZING AN AMENDMENT TO THE MASTER AGREEMENT GOVERNING THE I-77 CORRIDOR REGIONAL INDUSTRIAL PARK JOINTLY DEVELOPED WITH FAIRFIELD COUNTY TO INCREASE THE PERCENTAGE OF THE REVENUES GENERATED BY PROPERTIES LOCATED IN RICHLAND COUNTY TO BE DEPOSITED IN THE RICHLAND COUNTY INDUSTRIAL PARK FUND FROM THREE PERCENT TO FIVE PERCENT; AND OTHER RELATED MATTERS.

WHEREAS, Richland County (“County”), a public body corporate and politic under the laws of the State of South Carolina, is authorized under Article VIII, Section 13(D) of the South Carolina Constitution and Title 4, Chapter 1 of the Code of Laws of South Carolina, 1976, as amended (collectively, “Act”), to (i) create multi-county industrial parks in partnership with counties having contiguous borders with the County; and (ii) include the property of eligible companies within such multi-county industrial parks, which inclusion under the terms of the Act makes such property exempt from *ad valorem* property taxes, and changes the character of the annual receipts from such property to fees-in-lieu of *ad valorem* property taxes in an amount equivalent to the *ad valorem* taxes that would have been due and payable but for the location of the property in such multi-county industrial parks (“Fee Payments”);

WHEREAS, the County and Fairfield County, South Carolina (“Fairfield”) have previously developed a multi-county industrial park (“Park”) and entered into the “Master Agreement Governing the I-77 Corridor Regional Industrial Park,” dated April 15, 2003 which governs the operation of the Park (“Park Agreement”);

WHEREAS, pursuant to the Act and Agreement, the County is authorized to specify the manner in which Fee Payments (i) received by the County from property located in Fairfield or (ii) retained by the County from property located in the County are distributed to each of the taxing entities within the County;

WHEREAS, to continue to attract investment to and encourage economic development in the County, the County desires to amend the Agreement to ratify and approve the manner in which certain Fee Payments are distributed to the taxing entities within the County;

NOW THEREFORE, THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, ORDAINS:

**Section 1. Amendment Authorized.** Council authorizes an amendment to the Agreement, as set forth more fully in the Third Amendment to Master Agreement Governing the I-77 Corridor Regional Industrial Park attached as Exhibit A (“Amendment”), to ratify and approve the internal distribution of certain Fee Payments. The County Council Chair, or the Vice Chair in the event the Chair is absent, and the Clerk to the County Council are hereby authorized to execute the Amendment. The Chair is further directed to deliver the Amendment to Fairfield.

**Section 2. Further Assurances.** The County Administrator (and his designated appointees) is authorized and directed, in the name of and on behalf of the County, to take whatever further actions and



execute whatever further documents as the County Administrator (and his designated appointees) deems to be reasonably necessary and prudent to effect the intent of this Ordinance.

**Section 3. *Savings Clause.*** The provisions of this Ordinance are separable. If any part of this Ordinance is, for any reason, unenforceable then the validity of the remainder of this Ordinance is unaffected.

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

This Ordinance is effective after its third reading and public hearing.

RICHLAND COUNTY, SOUTH CAROLINA

---

Chair, Richland County Council

(SEAL)  
ATTEST:

---

Clerk to Richland County Council

First Reading: [DATE]  
Second Reading: [DATE]  
Public Hearing: [DATE]  
Third Reading: [DATE]

**EXHIBIT A**  
**FORM OF AMENDMENT**

**THIRD AMENDMENT TO MASTER AGREEMENT  
GOVERNING THE I-77 CORRIDOR REGIONAL INDUSTRIAL PARK**

This Third Amendment to the Master Agreement Governing the I-77 Corridor Regional Industrial Park between Richland County, South Carolina and Fairfield County, South Carolina (“Amendment”) is effective [DATE].

WHEREAS, pursuant to Article VIII, Section 13(D) of the South Carolina Constitution, as amended, and Title 4, Chapter 1, Section 170 of the Code of Laws of South Carolina, 1976, as amended (“Act”), Richland County, South Carolina (“County”) and Fairfield County, South Carolina (“Fairfield”) entered into the Master Agreement Governing the I-77 Corridor Regional Industrial Park between Richland County, South Carolina and Fairfield County, South Carolina (“Agreement”), a copy of which is attaches as Exhibit A;

WHEREAS, each capitalized term not defined in this Amendment has the meaning as provided in the Agreement or, if not provided in the Agreement, as provided in the Act;

WHEREAS, the County adopted an amendment to Section 3.03(a), effective April 3, 2012, which modified the internal distribution of the County’s Revenues;

WHEREAS, the County also adopted an amendment to Section 3.03(a), effective July 1, 2014, which further modified the internal distribution of the County’s Revenues;

WHEREAS, pursuant to the Act and Section 3.03(b) of the Agreement, the County wishes to further amend Section 3.03(a) to ratify and approve the internal distribution of the County’s Revenues to continue to provide for funds to attract investment in and encourage economic development in the County; and

WHEREAS, by Ordinance No. [NUMBER] the County authorized the execution and delivery of this Amendment.

NOW, THEREFORE, the County amends the Agreement as follows:

Section 1. Amendment to Internal Distribution of Revenues. As authorized by the Act and Section 3.03(b), the County amends the internal distribution of the County’s Revenues by amending Section 3.03(a) of the Agreement through the insertion of the following underlined language and deletion of the language indicated by trike-through text:

***Section 3.03. Revenue Distribution Within Each County.***

(a) in accordance with the provisions of the *Horry County School District* case, the Counties acknowledge they are required to set forth herein the scheme for distribution of Revenues received from the Park to other taxing entities within each of the Counties. Fairfield hereby elects to retain all of the Revenues from the Park. For Revenues generated by properties located in Fairfield and received by Richland pursuant to Section 3.02, Richland shall deposit all of the Revenues into the Richland County Industrial Park fund (“Fund”). For Revenues generated by properties located in Richland and retained by Richland under Section 3.02, if the property is (i) located in the Park on or after January 15, 2009 and (ii) subject to a negotiated FILOT or a special source revenue credit

incentive, then Richland shall first deposit 35% of the Revenues into the Fund. For Revenues remaining after such deposit in the Fund or generated by properties or generated by properties located in Richland and retained by Richland under Section 3.02 but not meeting the criteria of (i) and (ii) above, Richland shall retain a portion as may be necessary to reimburse it for any investments made in relation to attracting each new investment to Richland. The Richland County Council reserves the right to determine the reimbursement amount on a case by case basis. Revenues remaining after such reimbursement shall be distributed on a pro-rata basis to the entities that would otherwise, at the time the property is included in the Park, be eligible to levy tax millage on the properties located in the Richland portion of the Park, if such properties were not located in the Park. Any school districts receiving a distribution of Revenues, shall divide the Revenues on a pro-rata basis between operational and debt service expenditures in accordance with the amount of operating and debt service millage levied by such school district or collected on behalf of such school district.

Section 2. Remainder of Agreement. Except as described in this Amendment's Section 1, the Agreement remains unchanged and in full force.

Section 3. Execution. This Amendment may be executed in printed form, by electronic means, or by facsimile, and is effective on delivery of the Amendment to Fairfield.

**[SIGNATURE PAGE FOLLOW]**  
**[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**

IN WITNESS WHEREOF, the County, acting by and through the County Council, has caused this Amendment to be executed in its name and on its behalf by the Chair of County Council and to be attested by the Clerk to County Council effective as of the day and year first above written.

RICHLAND COUNTY, SOUTH CAROLINA

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Chair, Richland County Council

*(SEAL)*  
ATTEST:

---

Clerk to Richland County Council

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

# Richland County Council Request of Action

**Subject**

An Ordinance Authorizing a ground lease between Richland County and Richland County School District Two on behalf of the Richland County Public Library; so as to allow for the automatic transfer of title to the library building to Richland County School District Two at the end of the lease term **[PAGES 136-137]**



STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-15HR

AN ORDINANCE AUTHORIZING A GROUND LEASE BETWEEN RICHLAND COUNTY SCHOOL DISTRICT TWO AND RICHLAND COUNTY ON BEHALF OF THE RICHLAND COUNTY PUBLIC LIBRARY; SO AS TO ALLOW FOR THE AUTOMATIC TRANSFER OF TITLE TO THE LIBRARY BUILDING TO RICHLAND COUNTY SCHOOL DISTRICT TWO AT THE END OF THE LEASE TERM.

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 execute a lease between Richland County School District Two and Richland County, on behalf of the Richland County Public Library, as specifically described in the Ground Lease and Agreement, a copy of which is attached hereto and incorporated herein, which lease provides for the automatic transfer of title to the Library Facility from Richland County to Richland County School District Two at the termination of the Ground Lease and Agreement.

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 \_\_\_\_\_, 2015.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Torrey Rush, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2015.

\_\_\_\_\_  
S. Monique McDaniels  
Clerk of Council

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

# Richland County Council Request of Action

## **Subject**

15-23MA  
JR LEX 2, LLC  
RU to RC (2.61 Acres)  
7743 Bluff Rd.  
32403-03-05 & 32403-03-06(p) [**PAGES 138-140**]

## **Notes**

First Reading: May 26, 2015  
Second Reading:  
Third Reading:  
Public Hearing: May 26, 2015

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-15HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTIES DESCRIBED AS TMS # 32403-03-05 AND A PORTION OF TMS # 32403-03-06 FROM RU (RURAL DISTRICTS) TO RC (RURAL COMMERCIAL DISTRICTS); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real properties described as TMS # 32403-03-05 and a portion to TMS # 32403-03-06 from RU (Rural Districts) zoning to RC (Rural Commercial Districts) zoning; as further shown on Exhibit A, which is attached hereto and incorporated herein.

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

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

Section IV. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2015.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Torrey Rush, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2015.

\_\_\_\_\_  
S. Monique McDaniels  
Clerk of Council

Public Hearing: May 26, 2015  
First Reading: May 26, 2015  
Second Reading: June 2, 2015 (tentative)  
Third Reading:

Exhibit A



### ZONING CLASSIFICATIONS

CC-1	C-1	RS-E	MH	NC	LI	TROS
CC-2	C-3	RS-LD	RM-MD	GC	HI	Subject Property
CC-3	RG-2	RS-MD	RM-HD	RC	PDD	
CC-4	RR	RS-HD	OI	M-1	RU	



# Richland County Council Request of Action

**Subject**

a. A Resolution adopting the amendment of the covenants and restrictions for the Richland Northeast Industrial Park, to remove certain restrictions on approximately a quarter of an acre [**PAGES 141-146**]

STATE OF SOUTH CAROLINA )  
 ) A RESOLUTION OF THE  
 ) RICHLAND COUNTY COUNCIL  
 COUNTY OF RICHLAND )

**A RESOLUTION ADOPTING THE AMENDMENT OF THE COVENANTS AND RESTRICTIONS FOR THE RICHLAND NORTHEAST INDUSTRIAL PARK, TO REMOVE CERTAIN RESTRICTIONS ON APPROXIMATELY A QUARTER OF AN ACRE.**

**WHEREAS**, County Council for of Richland County (the "Grantor"), has made and executed certain "Covenants and Restrictions" (the "Restrictions") for the Richland Northeast Industrial Park dated September 27, 1978 and filed in the Office of the Register of Deeds for Richland County in Book D492 at Page 27; and

**WHEREAS**, the Restrictions apply to the area in the County of Richland, in the State of South Carolina, consisting of approximately three hundred nine (309) acres and known as Richland Northeast Industrial Park (the "Property"); and

**WHEREAS**, Richland County hereby desires to adopt the Amendments to Covenants and Restrictions, attached hereto, waiving and releasing approximately 0.275 acres of the Property, more particularly described as TMS number: R22915-02-02, from being subject to said restrictions; and

**WHEREAS**, pursuant to Section 15 of the Restrictions, the Grantor has the right to release or amend all or any portion of the Restrictions.

**NOW, THEREFORE, BE IT RESOLVED**, pursuant to the authority provided in Section 15, Richland County hereby adopts the Amendments to Covenants and Restrictions, attached hereto, waiving and releasing approximately 0.275 acres of the Property, more particularly described as TMS number: R22915-02-02, from being subject to said restrictions. Except as may be otherwise amended, the balance of the Restrictions shall remain in full force and effect.

**ADOPTED THIS** 2<sup>nd</sup> day of June 2015.

---

Torrey Rush, Chair  
 Richland County Council

ATTEST this \_\_\_\_ day of \_\_\_\_\_, 2015

---

Monique McDaniels  
 Clerk to Richland County Council

[This instrument serves to amend restrictive covenants filed in the Office of the Register of Deeds for Richland County in Book D492 at Page 27 and should be indexed accordingly.]

## AMENDMENT TO COVENANTS AND RESTRICTIONS

THIS Amendment to Covenants and Restrictions for Richland Northeast Industrial Park is entered into to be effective as of the 2<sup>nd</sup> day of June 2015, by the County Council for Richland County and serves to amend the covenants and restrictions filed in the Office of the Register of Deeds for Richland County in Book D 492, at page 27 and should be indexed accordingly.

### WITNESSETH:

WHEREAS, County Council for of Richland County (the "Grantor"), has made and executed certain "Covenants and Restrictions" (the "Restrictions") for the Richland Northeast Industrial Park dated September 27, 1978 and filed in the Office of the Register of Deeds for Richland County in Book D492 at Page 27; and

WHEREAS, the Restrictions apply to the area in the County of Richland, in the State of South Carolina, consisting or to consist of approximately three hundred nine (309) acres and known as Richland Northeast Industrial Park (the "Property"); and

WHEREAS, Section 3 of the Restrictions provides that the Property subject to the Restrictions may only be used for "an industrial operation" and shall not be used for:

- a. truck terminal or storage facility;
- b. scrap yard storage;
- c. automotive repair and garage facilities
- d. Building material storage and lumberyard, coal, or wood yard, and stone or monument works
- e. Auto wrecking, salvage yards, used material yards, storage of baling or waste or scrap paper, rags, scrap metals, bottles or junk
- f. Bag cleaning
- g. Boiler and tank works
- h. Central mixing plant for asphalt, mortar, plaster or concrete
- i. Any quarrying operation; and

WHEREAS, Richland County hereby desires to waive and release approximately 0.275 acres of the Property more particularly described as TMS number: R22915-02-02, as shown on Exhibit A attached hereto and made a part hereof, from being subject to said Restrictions; and

WHEREAS, pursuant to Section 15 of the Restrictions, the Grantor has the right to release or amend all or any portion of the Restrictions.

NOW, THEREFORE, pursuant to the authority provided in Section 15, the Grantor hereby amends the Restrictions as follows:

1. Section 3 of the Restrictions is amended as necessary to provide that approximately 0.275 acres of the Property, more particularly described as TMS number: R22915-02-02, as shown on Exhibit A, shall not be subject to said Restrictions, but shall be subject to the Richland County Zoning Ordinance.

2. Except as amended herein, the balance of the Restrictions shall remain in full force and effect.

IN WITNESS THEREOF, the undersigned has caused this instrument to be executed this \_\_\_\_ day of \_\_\_\_\_, 2015.

WITNESSES:

COUNTY COUNCIL FOR  
RICHLAND COUNTY

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

By: \_\_\_\_\_  
Print Name: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF SOUTH CAROLINA



ACKNOWLEDGEMENT

COUNTY OF RICHLAND

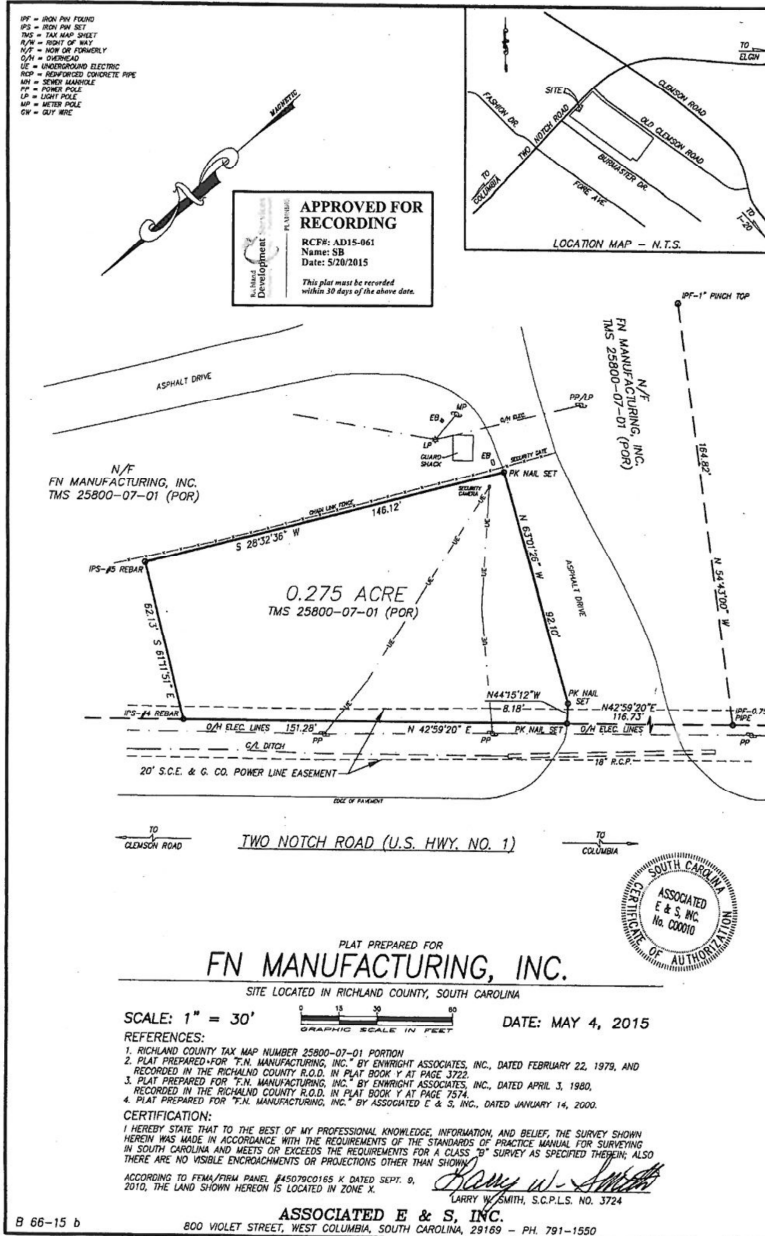
I, \_\_\_\_\_, do hereby certify that \_\_\_\_\_, the  
\_\_\_\_\_ of County Council for Richland County, personally appeared  
before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and seal this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Notary Public for South Carolina  
My Commission expires: \_\_\_\_\_

Exhibit A

Tax Map Number that Shall No Longer be Subject to Restrictions



# Richland County Council Request of Action

**Subject**

- a. Building Codes Board of Appeals - 1
- b. Library Board of Trustees - 4

# Richland County Council Request of Action

## **Subject**

BOARD TERMS: [**PAGES 149-170**]

- a. Review any appointments that go beyond four (4) years and pursue all avenues to amend the terms to make them no more than four (4) years in length [**MANNING**]
- b. MOTION: Move that the terms of Board members to the Lexington Richland Alcohol & Drug Commission [LRADAC] be changed from "two, three year terms" to "three, three year terms" so that Richland County appointees have the same opportunities for extended service on this board as Lexington County appointees are currently allowed [**PEARCE**]

# The County of Richland



## Office of the County Attorney

### MEMORANDUM

From: Bradley T. Farrar, Chief Deputy County Attorney

To: Rules and Appointments Committee

Date: May 28, 2015

### **Re: Boards, Commissions and Committees**

The below and attached information pertains to certain boards, commissions and committees whose membership Richland County appoints or for which the County has some role or authority. Specifically, the first four (4) entities discussed provide for terms of service that are greater than four (4) years. They include:

1. The Board of Trustees of the Columbia Township Auditorium

Richland County Code of Ordinances Chapter 2, Administration, Article VIII, Boards, Commissions and Committees, provides at subsection 2-332(a)(1) that:

The board shall consist of seven (7) members residing in the county, appointed by the council for a term of five (5) years.

The Board was established by South Carolina Statute At Large Act No. 640, which provides at Section 1.(b):

The board of trustees shall consist of five members who shall be residents of Richland County, State of South Carolina, and who shall be elected by a majority of the Richland County Legislative Delegation, including the Senator, whose terms shall run for a period of five years...

As the Township Board's terms are established by State statute, they may only be changed by State legislation. To the extent the County passes any ordinance consistent with the statutes relative to the Township, those ordinances similarly would be valid, but would not supersede or take precedence over State laws.

2. The Richland-Lexington Riverbanks Parks Commission

Richland County Code of Ordinances subsection 2-332(c) provides for “The Richland-Lexington Riverbanks Parks Commission,” and further that:

- (1) Two (2) members of the commission shall be appointed by the council, for a term of six (6) years.

It appears in reviewing State law that the Richland-Lexington Riverbanks Parks District was established as a Special Purpose District pursuant to S.C.Code Ann. Section 51-13-10 *et seq.* Section 51-13-20 provides:

The Commission shall consist of seven members. Two members shall be appointed by the County Council of Richland County for terms of three and four years; two members shall be appointed by the Lexington County Council for terms of two and five years; two members shall be appointed by the Mayor and City Council of Columbia for terms of one and six years; one member shall be appointed for an initial term of one year by the Lexington County Council, the Richland County Council and the Mayor and City Council of Columbia. Thereafter, all appointments shall be for a term of six years and until their successors are appointed and qualify.

As the Commission was established and its members are appointed pursuant to State law, any changes thereto also would require State legislation.

3. East Richland Public Service District

Richland County Code of Ordinances subsection 2-332(f) provides for the “East Richland Public Service District,” and further that:

The public service district shall consist of five (5) members appointed by the governor upon the recommendation of the county council for five (5) year terms. Members shall be electors or residents of the district, and at least one member shall be a resident of each incorporated municipality within the districts. Meetings at call.

It appears in reviewing State law that this entity also was established by a Statute at Large, created under the name of the Jackson-Gills Creek Public Service District by Act No. 1114, Local and Temporary Laws—1960.

SECTION 3 of that Act provides in part:

The commission shall consist of five resident electors of the District, at least one of whom shall be a resident of each incorporated municipality now lying within the District and hereinafter electing to remain a part of said District under Section 10, hereinbelow, who shall be appointed by the Governor upon the recommendation of a majority of the Legislative Delegation of Richland County, including the Senator...

As this entity was established and its members are appointed pursuant to State law, any changes thereto also would require State legislation.

#### 4. Transportation Penny Advisory Committee

This entity was established and approved by the Richland County Council. The purpose, scope, composition, terms and functions of this Committee may be set by ordinance at Council's pleasure.

#### 5. The Economic Development Commission

An issue arose as to the naming of an economic development body that is separate and distinct from County Council's Economic Development Committee. In that regard, it appears pursuant to section 2-332(e) that the non-Council entity is named "The Economic Development *Commission*," as opposed to a "Committee." Should Council desire to change this name, it could do so with an ordinance amendment to subsection 2-332(e).

Here is the present subsection 2-332(e):

*The Economic Development Commission.* The commission shall consist of twelve (12) members, of which three (3) shall be appointed by the council for a term of three (3) years. Other appointive bodies include Lexington County, Fairfield County, Chamber of Commerce and city council with each nomination to be confirmed by all appointive bodies. Meetings at call.

#### 6. Richland/Lexington County Disabilities and Special Needs Board

Regarding a "Disabilities and Special Needs" entity, subsection 2-332(o) refers to a "*Disabilities and special needs board*," which subsection 2-332(o) further describes at (1) as the "Richland/Lexington County Disabilities and Special Needs Board."

Subsection 2-332(o)(3) provides in relevant part that the Board, "shall be appointed by the governor of the State of South Carolina upon recommendation of the majority of the county legislative delegation." Given the appointment power in an authority other than Richland

County, changing the parameters or appointment would be reserved for the Board creation appointing authority.

Here is the full text of subsection 2-332(o):

(o) *Disabilities and special needs board.*

(1) *Board.* There is hereby created the Richland/Lexington County Disabilities and Special Needs Board with powers, duties, responsibilities, and functions set forth herein.

(2) *Purpose.* It is the purpose of the Richland/ Lexington County Disabilities and Special Needs Board to develop, provide, coordinate, improve and operate community based programs serving persons with disabilities and special needs or other related disabilities with a view toward developing their respective mental, physical and social capacities to their fullest potential.

(3) *Membership.* The board shall be composed of fifteen (15) members, at least five (5) of whom shall be resident electors. The board shall be appointed by the governor of the State of South Carolina upon recommendation of the majority of the county legislative delegation. Persons with a demonstrated interest and background in disabilities and special needs and/or human services shall be recommended for appointment.

(4) *Terms.* The terms of the members shall be for four (4) years until their successors are appointed and qualify, except that of the first appointed: One (1) shall be appointed for one (1) year; two (2) for two (2) years; two (2) for three (3) years; and two (2) for four (4) years. Vacancies shall be filled for any unexpired terms in the same manner as original appointments. Any member may be removed by the appointing authority for neglect of duty, misconduct or malfeasance in office or for missing three (3) consecutive meetings after being given a written statement of reasons and an opportunity to be heard.

(5) *Meetings and requirements.* The board shall open all regular meetings to the general public. No fewer than four (4) meetings per year shall be held. Special meetings may be called, with reasonable notice given to other members.

(6) *Bylaws.* The board will establish its own bylaws. On an annual basis, it will elect a chairperson, a vice-chairperson, a secretary and a treasurer.

(7) *Insurance.* The board will maintain at all times, workers compensation insurance on its employees and a policy of liability insurance in the amount of one million dollars (\$1,000,000.00) covering all employees and board members. The premiums for this coverage shall be the responsibility of the board. Richland County shall be listed as an insured under the policy of liability insurance. The board shall furnish a copy of the current insurance policies to county council and will keep current copies of the policies on file at all times.

(8) *Duties.* The board shall:

a. Be the administrative, planning, coordinating, evaluative, and review body of services to persons in the county who are mentally retarded or have other related disabilities; the board shall be funded in part or in whole by appropriations for the South Carolina Department of Disabilities and Special Needs.



b. Submit an annual plan and projected budget to the South Carolina Department of Disabilities and Special Needs for approval and consideration of funding.

c. Review and evaluate, on at least an annual basis, county mental retardation and related disability services provided pursuant to this ordinance and report its finding and recommendations to the South Carolina Department of Disabilities and Special Needs and county council.

d. Promote and accept local financial support for Richland County programs from funding sources such as businesses, individuals, industrial and private foundation, voluntary agencies, governmental and other lawful sources and promote public support from municipal and county sources.

e. Employ personnel and expend its budget for the direct delivery of services or contract with those services vendors necessary to carry out county mental retardation or related disability service programs, which shall meet those specifications prescribed by the South Carolina Department of Disabilities and Special Needs.

f. Plan, arrange, and implement working agreements and contract with other human service agencies, both public and private, and with educational and judicial agencies.

g. Provide the South Carolina Department of Disabilities and Special Needs and the county council with such records, reports, and access to its sponsored services as the South Carolina Department of Disabilities and Special Needs and the county council may require and submit its sponsored services and facilities to licensing requirements of the South Carolina Department of Disabilities and Special Needs of the licensing requirements of other state or local agencies having such legal authority.

h. Buy, sell, mortgage, pledge, encumber, lease, rent, and contract with respect to real and personal property, from funds payable out of any revenues of the county disabilities and special needs board, and shall not obligate the full faith, credit, and taxing power of the county.

i. Provide a public forum to which individuals or groups may present any concerns or appeal a dispute or disagreement with a provided agency or service.

**SECTION 2. Bids.**—The Board of Commissioners shall advertise for sealed bids on the above described property and it, with a majority of the Richland County Legislative Delegation including the Senator, shall reserve the right to reject any and all bids and approve the terms of sale.

**SECTION 3. Repeal.**—All acts or parts of acts inconsistent herewith are repealed.

**SECTION 4. Time effective.**—This act shall take effect upon approval by the Governor.

Approved the 3rd day of March, 1961.

(8166, H1427)

No. 638

**An Act To Authorize The Richland County Board Of Commissioners To Purchase A Certain Parcel Of Land In The City Of Columbia.**

Be it enacted by the General Assembly of the State of South Carolina:

**SECTION 1. Richland County to purchase property.**—The Richland County Board of Commissioners is hereby authorized and directed to purchase for the county for a sum not exceeding ninety thousand dollars the following:

"All that lot or parcel of land, with the buildings and improvements thereon if any, situate on the southern side of Washington Street, between Bull and Pickens Streets, measuring on the north 75.6 feet, east 208 feet, south 84 feet, thence northward 69.3 feet, thence eastward 9 feet, thence northward 140 feet to point of commencement, all measurements being more or less and known as 1508 Washington Street."

**SECTION 2. Repeal.**—All acts or parts of acts inconsistent herewith are repealed.

**SECTION 3. Time effective.**—This act shall take effect upon approval by the Governor.

Approved the 16th day of March, 1961.

(8162, H1431)

No. 639

**An Act To Redefine The Area Of Center Township In Richland County.**

Be it enacted by the General Assembly of the State of South Carolina:

**SECTION 1. Center Township in Richland County defined.**—Center Township in Richland County is described as follows:

"Beginning at a point where School District No. 1 intersects the Seaboard Airline Railroad at Formosa Drive; thence following the Seaboard Airline Railroad to the Kershaw County line; thence turning and running in a southeasterly direction along the county line to the Wateree River; thence turning south and following the Wateree River to U. S. Highway No. 76; thence turning and running along U. S. Highway No. 76 in a westerly direction to the School District No. 1 line to a stone marker at the U. S. Veterans Hospital; thence turning in a southwesterly direction and running along the line of School District No. 1 to its intersection with Shop Road at Aster Street; thence turning north and running along the present Waverly-Olympia magisterial line to a point where it intersects with the Columbia City limits; thence turning right and running along the Columbia City limits line to Fort Jackson; thence turning and running southeast along the boundary of Fort Jackson to a point of intersection with the southeastern corner of School District No. 1; thence turning northward and running along the line of School District No. 1 to the point of beginning."

**SECTION 2. Repeal.**—All acts or parts of acts inconsistent herewith are repealed.

**SECTION 3. Time effective.**—This act shall take effect upon approval by the Governor.

Approved the 16th day of March, 1961.

(8229, H1596)

No. 640

**An Act To Amend Act No. 1000 Of 1928, As Amended, Relating To The Columbia Township Auditorium, So As To Provide**

For The Terms, Qualifications And Powers Of The Trustees Of  
The Auditorium.

Be it enacted by the General Assembly of the State of South Carolina:  
SECTION 1. Section 1 of Act 1000 of 1928 amended—Columbia  
Township Auditorium Trustees—members—elections—terms.—  
Section 1 of Act No. 1000 of 1928, as amended, is further amended to  
read as follows:

"Section 1. (a) There is hereby created and established a board of  
trustees who shall provide, under the terms of this act, for the  
erection, maintenance and equipment of a central auditorium for the  
use of the people of Columbia Township and Richland County, which  
shall be known as the Columbia Township Auditorium.

(b) The board of trustees shall consist of five members who shall  
be residents of Richland County, State of South Carolina, and who  
shall be elected by a majority of the Richland County Legislative  
Delegation, including the Senator, whose terms shall run for a period  
of five years, the term of one member expiring on June thirtieth of  
each year or until his successor is elected and qualifies.

(c) The present members of the board of trustees shall provide  
by lot for the expiration of their terms so that the term of one  
member shall expire on June 30, 1961, the term of another on June  
30, 1962, the term of another on June 30, 1963, the term of another  
on June 30, 1964 and the term of another on June 30, 1965, or  
until their successors are elected and qualify."

SECTION 2. Section 2 of Act 1000 of 1928 amended—officers—  
powers and duties—quorum.—Section 2 of Act No. 1000 of 1928 is  
amended to read as follows:

"Section 2. (a) The board of trustees shall each year elect from  
among their members a chairman and a treasurer.

(b) The board of trustees shall have the power to make appropriate  
rules and regulations for the maintenance, control, conduct and use  
of the Columbia Township Auditorium, and they shall have the  
power to employ a manager and such other personnel as may be  
necessary for the performance of their duties. The board shall also  
have the power to do any and all other things necessary to carry  
out the provisions and intent of this act.

(c) A majority of the board of trustees shall constitute a quorum  
competent to transact the business of the board."

SECTION 3. Section 3 of Act 1000 of 1928 amended—powers  
and duties—further.—Section 3 of Act No. 1000 of 1928 is amended  
to read as follows:

"Section 3. The board of Trustees of Columbia Township Audi-  
torium shall have the power to purchase land and acquire title  
thereto in its own name, its successors and assigns, for the purpose  
set out in this act, and shall have the power to do all things which  
are necessary for the erection, equipment and maintenance of a  
building which shall serve as a meeting place for all public meetings,  
educational rallies, philanthropic, charitable, and community bette-  
ment assemblies in Richland County, and shall have the power to rent  
the facilities of the auditorium to private persons so as to provide a  
place of entertainment and education for the citizens of Richland  
County."

SECTION 4. Repeal.—All acts or parts of acts inconsistent here-  
with are repealed.

SECTION 5. Time effective.—This act shall take effect upon ap-  
proval by the Governor.

Approved the 7th day of April, 1961.

(R231, H1595)

No. 641

An Act To Authorize The School Commissioners Of School  
District No. 1, Richland County, To Issue Not Exceeding One  
and One-Half Million Dollars Of General Obligation Bonds Of  
School District No. 1, Richland County; To Prescribe The Con-  
ditions Under Which Bonds May Be Issued And The Purposes  
For Which Their Proceeds May Be Expended; And To Make  
Provision For The Payment Of Such Bonds.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Findings of General Assembly.—The General As-  
sembly finds that School District No. 1, Richland County, has a need  
for further school facilities in order to accommodate the increasing  
number of pupils attending the public school system in the school dis-  
trict. It has therefore determined to authorize the School Commis-  
sioners of School District No. 1, Richland County (herein called the

in a straight line in a southern direction to a point one hundred (100) yards east of the residence of J. J. Ballentine and thence to the boundary line between Blythewood and Upper Townships in Richland County is hereby transferred from Blythewood Township to Upper Township.

§ 2. All Acts or parts of Acts inconsistent herewith are hereby repealed.

§ 3. This Act shall take effect upon its approval by the Governor.

Approved the 9th day of March, A. D. 1928.

No. 1000.

**AN ACT to Provide for the Erection, Control and use of an Auditorium and Community Center for Columbia Township in Richland County, to Appoint a Board of Trustees Therefor, to Provide for the Issue of Bonds for Columbia Township not to Exceed Three Hundred Thousand (\$300,000.00) Dollars, to Submit this Question to the Qualified Electors of Said Township and to Levy a Tax to Retire the Bonds Hereby Issued.**

**Section 1. Board of Trustees of Columbia Auditorium and Community Center.**—Be it enacted by the General Assembly of the State of South Carolina: That there is hereby created and established a Board of Trustees who shall provide under the terms of this Act for the erection, maintenance and equipment of a central auditorium for the use of the people of Columbia Township, Richland County, which shall be known as the Columbia Auditorium and Community Center. The Board of Trustees shall consist of eight members and be composed as follows: (a) The Senator from Richland County in the State Senate, the Mayor of the City of Columbia, the Judge of the County Court for Richland County, the County Commissioner for Columbia Township, the President of the Federation of Women's Clubs for Columbia, the President of Chamber of Commerce for Columbia, and the President of the City Federation of Trades for the City of Columbia, who shall become members of this Board of Trustees by reason of the office they hold and shall remain on the said Board of Trustees so long as they

hold their respective offices, and their successors in office shall immediately become members of the Board of Trustees upon qualifying for their respective offices; (b) one member of the Richland County Delegation who shall be elected by the said Delegation and who shall remain on the said Board of Trustees so long as he is a member of the said Delegation.

§ 2. **Organization—Regulations—Quorum.**—The foregoing Board of Trustees shall elect one of their own members as Chairman, another as Secretary and Treasurer, and shall provide by proper rules and regulations for the maintenance, control, conduct and use of the building constructed under the terms of this Act, and a majority of the said Board of Trustees shall constitute a quorum competent to transact business.

§ 3. **Powers.**—The Board of Trustees of Columbia Auditorium and Community Center shall have the power to purchase land and acquire title thereto in their own name for the purpose set out in this Act, and shall have the power to do all things which are necessary for the erection, equipment and maintenance of a building which will serve as a central meeting place for all public meetings, educational rallies, philanthropic, charitable and community betterment assemblies, and it shall serve as the headquarters for all public welfare activities for Richland County.

§ 4. **Election on Issue of Township Bonds.**—That the Board of County Commissioners of Richland County is hereby authorized and empowered, upon request of said Board of Trustees, to order and hold in Columbia Township, May 22, 1928, an election submitting to the qualified electors of said Township the question as to whether or not the said Township shall issue Three Hundred Thousand (\$300,000.00) Dollars of coupon bonds for the purpose herein set forth.

§ 5. The said Board of County Commissioners shall submit the question of issuing these bonds for the purposes herein set out to the qualified electors of Columbia Township after such advertisement and notice of said election as is required by law. That the question shall be submitted substantially as follows: A ballot shall be written or printed to read as follows: "For the issuance of \$300,000.00 bonds of Columbia Township for the purpose of building and operating a Columbia Auditorium and Community Center, Yes

—No." Those in favor will strike out the word "No" and deposit said ballot according to law. Those against will strike out the word "Yes" and deposit said ballot according to law.

§ 6. **Terms of Bonds—Disbursements.**—If a majority of the qualified electors voting at such election shall vote in favor of the issuance of said bonds, the Board of County Commissioners shall forthwith proceed to advertise and sell same so as to get the highest possible price therefor; that the bonds so authorized shall be in such form and payable at such periods as may be determined by the said Board of County Commissioners, and shall bear rate of interest not exceeding six per cent. per annum, payable semiannually, and shall be disposed of and sold by the County Commissioners for cash at not less than par. And the money arising from the proceeds of said sale shall be deposited with the Treasurer of the County of Richland, and shall be paid out on the order of the County Commissioners for the purposes herein mentioned and none other.

§ 7. **Conduct of Election.**—That an election herein ordered shall be conducted by the managers of the State and County elections, who shall open the polls at eight a. m. and close them at four p. m., and the result ascertained and declared as in the case of other County and State elections.

§ 8. **Execution of Bonds—Tax Exempt.**—That said bonds shall be of such denominations as the County Board of Commissioners shall determine, that it shall be signed by the County Supervisor and countersigned by the Clerk of the Board of County Commissioners of Richland County, but it shall be sufficient for the interest coupons attached to bear only the signature of the Supervisor of said County. The signature on the coupon may be *facsimile*, engraved or printed. The bonds shall be exempt from the State, County, and Municipal taxation.

§ 9. **Credit of Township Pledged.**—The bonds when issued in accordance with the terms and provisions of this Act shall constitute and be legal and binding obligations of the Columbia Township, Richland County, and the full faith, credit and taxing power of Columbia Township, Richland County, is hereby irrevocably pledged for the payment of the said bonds, both principal and interest, as the terms, conditions and schedule of maturity shall provide.

§ 10. **Survey of Township.**—For the purpose of definitely establishing the boundaries of Columbia Township the Supervisor of Richland County is hereby authorized and empowered to have made a survey of said township boundaries by surveyor not heretofore employed in such survey, to place suitable markers indicating clearly such boundaries and to employ competent legal assistance in determining said boundaries. Funds for defraying the cost of said survey to be derived from proceeds of bonds hereinbefore mentioned.

§ 11. This Act shall go into effect immediately upon its approval by the Governor.

Approved the 10th day of March, A. D. 1928.

No. 1001.

**A JOINT RESOLUTION Authorizing the Forestry Commission to Sell and Dispose of Certain Marketable Timber now Growing and Standing on the State Farms.**

*Whereas*, Much of the timber now growing and standing on the State farms has reached its highest value and is beginning to depreciate; and,

*Whereas*, It could be marketed to an advantage to the State; now,

**Section 1.** Be it resolved by the General Assembly of the State of South Carolina: That the Forestry Commission is hereby authorized to cut and sell such timber now growing and standing on the said State farms as in its judgment has reached its full market value and is beginning to suffer decay, to the end that said timber may be converted into money to the best advantage of the State and to promote the growth and development of other timbers: *Provided*, That the funds derived from such sale shall be deposited in the State Treasury and shall be used by the Board of Directors and Superintendent of the State Penitentiary for any improvement which they see fit to make at the State Penitentiary.

§ 2. This Resolution shall take effect immediately upon its approval by the Governor.

Approved the 10th day of March, A. D. 1928.

(R1101, H2603)

## No. 1114

**An Act To Create Jackson-Gills Creek Public Service District In Richland County; To Define Its Area; To Establish A Governing Commission Therefor; To Prescribe The Functions And Powers Of The District And Its Commission; To Make Provision For The Borrowings By The District, Including The Issuance Of Not Exceeding Three Million Dollars Of General Obligation Bonds Of The District; To Prescribe The Terms And Conditions Under Which Moneys May Be Borrowed By The District; And To Make Provision For Their Payment.**

Be it enacted by the General Assembly of the State of South Carolina:

**SECTION 1. Findings of General Assembly.**—The General Assembly has made the following findings of fact:

(1) That the area herein defined, which is located in close proximity to the City of Columbia, has become thickly populated to an extent that extensive sewage disposal facilities are necessary. Studies have been made to determine means whereby such facilities can be acquired. Such studies indicate that in order to insure the public health of those living within the area and adjacent thereto, it is necessary to eliminate a large number of septic tanks which constitute a menace to health, and that sewage be collected and disposed of in a manner comparable to that employed by larger municipal corporations, and other thickly settled areas. Such facilities will involve a substantial expenditure, and on that basis it has been recommended that a Special Purpose District be created and empowered to issue bonds.

(2) It is contemplated that such bonds will be general obligations, but that, if arrangements can be made, they be additionally secured by a pledge of the net revenues derived from the operation of the sewage disposal system. Most, if not all, of the buildings to be served by the contemplated sewer system are connected to waterworks systems owned by incorporated municipalities in Richland County or private corporations.

(3) On the basis of the foregoing findings, the General Assembly, in order to preserve the public health of those living in the District, proposes to create Jackson-Gills Creek Public Service District, to provide a governing body for such District, and to empower the governing body to function as provided by this act.

**SECTION 2. Jackson-Gills Creek Public Service District created in Richland County—area.**—There is hereby created and established in Richland County a Special Purpose District to be known as “Jackson-Gills Creek Public Service District”, which district shall be a public corporation of perpetual succession, and shall have the area and functions prescribed by this act and any subsequent act, amendatory thereof. The District shall include and be comprised of that area of Richland County described as follows:

Beginning at the northwestern corner of the Town of Forest Acres, thence along the northern boundary of Forest Acres in an easterly direction to the intersection of the City of Columbia city limits and the Town of Forest Acres city limits; thence in a northerly, westerly and northerly direction along the City of Columbia city limits to the southern edge of the right of way of U. S. Highway No. 1 (Two Notch Road); thence in an easterly direction along the southern right of way of U. S. Highway No. 1 to the intersection of this line with the southern right of way line of Baldwin Road; thence along this right of way line to its intersection with the eastern right of way of Cushman Drive extended; thence along the eastern right of way line of Cushman Drive in a northerly direction to Burton Street; thence along the center line of Burton Street in a northerly direction to the center line of Oscar Street; thence along the center line of Oscar Street in an easterly direction to the center line of Roscoe Street; thence in a northerly direction along the center line of Roscoe Street for a distance of approximately 500 feet; thence in a northerly direction in a line parallel to and 1,000 feet, more or less, south of the center line of the Southern Railway to Sprott Street extension; thence in a northeasterly direction for a distance of 2,000 feet, more or less, to a point 200 feet north of the intersection of June Drive and Birdsong Drive; thence in a line 200 feet north of and parallel to Birdsong Drive to its intersection with Hearn Drive; thence in a northeasterly direction for a distance of 10,000 feet, more or less, to its intersection with the right of way of the Southern Railway near and south of the intersection of State Road 33 and State Highway 555; thence extending generally along the eastern side of said Southern Railway right of way for a distance of approximately 9,500 feet, more or less, to a point 200 feet north of the northern right of way of State Road 83; thence extending in a northeasterly direction

parallel to and 200 feet distant from the northern right of way of State Road 83 to a point 200 feet north of its intersection with the right of way of the Pilgrim Holiness Church Road; thence extending generally in an easterly direction 200 feet distant from and parallel to the northern right of way of the Pilgrim Holiness Church Road to a point 200 feet distant from its intersection with the northern right of way of S. C. Road 1274; thence along a line 200 feet distant from and parallel to, in a generally southeastern direction to its intersection with the northern right of way of the Seaboard Air Line Railroad; thence extending along said Seaboard Air Line Railroad right of way to a point of intersection with the extension of a boundary line of Sesquicentennial State Park (said boundary line being the northwestern line of contact with U. S. Highway No. 1); thence extending along the northwestern boundary of Sesquicentennial State Park, in a generally southwesterly direction to a point 200 feet northeast of its intersection with the right of way of State Road No. 63; thence extending generally in a southeasterly direction along and parallel to and 200 feet on the northeast side of said State Road No. 63 to its intersection with the southern right of way of Percival Road (S. C. Highway No. 12) (this being the northwestern boundary of Fort Jackson); thence along the boundary of Fort Jackson in a southwestern direction to its intersection with the center line of Forest Drive; thence in a westerly direction along the center line of Forest Drive to its intersection with the eastern city limits of the Town of Forest Acres; thence along the eastern and southern and western boundaries of Forest Acres to the point of beginning. Being more fully shown on map attached hereto.

As soon as convenient, and prior to the occasion set for the holding of the special election herein authorized, a plat of the District shall be prepared, and copies thereof shall be filed in the offices of the Auditor, the Treasurer and the Clerk of Court for Richland County.

**SECTION 3.** ~~To be governed by a commission—members—appointments—terms—vacancies.~~—Such District shall be operated, managed and governed by a commission to be known as “Jackson-Gills Creek Public Service Commission”. The commission shall consist of five resident electors of the District, at least one of whom shall be a resident of each incorporated municipality now lying within the Dis-



trict and hereinafter electing to remain a part of said District under Section 10 hereinbelow, who shall be appointed by the Governor upon the recommendation of a majority of the Legislative Delegation of Richland County, including the Senator. The original appointments shall be for a term of two years for one appointee, for two years for the second appointee, for three years for the third appointee, for four years for the fourth appointee, and for five years for the fifth appointee, and in all cases those persons holding office shall continue to hold office until their successors have been appointed and have qualified. All of the said original terms shall begin on the effective date of this act. Upon the termination of the term of office of any commissioner, a successor shall be appointed by the Governor, upon the recommendation of a majority of the Legislative Delegation of Richland County, including the Senator, for terms of five years. Any vacancy occurring in the office of commissioner by reason of death, resignation or otherwise shall be filled for the remainder of the unexpired term by appointment by the Governor, upon the recommendation of a majority of the Legislative Delegation of Richland County, including the Senator. The Supervisor of Richland County shall be an ex-officio member of said Commission.

**SECTION 4. Powers and duties.**—There is committed to the District the function of preserving the public health of the District through the means of providing for proper sewage disposal facilities, but additional functions may be committed to the District by subsequent legislation. The Commission shall be empowered as follows:

1. To have perpetual succession.
2. To sue and be sued.
3. To adopt, use and alter a corporate seal.
4. To make bylaws for the management and regulations of its affairs, and to define a quorum for its meetings.
5. To deposit moneys derived from revenue-producing facilities, and to withdraw the same for the purpose of operating and maintaining such facilities.
6. To prescribe regulations requiring persons who shall be residents of the District to make use of any sewage disposal facilities which the District shall place in operation, and to enable the Commission to fully discharge the duties placed upon it and to protect all property acquired by it. Such regulations shall, however, become effective only after they have been adopted by resolution of the Com-

mission, and a certified copy thereof has been recorded in the office of the Clerk of Court for Richland County, and additional copies have been posted in the Courthouse for Richland County and in at least two public places in the District, and notice of the adoption of such regulations published at least once during each of three successive weeks, in a newspaper published in and having general circulation in Richland County. Such notice shall specify, in brief, the scope of the regulations and shall state the date on which the same shall become effective. In addition to the procedure prescribed hereby for making effective regulations adopted by the Commission, the Commission shall, if it shall undertake to adopt a regulation requiring persons to connect to sewer facilities, conduct a public hearing prior to taking action thereon. Notice of such public meeting shall be published in a newspaper of general circulation in Richland County not less than seven days prior to the occasion fixed for the holding of such meeting. Such notice shall state the time and place of the meeting, and shall briefly indicate the scope of the proposed regulation. At such public meeting all persons affected by the proposed regulation shall be entitled to appear and be heard. If following such a meeting a regulation prescribing compulsory use of sewage disposal facilities shall be adopted, notice of the adoption of the regulation shall be given in the manner previously prescribed for giving notice of all other regulations adopted by the Commission. The authorization to adopt regulations prescribing compulsory use of sewage disposal facilities is enacted in the interest of the health of the District, and the Commission is expressly authorized to apply to any court of general jurisdiction for the enforcement of such regulations through the means of mandatory injunctions and other remedial proceedings, and such courts are specifically empowered to render mandatory injunctions and such other remedial orders as shall appear to such courts to be just and reasonable.

7. To acquire, purchase, hold, use, lease, mortgage, sell, transfer and dispose of any property, real, personal or mixed, or any interest therein.

8. To build, acquire, construct, operate and maintain such sewage facilities as shall, in the opinion of the Commission, be necessary for the District and economically practicable.

9. To enter into contracts with the governing agencies of municipal corporations and private corporations in Richland County operating waterworks systems, or some or any of such municipal

corporations and private corporations, on terms and conditions to be mutually agreed upon, by which the Commission shall constitute such governing agencies of such municipal and private corporations as the agent of the Commission for the purpose of collecting, within the area served by the municipal corporation or private corporation concerned, such charges as the Commission shall from time to time impose upon those who utilize its sewage disposal facilities, and to empower such municipal agencies or private corporations as the agent of the Commission for the purpose of disconnecting services upon the failure of any user to pay such sewage disposal charges.

10. To enter into contracts or agreement with other persons, firms, private corporations, municipal corporations, or other governmental agencies or subdivisions for the joint construction, acquisition, use, operation, and maintenance of sewage outfalls, lines, and other facilities necessary or desirable for the operation of the sewage disposal system of the District, whenever in the discretion of the Commission such joint or cooperative action shall be in the interest of the District.

11. To impose such schedule of rates and charges for sewage disposal service as the Commission shall from time to time approve. To that end the Commission shall be empowered to place into effect and to revise, whenever it so wishes or may be so required, a schedule of rates for the sewage disposal facilities made available by it to persons, firms and corporations within the District.

12. To make use of city streets and county and State highway rights of way in which to lay pipes and lines in such manner and under such conditions as the appropriate officials in charge of such rights of way shall approve.

13. To exercise the power of eminent domain for any corporate function. The power of eminent domain may be exercised through any procedure prescribed by Article 2, Chapter 3, Title 33, Code of Laws of South Carolina, 1952, or by the following of the procedure for the exercise of eminent domain prescribed by Chapter 3, Title 25, Code of Laws of South Carolina, 1952, as such statutes are now constituted or as they may afterwards be constituted following any amendments thereto.

14. To appoint officers, agents, employees and servants, prescribe the duties of such, fix their compensation, and determine if and to what extent they shall be bonded for the faithful performance of their duties.

15. To make contracts for construction, engineering and other services, with or without competitive bidding.

16. To raise funds for corporate purposes of the District by causing the levy of a tax therefor. The Commission shall notify the auditor and treasurer of any desired tax, whereupon they shall assess and collect the tax as requested and the treasurer shall hold the funds and disburse them as directed by the Commission. All such taxes shall constitute a lien upon the property against which the same are levied, on a parity with the lien of county taxes, and the provisions of law relating to penalties for the nonpayment or tardy payment of county taxes, and the provisions relating to sale of property for delinquent county taxes shall apply to taxes levied pursuant to this act.

17. To do all other acts and things necessary or convenient to carry out any function or power committed or granted to the District.

**SECTION 5. Issue bonds if election favorable—issues—dates—maturity—redemption—sale—exempt from taxes—execution—payment—proceeds.**—As one method of raising money to obtain the sewage disposal facilities required for the District, the Commission, on behalf of the District, shall be empowered to issue not exceeding three million dollars of general obligation bonds of the District, whose proceeds shall be used for said purposes, including the payment of such interest on the bonds as may be capitalized. General obligation bonds shall be issued only in the event the election required by Section 6 shall result favorably. All or any general obligation bonds issued pursuant to this paragraph may be additionally secured by a pledge of the net revenues to be derived from the operation of the sewage disposal system to such extent as the Commission shall determine to pledge the same, it being specifically recognized that the Commission may thereafter wish to provide for further obligations of the District, secured by a pledge on a parity with the pledge herein required. The words “net revenues” as used in this paragraph shall mean that sum remaining from the aggregate of all moneys realized by the District from rates and charges imposed and collected for sewage disposal services, after paying the cost of operation and maintenance of the sewage disposal facilities. If, pursuant to this paragraph, general obligation bonds are issued:

(a) They shall be issued as a single issue or, from time to time, as several separate issues. They shall bear such date or dates as the

Commission shall determine, and the bonds of any issue shall mature in such equal or unequal annual instalments as may be determined by the Commission. They shall be made payable at such place or places as the Commission shall prescribe, and shall bear interest at such rate or rates, payable in such manner as the Commission may determine. The bonds may be registered, with the privilege to the holder of having them registered as to principal on the books of the Treasurer of Richland County, and the principal thus made payable to the registered holder (unless the last registered transfer shall have been to bearer), upon such conditions as the Commission may prescribe. Any bond issued pursuant to this paragraph may be made subject to redemption prior to its stated maturity on such terms and conditions, and with such redemption premium, as the Commission shall prescribe.

(b) They shall be sold at not less than par and accrued interest to the date of their respective deliveries at public sale, and at least ten days prior to any sale, notice announcing the intention to receive bids for the sale of such bonds shall be published in a newspaper of general circulation in the State of South Carolina. In offering the bonds for sale the Commission may reserve the right to reject any and all bids, and if all bids shall be rejected, the Commission may negotiate privately for the disposition of such bonds.

(c) Such bonds and all interest to become due thereon shall have the tax exempt status prescribed by Act No. 730 of the Acts and Joint Resolutions of South Carolina, 1952.

(d) Such bonds shall be executed in such manner as may be prescribed by the Commission. *Provided*, however, that neither the members of the Commission, nor any person signing the obligations shall be personally liable thereon.

(e) There shall be irrevocably pledged for the payment of the bonds and interest thereon, as the same mature, the full faith, credit and resources of the District, and the Auditor and Treasurer of Richland County, respectively, are hereby authorized and directed to levy and collect annually a tax upon all taxable property within the District sufficient to pay the bonds and interest thereon as they respectively mature, and to create such sinking fund as may be necessary for the redemption of the bonds and interest at their respective maturities. The bonds may be additionally secured by such pledge of the net revenues which the District may derive from the operation of the sewage disposal system as the Commission shall provide. In such event, such

net revenues as shall be available shall be delivered to the Treasurer of Richland County prior to the occasion when the Auditor fixes the annual levy. The annual ad valorem tax herein directed to be levied may be reduced in each year by the amount of net revenues as aforesaid actually in the hands of the Treasurer of Richland County at the time the tax for such year is required to be levied, and the tax may be entirely suspended for any year in case such moneys on hand, applicable as aforesaid, are sufficient to pay both principal and interest then due or falling due in such year and remaining unpaid.

(f) The pledge of net revenues authorized by subparagraph (e) of this paragraph need not, in the discretion of the Commission, be exclusive, and the Commission may reserve the right to issue further bonds, payable in whole or in part, from such net revenues, on a parity with the bonds authorized by this paragraph, under such conditions as the Commission may prescribe.

(g) The proceeds derived from the sale of such bonds shall be deposited with the Treasurer of Richland County in a separate and special fund, and shall be expended upon the warrants or orders of the Commission for the purposes specified herein, and no others, except that any premium received shall be deposited with the Treasurer of Richland County and by him applied to the first installment of principal becoming due on the bonds, and any accrued interest received shall be applied by the Treasurer of Richland County to the first installment of interest becoming due on the bonds. Neither the purchasers of the bonds nor any subsequent holders thereof shall be responsible for the proper application of the proceeds of sale.

**SECTION 6. Election on issuance of bonds — question — conduct.**—The Commission is empowered to make provision for the holding of a special election in the District, on a date to be fixed by the Commission, at which time there shall be submitted to the qualified electors of the District the question of issuing general obligation bonds of the District for the purposes authorized by Section 3, supra, of this section. The election shall be conducted by the Commissioners of Election for Richland County, who shall give notice thereof by publication once each week for three successive weeks prior thereto, in one or more newspapers with general circulation in the District, stating the question to be submitted at the election, and specifying the amount in dollars of the bonds proposed to be issued. The election shall be conducted in each of the several precincts of

the District as the same are now established by law, and at the regular voting place therein, if such be within the District; otherwise, the Commissioners of Election shall designate a suitable voting place within such precinct. The question submitted shall be substantially in the following form:

“SHALL THE JACKSON-GILLS CREEK PUBLIC SERVICE DISTRICT ISSUE GENERAL OBLIGATION BONDS IN A SUM NOT EXCEEDING THREE MILLION DOLLARS, WHOSE PROCEEDS SHALL BE USED FOR SEWAGE DISPOSAL FACILITIES FOR THE DISTRICT?

YES

NO”

The ballot shall contain suitable instructions, advising the voter that if he favors the issuance of bonds he shall erase or strike through the word “NO,” and that if he is opposed to the issuance of bonds, he shall erase or strike through the word “YES.” The managers of election at each precinct shall count the ballots and forthwith return the result of the election, together with the original ballots and tally sheets, to the Commissioners of Election for Richland County, who shall declare the result of the election. If the Commissioners of Election determine that a majority of the voters voting in the election voted in favor of the issuance of bonds, the bonds, or any part thereof, may be issued as provided in Section 5, supra, of this act. Save and except as herein provided, the election shall be conducted in accordance with the provisions of the South Carolina Election Law.

**SECTION 7. District may borrow money—powers of.**—In order to provide further methods by which the District may from time to time raise money, the Commission may, on behalf of the District, borrow money and make and issue negotiable bonds, notes and other evidences of indebtedness, payable solely from all or any part of the revenues derived from the operation of the sewage disposal system. The sums borrowed may be those needed to pay all costs incident to the construction and establishment of such system, or such sum as may be needed to pay the cost of any extension, addition and improvement to such system. If this authorization be availed of, then, under such circumstances, neither the faith and credit of the State of South Carolina, nor of Richland County, nor of the District, shall be pledged for the payment of the principal and interest

of the obligations, and there shall be on the face of each obligation a statement, plainly worded, to that effect. Neither the members of the Commission, nor any person signing the obligations shall be personally liable thereon. To the end that a convenient procedure for borrowing money pursuant to this section may be prescribed, the District shall be fully empowered to avail itself of all powers granted by Article 9, Chapter 3, Title 59, and by Chapter 5, Title 59, Code of Laws of South Carolina, 1952, as now or hereafter constituted, it being the intent of this provision that further amendment and modifications of these Code provisions shall be deemed to amend and revise correspondingly the powers granted by this section. In exercising the powers conferred upon the District by such Code provisions, the District may make all pledges and covenants authorized by any provision thereof, and may confer upon the holders of its securities all rights and liens authorized by such Code provisions. Specifically, and notwithstanding contrary provisions in any of such Code provisions, if contrary provisions there be, the District may:

(1) Provide that such bonds, notes or other evidences of indebtedness be payable, both as to principal and interest, from the net revenues derived from the operation of its sewage disposal system as such net revenues may be defined by the Commission.

(2) Covenant and agree that upon its being adjudged in default as to the payment of any installment of principal or interest upon any obligation issued by it, or in default as to the performance of any covenant or undertaking made by it, in such event, the principal of all obligations of such issue may be declared forthwith due and payable, notwithstanding that any of them may not have then matured.

(3) Confer upon a corporate trustee the power to make disposition of the proceeds from all borrowings and of all revenues derived from the operation of the sewage disposal system, whose revenues are pledged for the payment of such obligations, in accordance with and in the order of priority prescribed by the resolutions adopted by the Commission as an incident to the issuance of any notes, bonds or other evidences of indebtedness.

(4) Dispose of its obligations at public or private sale, and upon such terms and conditions as it shall approve.

(5) Make such provisions for the redemption of any obligations issued by it prior to their stated maturity, with or without premium, and on such terms and conditions as the Commission shall approve.



(6) Covenant and agree that the payments into any cushion fund established to further secure the payment of the principal and interest of any obligations shall be in fixed amounts.

(7) Covenant and agree that no free service will be furnished to any person, firm, corporation, municipal corporation or any subdivision or division of the State.

(8) Prescribe the procedure, if any, by which the terms of the contract with the holders of its obligations may be amended, the number of obligations whose holders must consent thereto, and the manner in which such consent shall be given.

(9) Prescribe the events of default and the terms and conditions upon which all or any obligations shall become or may be declared due before maturity and the terms and conditions upon which such declaration and its consequences may be waived.

**SECTION 8. Municipalities to consent to certain installations.**—Prior to the installation of any sewage disposal facilities in any incorporated municipality within the District, the governing body of such municipality shall consent to the use of the streets and public ways therein for such installations.

**SECTION 9. Past due accounts to constitute liens.**—All tapping fees, service charges, and other charges duly imposed by the Commission under authority of this act and not paid when due and payable shall be and constitute a lien upon the real estate to which the sewage service concerned relates, so long as said fees or charges remain unpaid. In addition to such other rights and remedies as may be available to the Commission in law or equity for collection of said fees and charges, said lien may be enforced by the Commission in the same manner and fashion as the lien of property taxes upon real estate.

**SECTION 10. Municipalities may be exempted.**—Any incorporated municipality lying wholly or partly within the District hereby created may, by giving notice in writing by registered mail to the Commission within sixty days from the effective date of this act, be exempted and released from the District hereby created. Any such incorporated municipality not so giving notice of its election not to become a part of said District shall be deemed to have elected and consented to being and constituting a part of said District.

**SECTION 11. Repeal.**—All acts or parts of acts inconsistent herewith are repealed.

**SECTION 12. Time effective.**—This act shall take effect upon approval by the Governor.

Approved the 6th day of June, 1960.

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(R1175, H2688)

**No. 1115**

**An Act To Provide A Levy Of Taxes For Richland County For School And County Purposes For The Fiscal Year 1960-1961 And To Direct The Expenditures Thereof.**

Be it enacted by the General Assembly of the State of South Carolina :

**SECTION 1.** There is hereby levied a tax of eight and one-half mills, if so much be necessary, on all taxable property in Richland County for ordinary county purposes, which together with all additional sums available for ordinary purposes, shall be used for the payment of the items hereinafter set forth. *Provided*, that the Richland County Treasurer is hereby authorized and directed to transfer any surplus exceeding twenty-five thousand dollars in the General Funds of Richland County as of June 30, 1960, to the various county-wide Bond Accounts of the county and the Richland County Treasurer and Auditor are hereby authorized and directed to reduce the levies of those bond accounts in proportion to the amounts transferred to the bond accounts. *Provided*, further, that all salaries herein appropriated shall be paid in biweekly installments and the total of such items, other than salaries, shall be expended only if such be necessary. *Provided*, further, however, that implements and supplies of whatever kind to be purchased and/or sold under the terms of this act shall be purchased and/or sold only upon competitive bids each quarter after advertisement for at least one week previous to the letting of such contract in at least two issues of a newspaper published in Richland County, which advertisements shall set forth the articles and the approximate amount, quantity, measure and number thereof to be purchased and/or sold, and the contract of purchase and/or sale shall be awarded to the lowest responsible bidder for the period of one quarter. *Provided*, further, that in case of actual emergency, but in no other event, the supervisor may

# Richland County Council Request of Action

## **Subject**

### **REPORT OF THE SEWER AD HOC COMMITTEE:**

a. An Ordinance Amending the Richland County Code of Ordinances, Chapter 24, Utilities; Article IV, Sewers and Sewage Disposal; Division 2, Use of Public Sewers; Section 24-81, Use of Public Sewers Required; so as to clarify that the section only applies to new construction **[THIRD READING] [PAGES 171-173]**

1. Septic tanks that are functioning properly should not be disallowed in Richland County. Direct staff to contact DHEC to determine why a septic that needs maintenance or repair is not allowed to be done if a public sewer is within 200 feet of the property. Property owners should not be forced to incur expenses that will burden them for years to come and replacement septic system should be allowed provided it is shown the new system can function properly **[MALINOWSKI]**

b. Lower Richland Sewer Update

c. Lower Richland Sewer Litigation Update **[EXECUTIVE SESSION]**

## **Notes**

First Reading: April 21, 2015

Second Reading: May 19, 2015

Third Reading:

Public Hearing: May 19, 2015

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-15HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 24, UTILITIES; ARTICLE IV, SEWERS AND SEWAGE DISPOSAL; DIVISION 2, USE OF PUBLIC SEWERS; SECTION 24-81, USE OF PUBLIC SEWERS REQUIRED; SO AS CLARIFY THAT THE SECTION ONLY APPLIES TO NEW CONSTRUCTION.

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 24, Utilities; Article IV, Sewers and Sewage Disposal; Division 2, Use of Public Sewers; Section 24-81, Use of public sewers; is hereby amended to read as follows:

**Sec. 24-81. Use of public sewers required. General.**

Onsite wastewater systems are subject to rules and regulations under the authority of the South Carolina Department of Health and Environmental Control (SCDHEC). The County may, but is not required to, deny access to a public sewer system based on operational needs or other issues, including, but not limited to, insufficient capacity, public safety, environmental issues, or a property owner-applicant provided onsite wastewater system (e.g., septic tank) alternative that meets or exceeds SCDHEC standards for such systems, and which the owner-applicant retains the responsibility to maintain in proper working order. ~~The owner of all homes, buildings, or properties used for human occupancy, employment, recreation, or other purpose situated within the county and abutting on any street, alley, or right of way in which there shall be located a public sanitary sewer is hereby required at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with provisions of this article within ninety (90) days after written notice from the county to the property owner requiring such property owner to make connection thereto; provided that said public sewer shall be within two hundred (200) feet of the property line. The county council may grant a variance to the requirements of this section by resolution.~~

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

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

SECTION IV. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2015.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Torrey Rush, Chair

Attest this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
S. Monique McDaniels  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading:  
Second Reading:  
Third Reading:

# Richland County Council Request of Action

## **Subject**

- a. Any group or entity requesting funds at budget time from Richland County Government must be made through a council member. Requests should not be arbitrarily sent to the Administrator or other staff member and then efforts made to seek a sponsor. The requesting group should take the time and effort to obtain support from at least one council member to get it on the budget motions list **[MALINOWSKI]**
- b. Moving forward effective July 1, 2015, to add to the Neighborhood Improvement Guidelines, any Neighborhood/Community/HOA which does not allow public attendance and/or deny access to anyone is consider a private entity and is not allowed/authorized to receive any form of funding from Richland County **[DIXON]**
- c. I move that Council record non-electronic roll call voting for all final votes that are not unanimous for third reading or one time votes; and which are not merely procedural in nature **[MANNING]**

# Richland County Council Request of Action

**Subject**

Must Pertain to Items Not on the Agenda