



Richland County Council

Regular Session February 21, 2017 - 6:00 PM Council Chambers

Call to Order

- 1 The Honorable Joyce Dickerson

Invocation

- 2 The Honorable Dalhi Myers

Pledge of Allegiance

- 3 The Honorable Dalhi Myers

Approval of Minutes

- 4 Regular Session: February 7, 2017 [PAGES 7-16]

Adoption of Agenda

5

Presentation of Resolutions

- 6 a. A Resolution in support of the F-35 Program joining the McEntire Joint National Guard Base [N. JACKSON and MYERS]

Report of the Attorney for Executive Session Items

- 7 a. Pending Litigation: Jones vs. Richland County
b. Contractual: Assignment and Amendment of Utilities Easement Agreement [PAGES 17-36]



Richland County Council

- c. South Carolina Public Interest Foundation vs. Richland County
- d. State Legislation
- e. Clemson Road and Sparkleberry Lane Intersection Improvement Project: Right of Way Acquisition
- f. Special Purpose District Taxing Authority
- g. Update: Richland County vs. SC Dept. of Revenue

Citizen's Input

- 8** For Items on the Agenda Not Requiring a Public Hearing

Report of the County Administrator

- 9** a. Introduction of Transportation Interns

Report of the Clerk of Council

- 10** a. REMINDER: The State of the County to District 11, February 23, 6:00 p.m., Garners Ferry Adult Activity Center
- b. REMINDER: Free Showing of "Rosenwald" film, February 23, 7:00 p.m., Harbison Theatre at Midlands Technical College
- c. REMINDER: Pine Grove Rosenwald School African American Celebration, February 25, 10:00 a.m. - 2:00 p.m., Pine Grove Community Center
- d. REMINDER: NACo Conference, February 25 - March 1, Washington, D. C.
- e. REMINDER: Council Individual Headshots, February 28, 4th Floor Conference Room
- f. REMINDER: Matrix Findings Work Session, March 2, 9:00 a.m. - 11:00 a.m. & 1:00 p.m. - 3:00 p.m.; March 3, 1:00 p.m. - 3:00 p.m., Administration Conference Room
- g. REMINDER: Council Group Photo, March 7, 5:45 p.m. - Council Chambers



Richland County Council

h. Richland 101, Mondays and Thursdays, March 9 - April 10, 6:00 p.m. - 8:00 p.m.

Report of the Chair

- 11 a. Council's Profile
- b. Amending Council Rules

Open/Close Public Hearings

- 12 a. Authorizing the provision of water and sewer infrastructure to the Pineview Industrial Park and the execution of certain agreements related thereto; authorizing an amendment to the master agreement governing the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County ("Park") to amend the internal distribution to Richland County for property located in the Pineview Industrial Park Area of the park; and other related matters

Approval of Consent Items

- 13 16-037MA
Chip Daniels
RU to GC (2 Acres)
10020 Broad River Road
TMS # R04000-02-04 [THIRD READING] [PAGES 37-38]
- 14 16-038MA
James Randolph
RS-LD to NC (0.45 Acres)
Welborn Road
TMS # 19203-14-09 [THIRD READING] [PAGES 39-40]
- 15 16-040MA
Gerald Steele
RS-MD to GC (0.44 Acres, 0.20 Acres & 0.63 Acres - Total 1.69 Acres)
Broad River Rd.
R06108-06-05, -06, -07 & -08 [THIRD READING] [PAGES 41-42]

Third Reading Items

- 16 Authorizing the provision of water and sewer infrastructure to the Pineview Industrial Park and the execution of certain agreements related thereto;



Richland County Council

authorizing an amendment to the master agreement governing the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County ("Park") to amend the internal distribution to Richland County for property located in the Pineview Industrial Park area of the park; and other related matters [PAGES 43-70]

- 17 An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; so as to restructure the departments of the County [PAGES 71-119]

Second Reading

- 18 16-036MA
Jeff Stallings
PDD to GC (20 Acres)
8000 Wilson Boulevard
TMS # 14400-01-03 & 14402-03-01[PAGES 120-121]

First Reading

- 19 An Ordinance authorizing deed to the Columbia Automotive Company, LLC for .4312 Acres previously a portion of Terramont Drive, a public road, which was closed by order of the court [PAGES 122-136]

Report of the Transportation Ad Hoc Committee

- 20 a. Clemson Road and Sparkleberry Lane Intersection Improvement Project: Right of Way Acquisition [PAGES 137-144]

Citizen's Input

- 21 Must Pertain to Items Not on the Agenda

Executive Session

Motion Period

- 22 a. The City of Columbia is moving aggressively to annex selective parts of unincorporated Richland County. I move that Richland County Council invite the City Council of Columbia to a breakfast, lunch or dinner meeting to discuss any adverse affects to the County and other pressing concerns. Mergers/consolidations, the court house, storm drainage and other



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infrastructure matters [N. JACKSON]

Adjournment



Richland County Council



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

SOUTH CAROLINA

REGULAR SESSION MEETING

February 7, 2017
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 Joyce Dickerson

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Joyce Dickerson

APPROVAL OF MINUTES

Zoning Public Hearing: December 20, 2016 – Mr. Pearce moved, seconded by Mr. Jackson, to approve the minutes as distributed. The vote in favor was unanimous.

Special Called Meeting: January 10, 2017 – Ms. Myers requested the duties of the Chair and Vice Chair as cited be added to the minutes.

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

ADOPTION OF AGENDA

Mr. Seals requested Item #19: "An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; so as to restructure the departments of the County" be deferred.

Mr. Smith requested that Item #8.a.: "Update on State Legislation" be deferred.

Mr. Jackson moved, seconded by Mr. Malinowski, moved to adopt the agenda as amended. The vote was in favor.



Committee Members Present

Joyce Dickerson, Chair
Bill Malinowski, Vice Chair
Calvin "Chip" Jackson
Norman Jackson
Gwendolyn Davis Kennedy
Paul Livingston
Jim Manning
Yvonne McBride
Dalhi Myers
Greg Pearce
Seth Rose

Others Present:

Gerald Seals
Kimberly Roberts
Michelle Onley
Quinton Epps
Brandon Madden
Larry Smith
Brad Farrar
Ismail Ozbek
Dwight Hanna
Beverly Harris
Laura Renwick
Valeria Jackson
Chanda Cooper
Janelle Ellis
Jeff Ruble
Brittney Hoyle
Kevin Bronson
Tracy Hegler
Sandra Yudice

PRESENTATIONS

- a. **State Conservation Poster Contest Winners: Abigail Annsley Lanier and Abrianna Nicole McClerklin** – Councilman Calvin “Chip” Jackson and Chanda Cooper presented the contest winners with a certificate recognizing their accomplishment.

REPORT OF THE ATTORNEY FOR EXECUTIVE SESSION

Mr. Smith stated the following items were potential Executive Session Items:

- a. **Personnel Matter(s) – 2**

CITIZENS' INPUT

(For Items on the Agenda Not Requiring a Public Hearing)

Mr. Kendrick Roach and Mr. Kenneth Simmons spoke regarding Item #32.h. – Motion Period: “Release funding to the Recreation Commission for programs for children to prevent cancellation of those programs especially after school programs”.

REPORT OF THE COUNTY ADMINISTRATOR

- a. **Status Report – Coordination between the City of Columbia and the County Regarding the Water Service Area** – Mr. Seals stated the former County Administrator did carry out Council’s directive to correspond with the City of Columbia. The City of Columbia did respond to the correspondence and requested to work with the County on annexation, as well as, other issues. The correspondence will be forwarded to the City of Columbia liaisons.

Mr. Malinowski requested a copy of the correspondence.

Ms. Kennedy inquired about a list of areas the City of Columbia plans to annex.

Mr. Seals will follow-up up on obtaining a list of potential annexations.

- b. **“The State” Newspaper Article Response** – Mr. Seals stated Administration does not respond to matters inquired upon after notification has been received there is pending legal action. There have been several issues surrounding the extension of Shop Road and awarding of the contract. Those matters are being supervised and carried out by the County Attorney; therefore, staff has been instructed to defer to the County Attorney in terms of any responses.

However, there are two (2) articles concerning the issue. One of the articles alleged illegality on the part of the County Administrator and that information had been withheld from Council. A response to the allegations has been provided to County Council.

REPORT OF THE CLERK OF COUNCIL

- a. **REMINDER: SCAC Mid-Year Conference and Institute of Government, February 15 and 16, Embassy Suites** – Ms. Onley reminded Council of the upcoming SCAC Mid-Year Conference and Institute of Government classes.
- b. **February 21, 2017: Heart Disease and Breast Cancer Awareness** – Ms. Onley stated Richland County will be recognizing Heart Disease and Breast Cancer Awareness on February 21st. Employees and Council are encouraged to wear pink or red on that day.

REPORT OF THE CHAIR

- a. **Personnel Matter – 2** – This item was taken up in Executive Session.
- b. **Council Retreat Overview** – Ms. Dickerson stated the forum provided the members of Council to actively engage in the discussion, and provide the Administrator and staff instructions and directions on improve the quality of life and service in the County. The Council was united in an effort to explore ways to expand Economic Development and lower taxes without reducing services. Council is to be persistent in working with the Legislative Delegation to ensure they are accountable for their actions, especially as it related to Act 388. Additionally, Council is committed to promoting the County, bringing in industry, retaining graduates and providing housing that showcases our County.
- c. **Youth Summit Overview** – Ms. Dickerson stated she has been working on a youth summit for the last few years and she wants to ensure this becomes a County project now that it has gained national attention.

OPEN/CLOSE PUBLIC HEARINGS

- **A Resolution in support of the issuance by the South Carolina Jobs-Economic Development Authority of its Health Care Facilities Revenue Refunding Bonds (the Lutheran Homes of South Carolina, Inc.) Series 2017, pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina 1976, as amended, in the aggregate principal amount of not exceeding \$48,500,000** – No one signed up to speak.
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 1, General Provisions; so as to add Section 1-16 related to payment of legal bills** – No one signed up to speak.
- **An Ordinance Amending the Fiscal Year 2016-2017 Hospitality Tax Fund Annual Budget to appropriate \$100,000 of Hospitality Fund Balance to provide seed funding for commemorating Fort Jackson's 100th Birthday** – Ms. Audrey Brown and Mr. Larry Melton spoke in favor of this item.
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; so as to restructure the departments of the County** – This public hearing was deferred.

APPROVAL OF CONSENT ITEMS

- 16-037MA, Chip Daniels, RU to GC (2 Acres), 10020 Broad River Road, R04000-02-04 [SECOND READING]
- 16-038MA, James Randolph, RS-LD to NC (0.45 Acres), Welborn Road, 19203-14-09 [SECOND READING]
- 16-040MA, Gerald Steele, RS-MD to GC (0.44 Acres, 0.20 Acres, & 0.63 Acres = Total 1.69 Acres), Broad River Rd. R06108-06-05, -06, -07 & -08 [SECOND READING]

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

THIRD READING

An Ordinance Amending the Richland County Code of Ordinances, Chapter 1, General Provisions; so as to add Section 1-16 related to payment of legal bills – Mr. Pearce moved, seconded by Mr. Livingston, to approve this item.

<u>FOR</u>	<u>AGAINST</u>
Pearce	
Rose	
C. Jackson	
N. Jackson	
Malinowski	
Dickerson	
Livingston	
Kennedy	
Myers	
Manning	
McBride	

The vote in favor was unanimous.

An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; so as to restructure the departments of the County – This item was deferred to the February 21st Council meeting.

An Ordinance Amending the Fiscal Year 2016-2017 Hospitality Tax Fund Annual Budget to appropriate \$100,000 of Hospitality Fund Balance to provide seed funding for commemorating Fort Jackson’s 100th Birthday – Mr. Pearce moved, seconded by Mr. Livingston, to approve this item.

Mr. Malinowski stated the budget provided was general in nature, permission of the Army has not been provided, and the entrance policy seems to be too restrictive; therefore, he cannot support this item.

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The representative of the project provided a copy of the Ft. Jackson Entrance Gate Procedures to the Clerk's Office for distribution to Council.

Mr. Malinowski stated the previously approved minutes regarding this item read as follows: "Mr. Livingston requested a friendly amendment to fund the project at \$100,000 for three years, the funds are not to be released until a comprehensive budget is received and there is clear approval from the Army."

<u>FOR</u>	<u>AGAINST</u>
Pearce	N. Jackson
Rose	Malinowski
C. Jackson	
Dickerson	
Livingston	
Kennedy	
Myers	
Manning	
McBride	

The vote was in favor.

Mr. Pearce moved, seconded by Mr. Manning, to reconsider this item. The motion for reconsideration failed.

SECOND READING

16-036MA, Jeff Stallings, PDD to GC (20 Acres), 8000 Wilson Boulevard, 14400-01-03 & 14402-03-01
– Ms. Kennedy moved, seconded by Mr. Jackson, to defer this item until the February 21st Council meeting.
The vote in favor was unanimous.

Authorizing the provision of water and sewer infrastructure to the Pineview Industrial Park and the execution of certain agreements related thereto; authorizing an amendment to the master agreement governing the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County ("Park") to amend the internal distribution to Richland County for property located in the Pineview Industrial Park area of the park; and other related matters – Mr. Livingston moved, seconded by Mr. Manning, to approve this item.

Mr. Malinowski requested all backup documentation be complete and accurate prior to Third Reading and its distribution to Council.

The vote was in favor.

FIRST READING

An Ordinance Amending the Fiscal Year 2016-2017 Hospitality Tax Fund Annual Budget to appropriate \$200,000 of Hospitality Fund Balance to the SC Air National Guard to assist in funding for advertisement and promotion of the 2017 South Carolina Guard Air & Ground Expo – Ms. Myers moved, seconded by Mr. Malinowski, to move this item to the D&S Committee meeting. The vote in favor was unanimous.

REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE

CASA: Memorandum of Agreement with SC Department of Social Services – Mr. Pearce stated the committee recommended approval of this item.

Mr. Malinowski inquired about why this item was not brought to Council earlier.

Mr. Seals stated the item was processed as soon as it was presented to staff. In the future, dated items are clearly corrected so there is real ability to track.

The vote in favor was unanimous.

REPORT OF THE ECONOMIC DEVELOPMENT COMMITTEE

South Carolina Department of Commerce request for the County to serve as a pass through for a grant to DESA, Inc. – Mr. Livingston stated the committee recommended approval of this item.

Mr. Malinowski inquired if this item requires the County's approval or any government council's approval.

Mr. Seals stated in his conversation with the Department of Commerce the County's approval is required.

The vote in favor was unanimous.

A Resolution Authorizing a grant to certain funds to Project Sweet Tea – Mr. Livingston stated the committee recommended approval of this item.

The vote in favor was unanimous.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

I. NOTIFICATION OF APPOINTMENTS

- a. Procurement Review Panel – 2 (One applicant must be from the public procurement arena and one applicant must be from the consumer industry)** – Mr. Malinowski stated the applicant withdrew their application.

The committee recommended re-advertising for the vacancies. The vote in favor was unanimous.

- b. Business Service Center Appeals Board – 1 (Applicant must be in Business Industry)** – Mr. Malinowski stated the committee recommended appointing Ms. Kitwanda Cyrus. The vote in favor was unanimous.
- c. Central Midlands Council of Governments (CMCOG) – 1** – Mr. Malinowski stated the committee recommended appointing Mr. Julie-Ann Dixon.

Mr. Rose requested to vote on the applicants individually.

Mr. N. Jackson, Mr. Malinowski, Ms. Dickerson, Mr. Livingston, Ms. Kennedy, Ms. Myers and Ms. McBride voted for Ms. Julie-Ann Dixon.

Mr. Pearce, Mr. Rose, and Mr. C. Jackson voted for Mr. Douglas J. Fabel.

The vote was in favor of appointing Ms. Julie-Ann Dixon.

- d. Employee Grievance – 1 (Applicant must be a Richland County employee)** – Mr. Malinowski stated the committee recommended re-appointing Ms. Deborah Moore.

<u>FOR</u>	<u>AGAINST</u>
Pearce	
Rose	
C. Jackson	
N. Jackson	
Malinowski	
Dickerson	
Livingston	
Kennedy	
Myers	
McBride	

The vote in favor was unanimous.

OTHER ITEMS

A Resolution to appoint and commission Christopher R. Thompson as a Code Enforcement Officer for the proper security, general welfare, and convenience of Richland County – Mr. Livingston moved, seconded by Mr. Malinowski, to approve this item. The vote in favor was unanimous.

A Resolution in support of the issuance by the South Carolina Jobs-Economic Development Authority of its Health Care Facilities Revenue Refunding Bonds (the Lutheran Homes of South Carolina, Inc.) Series 2017, pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina 1976, as amended, in the aggregate principal amount of not exceeding \$48,500,000 --

CITIZENS' INPUT (Must Pertain to Items Not on the Agenda)

Mr. Toney Forrester continued his “story” from the previous Council meetings.

EXECUTIVE SESSION

*Council went into Executive Session at approximately 7:14 p.m.
and came out at approximately 7:43 p.m.*

- a. **Personnel Matter(s) – 2** – Ms. Dickerson will appoint a committee to discuss the Personnel Matter(s).

MOTION PERIOD

- a. **Resolution honoring Satch Krantz for his years of service to the Riverbanks Zoo [ROSE]** – Mr. Pearce moved, seconded by Mr. Rose, to adopt a resolution honoring Satch Krantz for his years of service to the Riverbanks Zoo. The vote in favor was unanimous.
- b. **I move that re-phrase County Administrator Seals’ question number six from the Council Retreat to read as: Should County Government operate at a lower millage?” and it be referred to the Council’s ad hoc Budget Committee with the consideration of the Poores and Moody Aaa bond designation for our county; and the consideration of matters such as the need for a new county courthouse and protecting the citizens safety through means such as the emergency medical services (EMS), fire services and policing [MANNING]** – This item was referred to the Budget Ad Hoc Committee.
- c. **I move that if the State Government does not fully fund Richland County as specified by the original formula when Act 388 was passed, that a uniform service charge on tax exempt property be imposed. [MANNING and PEARCE]** – This item was referred to the Budget Ad Hoc Committee. Mr. Malinowski requested that his motion regarding this issue be incorporated into this motion as well.

Ms. Dickerson encouraged Council to forward all their motions to the Clerk’s Office as soon as possible.

- d. **Richland County lost millions of dollars by not collecting taxes on Sexual Oriented Businesses (SOB) for the past five years. I move that the Legal Department along with Administration explore recovering the funds from businesses directly. [N. JACKSON and MALINOWSKI]** – This item was referred to the D&S Committee.
- e. **Revisit motion to fine or censure Council members who leak executive session information or not have Executive Sessions. Either it is confidential or not [N. JACKSON]** – This item was referred to the Rules & Appointments Committee.
- f. **Explore funding Eco Tourism with funds from Mitigation Bank Credits and Economic Development [N. JACKSON]** – This item was referred to the A&F Committee.
- g. **Clarify Richland County’s role in managing the Election Commission’s budget and authority to hire and fund legal services. NOTE: There have been several discussions on authority of the Election Commission Board and control of their budget. Who has the authority to make decisions, The Board, County Council or the Legislative Delegation? [N. JACKSON]** – This item was referred to the Legal Department.

- h. Release funding to the Recreation Commission for programs for children to prevent cancellation of those programs especially after school programs [N. JACKSON]** – This item was referred to the A&F Committee.
- i. The City of Columbia announced that they will be targeting Hospitality Tax businesses in the unincorporated area for annexation to take HTax funds. The City receives more than \$10 million annually while the unincorporated area receives over \$5 million annually. The County spends more than half its funds in the City while the City spends its funds in the City only. I move unless the City develops an IGA or MOU with the County not to target and take the County HTax funds that Richland County then there should be some discussion to reevaluate collection of the HTax funds [N. JACKSON and MALINOWSKI]** – This item was referred to the A&F Committee.
- j. Resolution recognizing Clemson University and former Lower Richland Diamonds Marcus Edmond on his success leading the Tigers to National Champions [N. JACKSON and DICKERSON]** – Mr. Pearce moved, seconded by Mr. Malinowski, to adopt a resolution recognizing Marcus Edmond. The vote in favor was unanimous.
- k. Adjust mandated funding for programs and agencies by the percentage reduced by the LGF [N. JACKSON and MALINOWSKI]** – This item was referred to the D&S Committee.

ADJOURNMENT

The meeting adjourned at approximately 7:56 PM.

Joyce Dickerson, Chair

Bill Malinowski, Vice-Chair

Calvin "Chip" Jackson

Norman Jackson

Gwendolyn Kennedy

Paul Livingston

Jim Manning

**Richland County Council
Regular Session Meeting
Tuesday, February 7, 2017
Page Ten**

Yvonne McBride

Dahli Myers

Greg Pearce

Seth Rose

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

Prepared by and return to:

Parker Poe Adams & Bernstein LLP (FMK)
401 S. Tryon St., Suite 3000
Charlotte, North Carolina 28202

Assignment of and Amendment to Easement Relocation Option Agreement

This Assignment of and Amendment to Easement Relocation Option Agreement (“Assignment and Amendment”) is made effective as of February ____, 2017 (“**Closing Date**”) between Southland Log Homes Realty, LLC, a Delaware limited liability company (“**Southland**”), The County of Richland, South Carolina, a South Carolina municipal corporation and political subdivision of the State of South Carolina (“**Richland County**”), and EP Realty SC, LLC, a South Carolina limited liability company (“**EP Realty**”).

RECITALS

A. Southland owns the approximately 19.74 acres of real property more particularly identified as _____ on the plat recorded in Book ____, Page ____, Richland County Public Registry (“**Southland Property**”), and also depicted on the map (“**Map**”) entitled _____, prepared by _____ and dated _____ attached hereto as **Exhibit A** and incorporated herein by this reference (“**Southland Property**”).

B. Richland County owns the approximately 0.97 acres of real property bearing tax parcel number R03916-01-19 and identified as _____ on the Map (“**Richland Property**”).

C. EP Realty exercised an option to purchase the Southland Property as of the Closing Date pursuant to that certain Option Election Notice dated January 20, 2017 and delivered by EP to Southland.

D. Southland and Richland County entered into that certain Easement Relocation Option Agreement (“**Option Agreement**”) dated February 5, 2013 and recorded March 11, 2013 in Book 1842, Page 208, Richland County Public Registry.

E. Effective as of the Closing Date, the parties desire to assign all of Southland’s right, title and interest in, to and under the Option Agreement to EP Realty and to amend the Option Agreement in accordance with this Assignment and Amendment.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Assignment.

(a) Assignment. Effective as of the Closing Date, Southland assigns to EP Realty all of Southland's right, title and interest in, to and under the Option Agreement and delegates to EP Realty all of Southland's duties and obligations under the Option Agreement.

(b) Assumption. Effective as of the Closing Date, EP Realty accepts the assignment of Southland's right, title and interest in, to and under the Option Agreement and assumes all of Southland's duties and obligations under the Option Agreement.

(c) Consent to Assignment. Richland County consents to the assignment and assumption of the Option Agreement by Southland and EP Realty.

(d) Southland's Indemnity. Southland shall indemnify, defend and hold harmless EP Realty (including EP Realty's officers, members, managers, partners, employees, agents and representatives) from and against any and all causes of action, suits, demands, claims, costs, damages, liabilities and obligations whatsoever, including reasonable attorneys' fees and expenses, arising out of or in any way relating to the Option Agreement prior to the Closing Date.

(e) EP Realty's Indemnity. EP Realty shall indemnify, defend and hold harmless Southland (including Southland's officers, members, managers, partners, employees, agents and representatives) from and against any and all causes of action, suits, demands, claims, costs, damages, liabilities and obligations whatsoever, including reasonable attorneys' fees and expenses, arising out of or in any way relating to the Option Agreement from and after the Closing Date.

2. Amendment.

(a) Southland Property. The definition of Southland Property set forth in the first recital of the Option Agreement is hereby deleted and replaced in its entirety with the definition of Southland Property set out in the Recitals of this Assignment and Amendment.

(b) Site Plan. The site plan attached as Exhibit C to the Option Agreement is hereby deleted and replaced in its entirety with the site plan attached as **Exhibit B** to this Assignment and Amendment and incorporated herein by this reference.

(c) New Driveway. The definition of New Driveway set forth in the recitals of the Option Agreement is hereby deleted and replaced in its entirety with the following: (the "New Driveway" as more particularly depicted on the Map).

(d) Notice: Southland's notice address in Section 7 (the second of two Section 7s) of the Option Agreement is hereby deleted and replaced with the following:

EP Realty: EP Realty SC, LLC,
c/o Sonic Automotive, Inc.
Attn: Vice President, Corporate Development
4401 Colwick Road
Charlotte, North Carolina 28211

3. **Binding Effect.** This Assignment and Amendment shall bind and benefit the parties and their successors and assigns.

4. **Governing Law.** This Assignment is governed by South Carolina law.

5. **Counterparts.** This Assignment may be executed in multiple counterparts which, when assembled, shall constitute one original.

6. **Full Force and Effect.** All other terms, conditions and provisions set forth in the Option Agreement shall remain in full force and effect except as expressly amended herein.

[Signature Pages Follow]

This Assignment and Amendment is executed as of the Closing Date.

Signed, Sealed and Delivered in the Presence
of:

Southland:

Witness signatures:

Southland Log Homes Realty, LLC,
a Delaware limited liability company

Print Name: _____

Witness #1

By: _____

Name: _____

Print Name: _____

Witness #2/Notary Signature

Its: _____

State of _____

County of _____

I, _____, Notary Public for the County of _____, State of _____, do hereby certify that _____, the _____ of Southland Log Homes Realty, LLC, a Delaware limited liability company, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this February _____, 2017.

Notary's Signature

Print Name

Commission Expires
[Notary Stamp or Seal]

Signed, Sealed and Delivered in the Presence
of:

Richland County:

Witness signatures:

The County of Richland, South Carolina,
a South Carolina municipal corporation and
political subdivision of the State of South Carolina

Print Name: _____

Witness #1

By: _____

Name: _____

Print Name: _____

Witness #2/Notary Signature

Its: _____

State of South Carolina
County of Richland

I, _____, Notary Public for the County of Richland, State
of South Carolina, do hereby certify that _____, the _____ of
The County of Richland, South Carolina, a South Carolina municipal corporation and political
subdivision of the State of South Carolina, personally appeared before me this day and
acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this February ____, 2017.

Notary's Signature

Print Name

Commission Expires
[Notary Stamp or Seal]

Signed, Sealed and Delivered in the Presence
of:

EP Realty:

Witness signatures:

EP Realty SC, LLC,
a South Carolina limited liability company

Print Name: _____

Witness #1

By: _____

Name: _____

Its: _____

Print Name: _____

Witness #2/Notary Signature

State of North Carolina
County of Mecklenburg

I, _____, Notary Public for the County of Mecklenburg,
State of North Carolina, do hereby certify that _____, the _____
of EP Realty SC, LLC, a South Carolina limited liability company, personally appeared before
me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal this February _____, 2017.

Notary's Signature

Print Name

Commission Expires
[Notary Stamp or Seal]

Exhibit A

Map

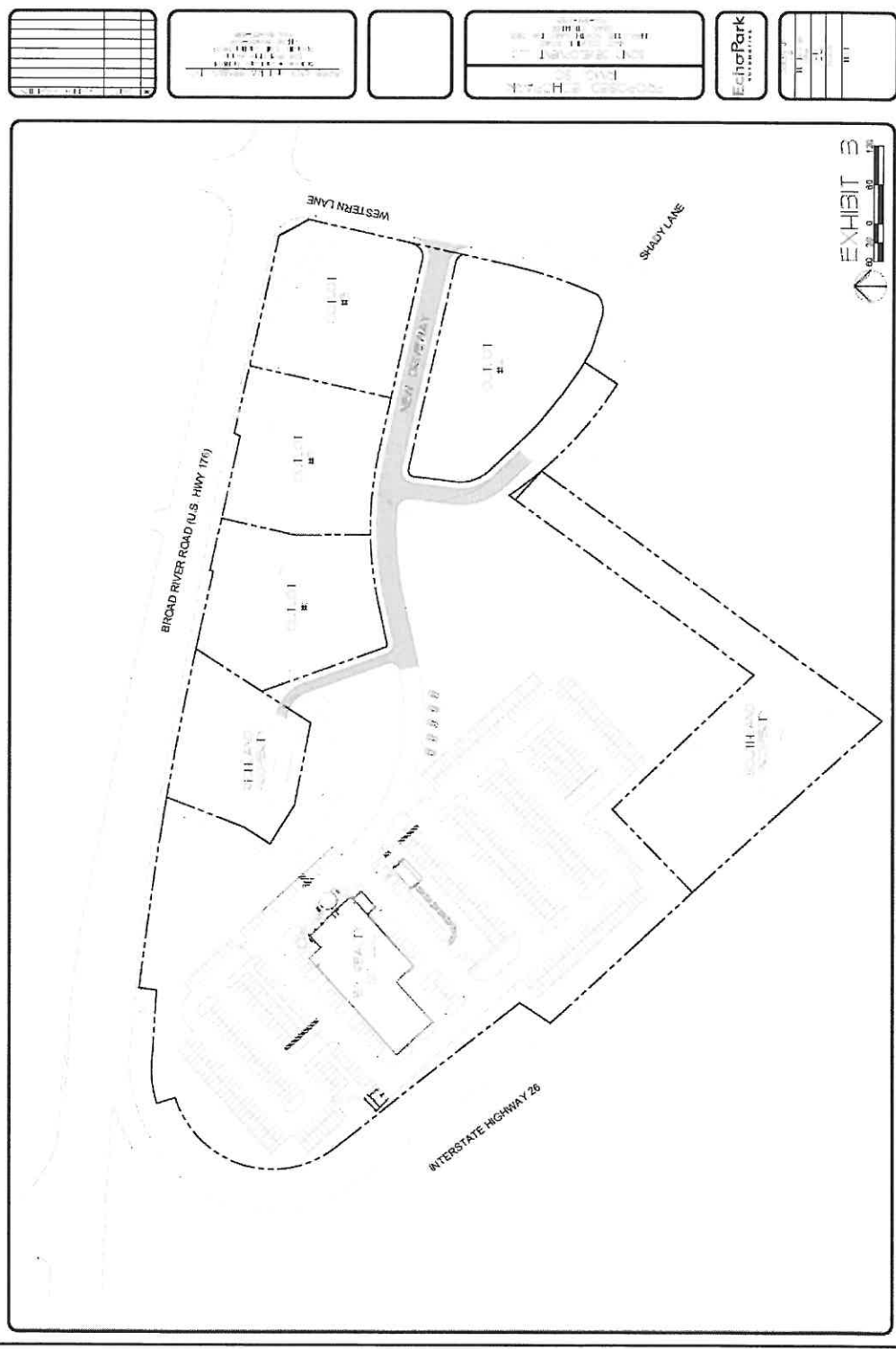
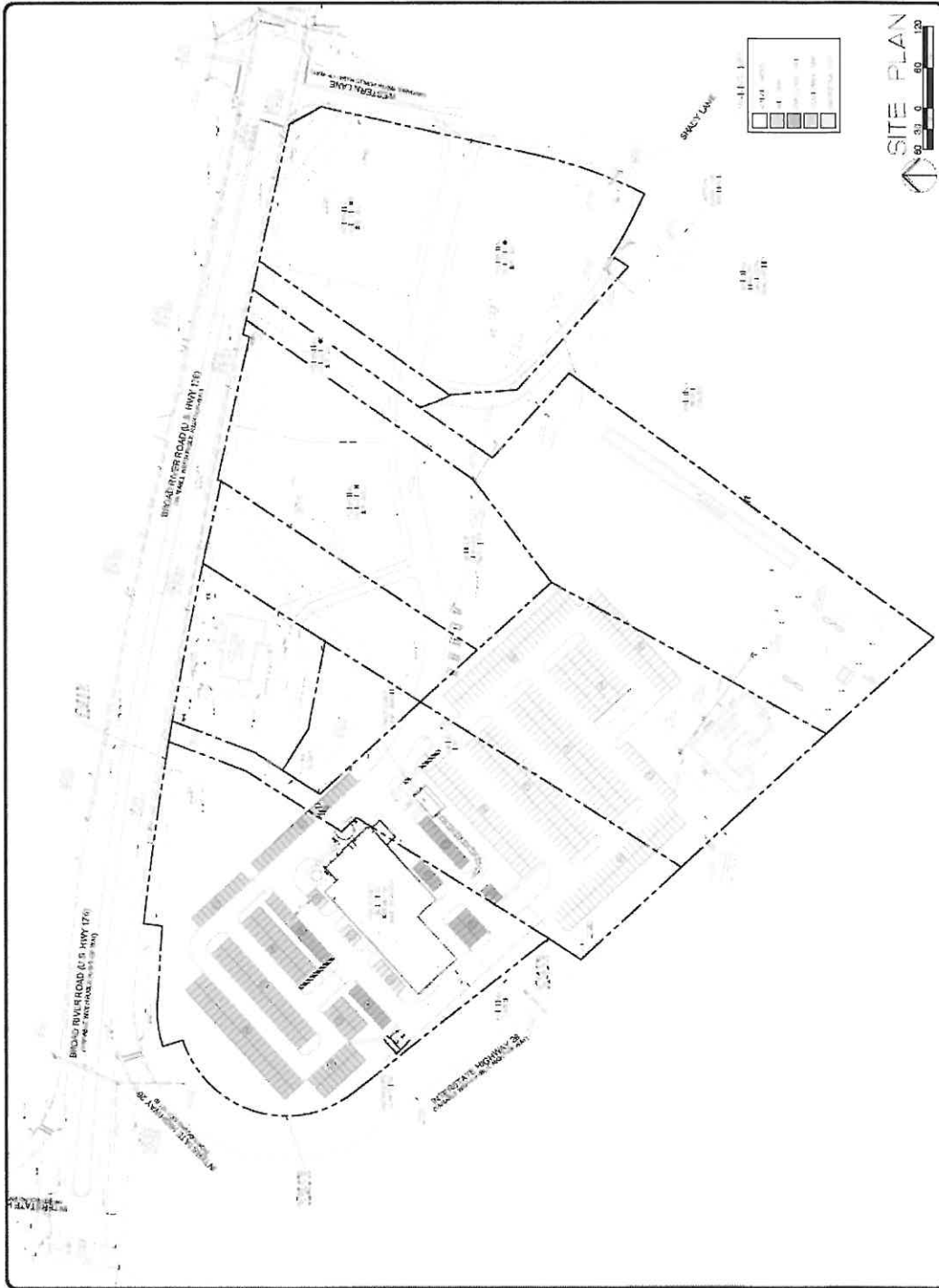


Exhibit B

Site Plan

					<table border="1"><tr><td>DATE</td><td>NOV 11 2011</td></tr><tr><td>BY</td><td>...</td></tr><tr><td>NO.</td><td>...</td></tr><tr><td>SHEET NO.</td><td>3</td></tr></table>	DATE	NOV 11 2011	BY	...	NO.	...	SHEET NO.	3
DATE	NOV 11 2011												
BY	...												
NO.	...												
SHEET NO.	3												



Richland County Internet Mapping



Leaflet | Map data © Richland County SC, Satellite basemap © Google

100 ft

WHEREAS, the Southland Property, the Richland County Property, the Existing Driveway and the New Driveway are all identified on the site plan (the "Site Plan") attached hereto as *Exhibit C* and incorporated herein by reference.

AGREEMENTS

NOW, THEREFORE, for and in consideration of the premises and promises of the parties hereto, each to the other, and mutual benefits to be derived, and the sum of Ten and No/100 (\$10.00) Dollars paid to each party by the other party, the receipt and sufficiency of which is hereby acknowledged, the parties, for themselves, their respective successors, successors in title and assigns, do hereby mutually declare, establish, and agree as follows:

1. Incorporation of Recitals. The foregoing Recitals are incorporated and made a part of this Agreement.

2. Grant of Option. Subject to the terms of this Agreement, Richland County hereby grants to Southland the exclusive right and option (the "Option") to terminate the Existing Driveway Easement benefitting the Richland County Property, to remove the Existing Driveway and to construct the New Driveway, all as described herein.

3. Conditions Related to Exercise of Option. In the event Southland desires to exercise the Option, Southland shall provide written notice of such election to Richland County. In such event, Southland shall cause the New Driveway to be constructed prior to removing the Existing Driveway. The New Driveway shall provide, at a minimum, pedestrian and vehicular access to and from the Richland County Property to and from Western Lane. Southland and Richland County agree that upon completion of the New Driveway, and prior to removal of the Existing Driveway, the parties shall work together to execute and record in the Registry the necessary document(s) granting Richland County, for the benefit of the Richland County Property, a non-exclusive easement for ingress, egress and access over and upon the New Driveway (the "Replacement Easement Document") and terminating the Existing Driveway Easement. Such document(s) shall be reviewed and approved by Richland County before recordation.

Southland further agrees that in the event it exercises the Option, concurrent with constructing the New Driveway, Southland will move the existing sewer line currently located near the Existing Driveway and serving the Richland County Property to a location agreeable to both parties in their reasonable discretion. The parties agree to work together to execute and record any necessary document(s) granting Richland County, for the benefit of the Richland County Property, a permanent easement to utilize the replacement sewer line over and upon the new sewer line location, and terminating that certain Permanent Easement for Sewer Lines dated July 29, 2008, and recorded in Record Book 1450, Page 2391 of the Registry.

4. Location of the New Driveway. The proposed location and configuration of the New Driveway is identified on the Site Plan, and Richland County hereby consents to such location and configuration. Any alternate location and configuration of the New Driveway other than that identified on the Site Plan shall have to be approved in writing by Richland County prior to any construction. Southland understands and agrees that regardless of the terms agreed to herein, Southland shall be required, prior to any grading or construction, to acquire all necessary permits and approvals from Richland County in accordance with the Richland County Land Development Code. Nothing agreed to herein shall constitute a waiver of any Richland County ordinance.

5. Construction of the New Driveway. In the event Southland exercises the Option, Southland shall be responsible for the cost of the construction and maintenance of the New Driveway and construction shall be undertaken and completed in a good and workmanlike manner. Southland agrees that at no time shall such construction prevent vehicular access to and from the Richland County Property during the hours of 7:00 A.M. and 7:00 P.M.

6. No Obligation by Southland. Nothing herein shall be construed to obligate Southland to exercise the Option and construct the New Driveway, and Richland County hereby acknowledges and agrees that the Option may be exercised by Southland in Southland's sole and absolute discretion.

7. Option Term and Termination. The parties agree that the term of this Option is for five (5) years and it shall expire and automatically terminate five (5) years from the Effective Date.

7. Notices. Notices or other communication hereunder shall be in writing and shall be sent certified or registered mail, return receipt requested, or by other national overnight courier company, or personal delivery. Notice shall be deemed given upon receipt or refusal to accept delivery. Each party may change from time to time their respective address for notice hereunder by like notice to the other party. The notice addresses of the parties are as follows:

Southland: Southland Log Homes Realty LLC
7521 Broad River Road
Irmo, South Carolina 29063
Attention: Mr. Mason Holley

Richland County: Richland County Administration
2020 Hampton Street
Columbia, SC 29204
Attention: W. Anthony McDonald

8. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same document. In addition, this Agreement may contain more than one counterpart of the signature page(s), all of which signature page(s) may be attached to one copy of this Agreement to constitute the entire executed Agreement.

9. Captions, Gender and Number. Captions contained in this Agreement are inserted only as a matter of convenience and in no way define, limit, extend or describe the scope of this Agreement or the intent of any provision hereof. Whenever the context so requires, any pronouns used herein shall include the corresponding masculine, feminine or neuter forms, and the singular form of nouns and pronouns shall include the plural and vice versa.

10. Severability. If any provision of this Agreement shall, in whole or in part, prove to be invalid for any reason, such invalidity shall affect only the portion of such provision which shall be invalid, and in all other respects this Agreement shall stand as if such invalid provision, or other invalid portion thereof, had not been a part hereof. The parties agree that this Agreement shall be enforced to the fullest extent permitted by law. Accordingly, if, in any judicial proceeding, a court shall determine that any provision is invalid or unenforceable as written, the parties' consent to an interpretation by the court that will provide enforcement to the maximum extent permitted by law.

11. Entire Agreement; Amendment. This Agreement is the sole and entire agreement and understanding of the parties with respect to the matters contemplated herein. All prior agreements, representations or understandings regarding the easements and obligations described herein, whether written or oral, shall be merged herein and shall not be construed to change, amend, alter, repeal or invalidate this Agreement. The parties hereto agree that the provisions of this Agreement may be modified or amended, in whole or in part, or terminated, only by the written consent of all record owners of the Southland Property and the Richland County Property, and if reasonably required by any such party, evidenced by a document that has been fully executed and acknowledged by all such record owners and recorded in the Registry.

12. Governing Law and Jurisdiction. This Agreement has been executed and delivered in the State of South Carolina, and its validity, interpretation, performance and enforcement, and all matters relating thereto, shall be governed by and construed and interpreted in accordance with the laws of the State of South Carolina.

13. Legal Effect. The Option and other rights and obligations contained in this Agreement shall run with the Southland Property and the Richland County Property and shall bind the parties and their successors and assigns and every person now or hereafter acquiring an interest in or lien upon the property affected hereby.

[Signatures to Follow]

EXHIBIT A
DESCRIPTION OF THE SOUTHLAND PROPERTY

As to Parcels A, B and D, 3.70 acres, Richland County (TMS# R03916-01-09)

All that certain piece, parcel or tract of land, with any improvements thereon, situate, lying and being in the County of Richland, State of South Carolina, shown and delineated as Parcel A, B and D, on a Plat prepared for Southland Log Homes, Inc., by Cox & Dinkins, Inc., dated October 1, 1997 and recorded in the Office of the Register of Deeds for Richland County. Reference is hereby made to said latter mentioned plat for a more complete and accurate description of said lot of land.

AND

As to 2.47 acres, Richland County (TMS# R03916-01-12)

All that certain piece, parcel or tract of land, situate, lying and being on the south side of Broad River Road and the north side of Interstate 26 in/or near the Town of Irmo, in the County of Richland, State of South Carolina, Parcel B, containing 2.45 acres and Parcel C containing 0.02 acres, more or less, and being more particularly shown and delineated as "Parcel B and Parcel C", on that certain boundary survey prepared for Southland Log Homes, Inc., by Civil Engineering of Columbia, dated June 11, 1995, and recorded in the Office of the RMC for Richland County in Plat Book 55 at Page 9159, which plat insofar as it relates to said Parcel B and Parcel C is incorporated herein by reference as part of the legal description of said Parcel B and Parcel C with the following metes and bounds:

Parcel B

Beginning at an iron pin on the northwesterly side of Parcel B and running S72E54'53"E for a distance of 207.94' to an iron pin; thence S39E48'47"W for a distance of 23.67' to an iron pin; thence S50E06'58"E for a distance of 30.04' to an iron pin; thence S39E45'53"W for a distance of 374.05' to an iron pin; thence S56E56'06"W for a distance of 188.74' to an iron pin; thence N37E52'36"W for a distance of 146.91' to an iron pin; thence S36E59'05"W for a distance of 467.05' to the beginning point of Parcel B.

Parcel C

This being a .02 acre parcel of land contained on the boundary survey on Southland Log Homes, Inc., dated June 22, 1995, recorded in the Office of the RMC for Richland County in Plat Book 55 at Page 9159. Refer to said plat for a more particular description.

AND

As to 1.10 Acres, Richland County (TMS# 03916-01-14)

All that certain piece, parcel or tract of land, situate, lying and begin on the south side of Broad River Road and the north side of Interstate 26 in/or near the Town of Irmo, in the County of Richland, State of South Carolina, containing Parcel A consisting of 1.10 acres, and being more particularly shown and delineated as "Parcel A" on that certain boundary survey prepared for Southland Log Homes, Inc. by Civil Engineering of Columbia, dated June 22, 1995, and recorded in the Office of the Register of Deeds for Richland County, South Carolina, in Plat Book 55 at Page 9159, which plat insofar as it relates to said Parcel A is incorporated herein by reference as part of the legal description of said Parcel A with following metes and bounds: Beginning at the northwesterly point of Parcel A and running easterly $S72E54'53''E$ for a distance of 26.62' to an iron pin; continuing $S72E54'53''E$ for a distance of 91.34' to an iron pin; thence, $S36E59'05''W$ for a distance of 467.05' to an iron pin; thence, $N37E52'36''W$ for a distance of 88.98' feet to an iron pin; thence, $N36E59'05''E$ for a distance of 396.89' to the beginning point of Parcel A.

LESS AND EXCEPTING THEREFROM all that parcel or strip of land, in fee simple, with improvements thereon, if any, including rights of access as may be needed for controlled access facilities, containing 0.05 acre of land and being described as follows: Within 50' feet of the survey centerline of US Route 176, on the left between approximate survey stations 516+00 and 517+25 and as further described and shown in the Condemnation Notice and Tender of Payment action: South Carolina Department of Transportation, Condemnor vs. Belton Kelly Smith, Landowner and Bank of Travelers Rest, Mortgagee, Other Condemnee, State of South Carolina, County of Richland, Civil Action No. 99CP403659.

AND

As to 4.06 Acres, Richland County (TMS# R03916-01-15)

All that certain piece, parcel or tract of land, with any improvements thereon, situate, lying and being in the County of Richland, State of South Carolina, shown and delineated as containing 4.06 acres, more or less, on a Plat prepared for Southland Log Homes, Inc., by Whitworth & Associates, Inc., dated August 12, 1997, and recorded in the Office of the Register of Deeds for Richland County. Reference is hereby made to said latter mentioned plat for a more complete and accurate description of said lot of land.

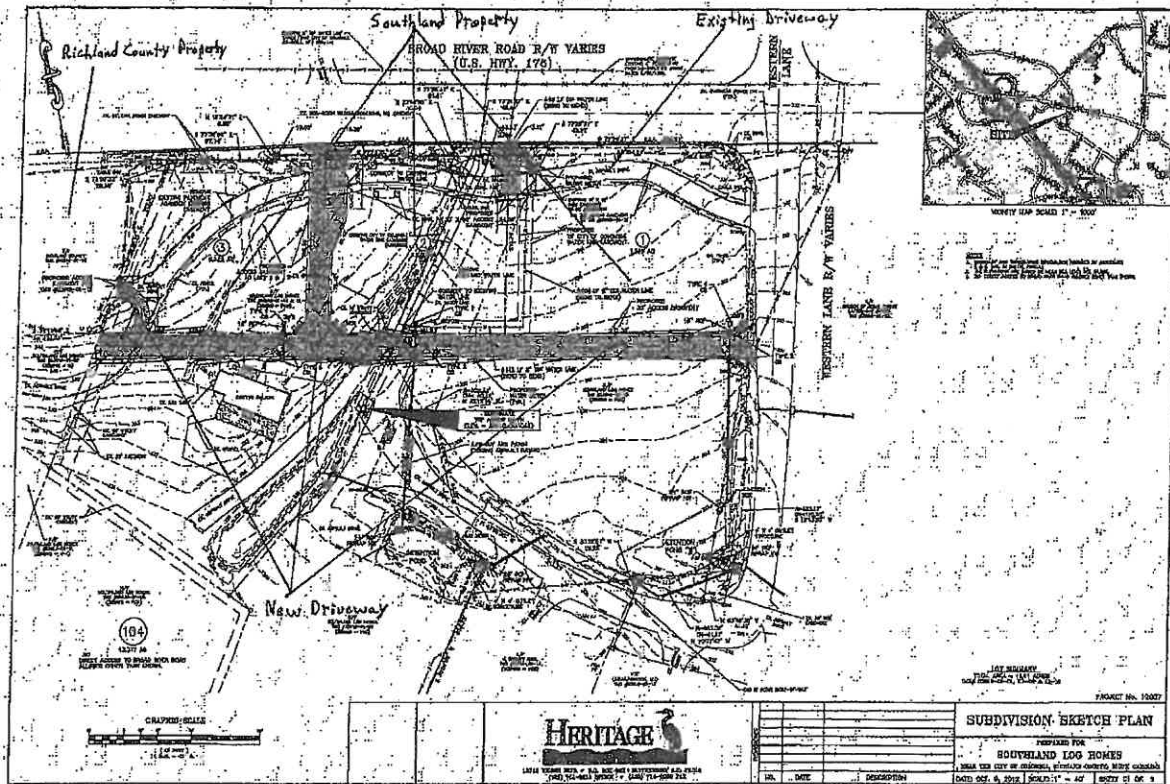
EXHIBIT B

DESCRIPTION OF RICHLAND COUNTY PROPERTY

All that certain piece, parcel or lot of land situate, lying and being located in the County of Richland, State of South Carolina, being shown and delineated as **Parcel 'A' (containing 0.97 acres)** on that certain plat prepared for Southland Log Homes, Inc., (Lot Split), prepared by Civil Engineering of Columbia, dated December 18, 2006, and recorded in the Register of Deeds Office for Richland County in Record Book 1448 at Page 3620, and having such boundaries and measurements as shown on said plat (the "Plat"), reference being craved thereto for a complete description of the metes, bounds, courses, and distances of said parcel; be all measurements a little more or less. The Plat is hereby incorporated herein by reference.

EXHIBIT C

SITE PLAN



Richland County Council Request of Action

Subject:

16-037MA
Chip Daniels
RU to GC (2 Acres)
10020 Broad River Road
TMS # R04000-02-04

First Reading: December 20, 2016
Second Reading: February 7, 2017
Third Reading:
Public Hearing: December 20, 2016

STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ____-17HR

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 # 04000-02-04 FROM RU (RURAL DISTRICT) TO GC (GENERAL COMMERCIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 04000-02-04 from RU (Rural 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 _____, 2017.

RICHLAND COUNTY COUNCIL

By: _____
Joyce Dickerson, Chair

Attest this _____ day of _____, 2017.

Michelle M. Onley
Deputy Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: December 20, 2016
First Reading: December 20, 2016
Second Reading: February 7, 2017 (tentative)
Third Reading: February 21, 2017 (tentative)

Richland County Council Request of Action

Subject:

16-038MA
James Randolph
RS-LD to NC (0.45 Acres)
Welborn Road
TMS # 19203-14-09

First Reading: December 20, 2016
Second Reading: February 7, 2017
Third Reading:
Public Hearing: December 20, 2016

STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ____-17HR

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 # 19203-14-09 FROM RS-LD ((RESIDENTIAL, SINGLE FAMILY, LOW DENSITY DISTRICT) TO NC (NEIGHBORHOOD COMMERCIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 19203-14-09 from RS-LD (Residential, Single Family, Low Density District) zoning to NC (Neighborhood 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 _____, 2017.

RICHLAND COUNTY COUNCIL

By: _____
Joyce Dickerson, Chair

Attest this _____ day of
_____, 2017.

Michelle M. Onley
Deputy Clerk of Council

Public Hearing: December 20, 2016
First Reading: December 20, 2016
Second Reading: February 7, 2017 (tentative)
Third Reading: February 21, 2017 (tentative)

Richland County Council Request of Action

Subject:

16-040MA

Gerald Steele

RS-MD to GC (0.44 Acres, 0.20 Acres & 0.63 Acres - Total 1.69 Acres)

Broad River Rd.

R06108-06-05, -06, -07 & -08

First Reading: December 20, 2016

Second Reading: February 7, 2017

Third Reading:

Public Hearing: December 20, 2016

STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ____-17HR

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 # R06108-06-05, 06, 07 & 08 FROM RS-LD (RESIDENTIAL, SINGLE FAMILY, LOW DENSITY DISTRICT) TO GC (GENERAL COMMERCIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 19203-14-09 from RS-LD (Residential, Single Family, Low Density 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 _____, 2017.

RICHLAND COUNTY COUNCIL

By: _____
Torrey Rush, Chair

Attest this _____ day of
_____, 2017.

Michelle M. Onley
Deputy Clerk of Council

Public Hearing: December 20, 2016
First Reading: December 20, 2016
Second Reading: February 7, 2017 (tentative)
Third Reading: February 21, 2017 (tentative)

Richland County Council Request of Action

Subject:

Authorizing the provision of water and sewer infrastructure to the Pineview Industrial Park and the execution of certain agreements related thereto; authorizing an amendment to the master agreement governing the I-77 Corridor Regional Industrial Park jointly developed with Fairfield County ("Park") to amend the internal distribution to Richland County for property located in the Pineview Industrial Park area of the park; and other related matters

First Reading: December 13, 2016

Second Reading: February 7, 2017

Third Reading:

Public Hearing:

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

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

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 attached as Exhibit A;

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

WHEREAS, the County has previously adopted three amendments to Section 3.03(a), effective April 3, 2012, July 1, 2014, and September 8, 2015, each of which modified the internal distribution of the County’s Revenues;

WHEREAS, the County entered into an Intergovernmental Agreement with the City of Columbia, South Carolina (“City”), dated May 26, 2015 (“IGA”), in which the City agreed to furnish water and sewer services to Pineview Industrial Park (“Pineview”), which the County has previously designated as located within the geographical boundaries of the Park, without annexing Pineview into the City, in exchange for a portion of the Fee Payments generated by property located in the County;

WHEREAS, pursuant to the Act and Section 3.03(b) of the Agreement, the County wishes to further amend Section 3.03(a) to modify the internal distribution of the County’s Revenues to effectuate the IGA and further encourage the economic development of the County; and

WHEREAS, by Ordinance No. [], 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) of the Agreement, the County amends the internal distribution of the County’s Revenues by amending Section 3.03(a) of the Agreement through the deletion of all of Section 3.03(a) following the sentence “Fairfield hereby elects to retain all of the Revenues from the Park” and inserting the following:

(i) For Revenues generated by properties located in Fairfield and received by Richland pursuant to Section 3.02(b), Richland shall deposit all of the Revenues into the “Richland County Industrial Park Fund” (“Fund”).

(ii) For Revenues generated by properties in Richland and located in the Pineview Industrial Park (“Pineview”), as more particularly described in the attached Exhibit B, and retained by Richland under Section 3.02, Richland shall (A) first, if the property is (X) located in the Park on or after January 15, 2009, and (Y) subject to a negotiated FILOT or a special source revenue credit incentive, deposit 3% of the Revenues into the Fund, (B) second, remit 10% of remaining Revenues

to the City of Columbia (“City”) as payment for providing water and sewer services to Pineview in accordance with the terms of the Intergovernmental Agreement between the City and the County dated May 26, 2015, and (C) third, distribute the remaining Revenues 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.

(ii) For Revenues generated by properties Richland and not located in Pineview and retained by Richland under Section 3.02, Richland shall (A) first, if the property is (X) located in the Park on or after January 15, 2009, and (Y) subject to a negotiated FILOT or a special source revenue credit incentive, deposit 3% of the Revenues into the Fund, (B) second, distribute the remaining Revenues 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 original, by electronic means, or by facsimile, and is effective on delivery of the Amendment to Fairfield.

[SIGNATURE PAGES FOLLOW]

[REMAINDER OF PAGE INTENTIONALLY 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 Chairman 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

Torrey Rush, Chairman, Richland County Council
Richland County, South Carolina

(SEAL)
ATTEST:

Michelle Onley, Clerk to Council
Richland County Council

**EXHIBIT A
MASTER AGREEMENT**

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

**AUTHORIZING THE PROVISION OF WATER AND SEWER
INFRASTRUCTURE TO THE PINEVIEW INDUSTRIAL PARK AND
THE EXECUTION OF CERTAIN AGREEMENTS RELATED
THERE TO; AUTHORIZING AN AMENDMENT TO THE MASTER
AGREEMENT GOVERNING THE I-77 CORRIDOR REGIONAL
INDUSTRIAL PARK JOINTLY DEVELOPED WITH FAIRFIELD
COUNTY (“PARK”) TO AMEND THE INTERNAL DISTRIBUTION TO
RICHLAND COUNTY FOR PROPERTY LOCATED IN THE PINEVIEW
INDUSTRIAL PARK AREA OF THE PARK; AND OTHER RELATED
MATTERS**

WHEREAS, Richland County, South Carolina (“County”), has previously developed the Pineview Industrial Park (“Pineview Park”), as more particularly identified on Exhibit A, in order to attract industrial and commercial enterprises to the County for the purpose of promoting the economic development of the County;

WHEREAS, pursuant to Article VIII, Section 13(D) of the South Carolina Constitution and Title 4, Chapter 1 of the Code of Laws of South Carolina, as amended, the County, together with Fairfield County, South Carolina, has previously developed the I-77 Corridor Regional Industrial Park (“I-77 MCIP”), which is governed by the “Master Agreement Governing the I-77 Corridor Regional Industrial Park,” dated April 15, 2003, as amended (“Master Agreement”) and designated the Pineview Park as being within the geographical boundaries of the I-77 MCIP;

WHEREAS, to further aid in the attraction and location of industrial and commercial enterprises in the Pineview Industrial Park, the County desires to extend and install certain water and sewer infrastructure in the Pineview Park from existing water and sewer infrastructure proximate to the Pineview Park;

WHEREAS, the City of Columbia, South Carolina (“City”) and the County have previously executed an Intergovernmental Agreement Relating to the Pineview Industrial Park dated as of May 26, 2015 (“Services IGA”), pursuant to which the City has agreed to provide water and sewer services to the owners located or to be located in the Pineview Park (collectively, “Pineview Owners”), without requiring the Pineview Owners to be annexed into the geographical boundaries of the City, in exchange for a portion of the fee-in-lieu of *ad valorem* tax payments from the Pineview Park (“Fee Payments”);

WHEREAS, as the anticipated provider of the water and sewer services to the Pineview Owner, the County desires, and the City has agreed, for the City to join in sharing the cost of the installation of the water and sewer infrastructure necessary to serve the Pineview Park;

WHEREAS, the County and the City desire to memorialize the agreements as to the sharing of the costs of the water and sewer infrastructure in an Intergovernmental Agreement for Pineview Industrial Park Water and Sewer Infrastructure (“Infrastructure IGA”), the form of which is attached as Exhibit B;

WHEREAS, pursuant to the Act and the Master Agreement, the County further desires to amend the Master Agreement as set forth in the Fourth Amendment to the Master Agreement Governing the I-77 Corridor Regional Industrial Park, the form of which is attached as Exhibit C (“Fourth Amendment”) to ratify and approve the distribution of Fee Payments to the City as provided in the Services IGA;

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

Section 1. *Water and Sewer Infrastructure.* County Council authorizes the acquisition, installation and expansion of water and sewer infrastructure, including the acquisition of any real or personal property, as may be necessary to provide water and sewer services to the Pineview Park at the anticipated service levels appropriate to the Pineview Owners. Each and every action, including the expenditure of funds or execution of documents, taken in connection with the provision of water and sewer services to the Pineview Park prior to the date of this Ordinance is ratified and approved. County Council further authorizes the application and administration of any grants that County personnel may determine is appropriate, desirable or necessary to assist in paying the costs associated with the acquisition, installation or expansion of the water and sewer infrastructure.

Section 2. *Infrastructure IGA Authorized.* County Council authorizes the Infrastructure IGA and the form, terms and provisions of the Infrastructure IGA that is before this meeting are approved. The Chairman of County Council is authorized and directed to execute the Infrastructure IGA in the name of and on behalf of the County, subject to the approval of any revisions or changes as are not materially adverse to the County by counsel to the County, and the Clerk to County Council is hereby authorized and directed to attest the Infrastructure IGA.

Section 3. *Fourth Amendment Authorized.* County Council authorizes an amendment to the Master Agreement, as set forth more fully in the Fourth Amendment, to ratify and approve the internal distribution of the Fee Payments. The form, terms and provisions of the Fourth Amendment that is before this meeting are approved. The Chairman of County Council is authorized to execute the Fourth Amendment subject to the approval of any revisions or changes as are not materially adverse to the County by counsel to the County, and the Clerk to County Council is hereby authorized and directed to attest the Fourth Amendment.

Section 4. *Further Assurances.* The Chairman of County Council, 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 action, including the negotiation or execution of documents, as the Chairman of County Council, the County Administrator (and his designated appointees) deem to be reasonably necessary and prudent to effect the intent of this Ordinance.

Section 5. *Savings Clause.* The provisions of the 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 6. *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.

Section 7. Effectiveness. This Ordinance shall be effective after its third and final reading.

RICHLAND COUNTY, SOUTH CAROLINA

By: _____
Chair of County Council
Richland County, South Carolina

(SEAL)

Attest this ____ date of _____.

Clerk to Council
Richland County South Carolina

First Reading: December 13, 2016
Second Reading: February 7, 2017
Public Hearing: February 21, 2017
Third Reading: February 21, 2017

EXHIBIT A
DESCRIPTION OF PINEVIEW PARK

The Pineview Park is comprised of the following tax map numbers:

R16100-03-17
R16100-02-02
R16100-02-04
R16100-02-20
R16100-02-16
R16100-03-05
R16200-03-01
R16209-01-01
R16200-03-20

EXHIBIT B
FORM OF INFRASTRUCTURE IGA

(see attached)

**INTERGOVERNMENTAL AGREEMENT
FOR PINEVIEW INDUSTRIAL PARK WATER AND SEWER INFRASTRUCTURE**

This **AGREEMENT** is entered into this _____ day of _____, 2017, by and between the City of Columbia (hereinafter referred to as "City"), and the County of Richland (hereinafter referred to as the "County"), for the sole purpose of cost sharing for water and sewer infrastructure improvements ("Improvements") to the Pineview Industrial Park located in unincorporated Richland County ("Pineview").

WHEREAS, County and City are authorized by the constitution and general law of the State of South Carolina ("State") to enter into agreements with other governmental bodies; and,

WHEREAS, the City and the County have entered into an Intergovernmental Agreement dated May 26, 2015, wherein the County requested that the City provide water and sewer services to the property owners in Pineview; and

WHEREAS, the City provides residential and commercial water and sewer services to users inside and outside of the geographic boundaries of the City; and,

WHEREAS, it is understood and agreed between the parties hereto that providing water and sewer services to Pineview will require the installation of water and sewer infrastructure from current City lines to Pineview Industrial Park (the "Project"); and,

WHEREAS, the City anticipates that the cost of the Project will be \$3.5 million to \$4 million, \$2 million of which will be provided by a grant to Richland County from the South Carolina Department of Commerce (the "Commerce Grant"); and,

WHEREAS, the County has agreed to pay in advance the costs of the Project that exceed the amount of the Commerce Grant, which excess amount is estimated to be \$2 million ("County Expenditure"); and

WHEREAS, the City has agreed to reimburse the County for a portion of the County Expenditure of an amount not to exceed \$1.5 million ("City Commitment").

NOW, THEREFORE, the parties hereto agree as follows:

1. The County shall cause to be performed all work relating to the design and construction of the Project. The County will provide to the City a copy of the successful bid for the Project upon County Council approval of the bid. Such design and construction shall comply with all applicable City, state and federal codes and, specifically, City design and construction guidelines for water and sewer infrastructure.
2. After three (3) months of the first new taxpayer commencing operations at a facility located in Pineview, or after eighteen (18) months of completion of the Project, whichever is earlier, the City will begin to make payments to the County to fulfill the City Commitment. The City Commitment shall be the lesser amount of the actual amount of the County Expenditure or \$1.5 million. The City Commitment shall be paid over a period of three (3) years in equal annual installments equal to one-third (1/3) of the City Commitment, unless otherwise and subsequently agreed upon by both parties.
3. This Agreement represents the entire agreement between the City and the County and

supersedes all prior communications, negotiations, representations or agreements, either written or oral. Only a written instrument signed by both the City and the County may amend this Agreement.

Witness the parties' respective hands and seals on the date first written above.

CITY OF COLUMBIA, SOUTH CAROLINA

Witness

By: _____
City Manager

COUNTY OF RICHLAND

Witness

By: _____
County Administrator

RECOMMENDED BY: _____ Director of Utilities and Engineering

RECOMMENDED BY: _____ Assistant City Manager for Operations

EXHIBIT C
FORM OF FOURTH AMENDMENT

(see attached)

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

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

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 attached as Exhibit A;

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

WHEREAS, the County has previously adopted three amendments to Section 3.03(a), effective April 3, 2012, July 1, 2014, and September 8, 2015, each of which modified the internal distribution of the County’s Revenues;

WHEREAS, the County entered into an Intergovernmental Agreement with the City of Columbia, South Carolina (“City”), dated May 26, 2015 (“IGA”), in which the City agreed to furnish water and sewer services to Pineview Industrial Park (“Pineview”), which the County has previously designated as located within the geographical boundaries of the Park, without annexing Pineview into the City, in exchange for a portion of the Fee Payments generated by property located in the County;

WHEREAS, pursuant to the Act and Section 3.03(b) of the Agreement, the County wishes to further amend Section 3.03(a) to modify the internal distribution of the County’s Revenues to effectuate the IGA and further encourage the economic development of the County; and

WHEREAS, by Ordinance No. [], 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) of the Agreement, the County amends the internal distribution of the County’s Revenues by amending Section 3.03(a) of the Agreement through the deletion of all of Section 3.03(a) following the sentence “Fairfield hereby elects to retain all of the Revenues from the Park” and inserting the following:

(i) For Revenues generated by properties located in Fairfield and received by Richland pursuant to Section 3.02(b), Richland shall deposit all of the Revenues into the “Richland County Industrial Park Fund” (“Fund”).

(ii) For Revenues generated by properties in Richland and located in the Pineview Industrial Park (“Pineview”), as more particularly described in the attached Exhibit B, and retained by Richland under Section 3.02, Richland shall (A) first, if the property is (X) located in the Park on or after January 15, 2009, and (Y) subject to a negotiated FILOT or a special source revenue credit incentive, deposit 3% of the Revenues into the Fund, (B) second, remit 10% of remaining Revenues

to the City of Columbia (“City”) as payment for providing water and sewer services to Pineview in accordance with the terms of the Intergovernmental Agreement between the City and the County dated May 26, 2015, and (C) third, distribute the remaining Revenues 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.

(ii) For Revenues generated by properties Richland and not located in Pineview and retained by Richland under Section 3.02, Richland shall (A) first, if the property is (X) located in the Park on or after January 15, 2009, and (Y) subject to a negotiated FILOT or a special source revenue credit incentive, deposit 3% of the Revenues into the Fund, (B) second, distribute the remaining Revenues 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 original, by electronic means, or by facsimile, and is effective on delivery of the Amendment to Fairfield.

[SIGNATURE PAGES FOLLOW]

[REMAINDER OF PAGE INTENTIONALLY 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 Chairman 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

Chairman, Richland County Council
Richland County, South Carolina

(SEAL)
ATTEST:

Clerk to Council
Richland County Council

EXHIBIT A
MASTER AGREEMENT

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

BETWEEN

RICHLAND COUNTY, SOUTH CAROLINA

AND

FAIRFIELD COUNTY, SOUTH CAROLINA

DATED AS OF APRIL 15, 2003

PREPARED BY:

**PARKER POE ADAMS & BERNSTEIN LLP
COLUMBIA, SOUTH CAROLINA
803-253-8917**

INSTRUCTIONS FOR COUNTY AUDITOR AND COUNTY TREASURER

THE TAX STATUS OF THE REAL AND PERSONAL PROPERTY LOCATED WITHIN THIS MULTI-COUNTY INDUSTRIAL PARK WILL BE EXEMPT FROM AD VALOREM TAXES AND WILL BE SUBJECT INSTEAD, UNDER THE TERMS OF THE STATE CONSTITUTION, TO A FEE-IN-LIEU OF AD VALOREM TAXES EQUAL TO WHAT THE TAXES WOULD HAVE BEEN. NOTE, THAT THE FEE-IN-LIEU PAYMENTS MAY BE REDUCED BELOW NORMAL AD VALOREM TAX RATES IN THE EVENT THE PROPERTY IS ALSO SUBJECT TO A NEGOTIATED FEE-IN-LIEU OF TAXES ("FILOT") ARRANGEMENT WITH EITHER RICHLAND OR FAIRFIELD COUNTY. THEREFORE, WHEN PREPARING THE FEE BILLS FOR THE REAL AND PERSONAL PROPERTY LOCATED IN THE PARK, PLEASE REFERENCE YOUR FILOT RECORDS TO ENSURE YOU ARE USING THE CORRECT MILLAGE RATE AND ASSESSMENT RATIO.

ONCE A FEE BILL HAS BEEN PAID, THE PROVISIONS OF THIS AGREEMENT WILL GOVERN HOW THE FEES RECEIVED ARE TO BE DISTRIBUTED AMONG THE VARIOUS TAXING ENTITIES WITHIN THE COUNTY. BY LAW, THE COUNTIES MAY UNDER THE TERMS OF THIS AGREEMENT ALTER THE CUSTOMARY DISTRIBUTION OF REVENUES.

QUICK REFERENCE GUIDE

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REVENUE SHARING	3
REVENUE DISTRIBUTION	3
ANNUAL REPORT DISBURSEMENT OF REVENUES	3
RECORD KEEPING	4

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THIS AGREEMENT, made and entered into as of the 15th day of April 2003 by and between Richland County, a political subdivision of the State of South Carolina ("Richland"); and Fairfield County, a political subdivision of the State of South Carolina ("Fairfield") ("Richland" and "Fairfield" referred to collectively herein as the "Counties"), 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 (the "Act").

RECITALS:

WHEREAS, in order to promote the economic welfare of their citizens, the Counties created the I-77 Corridor Regional Industrial Park (the "Park"); and,

WHEREAS, in response to requests from companies seeking to invest in either Richland or Fairfield, the Counties have heretofore expanded the boundaries of the Park to include additional property, which inclusion has afforded the requesting companies additional tax benefits under South Carolina law; and

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

WHEREAS, in accordance with the Act, the Counties have provided for the sharing of expenses and revenues from the Park (hereafter, "Expenses" and "Revenues") in each of the Phase Agreements. The Counties initially established the revenue sharing ratio to allow the host county to retain 95% of the Revenues, with the partner county receiving 5% of the Revenues (this arrangement is hereafter referred to as "95/5"). The Counties later amended the revenue sharing ratio to allow the host county to retain 99%, with the partner county receiving 1% of the Revenues (this arrangement is hereafter referred to as "99/1"); and

WHEREAS, the Counties desire to preserve the revenue sharing scheme such that the 95/5 revenue sharing ratio is preserved on those properties to which it applies and the 99/1 revenue sharing ratio is likewise preserved and employed to any future expansions of the Park; and

WHEREAS, on September 4, 2001, the South Carolina Supreme Court issued an opinion in the case of *Horry County School District v. Horry County and the City of Myrtle Beach*, which provided guidance regarding provisions of the Act and established new requirements for the contents of multi-county park agreements; and

WHEREAS, in order to ensure compliance with the *Horry County School District* decision, the Counties now desire to adopt this Master Agreement (hereafter "Agreement"), which shall replace all of the Phase Agreements and serve as the governing document for the Park moving forward from the date hereof.

NOW, THEREFORE, on the basis of the premises and mutual covenants herein contained, the sufficiency of which consideration is acknowledged, the parties agree as set forth below:

**ARTICLE I
PARK BOUNDARIES**

Section 1.01. Phase I of the Park. Phase I of the Park ("Phase I") shall consist of those properties to which the Counties have historically applied a 95/5 revenue sharing arrangement. These properties are identified by tax map number on the attached "**Exhibit A: 95/5 Properties.**" The Counties do not intend that there will be any future expansion of Phase I.

Section 1.02. Phase II of the Park. Phase II of the Park (“Phase II”) shall consist of those properties to which the Counties have historically applied a 99/1 revenue sharing arrangement. These properties are identified by tax map number on the attached “**Exhibit B: 99/1 Properties.**” The Counties intend that only Phase II will be subject to future expansion.

Section 1.03. Modification of Park Boundaries.

(a) The boundaries of the Park may be enlarged, to include additional properties in one or both Counties, or diminished from time to time, as authorized by ordinances adopted by the County Councils of both Counties.

(b) In the event of any enlargement or diminution of the boundaries of the Park, this Agreement shall be deemed amended and the attached Exhibit B shall be revised accordingly to reflect the addition of property to the Park or the removal of property from the Park. Each County shall file in its respective ordinance books either a copy or an original (depending on County practice) of the ordinance adopted by the County Council of such County pursuant to which such enlargement or diminution was authorized.

(c) Prior to the adoption by the Richland County Council and the Fairfield County Council of ordinances authorizing the diminution of the boundaries of the Park, a public hearing shall first be held by the respective County Council of the County in which the area proposed for deletion is located. Notice of such public hearing shall be published in a newspaper of general circulation in that County at least once and not less than 15 days prior to such hearing.

(d) Notwithstanding the foregoing, for a period of 30 years commencing with the later of the effective date of this Agreement or the effective date of the expansion of the boundaries of the Park to include such parcel, the boundaries of the Park shall not be diminished so as to exclude therefrom any parcel of real estate without the consent of the owner and the Counties and, if applicable, lessee of such parcel; and this sentence of this Agreement may not be modified or deleted herefrom for a period of thirty (30) years commencing with the effective date hereof; except as provided below.

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

Section 2.01. Constitutional Exemption from Taxation. The Counties acknowledge that under the provisions of Article VIII, Section 13(D) of the South Carolina Constitution, all real and personal property located in the Park shall be exempt from all *ad valorem* taxation.

Section 2.02. Fee-in-Lieu of Taxes. Property located in the Park shall be exempt from *ad valorem* taxation only during the term of this Agreement. The owners or lessees of any property situated in the Park shall pay in accordance with and during the term of this Agreement an amount equivalent to the *ad valorem* property taxes or other in lieu of payments that would have been due and payable but for the location of such property within the Park.

Section 2.03. Negotiated Fee-in-Lieu of Taxes. The amount of the annual payments due from the owner or lessee may be reduced if the owner or lessee has negotiated a FILOT incentive with either Richland or Fairfield pursuant to the provisions of Sections 12-44-10, *et seq.*, 4-12-30, or 4-29-67 of the Code of Laws of South Carolina 1976, as amended, or any successor provisions thereto as may be provided under South Carolina law. In such case, the terms of the executed FILOT agreement between the company and the applicable county shall govern the calculation of the annual FILOT payment.

ARTICLE III
SHARING OF REVENUES AND EXPENSES OF THE PARK

Section 3.01. Expense Sharing. The Counties shall share Expenses including, but not limited to, development, operations, maintenance and promotion of the Park. If the property is located in Fairfield, then Fairfield shall bear 100% of such expenses. If the property is located in Richland, then Richland shall bear 100% of such expenses. The Counties reserve the right to negotiate on a case-by-case basis the sharing of any additional expenditures that may be approved by both the Richland County Council and the Fairfield County Council.

Section 3.02. Revenue Sharing.

(a) Revenues generated within the Park from sources other than fees in lieu of *ad valorem* taxes shall be distributed directly to Fairfield and Richland according to the proportions established in this Section 3.02 herein to be expended in any manner as the County Council of each County deems appropriate.

(b) The Counties shall share all of the Revenues received in lieu of *ad valorem* taxes from properties located in the Park.

With respect to Phase I of the Park, if Revenues are generated by properties located in Fairfield, then Fairfield shall, after reimbursing itself for expenditures made to attract a particular investment and/or making any reductions required by law or other agreement, retain 95% of such Revenues and transmit 5% of such Revenues to Richland. Likewise, if Revenues are generated by properties located in Richland, then Richland shall, after reimbursing itself for expenditures made to attract a particular investment and/or making any reductions required by law or other agreement, retain 95% of such Revenues and transmit 5% of such Revenues to Fairfield.

With respect to Phase II of the Park, if Revenues are generated by properties located in Fairfield, then Fairfield shall, after reimbursing itself for expenditures made to attract a particular investment and/or making any reductions required by law or other agreement, retain 99% of such Revenues and transmit 1% of such Revenues to Richland. Likewise, if Revenues are generated by properties located in Richland, then Richland shall, after reimbursing itself for expenditures made to attract a particular investment and/or making any reductions required by law or other agreement, retain 99% of such Revenues and transmit 1% of such Revenues to Fairfield.

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. If Revenues are generated by properties located in Richland, then Richland shall retain a portion as may be necessary to reimburse it for any investments made in relation to attracting each new tenant in the Park. 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 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.

(b) Either County may unilaterally amend the distribution scheme applicable to such County and set forth in section (a) above. Such amendment must be accomplished by passage of an ordinance.

Section 3.04. Annual Report and Disbursement. Not later than July 15 of each year, starting July 15, 2004, each of the Counties shall prepare and submit to the other County a report detailing the Revenues owed to the other County under the terms of this Agreement. A check for the amount reflected in the report shall be delivered at the same time.

ARTICLE IV MISCELLANEOUS

Section 4.01. Jobs Tax Credit Enhancement. Business enterprises locating in the Park shall be entitled to such enhancement of the regular jobs tax credits authorized by Section 12-6-3360 of the Code of Laws of South Carolina 1976, as amended, or any successive provisions, as may be provided under South Carolina law.

Section 4.02. Assessed Valuation. For the purpose of bonded indebtedness limitation and for the purpose of computing the index of taxpaying ability pursuant to Section 59-20-20(3) of the Code of Laws of South Carolina 1976, as amended, allocation of the assessed value of property within the Park to the counties which are party to this Agreement must be identical to the percentage of total fee-in-lieu of *ad valorem* tax revenues retained and received by each such County in the preceding fiscal year.

Section 4.03. Non-Qualifying Use. In the event that a tract or site of land located in the Park is purchased and developed by a business enterprise which locates employees within the Park and which employees, because of the nature of their employment, do not qualify for the corporate income tax credit provided in South Carolina Code of Laws, 1976, as amended, Section 12-6-3360 (the "Non-Qualifying Site"), the Counties may remove, by ordinance, the Non-Qualifying Site from the Park pursuant to the provisions of Section 1.03(c) hereof.

Section 4.04. Records. The Counties covenant and agree that, upon the request of either, the other will provide to the requesting party copies of the records of the annual tax levy and copies of the actual fee-in-lieu of tax bills, for parcels of property encompassed by this Agreement, and will further provide copies of the County Treasurer's collection records for the fees-in-lieu of taxes so imposed, all as such records became available in the normal course of County procedures.

Section 4.05. Applicable Law. In order to avoid any conflict of laws or ordinances between the Counties, the County ordinances of the County in which a parcel of Park property is located will be the reference for such regulations or laws in connection with that part of the Park. Nothing herein shall be taken to supersede any state or federal law or regulation. The County in which Park property is located is specifically authorized to adopt restrictive covenants and land use requirements for that part of the Park at that County's sole discretion. This Agreement has been entered into in the State of South Carolina and shall be governed by, and construed in accordance with South Carolina law.

Section 4.06. Law Enforcement. The Sheriff's Department for each respective County will have initial jurisdiction to make arrests and exercise all authority and power within the boundaries of the Park located in that County and fire, sewer, water and EMS service for that part of the Park will be provided by the applicable service district or other political unit within that County.

Section 4.07. *Binding Effect of Agreement.* This Agreement serves as a written instrument, which is binding upon the signatory parties.

Section 4.08. *Severability.* In the event and to the extent (and only to the extent) that any provision or any part of a provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable the remainder of that provision or any other provision or part of a provision of this Agreement.

Section 4.09. *Complete Agreement: Amendment.* This Agreement constitutes the entire agreement between the parties and supersedes all agreements, representations, warranties, statements, promises and understandings, whether oral or written, with respect to the subject matter hereof, and no party hereto shall be bound by any oral or written agreements, statements, promises, or understandings not specifically set forth in this Agreement. Except for the amendment provided for in Section 3.03(b) above, this Agreement may be amended upon the adoption of an ordinance by both of the respective County Councils of Richland and Fairfield.

Section 4.10. *Counterpart Execution.* This Agreement may be executed in multiple counterparts.

Section 4.11. *Termination.* Notwithstanding any provision of this Agreement to the contrary, Fairfield and Richland agree that this Agreement may not be terminated by either party for a period of 30 years commencing with the effective date hereof.

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

Witness:

RICHLAND COUNTY, SOUTH CAROLINA

Ashley Bloom

By: Bernie G. Scott
Council Chair

T. Cary McSwain

Attest: Michelle R. Gannon-Dricks
Clerk to County Council

Witness:

FAIRFIELD COUNTY, SOUTH CAROLINA

Reba S. Clouney

By: [Signature]
Council Chair

Trona Richardson

Attest: [Signature]
Clerk to County Council

**INTERGOVERNMENTAL AGREEMENT
FOR PINEVIEW INDUSTRIAL PARK WATER AND SEWER INFRASTRUCTURE**

This **AGREEMENT** is entered into this _____ day of _____, 2016, by and between the City of Columbia (hereinafter referred to as "City"), and the County of Richland (hereinafter referred to as the "County"), for the sole purpose of cost sharing for water and sewer infrastructure improvements ("Improvements") to the Pineview Industrial Park located in unincorporated Richland County ("Pineview").

WHEREAS, County and City are authorized by the constitution and general law of the State of South Carolina ("State") to enter into agreements with other governmental bodies; and,

WHEREAS, the City and the County have entered into an Intergovernmental Agreement dated May 26, 2015, wherein the County requested that the City provide water and sewer services to the property owners in Pineview; and

WHEREAS, the City provides residential and commercial water and sewer services to users inside and outside of the geographic boundaries of the City; and,

WHEREAS, it is understood and agreed between the parties hereto that providing water and sewer services to Pineview will require the installation of water and sewer infrastructure from current City lines to Pineview Industrial Park (the "Project"); and,

WHEREAS, the City anticipates that the cost of the Project will be \$3.5 million to \$4 million, \$2 million of which will be provided by a grant to Richland County from the South Carolina Department of Commerce (the "Commerce Grant"); and,

WHEREAS, the County has agreed to pay in advance the costs of the Project that exceed the amount of the Commerce Grant, which excess amount is estimated to be \$2 million ("County Expenditure"); and

WHEREAS, the City has agreed to reimburse the County for a portion of the County Expenditure of an amount not to exceed \$1.5 million ("City Commitment").

NOW, THEREFORE, the parties hereto agree as follows:

1. The County shall cause to be performed all work relating to the design and construction of the Project. The County will provide to the City a copy of the successful bid for the Project upon County Council approval of the bid. Such design and construction shall comply with all applicable City, state and federal codes and, specifically, City design and construction guidelines for water and sewer infrastructure.
2. After three (3) months of the first new taxpayer commencing operations at a facility located in Pineview, or after eighteen (18) months of completion of the Project, whichever is earlier, the City will begin to make payments to the County to fulfill the City Commitment. The City Commitment shall be the lesser amount of the actual amount of the County Expenditure or \$1.5 million. The City Commitment shall be paid over a period of three (3) years in equal annual installments equal to one-third (1/3) of the City Commitment, unless otherwise and subsequently agreed upon by both parties.
3. This Agreement represents the entire agreement between the City and the County and

supersedes all prior communications, negotiations, representations or agreements, either written or oral. Only a written instrument signed by both the City and the County may amend this Agreement.

Witness the parties' respective hands and seals on the date first written above.

CITY OF COLUMBIA, SOUTH CAROLINA

Witness

By: _____
City Manager

COUNTY OF RICHLAND

Witness

By: _____
County Administrator

RECOMMENDED BY: _____ Director of Utilities and Engineering

RECOMMENDED BY: _____ Assistant City Manager for Operations

Richland County Council Request of Action

Subject:

An Ordinance Amending the Richland County Code of Ordinances, Chapter 2, Administration; so as to restructure the departments of the County [PAGES]

First Reading: December 13, 2016

Second Reading: December 20, 2016

Third Reading:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-17HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION; SO AS TO RESTRUCTURE THE DEPARTMENTS OF THE COUNTY.

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 2, Administration; Article III, Administrative Offices and Officers; is hereby amended by the deletion of the language contained therein and the substitution of the following language:

DIVISION 1. GENERALLY.

Sec. 2-75. Department created.

The office of the county administrator is hereby created as the chief administrative office of the county with such personnel necessary to assist the county administrator in affecting the proper and efficient administration of the affairs of the county government.

DIVISION 2. COUNTY ADMINISTRATOR

Sec. 2-76. Position created; term.

There is hereby created the position of county administrator. The term of office of the county administrator shall be at the pleasure of the council, which may, in its discretion, employ the administrator for a definite term.

Sec. 2-77. Appointment, qualifications and compensation.

The county administrator shall be appointed solely on the basis of his/her executive and administrative qualifications with special reference to his/her actual experience in, and knowledge of, the duties of office as hereinafter prescribed. At the time of his/her appointment, the county administrator need not be a resident of the county or of the state. The compensation of the county administrator shall be fixed by the council by contract.

Sec. 2-78. Chief administrative officer.

The county administrator shall be the chief administrative officer of the county government. He/She shall be responsible to the council for the proper and efficient administration of the affairs of the county government.

Sec. 2-79. Powers and duties.

The powers and duties of the county administrator shall be:

- (1) To direct and supervise the administration of all county officials and departments for which the council is responsible, or may hereafter be responsible, including specifically the construction, maintenance and operation of all county roads, bridges, drainage, buildings and other public works, and the care and maintenance of all personal property owned by the county; the administration of personnel policies, purchase of all supplies and equipment, finance, accounting, budgeting, payroll, auditing and any other administrative responsibilities necessary for implementation of the council's policies;
- (2) To appoint, and when in his/her discretion the welfare of the county requires it, suspend, discharge, transfer, remove or otherwise deal directly with all employees for whom council is responsible, excepting the county attorney, the internal auditor and the clerk of council, and any assistants thereto, who are appointed directly by the council or

who are employed in the offices of elected officials and officials appointed by an authority outside county government as those terms are used in South Carolina Code, 1976, section 4-9-30(7);

(3) To see that all ordinances, resolutions and orders of the council and all laws of the state which are subject to enforcement by him or by officers or department heads and subject, under this article, to his/her direction and supervision are faithfully executed;

(4) To prepare and submit the annual budget and capital program to the council and to execute the budget and capital program adopted by the council, approving all disbursements and expenditures as budgeted and/or authorized by the council;

(5) To confer with and advise all other elected or appointed officials of the county who are not under the immediate control of county council, but who receive financial support from the council, such as probate judges, magistrates, solicitor, sheriff, coroner, auditor, treasurer and the like;

(6) To examine regularly at periods fixed by the council the accounts, records and operations of county boards, commissions, departments, offices, and agencies which receive appropriations from the council; to make regular, monthly reports to the council on county fiscal and other affairs as are appropriate; to keep the council fully advised on the financial conditions and future needs of the county; and to make such recommendations on county affairs as he deems necessary;

(7) To submit to the council at the end of each fiscal year a complete report on the finances and administrative activities of the county for the preceding year; and

(8) To execute such other powers and duties as may be prescribed from time to time by the council.

Sec. 2-80. Relationships with county employees.

Neither the council nor any of its members shall direct or request the appointment of any person to, or his/her removal from, office by the county administrator or by any of his/her subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the county, except where, by majority vote of council, an inquiry as to the removal of an officer or employee is demanded. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the county administrator, and no member thereof shall give orders to any county employee or subordinate of the county administrator, either publicly or privately.

Sec. 2-81. Bond.

The county administrator shall be bonded to the county in an appropriate amount for the faithful performance of the duties as such officer.

Secs. 2-82- 2-87. Reserved.

DIVISION 3. OFFICE OF THE COUNTY ADMINISTRATOR; STAFF ASSISTANT COUNTY ADMINISTRATOR

Sec. 2-88. Assistant County Administrator. Position created; selection; appointment.

There are hereby created three (3) positions of assistant county administrator. The assistant county administrators shall be selected and appointed by the county administrator and shall serve at the pleasure of the county administrator with no definite term of office assigned.

Sec. 2-89. Qualifications; compensation.

The assistant county administrators shall be appointed solely on the basis of merit, including executive and/or administrative qualifications with special emphasis on education, training, experience and knowledge of the duties of the office. Preference will be given to individuals with a graduate degree in the field(s) of public administration, business administration, or some other related discipline. The assistant county administrators shall be paid an annual salary as recommended by the county administrator and approved by county council.

Sec. 2-90. Responsibilities, powers and duties.

The duties and responsibilities of the assistant county administrators shall be:

- (1) To serve as assistant to the county administrator;
- (2) To plan and direct budget studies, research projects and manpower needs;
- (3) To assist in formulating administrative policies;
- (4) To represent and speak for the county administrator in meetings with boards, commissions, citizens groups and officials of various public agencies;
- (5) To collect, compile and interpret data on policies, functions, organization structures, forms and procedures relating to the administration of assigned programs;
- (6) To seek legal opinions and prepare recommendations supported by administration research findings;
- (7) To review departmental reports, proposed programs, supplemental appropriation requests, personnel requisitions, overtime reports, etc., and make or direct investigative reports and recommendations as required;
- (8) To prepare correspondence and reports;
- (9) To act for the county administrator in his/her absence;
- (10) To participate in formulating policies and in developing long range plans; and
- (11) To perform related work as required and as assigned by the county administrator.

Sec. 2-100. Staff and personnel.

~~The assistant county administrators may, with the approval of the county administrator, employ such staff and assistants for positions approved through annual budgetary appropriations by county council, as are deemed necessary to the performance of the duties of the position. They shall be subject to the county personnel system and their compensation determined accordingly.~~

Sec. 2-91. Staff and assistants.

The county administrator may employ such staff and assistants for positions approved through annual budgetary appropriations by county council as are deemed necessary by the county administrator to the performance of his/her duties. They shall be subject to the county personnel system and their compensation determined accordingly.

DIVISION 4. OFFICE OF THE COUNTY ADMINISTRATOR; OFFICES OFFICE OF STAFF AND HUMAN RESOURCES

Sec. 2-92. Departmental Offices.

The office of the county administrator shall also include the following offices:

(1) Risk Management - The office of risk management is hereby created and the position of director of risk management, who shall be responsible to the county administrator to eliminate, minimize and transfer risk exposure as much as is feasible, and for losses that do occur, to finance and mitigate them in a manner that is in the best interest of the County, including authority to negotiate and settle workers' compensation, general liability, and vehicle liability claims. Disposition of general liability and vehicle liability claims shall be accomplished in collaboration with the county attorney.

(a) Fleet Management - The office of risk management shall include the fleet management program. The program shall work to manage Richland County's fleet.

(b) Occupational Safety – The office of risk management shall include the occupational safety program. The program shall work to keep Richland County employees safe at work and ensure OSHA compliance.

(2) Public Information - The office of public information is hereby created and the position of public information director, who shall be responsible to the county administrator to assist Council and County departments with media and public outreach efforts; manage Richland County's brand to residents, businesses and news outlets through various multi-media platforms and events.

(3) Ombudsman - The office of the ombudsman is hereby created and the position of ombudsman director, who shall be responsible to the county administrator to provide informal assistance to citizens and to assist citizens with county concerns and request for service.

(4) Court Appointed Special Advocates – The office of court appointed special advocates is hereby created and the position of court appointed special advocates director, who shall be responsible to the county administrator to advocate for the best interests of abused and neglected children in Richland County Family Court.

(5) Government and Community Services - The office of government and community services is hereby created and the position of government and community services director, who shall be responsible to the county administrator to facilitate improved community outreach, administration of government services and resolution to community issues.

DIVISION 5. COUNTY ATTORNEY OFFICE OF FINANCE AND BUDGET

Sec. 2-93. Office established.

There is hereby established the office of the county attorney, who shall be the chief legal officer of the county. The county attorney shall be retained from the membership of the county bar by the county council and shall serve at its pleasure.

Sec. 2-94. Eligibility.

No member of the council or of the county legislative delegation, or any partner of any such member, shall be retained as county attorney or assistant county attorney, or perform any service for compensation as an attorney for the council, any county agency which is funded in whole or in part from county funds, or for any board, commission, committee, or agency of the county over which the council has any appointive powers. No member of any county board, commission, committee, or agency which is funded in whole or in part from county funds, or any board, commission, committee or agency of the county over which the council has any appointive powers, or any partner of any such member, shall be attorney or do any legal work for such board, commission, committee, or agency; provided, however, that, a partner of such member may serve as county attorney or as an assistant county attorney.

Sec. 2-95. Duties and responsibilities.

The county attorney shall represent and defend the county and all of its officers in any of the courts of this state or of the United States, shall do such work in connection with county real estate conveyancing, title work and bond issues, shall bring all actions and proceedings that may be necessary to enforce payment and collection of any claims existing in favor of the county or of any of its officers, boards, or agencies, and shall advise the county administrator and all county officers and department heads in all matters wherein they may seek advice or counsel. The county attorney shall meet with the council ~~and the county legislative delegation~~ whenever requested for the purpose of advising them as to any matters that may properly come before them.

Sec. 2-96. Compensation.

The county attorney shall receive compensation for his/her services in the amount determined by the council. The annual salary of the county attorney shall constitute his/her total compensation from the county for all of the services enumerated above, except under unusual circumstances as directed by council.

Sec. 2-97. Annual appropriation.

The council shall establish in the annual operating budget the compensation of the county attorney. Such budget shall also provide for the compensation of any assistants employed pursuant to section 2-98 of this division.

Sec. 2-98. Assistants.

The county attorney may employ such staff and assistants for positions approved through budgetary appropriations by council as are deemed necessary to the performance of the duties of the office.

Sec. 2-99. Employment of attorney, other than county attorney, by council agencies.

No officer, board, commission, committee, or agency in the county ~~receiving any county funds or~~ appointed in whole or in part by the council may employ an attorney other than the county attorney, or agree to pay for services out of public funds without first obtaining the county attorney's approval of the employment of such attorney. ~~Provided that, in cases where the amount of outside legal fees to be paid exceeds twenty-five hundred dollars (\$2,500.00), the approval of the county council shall be obtained in addition to the approval of the county attorney.~~

Sec. 2-100. Settlement of claims.

The county attorney shall have the authority to settle and approve payment of ~~disputed claims submitted to the county in an amount not to exceed fifteen hundred dollars (\$1500.00) and pay the same from the appropriate account.~~ Claims and lawsuits submitted to the county or in his/her discretion brings those matters to County Council for its decision and approval.

The county attorney shall have the sole discretion to decide whether to file an appeal or to waive the filing of same in instances. ~~where the amount in controversy appears to be fewer than seventy-five hundred dollars (\$7,500.00).~~

Sec. 2-101. Bond.

The county attorney shall be bonded to the county in an appropriate amount for the faithful performance of the duties as such officer.

DIVISION 6. ~~CLERK OF COUNCIL OFFICE OF OPERATIONAL SERVICES~~

Sec. 2-102. Creation; appointment; term of office.

There is hereby created the office of clerk of council. The clerk of council shall be appointed by the council and shall serve at the pleasure of the council.

Sec. 2-103. Responsibilities; duties.

The clerk of council shall:

- (a) Record all proceedings of the council and supply copies of certified records as appropriate;
- (b) Distribute copies of the minutes of each meeting to council members prior to the next meeting;
- (c) Review reports and records for completeness and accuracy;
- (d) Prepare ordinances and resolutions for presentation to council and arrange for their publication as approved by council and as directed by the county attorney;
- (e) Attend regular meetings of the council and attend other meetings as requested;
- (f) Type reports and recommendations of all council committees or designee of the clerk;
- (g) Notify councilmen of all council meetings;
- (h) Maintain the council calendar;
- (i) Be custodian of the county seal, minute books and Code of Ordinances;
- (j) Maintain county files and any records which should be kept for quick accessibility;
- (k) Supervise a complete records management system for department;
- (l) Research materials and supply background information as required;
- (m) Take follow-up actions on the following matters (including initial follow-up and subsequent actions necessary to ensure carrying out of council actions):
 - (1) Easements;
 - (2) Contracts, leases and agreements;
 - (3) Bond issues;
 - (4) Damage claims which are submitted to county council for acceptance or rejection;
 - (5) Ordinances;
 - (6) Resolutions; and
 - (7) Appointments;
- (n) Prepare council agenda and advise news media of items to be considered; shall maintain a complete record of all matters pending council consideration;
- (o) Act for the county in attesting and certifying official documents;
- (p) Be responsible for the appointments book; insure appointments are made in timely fashion in accordance with established procedures;

- (q) Maintain a record of leases, contracts, agreements, rights-of-way, grants and bonds;
- (r) Insure that the overall objective of the council office is achieved in an efficient manner;
- (s) Prepare and monitor budget for operating expenses for the clerk of council office and the council services budget; and
- (t) File documents, as required, with the clerk of court.

Sec. 2-104. Compensation; employee status.

The council shall approve in the annual budget the compensation of the clerk of council. Such budget shall also provide for assistants to the clerk if employed pursuant to the following section. The clerk and any assistants shall be employees of the county and eligible for all insurance, retirement and other benefits of county employees.

Sec. 2-105. Assistants.

The council may appoint such assistant or assistants to the clerk of council as may be deemed necessary, who shall perform varied secretarial and stenographic tasks for the council and who shall exercise the duties of the clerk of council in the event of the clerk's absence or disability.

SECTION II. The Richland County Code of Ordinances, Chapter 2, Administration; Article IV, Code of Ethics; is hereby renumbered beginning with section number 2-106 and proceeding accordingly.

SECTION III. The Richland County Code of Ordinances, Chapter 2, Administration; Article V, County Departments; is hereby amended by the deletion of the language contained therein and the substitution of the following language: *(now alphabetized)*

DIVISION 1. ~~UTILITIES~~ ANIMAL SERVICES CARE

Sec. 2-122. Creation; director.

There is hereby created the animal services care department, and the position of animal services care director who shall be responsible to the county administrator to direct and coordinate the operations and activities of the department. The director shall be appointed by the county administrator and his/her term of office shall be at the pleasure of the county administrator.

Sec. 2-123. Qualifications of director; selection; compensation.

The director of animal services shall possess education, training, and experience that are satisfactory to the county administrator.

Sec. 2-124. Responsibilities; powers; duties.

The director of animal services shall supervise the divisions of animal care and vector control.

Sec. 2-125. Departmental Divisions.

The animal services department shall include the following divisions:

- (1) Animal care – The division shall enforce all the provisions of Chapter 5 of the Richland County Code of Ordinances as it pertains to animal control and/or care and the manager of the division shall serve as the chief animal control officer.

(2) Vector Control – The division of vector control shall be charged with the following duties:

- (a) Management of the mosquito control program, including abatement in accordance with the policies of the program.
- (b) Provide technical advice, education and assistance about vectors to the county's citizens.
- (c) Conduct vector-borne disease surveillance and response.
- (d) Enforce county ordinances related to vector control.
- (e) Commensal rat abatement in accordance with division policies.
- (g) Respond to inquiries, investigate complaints, conduct evaluations to help reduce or eliminate public hazards and nuisance conditions associated with vectors and disease transmission.
- (h) Other programs or functions assigned to the department by the county administrator or county council.

DIVISION 2. ~~PUBLIC WORKS~~ COMMUNITY PLANNING AND DEVELOPMENT

Sec 2-126. Creation; director.

There is hereby created the community planning and development department, and the position of community planning and development director who shall be responsible to the county administrator to direct and coordinate the operations and activities of the department. The director shall be appointed by the county administrator and his/her term of office shall be at the pleasure of the county administrator.

Sec. 2-127. Qualifications of director; selection; compensation.

The director of community planning and development shall possess education, training, and experience that are satisfactory to the county administrator.

Sec. 2-128. Responsibilities; powers; duties.

The director of community planning and development shall supervise the divisions of planning, building, community development, conservation, business service center, assessor, and register of deeds.

Sec. 2-129. Departmental Divisions.

The community planning and development department shall include the following divisions:

(1) Planning – The division of planning is hereby created and the position of planning manager, who shall be responsible to the community planning and development director to direct and coordinate the operations and activities of the division. The planning manager shall be a graduate of an accredited college or university, preferably with a degree in planning, engineering, architecture or related field; and shall have had at least five (5) years of responsible, practical experience in urban planning and/or in a municipal or county regulatory agency. The planning division shall undertake the permitting and enforcement provisions of the county's zoning and land development regulations.

~~DIVISION 4. PLANNING AND DEVELOPMENT SERVICES~~

Sec. 2-216. Creation; director.

~~There is hereby created the Planning and Development Services Department, and the position of Planning Director, who shall be responsible to the county administrator to direct and coordinate the operations and activities of the department. The county administrator shall appoint the director and his/her term of office shall be at the pleasure of the county administrator.~~

~~**Sec. 2-217. Qualifications of director; selection; compensation.**~~

~~The Planning Director shall be a graduate of an accredited college or university, preferably with a degree in planning, engineering, architecture or related field; and shall have had at least five (5) years of responsible, practical experience in urban planning and/or in a municipal or county regulatory agency. The director shall possess education, training and experience related to planning and/or code enforcement that is satisfactory to the county administrator.~~

~~**Sec. 2-218. Responsibilities; powers; duties.**~~

~~The Planning Director shall direct and supervise all functions of the department, including the permitting and enforcement provisions of the county's zoning and land development regulations. The director shall adhere to the county's comprehensive plan and shall work closely with the county officials responsible for planning and code enforcement activities. The director shall be responsible for establishing liaisons and/or working relationships with all private and public agencies engaged in economic and/or industrial development. The director shall recommend amendments to the comprehensive plan and to the county's zoning and land development regulations, and shall present such recommendations to the Planning Commission and/or County Council.~~

~~**Sec. 2-219. Staff; personnel.**~~

~~The staff and personnel assigned to the Planning Director shall be subject to the county personnel system and their compensation determined accordingly.~~

(2) *Building Inspections* - The division of building inspections is hereby created, and the position of building codes and inspections manager who shall be responsible to the community planning and development director to direct and coordinate the operations and activities of the division. The building codes and inspections manager shall be a graduate of an accredited college or university, preferably with a degree in engineering, architecture, construction or related field; and shall have had at least five (5) years of responsible, practical experience in construction, inspections, administration and/or in a municipal or county regulatory agency. The manager shall hold South Carolina registration as a Certified Building Official. The building division shall be responsible for the permitting and enforcement provisions of the county's building code regulations.

~~**DIVISION 4A. BUILDING CODES AND INSPECTIONS**~~

~~**Sec. 2-222. Creation; director.**~~

~~There is hereby created the Building Codes and Inspections Department, and the position of Building Codes and Inspections Director who shall be responsible to the county administrator to direct and coordinate the operations and activities of the department. The county administrator shall appoint the director and his/her term of office shall be at the pleasure of the county administrator.~~

~~**Sec. 2-223. Qualifications of director; selection; compensation.**~~

~~The Building Codes and Inspections Director shall be a graduate of an accredited college or university, preferably with a degree in engineering, architecture, construction or related field; and shall have had at least five (5) years of responsible, practical experience in construction, inspections, administration and/or in a municipal or county regulatory agency. The director shall possess education, training, and experience related to inspections and construction for commercial and residential property and/or code enforcement that is satisfactory to the county administrator. In addition, the director shall hold South Carolina registration as a Certified Building Official.~~

Sec. 2-224. Responsibilities; powers; duties.

~~The Building Codes and Inspections Director shall direct and supervise all functions of the department, including the permitting and enforcement provisions of the county's building code regulations. The director shall adhere to the county's adopted codes and ordinances and shall work closely with the county officials responsible for planning and code enforcement activities. The director shall be responsible for establishing liaisons and/or working relationships with all private and public agencies engaged in economic and/or industrial development. The director shall recommend amendments to the building code regulations, and shall present such recommendations to the County Council.~~

Sec. 2-225. Staff; personnel.

~~The staff and personnel assigned to the Building Codes and Inspections Director shall be subject to the county personnel system and their compensation determined accordingly.~~

~~(3) New Development - The new development division shall be responsible to the to the community planning and development director to direct and coordinate the operations and activities of the division~~

~~(4) Community Development – The division shall administer grants from the U.S. Department of Housing and Urban Development to improve low-income neighborhoods. The community development manager shall be responsible to the community planning and development director to direct and coordinate the operations of the division.~~

~~(5) Conservation – The division of conservation is hereby created, and the position of conservation manager, who shall be responsible to the community planning and development director to direct and coordinate the operations and activities of the division. The conservation manager shall be a graduate of an accredited college or university, with a master's degree in environmental or agricultural science or engineering, hydrology, water resources management or closely related field; and shall have had at least five (5) years of responsible, practical experience in the above fields. The conservation manager shall direct and supervise all functions of the division and implement the responsibilities of the Richland County Conservation District and Richland County Conservation Commission. The manager shall consult with and advise the community planning and development director regarding the conservation and protection of the county's natural, cultural and historical resources. The division shall also interact with federal and State agencies, other counties and municipalities, institutions of higher education, and not for profit conservation and environmental organizations to support the responsibilities of the division, District and Commission.~~

DIVISION 6A. CONSERVATION

Sec. 2-243. Creation; director.

~~There is hereby created the Conservation Department, and the position of Conservation Director, who shall be responsible to the county administrator to direct and coordinate the operations and activities of the department. The county administrator shall appoint the director and his/her term of office shall be at the pleasure of the county administrator.~~

Sec. 2-244. Qualifications of director; selection; compensation.

~~The Conservation Director shall be a graduate of an accredited college or university, with a master's degree in environmental or agricultural science or engineering, hydrology, water resources management or closely related field; and shall have had at least five (5) years of responsible, practical experience in the above fields. The director shall possess education, training and experience related to conservation and environmental issues that is satisfactory to the county administrator.~~

Sec. 2-245. Responsibilities; powers; duties.

~~The Conservation Department shall be responsible for working directly with the Richland Soil and Water Conservation District Commissioners and the Richland County Conservation~~

~~Commissioners. The Conservation Director shall direct and supervise all functions of the department and implement the responsibilities of the District and Commission. The director shall consult with and advise the county council and the county administrator regarding the conservation and protection of the county's natural, cultural and historical resources. The department shall establish working relationships with other county departments including, but not limited to, Administration, Public Works, and Planning and Development Services. The department shall also interact with federal and State agencies, other counties and municipalities, institutions of higher education, and not-for-profit conservation and environmental organizations to support the responsibilities of the department, District and Commission.~~

Sec 2-246. Staff; personnel.

~~The staff and personnel assigned to the Conservation Director shall be subject to the county personnel system and their compensation determined accordingly.~~

(a) Sustainability Program – The Conservation division shall include the Sustainability Program. The program shall work to ensure Richland County's operations and decision making reflect our commitment to environmental, social and economic sustainability and to provide innovative solutions to decrease energy demand through energy efficiency and conservation, create livable sustainable communities, and promote the green economy.

(6) Business Service Center – The business service center division is hereby created, and the position of manager of the business service center. The manager of the business service center – and every employee therein – shall give to the county a surety bond in an appropriate amount for the faithful performance of his/her duties as such officers; such bond shall be filed in the office of the clerk of court. The manager of the business service center shall be responsible to the community planning and development director for the performance of the duties and responsibilities of the department, which shall be to:

(a) Issue licenses and permits for businesses needing these licenses and permits by county ordinance to operate lawfully, including, but not limited to (unless otherwise preempted and/or prohibited by federal or state law):

1. Business licenses,
2. Fireworks licenses, and/or
3. Hazardous Materials permits.

(b) Collect the payments, via the Internet and/or other convenient methods, for the aforementioned licenses and permits in subsection (1) above, as well as for other business fees and taxes (not otherwise preempted and/or prohibited by federal or state law), including, but not limited to:

1. Hospitality Taxes,
2. Sewer Fees,
3. Sewer Tap fees,
4. Water Fees,
5. Landfill Fees, and/or
6. Solid Waste Fees.

(c) Make business forms and information available in many diverse and convenient ways to assist businesses operate as required by applicable county ordinances.

(d) Inspect and audit businesses for compliance with applicable county ordinances regarding these licenses, permits, fees, and taxes.

(e) Serve as a liaison to the business community on behalf of Richland County on issues relating to issuances and collections of the Business Service Center.

(f) Serve as the single point of contact for businesses required to comply with

applicable county ordinances.

- (g) Serve as the catalyst for integrating Business Service Center services with other county departments, State agencies, and other groups or organizations.

~~DIVISION 7A. BUSINESS SERVICE CENTER~~

~~**Sec. 2-252. Creation; director.**~~

~~There is hereby created the department of the Business Service Center and the position of director of the Business Service Center. The director shall be appointed by the county administrator and his/her term of office shall be at the pleasure of the county administrator.~~

~~**Sec. 2-253. Qualifications of director.**~~

~~The director of the Business Service Center shall be a person with education, training, skills, and/or experience that is satisfactory to the county administrator.~~

~~**Sec. 2-254. Staff; personnel.**~~

~~The director of the Business Service Center shall have such staff and assistants as are necessary to the operation of the department and the performance of his/her duties. They shall be subject to the county personnel system and their compensation determined accordingly.~~

~~**Sec. 2-255. Responsibilities; powers; duties.**~~

~~The director of the Business Service Center shall be responsible to the county administrator for the performance of the duties and responsibilities of the department, which shall be to:~~

~~(1) — Issue licenses and permits for businesses needing these licenses and permits by county ordinance to operate lawfully, including, but not limited to (unless otherwise preempted and/or prohibited by federal or state law):~~

- ~~a. Business licenses;~~
- ~~b. Fireworks licenses, and/or~~
- ~~c. Hazardous Materials permits.~~

~~(2) — Collect the payments, via the Internet and/or other convenient methods, for the aforementioned licenses and permits in subsection (1) above, as well as for other business fees and taxes (not otherwise preempted and/or prohibited by federal or state law), including, but not limited to:~~

- ~~a. Hospitality Taxes;~~
- ~~b. Sewer Fees;~~
- ~~c. Sewer Tap Fees;~~
- ~~d. Water Fees;~~
- ~~e. Landfill Fees, and/or~~
- ~~f. Solid Waste Fees.~~

~~(3) — Make business forms and information available in many diverse and convenient ways to assist businesses operate as required by applicable county ordinances.~~

~~(4) — Inspect and audit businesses for compliance with applicable county ordinances regarding these licenses, permits, fees, and taxes.~~

~~(5) — Serve as a liaison to the business community on behalf of Richland County on issues~~

~~relating to issuances and collections of the Business Service Center.~~

~~(6) — Serve as the single point of contact for businesses required to comply with applicable county ordinances.~~

~~(7) — Serve as the catalyst for integrating Business Service Center services with other county departments, State agencies, and other groups or organizations.~~

~~Sec. 2-256. Bond required.~~

~~The director of the Business Service Center — and every employee therein — shall give to the county a surety bond in an appropriate amount for the faithful performance of his/her duties as such officers; such bond shall be filed in the office of the clerk of court.~~

~~DIVISION 3A. TAX ASSESSOR~~

~~Sec. 2-212. Creation; tax assessor.~~

~~There is hereby created the Tax Assessor Department, and the position of Tax Assessor, who shall be responsible to the county administrator to direct and coordinate the operations and activities of the department. The county administrator shall appoint the director and his/her term of office shall be at the pleasure of the county administrator.~~

~~Sec. 2-213. Qualifications of tax assessor; selection; compensation.~~

~~The Tax Assessor shall be a person with education, training, skills, and/or experience that is satisfactory to the county administrator.~~

~~Sec. 2-214. Responsibilities; powers; duties.~~

~~The powers, duties, and responsibilities of the Tax Assessor shall be those set forth by state law.~~

~~Sec. 2-215. Staff; personnel.~~

~~The staff and personnel assigned to the Tax Assessor shall be subject to the county personnel system and their compensation determined accordingly.~~

(7) Register of Deeds – The register of deeds division is hereby created, pursuant to state law, along with the position of register of deeds, such office to be located in the county courthouse at the discretion of the clerk of court. The register of deeds shall give to the county a surety bond in the value of twenty-five thousand dollars (\$25,000.00) for the faithful performance of his/her duties, such bond to be lodged in the office of the state treasurer. The register shall be responsible and under the direct supervision of the community planning and development director, for the performance of the duties of this office which include, but are not limited to:

- (a) Directing the division of mesne conveyances and supervising its staff and activities;
- (b) Indexing and recording all deeds, conditions, restrictions, contracts, agreements, descriptions of real estate from the probate judge's office, cemetery plots, easements, leases, mortgages on chattel and real property, satisfactions, assignments, releases, modifications, mechanics' liens, state, federal and employment security commission tax liens, plats and financial statements under the Uniform Commercial Code; provided, however, that no deed shall be accepted for recordation unless it bears the tax map number of the property being conveyed;
- (c) Maintaining books for recording business establishments, corporate

charters, U.S. military and naval forces discharges;

- (d) Maintaining a notary public register;
- (e) Maintaining an index of cross-index books for all instruments of record logged in the office;
- (f) Collecting necessary fees for the recording of records as set by law;
- (g) Answering requests and giving assistance to those seeking information from the records of the office;
- (h) Preparing a division budget; and
- (i) Rebinding books and records.

(8) Assessor – The tax assessor division, and the position of tax assessor, who shall be responsible to the community planning and development director to direct and coordinate the operations and activities of the division. The tax assessor shall be a person with education, training, skills, and/or experience that is satisfactory to the county administrator. The powers, duties, and responsibilities of the tax assessor shall be those set forth by state law.

~~DIVISION 6. DETENTION, ELECTIONS, VOTER REGISTRATION, AND REGISTER OF MESNE CONVEYANCES~~

~~Sec. 2-235. Creation; department directors; management of department.~~

~~The office of register of mesne conveyances, and the department of elections, voter registration and the detention center are established as departments within the county government. (Ord. No. 1858-89, § III, 4-4-89; Ord. No. 101-96HR, § I, 12-10-96)~~

~~Sec. 2-236. Directors; qualifications; selection; compensation.~~

~~The office of the register of mesne conveyances, and the departments of elections, voter registration and the detention center shall be directed by individuals qualified by virtue of their education, training and experience. Compensation for the directors shall be in accordance with the county pay and classification plans as approved in the annual budget(s) by the county council. (Ord. No. 101-96HR, § I, 12-10-96)~~

~~Sec. 2-237. State divisional heads; qualifications; selection; compensation.~~

~~The “state units” including the division of social services and the division of health and environmental control shall be directed by individuals qualified, selected, and compensated by the appropriate agency of the state.~~

~~Sec. 2-238. Departmental responsibilities; powers; duties.~~

~~(a) Detention center. The detention center shall be directed by the director of the detention center who shall be appointed by the county administrator and directly responsible thereto. The director shall be responsible to:~~

- ~~(1) Operate and manage the county detention center, and any prison camps or other detention facilities that may be established;~~
- ~~(2) Provide for the proper care and custody of all prisoners assigned to county detention facilities;~~
- ~~(3) Be responsible for the effective and efficient operation of the detention center and any related buildings and grounds;~~

~~(4) — Control all employees under his direction and be responsible for all equipment and supplies needed to operate the detention center.~~

~~(b) *Reserved.*~~

~~(c) *Elections.* The division of elections shall serve as the operational unit of the county election commission and shall be directed by a director of elections. The county election commission is appointed by the Governor of South Carolina, pursuant to South Carolina Code of Laws, 1976, as amended, section 7-13-70, and said commission shall be appoint the director of elections. Employees of this department shall work at the pleasure of the director of elections. The director and all other employees of this department shall have all rights of regular county employees, but shall not have grievance rights as set forth elsewhere in this Code, unless the director of elections chooses to place all department employees under the county grievance procedures. The department shall be responsible to:~~

~~(1) — Conduct all general and county special elections, municipal and primary elections and, if appropriate and convenient, the elections of schools, colleges, fraternal and other groups;~~

~~(2) — Maintain all voting equipment and facilities required for their proper storage and custody of such voting equipment; and~~

~~(3) — Operate an office to serve the general public and maintain the records, files and all other relevant information and/or data on all elections.~~

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

~~(1) — Provide for the proper registration of all persons qualified to vote;~~

~~(2) — Maintain all equipment, books and records necessary to effect such registration of voters in the county; and~~

~~(3) — Operate an office to serve the general public and maintain the records, files and all other relevant information and/or data on voter registration.~~

~~4) — Establish absentee and fail safe voting precincts.~~

Sec. 2-238.1. Register of mesne conveyances.

~~(a) *Office created, location.* There is hereby created the office of register of mesne conveyances pursuant to Act 453 of S.C. General Assembly 1973, such office to be located in the county courthouse with the clerk of court's office.~~

~~(b) *Department director.* A position of register, who shall serve as the departmental director, is hereby established.~~

~~(c) *Term of office.* The register shall be appointed by and serve at the pleasure of the county administrator.~~

~~(d) *Qualifications; county employee.* The register shall be a person with training and/or experience in responsible office work providing a familiarity with the laws and regulations pertaining to the management of records. The register shall be a member of the county employee classification system and enjoy all the privileges and rights of county employees, with compensation to be determined accordingly.~~

~~(e) Responsibility and duties.~~ The register shall be responsible and under the direct supervision of the county administrator, for the performance of the duties of this office which include, but are not limited to:

- ~~(1) — Directing the division of mesne conveyances and supervising its staff and activities;~~
 - ~~(2) — Indexing and recording all deeds, conditions, restrictions, contracts, agreements, descriptions of real estate from the probate judge's office, cemetery plots, easements, leases, mortgages on chattel and real property, satisfactions, assignments, releases, modifications, mechanics' liens, state, federal and employment security commission tax liens, plats and financial statements under the Uniform Commercial Code; provided, however, that no deed shall be accepted for recordation unless it bears the tax map number of the property being conveyed;~~
 - ~~(3) — Maintaining books for recording business establishments, corporate charters, U.S. military and naval forces discharges;~~
 - ~~(4) — Maintaining a notary public register;~~
 - ~~(5) — Maintaining an index of cross-index books for all instruments of record logged in the office;~~
 - ~~(6) — Collecting necessary fees for the recording of records as set by law;~~
 - ~~(7) — Answering requests and giving assistance to those seeking information from the records of the office;~~
 - ~~(8) — Preparing a division budget; and~~
 - ~~(9) — Rebinding books and records.~~
- ~~(f) Bond.~~ The register of mesne conveyances shall give to the county a surety bond in the value of twenty-five thousand dollars (\$25,000.00) for the faithful performance of his duties, such bond to be lodged in the office of the state treasurer.
- ~~(g) Deputy.~~ The register may recommend candidates for appointment as a deputy. Such appointment shall be made by the county administrator and shall be evidenced by a certificate thereof, signed by the administrator.
- ~~(h) Staff and assistants.~~ Upon recommendation of the register, the county administrator shall employ such staff and assistants as are necessary to the performance of the duties of that office. They shall be subject to the county classification system and their compensation determined accordingly. ~~(i) Officers to cooperate.~~ All officers of the county, whether elected or appointed, and their deputies and assistants, shall cooperate with and assist the register of mesne conveyances in the performance of the duties prescribed in this section.

DIVISION 3. ANIMAL CARE DETENTION CENTER

Sec 2-130. Creation; director.

There is hereby created the detention center department, and the position of detention center director who shall be responsible to the county administrator to direct and coordinate the operations and activities of the department. The director shall be appointed by the county administrator and his/her term of office shall be at the pleasure of the county administrator. The manager shall have the following duties and responsibilities:

- (1) Operate and manage the county detention center, and any prison camps or other detention facilities that may be established;
- (2) Provide for the proper care and custody of all prisoners assigned to county detention facilities;
- (3) Be responsible for the effective and efficient operation of the detention center and

any related buildings and grounds;

- (4) Control all employees under his/her direction and be responsible for all equipment and supplies needed to operate the detention center.

Sec. 2-131. Departmental Divisions.

The detention center department shall include the following divisions:

(1) Security – The division of security is hereby created and the position of security manager, who shall be responsible to the detention center director to ensure the detention remains secure.

(2) Operations – The division of operations is hereby created and the position of operations manager, who shall be responsible to the detention center director to facilitate and execute the operation of the detention center.

(3) Programs – The division of programs is hereby created and the position of programs manager, who shall be responsible to the detention center director to successfully implement the programmatic initiatives of the detention center.

(4) Support – The division of support is hereby created and the position of support manager, who shall be responsible to the detention center director to support the detention center director and contribute to the effective functioning of the detention center.

Sec. 2-238. Departmental responsibilities; powers; duties.

~~(a) Detention center. The detention center shall be directed by the director of the detention center who shall be appointed by the county administrator and directly responsible thereto. The director shall be responsible to:~~

~~(1) Operate and manage the county detention center, and any prison camps or other detention facilities that may be established;~~

~~(2) Provide for the proper care and custody of all prisoners assigned to county detention facilities;~~

~~(3) Be responsible for the effective and efficient operation of the detention center and any related buildings and grounds;~~

~~(4) Control all employees under his direction and be responsible for all equipment and supplies needed to operate the detention center.~~

~~(b) Reserved.~~

DIVISION 4. PLANNING AND DEVELOPMENT SERVICES ECONOMIC DEVELOPMENT OFFICE

Sec. 2-132. Creation; director.

There is hereby created the economic development office and the position of director of the economic development office.

Sec. 2-133. Qualifications of director; selection; compensation.

The director of the economic development office shall possess education, training, and experience that are satisfactory to the county administrator.

Sec. 2-134. Responsibilities; powers; duties.

The director shall work to assist new companies considering locating in Richland County

and existing companies considering expand their operations. The office shall have the following duties and responsibilities:

- (1) Maintain demographic and economic data on Richland County;
- (2) Conduct building and site tours for prospective companies;
- (3) Facilitate meetings with existing industry to discuss human resources and labor force issues;
- (4) Conduct community tours for prospective companies;
- (5) Negotiate incentive proposals on behalf of the County.

DIVISION 5. PUBLIC SAFETY EMERGENCY SERVICES

Sec. 2-135. Creation; director.

There is hereby created the emergency services department and the position of director of emergency services, who shall be responsible to the county administrator and who shall direct and coordinate the operations and activities of the department. The director shall be appointed by the county administrator, and his/her term of office shall be at the pleasure of the county administrator.

Sec. 2-136. Qualifications of director; selection.

The director of emergency services shall possess education, training, and experience that are satisfactory to the county administrator.

Sec. 2-137. Responsibilities; powers; duties.

The director of the department of emergency services shall be the county fire ~~marshall~~ marshal. The director of the department of emergency services shall enforce all provisions of this Code of Ordinances pertaining to the operation of emergency services within the county.

Sec. 2-229. ~~Qualifications; selection; compensation.~~

~~(a) Qualifications, requirements, job descriptions and pay grades of the director of emergency services and each deputy director shall be determined by the county personnel department utilizing professional consultant services in accordance with existing personnel policies and ordinances.~~

~~(b) Each of the deputy directors shall be professionally qualified, preferably with a degree from a recognized college or university in a field related to the activities with which he/she is associated, and each with no less than five (5) years of responsible experience in the field of public safety. Deputy directors shall be appointed by and shall serve at the pleasure of the director of department of emergency services.~~

~~(c) The compensation paid to each deputy director shall be an amount recommended by the county administrator and approved by the county council in the county's annual operating budget(s).~~

Sec. 2-230. ~~Staff; personnel.~~

~~The staff and assistants authorized by the county administrator for the director of the department of emergency services and each of the deputy directors shall be subject to the county personnel system, and their compensation shall be determined accordingly.~~

Sec. 2-138. Departmental Divisions.

The emergency services department shall include the following divisions:

(1) *Emergency Medical Services* - The emergency medical services division ~~shall be headed by the manager of emergency medical services and~~ shall provide county-wide 911 emergency medical services designed to respond to medical emergencies and to provide initial medical response and/or treatment as a means of stabilizing accident and/or trauma victims for transportation to medical facilities for primary, secondary and/or tertiary care or treatment as may be required.

(a) Fees for ambulance services to the general public within the boundaries of the county and outside of the boundaries of the county shall be determined from time to time by council.

(b) Fees for ambulance services will be limited to the maximum allowed under the health care insurance plan for each county employee. These fee schedules are subject to amendment, repeal, or deletion by the county council from time to time.

(c) The county council hereby grants permission for the operation of private convalescent transport units within the county.

Private convalescent transport units are any vehicle making nonemergency calls within the county and to destinations within the county as scheduled to a physician's office or hospital for treatment, routine physical examinations, x-rays, or laboratory tests which is used for transporting within the county, patients upon discharge from a hospital or nursing home to a hospital, nursing home or residence, or a vehicle making any other calls dispatched within the county as nonemergency. Such vehicles are described in S.C. Code 1976, § 44 61 10 et seq. (as amended).

(d) The division department of emergency services is hereby authorized to promulgate and enforce rules and regulations governing and controlling such private convalescent transport units and the nonemergency ambulances as deemed by the department to be necessary pursuant to federal, state and applicable regulating agency requirements.

Further, all nonemergency private ambulances that originate calls within the county shall be required to comply with the provisions of this Code of Ordinances, including the business license ordinance [chapter 16], and reporting requirements promulgated by the division.

(2) *Fire, ~~special responses and safety services~~* - The fire division ~~shall be headed by the fire manager and~~ shall be responsible for providing countywide fire, ~~special responses and safety~~ services - ~~The duties of the manager of fire shall include~~, but not be limited to the following:

(a) Coordination and supervision of the development and operation of a county fire service system in the unincorporated areas and participating municipalities; to include coordination, supervision, and monitoring or any of the fire duties which may be contracted out to third parties pursuant to contract or intergovernmental agreements;

(b) ~~Coordination and supervision of the training of fire service personnel;~~ Emergency communications;

(c) ~~Development of a comprehensive record system and supervision of its maintenance;~~ Determine the Cause and Origin of fires;

(d) The provision of assistance to the various units of the fire service in resolving technical problems;

(e) Coordination of the management of all county fire service units;

- (f) Enforcement of county ordinance and the county fire prevention code;
- (g) Coordination of the emergency services department special response and rescue capabilities; ~~and~~
- ~~(h) — Serve as the county safety officer.~~

(3) *Emergency Management Division Preparedness agency*- The emergency ~~preparedness management~~ division shall be headed by the emergency preparedness manager and shall be responsible for ensuring the complete and efficient utilization of all the county facilities to combat disaster from enemy attack, manmade or natural disaster; ~~– The emergency preparedness manager shall be responsible~~ for directing the day-to-day operations of the office and coordinating the activities of county and city governments during a period of disaster. The ~~manager~~ department shall be empowered and required to coordinate with and render assistance to county and city officials in the development of plans for the use of all facilities, equipment, manpower and other resources of the county and the municipalities existing within the county for the purpose of minimizing or preventing damage to persons or property in disaster situations. The ~~manager~~ department shall further direct the efforts of the county emergency management preparedness division in the implementation of the provisions of this subsection.

The emergency preparedness management division shall be the coordinating agency for all activity in connection with integrated emergency management; and it shall be the instrument through which the county government shall exercise its authority under the laws of this state during an attack against this county, its political subdivisions, or any part of the state, or during manmade or natural disasters. This subdivision will not relieve the county or any city department existing within the county of the normal responsibilities and/or authority given to is by general laws or local resolution or ordinance, nor will it limit the work of the American Red Cross or other volunteer agencies organized for relief in natural disaster.

As used in this subsection:

Attack shall mean a direct assault against the county, its political subdivisions, or any part of the state, by forces of a hostile nation, including assault by nuclear, chemical or biological warfare, espionage or sabotage.

County shall mean Richland County, including all municipalities and political subdivisions.

Emergency preparedness management shall have a broad meaning and shall include preparations against and relief from the effects of attack on the county, or any part of the state, by the forces of any enemy nation; and it shall also include such activity in connection with manmade or natural disaster as defined herein. It shall not include any activity that is the responsibility of the military forces of the United States.

Emergency preparedness management organization shall mean all county and municipal officials and employees of the county and municipalities, together with those volunteer forces enrolled to aid them during a disaster, and persons who may, by agreement or operation of law, be charged with duties incident to the protection of life and property in the county, city and towns during times of disaster.

Manmade disaster shall mean such disasters as those caused by hazardous material or radiation accidents or incidents and terrorist activities.

Natural disaster shall mean any condition seriously threatening public health, welfare, or security as a result of a severe fire, explosion, flood, tornado, hurricane, earthquake, or similar natural or accidental cause which is beyond the control of public or private agencies ordinarily responsible for the relief of such conditions.

Volunteer shall mean contributing service, equipment or facilities to the emergency preparedness organization without remuneration or without formal agreement or contract of hire. While engaged in such services, volunteer personnel shall have the same immunities as persons and employees of the county performing similar duties.

- (a) The manager of the emergency preparedness management division shall maintain liaison with the state and federal authorities, and the authorities of other nearby political subdivisions, so as to ensure the most effective operation of the emergency plan. The manager's duties shall include, but shall not be limited to, the following:
1. Development and publication of emergency plans in conformity with state emergency plans for the immediate use of all of the facilities, equipment, manpower and other resources of the county for the purpose of minimizing or preventing damage to persons or property, and protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety, and welfare.
 2. Control and necessary recordkeeping for funds and property which may be made available from the federal, state, county and municipal governments.
 3. Submission of annual budget requirement to the state, federal and county governments.
 4. Signing such documents as are necessary in the administration of the county emergency preparedness program, to include project applications and billing for purchases under project applications.
 5. Coordination of the recruitment and training of the volunteer personnel and agencies to augment the personnel and facilities of the county emergency preparedness purposes.
 6. Through public information programs, education of the civil population as to the actions necessary and required for the protection of their persons and property in case of enemy attack or natural disaster.
 7. Conducting simulated disaster exercise and public practice alerts to ensure efficient operations of the emergency plans and to familiarize residents of the county and municipalities with civil defense regulations, procedures and operations.
 8. Coordination of the activity of all other public and private agencies engaged in any emergency preparedness programs.
 9. Negotiation with owners or persons in control of building or other property for the use of such buildings or property for civil defense emergency management purposes, and designating suitable buildings as public fallout shelters.
 10. Development of a community shelter plan. ~~which, will have as its ultimate goal an assigned fallout shelter space for every citizen of the county.~~
 11. Assumption of such authority and conducting such activity as may be necessary to promote and execute the emergency operations plan.
- (b) The chairman of the county council shall be responsible for meeting the problems and dangers to the county and its municipalities and their residents resulting from disasters of any origin and may issue proclamation and regulations concerning disaster relief and related matters which during an emergency situation shall have the full force and effect of law.

- (c) ~~A copy of the county emergency plan shall be located at the following locations: County Administrator's office, Emergency Services Department, Richland County Sheriff's Department, City of Columbia, Columbia Fire Department, City of Forest Acres, City of Eastover, City of Blythewood, Gadsden EMS/Fire Station, Hopkins EMS/Fire Station, Killian EMS/Fire Station, North Richland EMS/Fire Station, Ballentine EMS/Fire Station, Upper Richland EMS/Fire Station, Dentsville/Sandhill EMS/Fire Station, Lower Richland EMS/Fire Station, Richland School District One, Richland School District Two and Richland County Public Works.~~
- (d) (c) In accordance with annex K of the emergency plan, emergency shelters may be opened during an emergency and may be housed at schools, churches and other locations. ~~the following locations: Spring Valley High School, Dent Middle School, Bethel-Hanberry Middle School, St. Andrews Middle School, Keenan High School, C.A. Johnson High School, Hopkins Middle School, McCants Elementary School, Burnside School, W. G. Sanders Middle School, Aleorn Middle School, Gibbs Middle School, Lower Richland High School, A. C. Flora High School, Eau Claire High School, Caughman Road Elementary School, Dreher High School, and Webber School.~~ The type and location of an emergency will determine which shelters will be opened. After shelters are opened, the public will be notified and given instructions through the public information officer. Emergency Broadcast System.
- (e) (d) Notwithstanding any other provision of the law, authority in an emergency in the county shall be determined by the current County Code of Ordinance and the County Emergency Plan ~~and the Emergency Powers Act. (S.C. Code § 6-11-1410)~~
- (f) (e) A state of disaster may be declared by the chairman of the county council with the knowledge of officials of the affected municipalities if he determines that a disaster has occurred, or that the thread threat thereof is imminent, and extraordinary emergency measures are deemed necessary to cope with the existing or anticipated situation. Once declared, that state of emergency shall continue until terminated by the chairman of county council. All proclamations of a disaster issued pursuant to this section shall indicate the nature of the disaster, the area or areas affected, the conditions which required the proclamation of the disaster, and the conditions under which it will be terminated. In addition to any other powers conferred by law, the county and municipal governments may, under the provisions of this subsection:
1. Suspend existing laws and regulations prescribing the procedures for conduct of county or municipal business if strict compliance with the provisions of any statutes, order, rule or regulation would in any way prevent, hinder or delay necessary action in coping with the emergency.
 2. Utilize all available resources of county and municipal government as reasonably necessary to cope with a disaster emergency.
 3. Transfer the direction, personnel or functions of county and municipal departments and agencies or units thereof for purposes of facilitating or performing emergency services as necessary or desirable.
 4. Compel performance by government officials and employees of the duties and functions assigned in the county emergency plan.

5. Contract, requisition and compensate for goods and services from private sources.
6. Direct evacuations of all or part of the population from any stricken or threatened area within the county or municipality if such action is deemed necessary for preservation of life or other disaster mitigation, response or recovery.
7. Prescribe routes, modes of transportation and destinations in connection with evacuations.
8. Control ingress and egress to and from a disaster area, the movement of persons within the area and the occupancy of premises therein.
9. Suspend or limit the sale, dispensing or transportation of alcoholic beverages, firearms, explosives and combustibles.
10. Make provisions for the availability and use of temporary housing.
11. Suspend or limit nonemergency activities and prohibit public assemblies.

12. Implement curfews during declared disaster events.

~~(g)~~ (f) All employees of departments, commissions, boards, institutions and other agencies of the county and municipalities who are designated as civil emergency forces shall cooperate with ~~the manager of~~ the emergency preparedness agency management division in the formulation of the county emergency plan shall comply with the requests of ~~the manager of~~ emergency preparedness agency management personnel when such requests are issued pursuant to the provisions of this subsection. County and city personnel shall include in such plans the restoration of governmental services and public utilities necessary for the health, safety and welfare of the general public.

~~(h)~~ (g) All such civil emergency forces shall notify the ~~deputy~~ director of preparedness agency emergency services of conditions in the county or municipalities resulting from enemy attack or natural disaster, and they shall inform the ~~deputy~~ director of emergency preparedness agency of any conditions threatening to reach the proportions of a natural disaster as defined herein.

~~(i)~~ (h) County and municipal employees assigned to duty as part of the civil emergency forces pursuant to the provisions of this subsection shall retain all the rights, privileges and immunities of their employment and shall receive the compensation incident to that employment.

~~(j)~~ (i) The ~~manager~~ director of emergency preparedness agency services may at any time make the appointment of volunteer citizens to augment personnel in the time of civil emergency. Such volunteer citizens may be enrolled as civil emergency volunteers in cooperation with the heads of the county or municipal department affected, and they shall be subject to the rules and regulations set forth by their department for such volunteers.

~~k~~-(j) ~~The manager of emergency preparedness agency director~~ may appoint volunteer citizens or from the personnel of a civil emergency service for which the county or municipalities have no counterpart. He may also

appoint volunteer citizens as public shelter managers, who, when directed by the ~~deputy director of emergency preparedness agency~~ director, shall open public shelters and take charge of all stocks of food, water and other supplies and equipment stored in the shelter; admit the public according to the community shelter plan; and take whatever control measures are necessary for the protection and safety of the occupants.

~~(k) The director of emergency services may appoint and permit volunteers to operate privately owned vehicles to respond to disasters and emergencies using lights and sirens after first meeting the established rules and criteria promulgated by the emergency services department for volunteer privately owned vehicle response.~~

l. The emergency services department public information officer shall serve as public information officer for the emergency preparedness management division.

m. This subsection is an exercise by the county and city of their governmental authority for the protection of the public peace, health and safety; and county or municipal agents and representatives, or any individual, receiver firm, partnership, corporation, association, or trustee, or any of the agents thereof in good faith carrying out, complying with, or attempting to comply with any order, rule or regulation promulgated pursuant to the provisions of this subsection shall not be liable for any damage sustained by persons or property as a result of such activity.

n. Any person owning or controlling real estate or other premises who voluntarily and without compensation grants the county the right to inspect, designate and use the whole or any part or parts of such real estate or premises for the purpose of sheltering persons during an authorized civil emergency practice exercise shall not be civilly liable for the death of or injury to any person on or about such real estate or premises under such license, privilege or other permission, or for loss of or damage to the property of such person.

o. It shall be unlawful for any persons to violate any of the provisions of this subsection or the regulations issued pursuant to the authority contained herein or willfully to obstruct, hinder or delay any member of the civil emergency organization in the enforcement of the provisions of this subsection or any regulation issued thereunder. Any violation of this subsection shall be considered as a misdemeanor and shall be punished by a fine of not more than ~~one~~ five hundred dollars (\$~~100~~500.00) or confinement of not more than thirty (30) days.

(4) *Hazardous Materials* ~~control services~~ Division The hazardous materials division ~~shall be headed by the manager of hazardous materials. The duties of the manager of the hazardous materials division~~ shall include, but not be limited to the location, identification, monitoring and/or control of all hazardous/toxic waste(s) existing in or transported through the county. Such control shall include the permitting and enforcement of all relevant codes and the coordination of effort with other county and public agencies assigned public safety responsibilities in the field of hazardous/ toxic wastes.

(5) *Emergency 911 Communications Center*

(a) Funding for emergency 911 telephone system

It is the desire of Richland County Council to shorten the time and to simplify the methods required for a resident of Richland County to request and to receive emergency aid. It is the further intent of the County Council to provide funding by which to allow operation, maintenance and enhancements of E911 by levying a monthly charge of ~~thirty-eight (38)~~

fifty (50) cents upon each local exchange access facility subscribed by telephone subscribers whose local exchange access lines are in the area served by or which would be served by the E911 service and/or system of Richland County, ~~provided, however, that subscribers with multiple lines shall pay the subscriber rate up to a maximum of fifty (50) lines per account.~~

(b) E911 Service fee, billing and collection.

- (1) The E911 Service Fee shall include charges as may be required by the Service Suppliers and agreed upon by Richland County and such charges for support, planning, operation and current or future enhancements that are required by Richland County and outlined in South Carolina Code Sections 23-47-10 through 80.
- (2) A monthly charge shall be levied upon each local exchange access facility subscribed to by telephone subscribers whose local exchange access lines are in the area served by or which would be served by the 911 service and/or system of the jurisdiction of the county as provided for in this section, in amounts permitted by the ~~Office of Information Resources State of the~~ South Carolina ~~Budget and Control Board~~, provided that the amount of such levy shall be set forth precisely in each annual, or supplemental budget ordinance as appropriate, together with a provision providing that such charges were tax enforceable under South Carolina Code 23-47-50(B). Said E911 Service Fee rate shall include funding for only such expenses and costs as are authorized under provisions of South Carolina Code Section 23-47-40(A)(B), and (D) as amended from time to time, as may be approved by the Richland County Council attendant to the normal adoption of the County's Ordinary and Capital Budgets. Said budget shall clearly delineate the estimated E911 Service Fee revenue and the associated expense, and sources of revenue and authorized expenses from sources other than the E911 Service Fee, by budget account and line item.
- (3) The E911 Service Fee shall be uniform and not vary according to the type of local Exchange access.
- (4) Coin operated telephones are toll free 911 calls, but certain locations, such as detention centers or institutions may be denied access to 911 at the discretion of the emergency services director. Other coin operated telephones where it can be clearly justified as not being in the public interest to continue or have access to 911 may also be denied such access.
- (5) ~~The~~ Service Suppliers shall remit to Richland County E911 Service Fee Collections within 45 calendar days following the end of the month of collections of such funds and, upon receipt of a monthly bill from the Service Supplier, Richland County will remit payment.
- (6) An audit and budget reconciliation shall be conducted annually. The audit shall comply with the requirements of the South Carolina Code Section 23-47-50(E).

(c) Accounting and management.

- (1) As provided in South Carolina Code Section 23-47-50(C), Richland County is responsible for the collection of delinquent accounts having access to the E911 system. The emergency services director and finance director shall cause procedures to be established with the Service Supplier and shall forward such

information to the appropriate authority for collection procedures.

- (2) The emergency services director is responsible within Richland County for the administration of this section and South Carolina Code Sections 23-47-10 through 80.
- (d) Addressing and road name. All road naming activity shall be coordinated with the public works department, the planning division of the Community Planning and Development Department and if applicable the City of Columbia. Public safety is of the highest priority and road names contribute significantly to the efficiency of the emergency response system.
- (e) It shall be a violation for any person to misuse or abuse the 911 system or to make a false 911 call. Any person in violation of this section shall be subject to the penalties set forth in (f).
- (e) (f) Penalties. Any person who shall violate any provision of this section, including the provisions of South Carolina Code Title 23, Chapter 47, shall be guilty of a misdemeanor and, upon conviction of such offense, shall be fined not more than ~~two~~ five hundred dollars (\$~~200~~500.00) or imprisoned for not more than thirty (30) days, and in addition, shall pay all costs and expenses involved in the case. Each and every day or portion thereof during which any violation continues shall be considered a separate offense.

DIVISION 6. DETENTION, ELECTIONS, VOTER REGISTRATION, AND REGISTER OF MESNE CONVEYANCES FINANCE

Sec. 2-139. Creation; director.

There is hereby created the finance department and the position of director of finance, who shall be responsible to the county administrator and who shall direct and coordinate the operations and activities of the department. The department shall be responsible for all facets of finance administration including budget preparation and budgetary control, accounting, financial reporting, and other related financial/fiscal activities. It shall be responsible also for insurance; payroll and leave administration; and, in cooperation with the department of human resources, shall be responsible for development and implementation of a personnel data and information management system; and such other responsibilities as may be assigned by the county administrator. The director of finance shall give to the county a surety bond in the value of thirty thousand dollars (\$30,000.00) for the faithful performance of his/her duties as such officer, such bond to be filed in the office of the clerk of court.

Sec. 2-140. Qualifications of director; selection.

The director of finance shall be a person with education, training and/or experience in finance and money management satisfactory to the county administrator. The county administrator shall recommend and the council shall provide in the annual budget the compensation of the director of finance.

Sec. 2-141. Responsibilities; powers; duties.

The director of finance shall be the chief administrative finance officer of the county, responsible to the county administrator for the performance of his/her duties and responsibilities which shall be to:

- (1) Direct the finance department and supervise its staff and activities;
- (2) Approve all warrants issued by officers of the county and draw drafts in payment thereof;
- (3) Maintain current accounts of all county budget expenditures and make periodic

reports thereon as required by the county administrator;

- (4) Maintain a current inventory of all county property, real and personal; and collect and account for all income from rental or sale of same;
- (5) Receive all requests from county offices and agencies in excess of budget allowances, and prepare recommendations for the county administrator to submit to the council for consideration thereof;
- (6) Obtain and supervise contracting and payments for all insurance on county property, including liability and related insurance;
- (7) Cooperate with the county council, treasurer, attorney and other officers concerned in the preparation and sale of all county bond issues and other long-term financial transactions;
- (8) Cooperate with the county auditor, treasurer and other county officers in securing annual and special audits of all county accounts as required by law or directed by council; and
- (9) Serve as the trust officer of the county and be granted authority to sign necessary documents and create accounts for the proper maintenance of such funds, provided that such procedures shall be approved by the county administrator.

~~DIVISION 5. OFFICE OF FINANCE AND BUDGET~~

~~Sec. 2-117. Office of finance and budget, generally.~~

~~The office of finance and budget is hereby created and shall be responsible for all facets of finance administration including budget preparation and budgetary control, accounting, financial reporting, and other related financial/fiscal activities. It shall be responsible also for insurance and such other responsibilities as may be assigned by the county administrator. This office shall be managed by the director of finance and budget and shall be responsible also for payroll and leave administration and, in cooperation with the office of staff and human resources, shall be responsible for development and implementation of a personnel data and information management system.~~

~~(Ord. No. 1908-89, § II, 9-5-89)~~

~~Sec. 2-118. Position of director—Created; selection; appointment.~~

~~There is hereby created the position of director of finance and budget. The director of finance and budget shall be selected and appointed by, and shall serve at the pleasure of the county administrator.~~

~~Sec. 2-119. Same—Qualifications; compensation.~~

~~The director of finance and budget shall be a person with education, training and/or experience in finance and money management satisfactory to the county administrator. The county administrator shall recommend and the council shall provide in the annual budget the compensation of the director of finance and budget.~~

~~Sec. 2-120. Same—Responsibilities, powers and duties.~~

~~The director of finance and budget shall be the chief administrative finance officer of the county, responsible to the county administrator for the performance of his duties and responsibilities which shall be to:~~

- ~~(1) —Direct the county office of finance and budget and supervise its staff and activities;~~
- ~~(2) —Approve all warrants issued by officers of the county and draw drafts in payment thereof;~~
- ~~(3) —Maintain current accounts of all county budget expenditures and make periodic reports~~

thereon as required by the county administrator;

~~(4) — Maintain a current inventory of all county property, real and personal; and collect and account for all income from rental or sale of same;~~

~~(5) — Receive all requests from county offices and agencies in excess of budget allowances, and prepare recommendations for the county administrator to submit to the council for consideration thereof;~~

~~(6) — Obtain and supervise contracting and payments for all insurance on county property, including liability and related insurance;~~

~~(7) — Cooperate with the county council, treasurer, attorney and other officers concerned in the preparation and sale of all county bond issues and other long-term financial transactions;~~

~~(8) — Cooperate with the county auditor, treasurer and other county officers in securing annual and special audits of all county accounts as required by law or directed by council; and~~

~~(9) — Serve as the trust officer of the county and be granted authority to sign necessary documents and create accounts for the proper maintenance of such funds, provided that such procedures shall be approved by the county administrator.~~

Sec. 2-121. Staff and assistants.

~~The director of finance and budget shall have such staff and assistants as are necessary to the operation of the office and the performance of his duties. They shall be subject to the county personnel system and their compensation determined accordingly.~~

Sec. 2-122. Bond.

~~The director of finance and budget shall give to the county a surety bond in the value of thirty thousand dollars (\$30,000.00) for the faithful performance of his duties as such officer, such bond to be filed in the office of the clerk of court.~~

Sec. 2-142. Departmental Divisions.

The finance department shall include the following divisions:

(1) *Accounting* – There is hereby created the division of accounting and the position of accounting manager, who shall be responsible to the finance director to prepare annual financial statements and other financial reports as required or requested by federal and state agencies, County Council, Administration, or financial markets.

(2) *Budget* – There is hereby created the division of budget and the position of budget manager, who shall be responsible to the finance director to create and maintain the County's Annual Budget.

(3) *Procurement* - There is hereby created the division of procurement and the position of procurement manager. The procurement manager shall be a person with education, training and/or experience in purchasing, contract administration, and inventory. The division of procurement shall be responsible for the following:

(a) Purchasing all supplies, materials, equipment, and contractual services required by county agencies and performing the purchasing-related functions required of the director of procurement herein;

(b) Negotiating contracts for ~~personal~~ professional services and submitting them for approval and award as provided herein;

(c) Using standard specifications wherever they are applicable to

purchase orders and contracts and ensuring compliance with such specifications through adequate inspection of deliveries;

(d) Transferring between agencies, supplies, materials and equipment which are no longer needed by a holding agency but which can be used by the receiving agency;

(e) Exchanging, trading in or selling those supplies, materials and equipment which are surplus, obsolete or unused and which are found by the county administrator not to be required for public use;

(f) Developing, with the approval of the county attorney as to legal sufficiency, standard forms and conditions for invitations to bid, requests for proposals, purchase orders, and contracts; developing and prescribing the use by agencies of other forms required in carrying out the provisions of this article; and amending or eliminating any such forms;

(g) Upon request of the council, and subject to its approval of each transaction, performing all delegable functions in connection with acquisition and disposal of real property;

(h) Acting as the procurement, purchasing and contracting agent for all officers, offices and agencies of the county, subject to regulations promulgated by the council and approval authority of the director of finance;

(i) Establishing and maintaining a central purchasing warehousing and supply system for all county offices and agencies, providing for requisition of materials and supplies by county offices and agencies authorized by the council;

(j) Placing, with a newspaper to be determined pursuant to the requirements of Chapter 2, Article X, "Purchasing," of this Code, all requests for advertising by a county agency or department. Any agency or department requiring advertisement shall prepare the advertisement and present same to the division of procurement for the purposes of processing it for publication. The division of procurement shall have the responsibility of determining the most practical and least costly medium of advertising. In connection with this subsection, the office of procurement shall provide each county agency and department a schedule of processing time allowance so that the requesting agency or department will be assured of the actual date of publication of the advertisement. However, any advertising which is not paid for with county funds, or for which the county is reimbursed by a private individual or company, may be exempt from the provisions of this subsection;

(k) Other duties as directed by the director of finance or county administrator.

~~DIVISION 9. OFFICE OF PROCUREMENT~~

~~Sec. 2-153. Creation of the office of procurement; generally.~~

~~There is hereby created the office of procurement and the position, director of procurement. The office of procurement shall be responsible for the following:~~

~~(1) — Purchasing all supplies, materials, equipment, and contractual services required by county agencies and performing the purchasing-related functions required of the director of procurement herein;~~

~~(2) — Negotiating contracts for personal services and submitting them for approval and award as provided herein;~~

~~(3) — Using standard specifications wherever they are applicable to purchase orders and contracts and ensuring compliance with such specifications through adequate inspection of deliveries;~~

~~(4) — Transferring between agencies, supplies, materials and equipment which are no longer needed by a holding agency but which can be used by the receiving agency;~~

~~(5) — Exchanging, trading in or selling those supplies, materials and equipment which are surplus, obsolete or unused and which are found by the county administrator not to be required for public use;~~

~~(6) — Developing, with the approval of the county attorney as to legal sufficiency, standard forms and conditions for invitations to bid, requests for proposals, purchase orders, and contracts; developing and prescribing the use by agencies of other forms required in carrying out the provisions of this article; and amending or eliminating any such forms;~~

~~(7) — Upon request of the council, and subject to its approval of each transaction, performing all delegable functions in connection with acquisition and disposal of real property;~~

~~(8) — Acting as the procurement, purchasing and contracting agent for all officers, offices and agencies of the county, subject to regulations promulgated by the council and approval authority of the county administrator;~~

~~(9) — Establishing and maintaining a central purchasing warehousing and supply system for all county offices and agencies, providing for requisition of materials and supplies by county offices and agencies authorized by the council;~~

~~(10) — Placing, with a newspaper to be determined pursuant to the requirements of Chapter 2, Article X, "Purchasing," of this Code, all requests for advertising by a county agency or department. Any agency or department requiring advertisement shall prepare the advertisement and present same to the office of procurement for the purposes of processing it for publication. The office of procurement shall have the responsibility of determining the most practical and least costly medium of advertising. In connection with this subsection, the office of procurement shall provide each county agency and department a schedule of processing time allowance so that the requesting agency or department will be assured of the actual date of publication of the advertisement. However, any advertising which is not paid for with county funds, or for which the county is reimbursed by a private individual or company, may be exempt from the provisions of this subsection;~~

~~(11) — Other duties as directed by the county administrator.~~

Sec. 2-153.5. Divisions.

~~The office of procurement shall include the office of small business opportunity division, which shall manage and administer the SLBE program (see Section 2-639 et seq.) and shall undertake other functions and duties as assigned by the director of the office of procurement, the county administrator or county council.~~

Sec. 2-154. Position of director—Created; appointment; responsibilities.

~~There is hereby created the position of director of the office of procurement also known as the director of procurement. The director shall serve at the pleasure of the county administrator. The director shall also fulfill the responsibilities formerly fulfilled by the purchasing agent.~~

Sec. 2-155. Same—Qualifications; compensation.

~~The director of the office of procurement shall be a person with education, training and/or experience in purchasing, contract administration, and inventory. The county administrator shall recommend and the council shall provide in the annual budget the compensation of the director of the office of procurement.~~

Sec. 2-156. Staff and assistants.

~~The director of the office of procurement shall have such staff and assistants as are necessary for the operation of the office and the performance of his duties. They shall be subject to the county personnel system and their compensation determined accordingly.~~

~~DIVISION 7. JUDICIAL SERVICES HUMAN RESOURCES~~

~~DIVISION 7. JUDICIAL SERVICES~~

~~**Sec. 2-247. Created; magisterial court administrator; appointment; management of department.**~~

~~There is hereby created a department of judicial services which shall operate under the direction of the magisterial court administrator.~~

~~**Sec. 2-248. Qualifications of administrator; selection; compensation.**~~

~~The magisterial court administrator shall serve as the chief administrative officer of the magisterial system of the county and as such shall serve such system mainly through the chief magistrate. The magisterial court administrator shall be selected and appointed by the county administrator on the basis of his education, training and professional experience which shall be no less than five (5) years in a court-related activity. He shall be compensated as authorized by the county administrator and approved by the county council in the county's annual budget(s).~~

~~**Sec. 2-249. Responsibilities of administrator; powers; duties.**~~

~~The magisterial court administrator shall serve as the chief administrative officer and shall direct and manage the central fines processing office, and transact all administrative matters not handled directly by the chief magistrate and the other magistrates who constitute the magisterial system of the county.~~

~~**Sec. 2-250. Staff; personnel.**~~

~~The staff and assistants of the magisterial court administrator shall be subject to the county personnel system and their compensation determined accordingly.~~

~~**Sec. 2-251. Home Detention Program.**~~

~~(a) — *Purpose.* The purpose of this section is to provide for a pilot Home Detention Program in Richland County as an alternative to confinement in the Alvin S. Glenn Detention Center, in accordance with the Home Detention Act of 1990 (S.C. Code 1976, § 24-13-1510 et seq, as amended).~~

~~(b) — *Home Detention Program provided.* Pursuant to S.C. Code 1976, § 24-13-1530, electronic and nonelectronic home detention programs may be used by the magistrates of Richland County as an alternative to incarceration for low risk, nonviolent adult and juvenile offenders, as selected by the court. Applications for home detention by persons who are awaiting trial or by offenders whose sentences do not place them in the custody of the Department of Corrections may hereafter be made to the magistrates of Richland County as an alternative to incarceration. The county's home detention program shall comply with all applicable state and local laws and regulations, including S.C. Code 1976, § 24-13-1510 et seq.~~

~~**Sec. 2-143. Creation; director.**~~

~~The department of human resources **office of staff and human resources** is hereby created and shall be responsible for the development and implementation of a modern personnel program employing whatever resources and assistance are needed from the **office of finance department and budget and the office of operational services**. The human resources department shall be managed by the director of human resources who shall be responsible also for administrative and~~

legislative research, economic and community development, public affairs, data information management, and such other responsibilities as may be assigned by the county administrator. The director of the human resources department shall be bonded to the county in an appropriate amount for the faithful performance of the duties as such officer.

Sec. 2-144. Qualifications of director; selection.

The director of human resources shall be appointed solely on the basis of merit including administrative qualifications with special emphasis on education, training, experience and knowledge of the requirements of the office. The director shall be selected and appointed by the county administrator with no definite term of office assigned. Preference will be given to individuals with a graduate degree in the field(s) of public administration, business administration or some other related discipline. The director of the human resources department shall be paid an annual salary as recommended by the county administrator and approved by county council.

Sec. 2-145. Responsibilities; powers; duties.

The duties and responsibilities of the director of human resources shall be:

- (1) To serve as personnel director and, as such to plan, organize, direct and coordinate the personnel program of the county;
- (2) To formulate and recommend operating policies and procedures to the county administrator for the effective administration of the county's personnel program;
- (3) To direct and control the county's research resources and activities serving the administrative and legislative branches of the government;
- (4) To provide leadership and support in the areas of economic and community development and, in so doing, establish effective liaison and working relationships with all appropriate private and public enterprises as related to economic and industrial development, and with all appropriate civic groups/associations, as related to community development;
- (5) To administer a program of public affairs and, to that end, establish effective relationships with the media and the general public through the development of viable public information programs;
- (6) To organize, direct, and administer management information and word processing programs assigned to receive, store and provide organizational data and information on a timely and well-organized basis as a service to the entire organization; and
- (7) To perform such other related work as may be required and as assigned by the county administrator.

Sec. 2-146. Departmental Divisions.

The human resources department shall include the following divisions:

(1) *Compensation, Benefits, and Classification* – This division shall manage the compensation, benefits and classification related services for the human resources department.

(2) *Operations*- This division shall manage the operations of the human resources department.

~~DIVISION 4. OFFICE OF STAFF AND HUMAN RESOURCES~~

Sec. 2-107. Office of staff and human resources, generally.

~~The office of staff and human resources is hereby created and shall be responsible for the development and implementation of a modern personnel program employing whatever resources and assistance are needed from the office of finance and budget and the office of operational services. The office of staff and human resources shall be managed by the director of staff and human resources who shall be responsible also for administrative and legislative research, economic and community development, public affairs, data information management, and such other responsibilities as may be assigned by the county administrator.~~

~~Sec. 2-108. Position of director—Created; selection; appointment.~~

~~There is hereby created the position of director of staff and human resources. The director of staff and human resources shall be selected and appointed by the county administrator with no definite term of office assigned.~~

~~Sec. 2-109. Same—Qualifications; compensation.~~

~~The director of staff and human resources shall be appointed solely on the basis of merit including administrative qualifications with special emphasis on education, training, experience and knowledge of the requirements of the office. Preference will be given to individuals with a graduate degree in the field(s) of public administration, business administration or some other related discipline. The director of staff and human resources shall be paid an annual salary as recommended by the county administrator and approved by county council.~~

~~Sec. 2-110. Same—Responsibilities; duties.~~

~~The duties and responsibilities of the director of staff and human resources shall be:~~

- ~~(1) —To serve as personnel director and, as such to plan, organize, direct and coordinate the personnel program of the county;~~
- ~~(2) —To formulate and recommend operating policies and procedures to the county administrator for the effective administration of the county's personnel program;~~
- ~~(3) —To direct and control the county's research resources and activities serving the administrative and legislative branches of the government;~~
- ~~(4) —To provide leadership and support in the areas of economic and community development and, in so doing, establish effective liaison and working relationships with all appropriate private and public enterprises as related to economic and industrial development, and with all appropriate civic groups/associations, as related to community development;~~
- ~~(5) —To administer a program of public affairs and, to that end, establish effective relationships with the media and the general public through the development of viable public information programs;~~
- ~~(6) —To organize, direct, and administer management information and word processing programs assigned to receive, store and provide organizational data and information on a timely and well-organized basis as a service to the entire organization; and~~
- ~~(7) —To perform such other related work as may be required and as assigned by the county administrator.~~

~~Sec. 2-111. Staff and personnel.~~

~~The director of staff and human resources shall have such staff and assistants as are deemed necessary to the performance of his duties and operation of the office and approved by the county administrator. They shall be subject to the county personnel system and their compensation determined accordingly.~~

~~Sec. 2-112. Bond.~~

~~The director of staff and human resources shall be bonded to the county in an appropriate amount for the faithful performance of the duties as such officer.~~

DIVISION 8. INFORMATION TECHNOLOGY

Sec. 2-147. Creation; director.

There is hereby created the information technology department and the position of director of information technology, who shall be responsible to the county administrator and who shall direct and coordinate the operations and activities of the department. The director shall be appointed by the county administrator, with the term of office being at the pleasure of the county administrator. The department shall be responsible for all providing the technological vision and leadership to deploy the appropriate technology that will contribute towards an enriched community and providing timely, efficient, effective, and proactive technology support to the employees of Richland County.

Sec. 2-148. Qualifications of director; selection.

The director of information technology shall be the chief information officer and shall be appointed solely on the basis of merit including administrative qualifications with special emphasis on education, training, experience and knowledge of the requirements of the office. Preference will be given to individuals with a graduate degree in the field(s) of information technology, public administration, business administration or some other related discipline. The director of the information technology department shall be paid an annual salary as recommended by the county administrator and approved by county council.

Sec. 2-149. Departmental Divisions.

The information technology department shall include the following divisions:

- (1) Network & Telecommunications – This division shall ensure a secure and fully resilient technical environment that supports all of the county’s software, hardware, mobile, and cloud technologies, as well as future technologies. The division shall be responsible for the telecommunication system(s) serving the entire organization, including wired and wireless, VOIP phone system, cell phones, data lines, cabling, and the county’s tower at Fort Jackson. The division is also responsible for mission critical cybersecurity. The division shall propose new or amended county policies as needed to ensure that the county responds to new threats and / or opportunities. The division shall also partner with other local / state agencies and private industry to expand broadband to citizens in Richland County.
- (2) Business Systems – This division shall provide proactive, realistic, and fiscally sound solutions to short, middle and long-range business goals whenever application software and / or project management can facilitate. The division shall develop new business software, oversee vendor software, perform feasibility studies and research, confer with departments to identify business needs and desired outcomes, perform business analysis, project management, QA / QC, and application training. The division will prepare procurement solicitations for new vendor systems and oversee implementation projects from start to finish. The division shall oversee and support all business software, from small on-department systems, to enterprise-wide software systems. The division also provides a county-wide training program for all county employees on various software tools to enhance productivity and on cybersecurity best practices. The division shall also manage the county website’s technical platform.
- (3) GIS - The division of geographic information system (GIS), as well as the manager of GIS, is hereby established to furnish various county departments with tools to measure, model, and map data regarding geographically related phenomena. While data, in and of itself, cannot assist in making decisions or policy, the information created from such data is a valuable tool in executing county business. As a work product, the data will be used to produce thematic information that can be combined to assist county personnel in the decision-making process.

GIS data will be continuously updated and improved as technology and county capabilities improve. The county council understands that to sustain the county's utility and effectiveness, data must be maintained. The county council also recognizes that the nature of accurate local data and the potential of GIS are reflected in the value of spatial data to entities other than Richland County. Thus, to provide for costly maintenance of the GIS and to lessen the burden of annual budget requests, system data elements will be available for purchase pursuant to an established fee schedule. Such fee schedule may be modified ~~as described in subparagraph (d)(3)~~ below from time to time by council.

- (a) For the purposes of this section, and unless the context specifically indicates otherwise, the following general terms shall have the meanings designated below:

Applicant. Any person who submits a request for GIS products or services.

Customer. Any applicant who executes a contract for GIS products or services, or purchases copies of standard system products, custom hard copy system products, digital data, technical assistance, or other products or services.

Data. Recorded quantitative and qualitative observational measurements and facts.

Data steward. The person, or his/~~her~~ designee, responsible for the maintenance and security of GIS data elements within a particular county department.

Geographic Information System (GIS) is an organized collection of computer hardware, software, geographic data, and personnel designed to efficiently capture, store, update, use, analyze, and display all forms of geographically referenced material.

Information. The result(s) obtained from processing, classifying, or interpolating data.

Open records. Standard system products as defined herein and non-digital source documents.

Standard system products. Paper products generated from GIS databases for internal use and for the purpose of meeting requests submitted under current state law concerning open records.

Subscriber. Customer who purchases GIS service or products on a regular, frequent, and on-going basis.

- (b) Data and information distribution.
1. Information derived from the county GIS and presented in a geographic context may be made available to the public via the Internet. Furthermore, standard system products will be made available on digital media or, if requested, in hard copy pursuant to S.C. Code 1976, § 30-4-30, as amended.
 2. All GIS-related data requests must be approved by both the data steward of the department in possession of such data and the GIS division of the information technology department. Once approved, the GIS division is responsible for filling the request. All GIS data customers must enter into a non-transferable data license agreement with the county. Each license agreement shall

identify limitations in the use of county GIS data and shall indemnify and hold harmless Richland County, its elected officials, officers, agents, and employees from loss, damage, or other liability arising from the use of the data.

3. A fee shall be collected from customers for copies of GIS data. An initial fee schedule of individual data elements will be reviewed by county council. The fee schedule will include a description of each thematic data element to be sold, distribution format, file format, and unit pricing information. The county administrator, as necessary, may update the fee schedule. Regardless of changes in data product fees, a county GIS data fee schedule will be submitted annually to the county council as an informational update. For good cause, the county administrator may waive or reduce fees for GIS data when such actions result in serving the best interest of the county.
4. Customers requesting data on a regular basis may request to receive data at a subscription rate, but must enter into a non-transferable data license agreement with the county.
5. All GIS-related information constituting a public record, as defined by S.C. Code 1976, § 30-4-20, as amended, may be provided at no charge via Internet access or at a minimal charge if such information is in digital or hard copy format. The minimal fees for digital or hard copy public record information shall be included in the approved fee schedule.

~~DIVISION 2A. SPECIAL SERVICES~~

~~Sec. 2-200. Creation; director.~~

~~There is hereby created the department of special services and the position of director of special services. The director shall be appointed by the county administrator and his/her term of office shall be at the pleasure of the county administrator.~~

~~(Ord. No. 058-05HR, § III, 9-6-05)~~

~~Sec. 2-201. Qualifications of director; selection; compensation.~~

~~The director of special services shall possess education, training and experience that are satisfactory to the county administrator.~~

~~Sec. 2-202. Responsibilities; powers; duties.~~

~~The special services department shall be responsible for:~~

~~(1) — Effectively managing a labor pool of community service and inmate labor personnel in support of county operations, such as picking up trash along the road right of ways and beautifying the community through a clean sweep program; and~~

~~(2) — Helping communities become self sufficient through sponsoring community cleanups; and~~

~~(3) — Holding community forums to address participants' questions about the clean sweep program and neighborhood cleanups.~~

DIVISION 9. OPERATIONAL SERVICES

Sec. 2-150. Creation; director.

There is hereby created the support services department and the position of director of support services, who shall be responsible to the county administrator and who shall direct and coordinate the operations and activities of the department. The support services department shall be responsible to administer the internal or housekeeping needs of the county government. It shall be responsible for the maintenance, custody and security of the entire physical plant and all of the support services required to keep the plant and all equipment at an acceptable level of operation and usability. The office shall be managed by the director of support services and shall be responsible also ~~for the communication system(s) serving the entire organization,~~ for coordinating a program of records management through the county archivist, and for such other responsibilities as may be assigned by the county administrator. The director of support services shall be bonded to the county in an appropriate amount for the faithful performance of the duties as such officer.

Sec. 2-151. Qualifications of director; selection.

The director of support services shall be appointed solely on the basis of merit including technical and administrative qualifications with special emphasis on education, training, experience and knowledge of the requirements of the office. The director of support services shall be selected and appointed by the county administrator with no definite term of office assigned. Preference will be given to individuals with a degree in engineering, public administration, business administration, or some other related discipline. The director of support services shall be paid an annual salary as recommended by the county administrator and approved by county council.

Sec. 2-152. Responsibilities; powers; duties.

The duties and responsibilities of the director of support services shall be:

- (1) To develop and implement a comprehensive program of maintenance, custody and security for the county's physical plant, including all buildings and facilities owned and operated by the county government;
- (2) To formulate and submit to the county administrator recommendations for continued improvement and effective utilization of the county's physical plant;
- (3) To establish a working relationship and liaison with all department and agency heads relative to their specific operational and/or space office requirements and needs;
- ~~(4) To develop through the same working relationship with all department and agency heads an understanding of the communication requirements and needs, and the development of a communication system(s) to meet those requirements and needs;~~
- (4) To provide assistance for all county departments and agencies to obtain auxiliary and/or housekeeping support and services;
- (5) To coordinate through the county archivist, a program of records management designed to serve all county departments and agencies; and
- (6) To perform such other related work as may be required and so assigned by the county administrator.

Sec. 2-153. Departmental Divisions.

The support services department shall include the following divisions:

- (1) Facilities and Grounds – This division shall perform routine maintenance on Richland County owned facilities and grounds.
- (2) Central Services –This division shall manage and operate the Richland County

mailing services.

DIVISION 10. PUBLIC WORKS

Sec. 2-154. Creation; director.

There is hereby created the public works department and the position of director of public works, who shall be responsible to the county administrator and who shall direct and coordinate the operations and activities of the department. The director shall be appointed by the county administrator, and his/her term of office shall be at the pleasure of the county administrator.

Sec. 2-155. Qualifications of director; selection.

The director of public works shall be a graduate of an accredited college or university with a major in civil engineering. The director shall possess a certified license as a professional civil engineer and shall have had at least five (5) years of previous experience as a public works director/engineer including supervisory, administrative and engineering experience. Such director shall possess training and/or experience in both public works and engineering which is satisfactory to the county administrator.

Sec. 2-156. Responsibilities; powers; duties.

The director of public works shall be responsible for the custody, security and maintenance of public works and physical properties of the county and shall be responsible to and under the supervision of the county administrator in the performance of his/her duties.

Sec. 2-157. Departmental Divisions.

The public works department shall include the following divisions:

- (1) *Administration* – This division shall coordinate all department-level administrative support, including personnel management, safety, training, standardization, finance, budget, payroll, material management, procurement, and geographic information services (GIS).
- (2) *Engineering* – This division, which shall be managed by a registered professional engineer, shall provide engineering services in support of county operations and infrastructure development, including the management and coordination of capital improvement projects.
- (3) *Stormwater management*– This division shall provide stormwater management services in support of positive public drainage and “receiving water” quality.
- (4) *Roads and Drainage maintenance*– This division shall maintain and improve the county road maintenance network and drainage infrastructure.
- (5) *Airport* – This division shall manage the Jim Hamilton Owens Airport operations.
- (6) *Solid Waste and recycling*– This division shall provide residential collection of municipal solid waste (MSW) and recyclable materials within the unincorporated county, provide limited construction & demolition (C&D) landfill services, manage the Solid Waste stream within the county, and promote cost-effective recycling.
- (7) *Special Services* – This division shall be responsible for:
 1. Effectively managing a labor pool of community service and inmate labor personnel in support of county operations, such as picking up trash along the road right of ways and beautifying the community through a clean sweep program; and
 2. Helping communities become self-sufficient through sponsoring

community cleanups; and

3. Holding community forums to address participants' questions about the clean sweep program and neighborhood cleanups.

~~DIVISION 6. OFFICE OF OPERATIONAL SERVICES~~

~~Sec. 2-125. Office of operational services.~~

~~The office of operational services is hereby created and shall be responsible to administer the internal or housekeeping needs of the county government. It shall be responsible for the maintenance, custody and security of the entire physical plant and all of the support services required to keep the plant and all equipment at an acceptable level of operation and usability. The office shall be managed by the director of operational services and shall be responsible also for the communication system(s) serving the entire organization, for coordinating a program of records management through the county archivist, and for such other responsibilities as may be assigned by the county administrator.~~

~~Sec. 2-126. Position of director—Created; selection; appointment.~~

~~There is hereby created the position of director of operational services. The director of operational services shall be selected and appointed by the county administrator with no definite term of office assigned.~~

~~Sec. 2-127. Same—Qualifications; compensation.~~

~~The director of operational services shall be appointed solely on the basis of merit including technical and administrative qualifications with special emphasis on education, training, experience and knowledge of the requirements of the office. Preference will be given to individuals with a degree in engineering, public administration, business administration, or some other related discipline. The director of operational services shall be paid an annual salary as recommended by the county administrator and approved by county council.~~

~~Sec. 2-128. Same—Responsibilities; duties.~~

~~The duties and responsibilities of the director of operational services shall be:~~

- ~~(1) —To develop and implement a comprehensive program of maintenance, custody and security for the county's physical plant, including all buildings and facilities owned and operated by the county government;~~
- ~~(2) —To formulate and submit to the county administrator recommendations for continued improvement and effective utilization of the county's physical plant;~~
- ~~(3) —To establish a working relationship and liaison with all department and agency heads relative to their specific operational and/or space office requirements and needs;~~
- ~~(4) —To develop through the same working relationship with all department and agency heads an understanding of the communication requirements and needs, and the development of a communication system(s) to meet those requirements and needs;~~
- ~~(5) —To provide assistance for all county departments and agencies to obtain auxiliary and/or housekeeping support and services;~~
- ~~(6) —To coordinate through the county archivist, a program of records management designed to serve all county departments and agencies; and~~
- ~~(7) —To perform such other related work as may be required and so assigned by the county administrator.~~

~~Sec. 2-129. Staff; personnel.~~

~~The director of operational services shall have such staff and assistants as are deemed necessary to the performance of his duties and operation of the office and approved by the county administrator. They shall be subject to the county personnel system and their compensation determined accordingly.~~

Sec. 2-130. Bond.

~~The director of operational services shall be bonded to the county in an appropriate amount for the faithful performance of the duties as such officer.~~

DIVISION 11. TRANSPORTATION PENNY

Sec. 2-158. Creation; director.

There is hereby created the transportation penny department and the position of director of the transportation penny department, who shall be responsible to the county administrator and who shall direct and coordinate the operations and activities of the department. The director shall be appointed by the county administrator, and his/her term of office shall be at the pleasure of the county administrator. The transportation penny department shall manage all items of the Transportation Penny Program approved by voters in November 2012.

Sec. 2-159. Qualifications of director; selection.

The director of the transportation penny department shall be appointed solely on the basis of merit including technical and administrative qualifications with special emphasis on education, training, experience and knowledge of the requirements of the office. Preference will be given to individuals with a degree in engineering, public administration, business administration, or some other related discipline. The director shall be paid an annual salary as recommended by the county administrator and approved by county council.

Sec. 2-160. Responsibilities; powers; duties.

The duties and responsibilities of the director of the transportation penny department shall be:

- (1) To develop and implement the Richland County Transportation Program
- (2) Serve as the liaison with the South Carolina Department of Transportation on all joint transportation projects
- (3) Coordinates all transportation projects with the Central Midlands Council of Governments
- (4) Oversees design and construction of all transportation projects
- (5) Coordinate and manage the distribution of transportation program information to the Transportation Advisory Committee
- (6) Study and pursue outside funding sources for the Richland County Transportation Program

DIVISION 12. UTILITIES

Sec. 2-161. Creation; director.

There is hereby created the department of utilities and the position of director of utilities, who shall be responsible to the county administrator and who shall direct and coordinate the operations and activities of the department. The director shall be appointed by the county administrator, and his/her term of office shall be at the pleasure of the county administrator.

Sec. 2-162. Qualifications of director; selection.

The director of utilities shall possess education, training and experience that are satisfactory to the county administrator.

Sec. 2-163. Responsibilities; powers; duties.

The utilities department shall be responsible for enforcing all the provisions of Chapter 24, Utilities, and Chapter 24.5, Special Sewer Assessment Districts, of the Richland County Code of Ordinances.

Sec. 2-164. Departmental Divisions.

The utilities department shall include the following divisions:

- (1) *Administration* – This division shall coordinate all department level administrative support, including personnel management, standardization, finance, budget, payroll, material management and procurement.
- (2) *Operations* – This division shall provide professional operation of county water and wastewater treatment facilities, laboratory facilities and shall administer provisions of the county’s pre-treatment program.
- (3) *Maintenance* – This division shall manage, maintain, and improve all county utility systems, including facilities, grounds, water and sewer lines and associated apparatus.
- (4) *Engineering* - This division shall provide engineering services in support of county utility operations and infrastructure development, including the management and coordination of capital improvement projects funded by both public and private sources. Also develops and maintains the department mapping and geographic information system.

DIVISION 1. UTILITIES

~~Sec. 2-185. Creation; director.~~

~~There is hereby created the department of utilities and the position of director of utilities. The director shall be appointed by the county administrator and his/her term of office shall be at the pleasure of the county administrator.~~

~~Sec. 2-186. Qualifications of director; selection; compensation.~~

~~The director of utilities shall possess education, training and experience that are satisfactory to the county administrator.~~

~~Sec. 2-187. Responsibilities; powers; duties.~~

~~The utilities department shall be responsible for enforcing all the provisions of Chapter 24, Utilities, and Chapter 24.5, Special Sewer Assessment Districts, of the Richland County Code of Ordinances.~~

~~Sec. 2-188. Departmental divisions.~~

~~The department of utilities shall be divided into the following functional divisions:~~

- ~~(1) — *Administration division.* This division shall coordinate all department-level administrative support, including personnel management, standardization, finance, budget, payroll, material management and procurement.~~
- ~~(2) — *Engineering division.* This division shall provide engineering services in support of county utility operations and infrastructure development, including the management and~~

~~coordination of capital improvement projects funded by both public and private sources. Also develops and maintains the department mapping and geographic information system.~~

~~(3) — *Maintenance division.* This division shall manage, maintain, and improve all county utility systems, including facilities, grounds, water and sewer lines and associated apparatus.~~

~~(4) — *Operations division.* This division shall provide professional operation of county water and wastewater treatment facilities, laboratory facilities and shall administer provisions of the county's pre-treatment program.~~

~~(5) — *Special project division.* This division shall provide administrative functions relating to the design and construction of utility system improvements in various communities as determined by County Council. This division administers the safety and training programs for the department.~~

SECTION IV. The Richland County Code of Ordinances, Chapter 21, Roads, Highways, and Bridges; Article I, In General; is hereby amended by the addition of the following sections and amendment of reserved sections:

Sec. 21-25. Use of county equipment by private parties and during public emergencies.

(a) Use and operation of county equipment. Only authorized employees of the county shall be allowed to use and operate equipment owned by the county. No such equipment may be used at any time on private property or for private purposes except for public emergencies as hereinafter defined and as duly authorized by the director of public works and/or the county administrator.

(b) Public emergency. A public emergency is hereby defined as a flood (as defined under Section 26-22 of this Code of Ordinances), earthquake, tornado, hurricane, plane crash, train wreck, vehicular wrecks involving five (5) or more vehicles and/or ten (10) or more persons, fires and other occurrences, natural or man-made, where the public health is threatened or the potential of extensive damage to private property exists and immediate, emergency steps are necessary to protect life, health, the environment, and prevent substantial property loss.

(c) Records. In the event of such public emergency, the department of public works must, as soon thereafter as possible, make a record of the nature of the emergency, the property and/or owner involved, the operator of the equipment, the names of county employees utilized, the date(s) thereof, and the man-hours involved.

(d) Reimbursement. The director of public works and/or the county administrator may apply for reimbursement for the services rendered by county employees and equipment where the private party either had or has insurance available for such services or where federal or state funds are available, such as disaster aid.

(e) Violation. The failure to comply with this section shall be grounds for suspension, removal or termination.

21-26. Burial of paupers and cremains.

The public works department shall bury paupers at a site designated for that purpose when directed to do so by the county administrator. Further, cremains originating from medical schools may be buried within the county cemetery by appropriately authorized personnel of such schools. Medical schools wishing to enter into these arrangements shall provide a list of names of authorized personnel and shall execute appropriate releases and hold-harmless agreements prior to any burials.

Secs. 21-27--21-33. Reserved.

SECTION V. The Richland County Code of Ordinances, Chapter 1, General Provisions; is hereby amended by the addition of the following section:

Sec. 1-17. Home Detention Program. *(just moved from another area of the code)*

(a) *Purpose.* The purpose of this section is to provide for a pilot Home Detention Program in Richland County as an alternative to confinement in the Alvin S. Glenn Detention Center, in accordance with the Home Detention Act of 1990 (S.C. Code 1976, § 24-13-1510 et seq, as amended).

(b) *Home Detention Program provided.* Pursuant to S.C. Code 1976, § 24-13-1530, electronic and nonelectronic home detention programs may be used by the magistrates of Richland County as an alternative to incarceration for low risk, nonviolent adult and juvenile offenders, as selected by the court. Applications for home detention by persons who are awaiting trial or by offenders whose sentences do not place them in the custody of the Department of Corrections may hereafter be made to the magistrates of Richland County as an alternative to incarceration. The county’s home detention program shall comply with all applicable state and local laws and regulations, including S.C. Code 1976, § 24-13-1510 et seq.

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

SECTION VIII. Effective Date. This ordinance shall be effective from and after _____, 2017.

RICHLAND COUNTY COUNCIL

BY: _____
Joyce Dickerson, Chairwoman

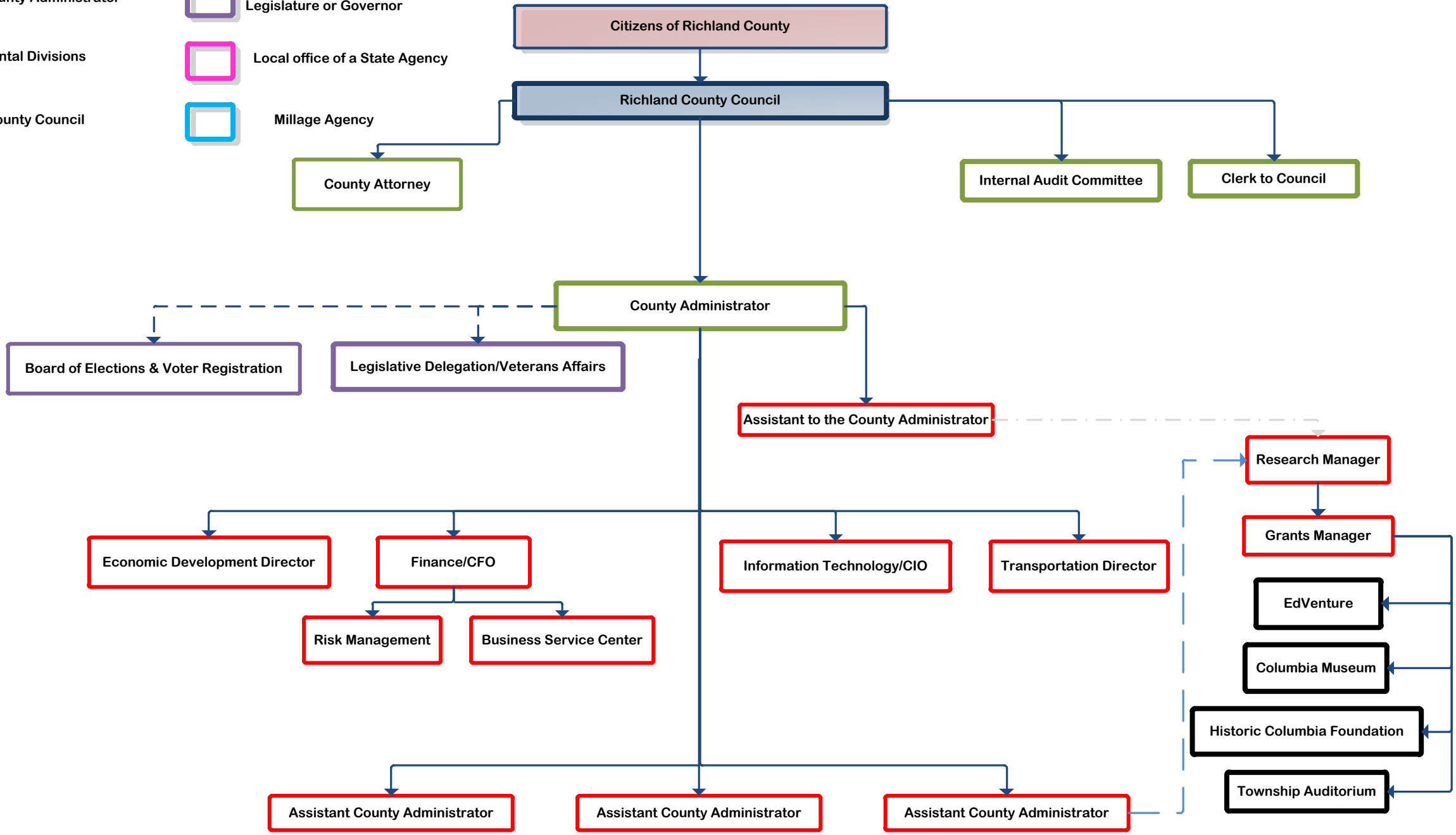
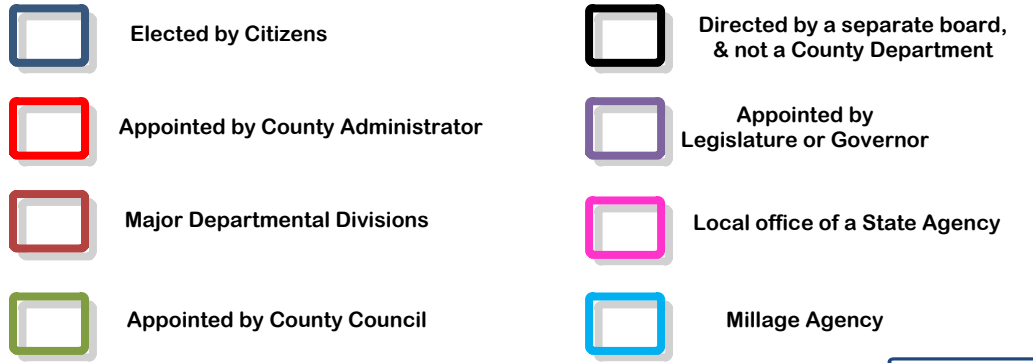
Attest this _____ day of _____, 2017.

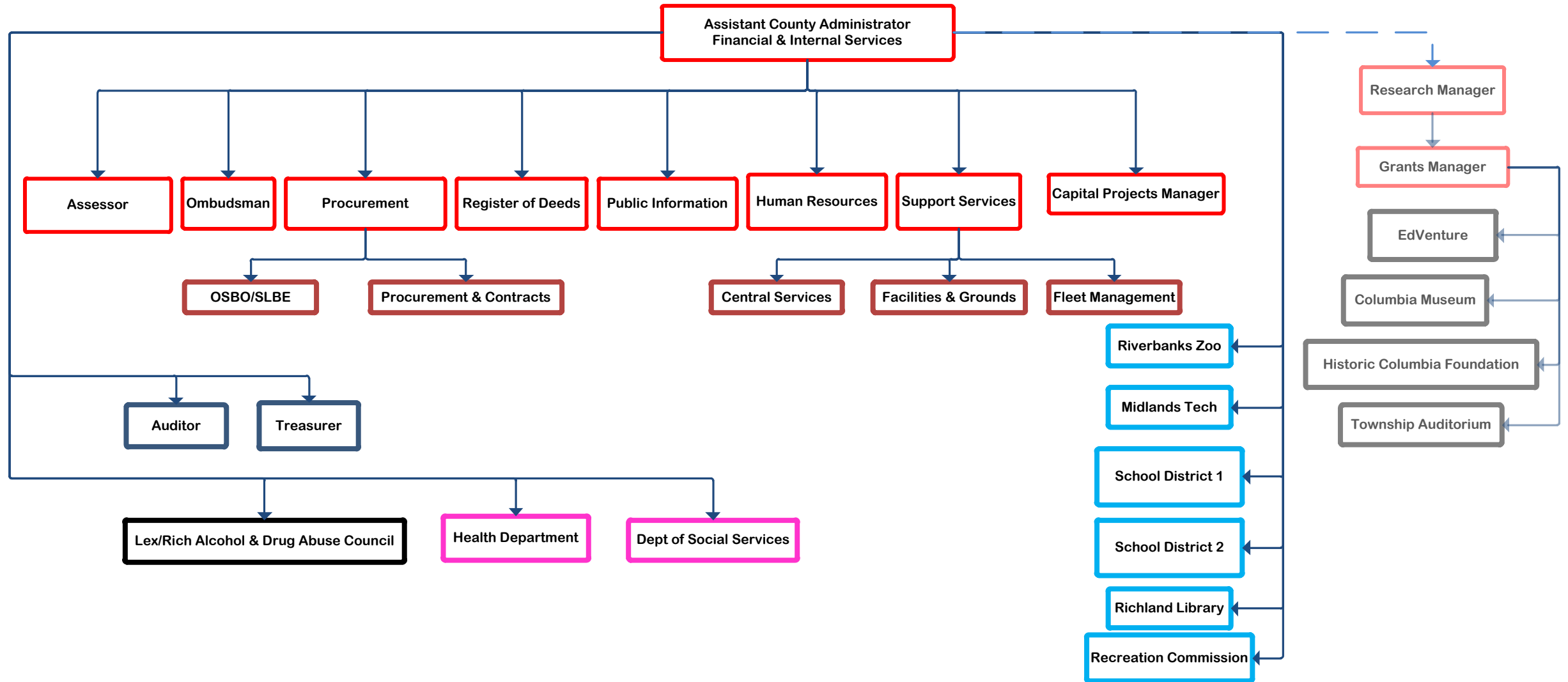
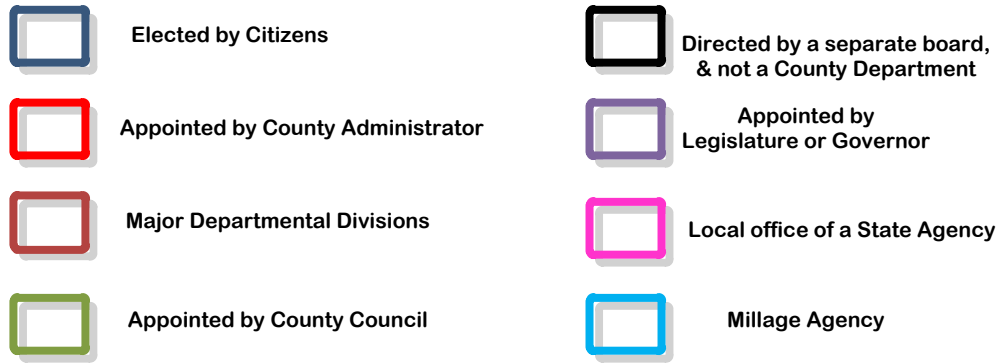
Michelle Onley
Deputy Clerk of Council

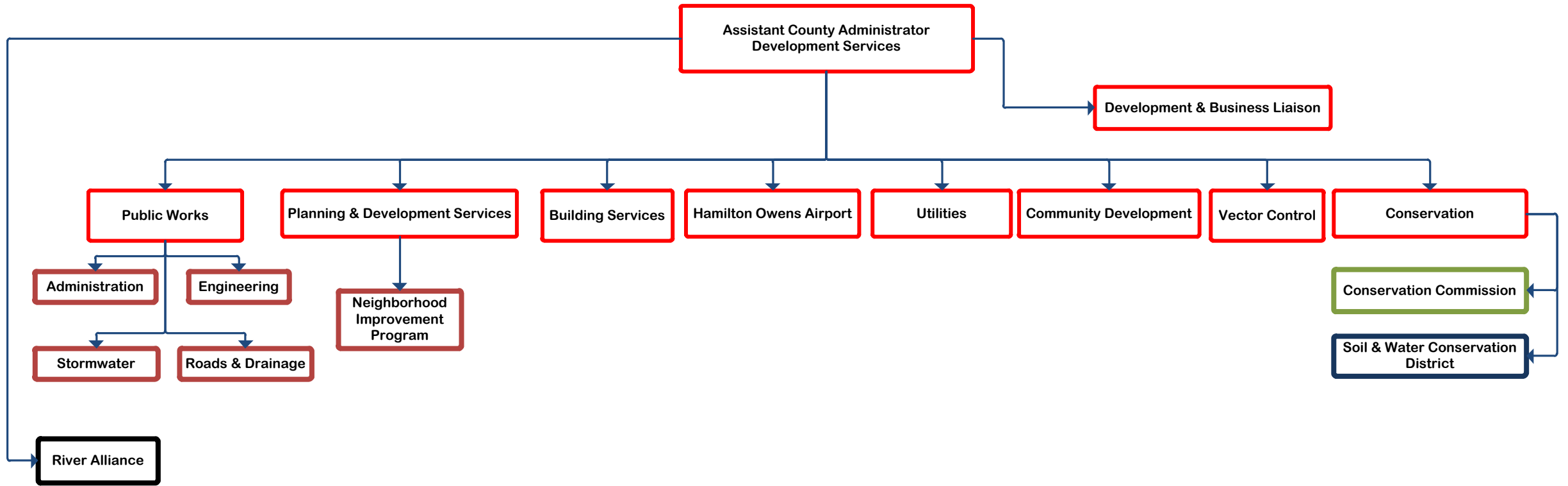
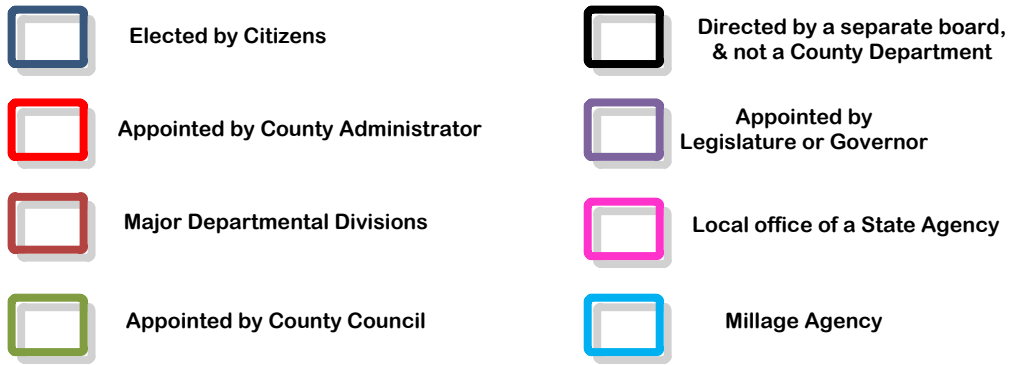
RICHLAND COUNTY ATTORNEY’S OFFICE

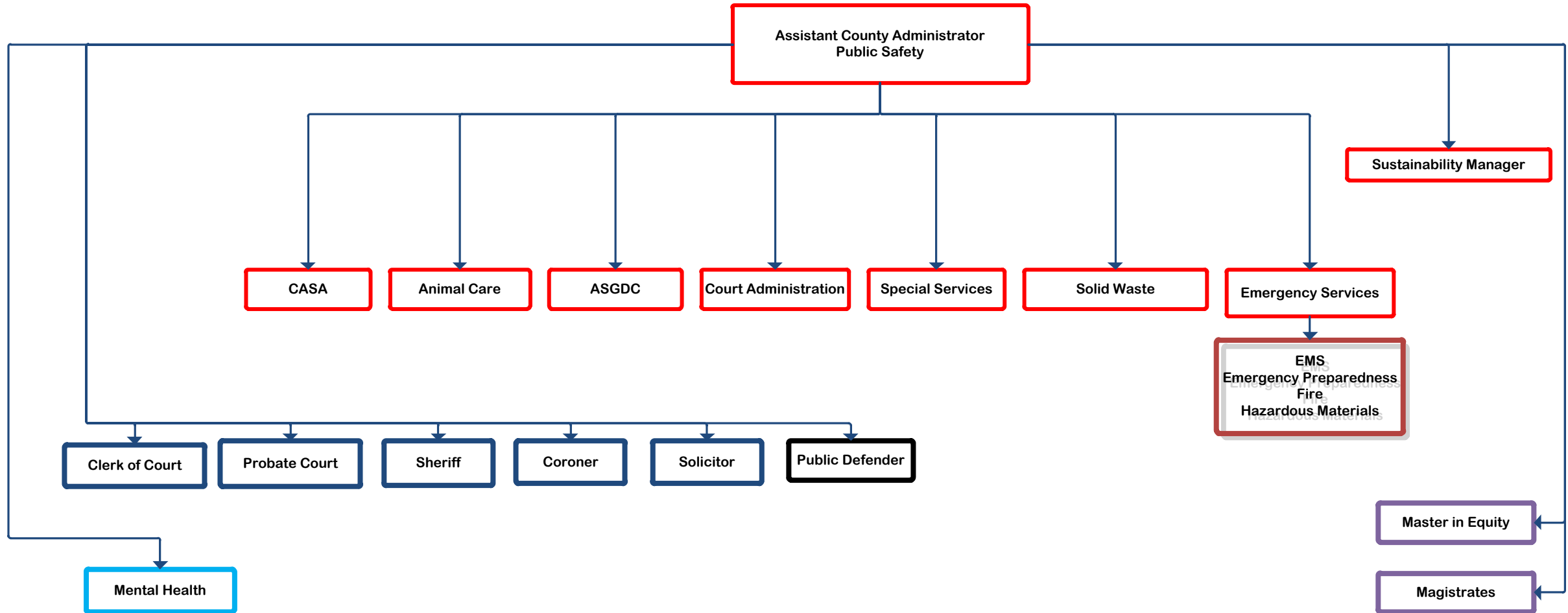
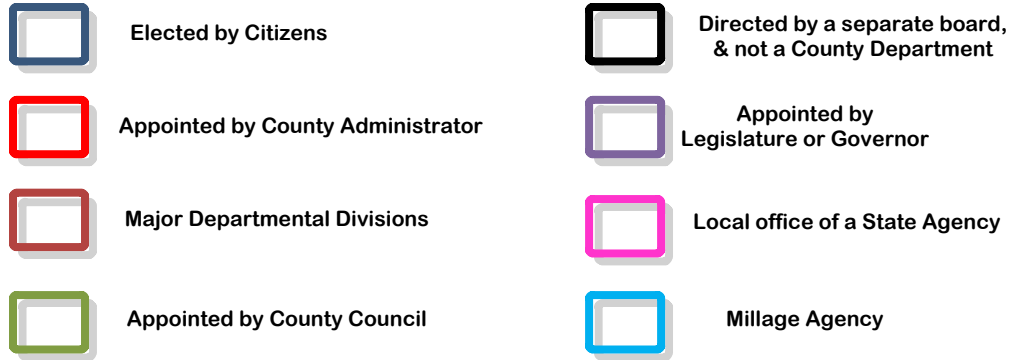
Approved As To LEGAL Form Only.
No Opinion Rendered As To Content.

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



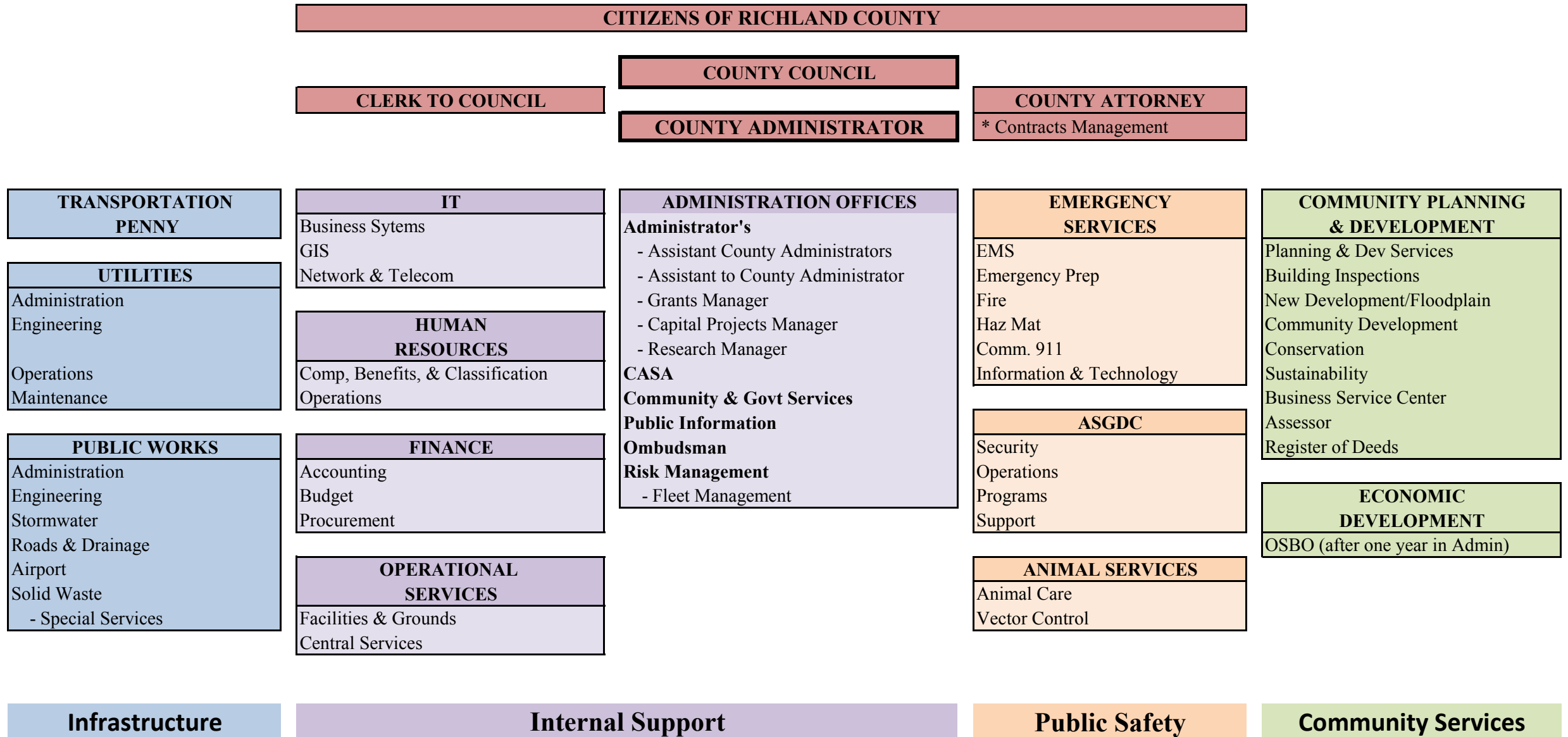






Richland County Organizational Structure (Proposed)

Note: Each box under Administration represents a Department (it is not a reporting organizational chart)



Richland County Council Request of Action

Subject:

16-036MA
Jeff Stallings
PDD to GC (20 Acres)
8000 Wilson Boulevard
TMS # 14400-01-03 & 14402-03-01

First Reading: December 20, 2016

Second Reading:

Third Reading:

Public Hearing: December 20, 2016

STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ____-17HR

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 # 14400-01-03 and 14402-03-01 FROM PDD (PLANNED DEVELOPMENT DISTRICT) TO GC (GENERAL COMMERCIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 14400-01-03 and 14402-03-01 from PDD (Planned Development 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 _____, 2017.

RICHLAND COUNTY COUNCIL

By: _____
Joyce Dickerson, Chair

Attest this _____ day of
_____, 2017.

Michelle M. Onley
Deputy Clerk of Council

Public Hearing: December 20, 2016
First Reading: December 20, 2016
Second Reading: February 7, 2017 (tentative)
Third Reading: February 21, 2017 (tentative)

Richland County Council Request of Action

Subject:

An Ordinance authorizing deed to the Columbia Automotive Company, LLC for .4312 Acres previously a portion of Terraont Drive, a public road, which was closed by order of the court

First Reading:

Second Reading:

Third Reading:

Public Hearing:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. _____-17HR

AN ORDINANCE AUTHORIZING DEED TO THE COLUMBIA
AUTOMOTIVE COMPANY, LLC FOR .4312 ACRES PREVIOUSLY A
PORTION OF TERRAMONT DRIVE, A PUBLIC ROAD, WHICH WAS
CLOSED BY ORDER OF THE COURT.

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

SECTION I. The County of Richland and its employees and agents are hereby authorized to grant a deed to a portion of Terramont Drive, a public road, which was closed by order of the Court; the particular dimensions of which are specifically described in the attached Quit Claim Deed, which is attached hereto and incorporated herein.

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

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

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

RICHLAND COUNTY COUNCIL

By: _____
Joyce Dickerson, Chair

Attest this _____ day of
_____, 2017.

Michelle Onley
Deputy Clerk of Council

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

TO HAVE AND TO HOLD all and singular the Premises before mentioned unto the said Grantee, and the Grantee's successors and assigns, forever, the Premises and all appurtenances thereto belonging or in anywise appertaining, and all the estate, right, title, interest and claim whatsoever of Grantor, if any. GRANTOR makes no warranty, express or implied, as to title to the property hereinabove described.

(Signature Page Follows)

IN WITNESS HEREOF, the GRANTOR, has caused these presents to be signed and sealed this _____ day of February, in the year 2017.

SIGNED, SEALED AND DELIVERED

GRANTOR:

IN THE PRESENCE OF:

Richland County

(#1 witness sign here)

By: _____

Name:

Title:

(Notary sign as #2 witness)

STATE OF SOUTH CAROLINA)

) **ACKNOWLEDGMENT**

COUNTY OF RICHLAND)

On the _____ day of February, 2017, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared _____, who acknowledged himself to be the _____ of Richland County, who acknowledged to me that s/he executed the foregoing instrument; and who is personally known to me, or who was proved to me on the basis of satisfactory evidence to be the person who executed the foregoing instrument for the purposes therein contained.

WITNESS my hand and seal the day and year aforesaid.

Notary Public
for the State of South Carolina

My Commission Expires: _____

EXHIBIT A

Property Description:

ALL that certain piece, parcel, or tract of land lying wholly in Richland County, South Carolina, containing 18,783 square feet and 0.4312 acres, more or less, designated as "Previously Terramont Drive To Be Removed From Dedication And Combined With TMS#R17400-09-18" on a plat entitled "Closing of Terramont Drive" prepared by R. B. Pharr & Associates, P.A. dated January 18, 2017 and recorded February ____, 2017 in Plat Book _____ at Page _____ with the Richland County ROD, reference to which is craved as a part and parcel of this description.

This being a portion of the roads in Killian Commons Phase I conveyed to the Grantor herein by deed dated November 25, 2008 and recorded January 13, 2010 with the Richland County ROD at RB1581, Page 1562.

To be combined with Richland County TMS#R17400-09-18

NOTES:

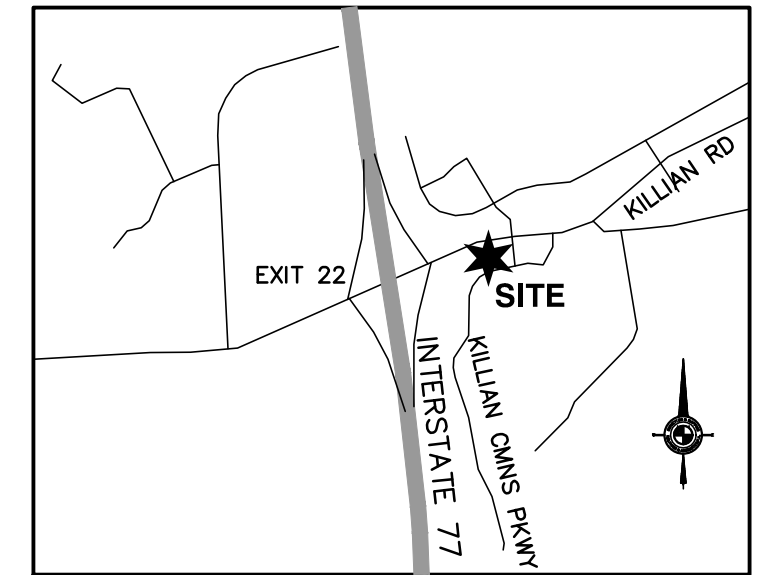
1. ALL CORNERS MONUMENTED AS SHOWN.
 2. THE LOCATION OF UNDERGROUND UTILITIES SHOWN ON THIS MAP IS APPROXIMATE, BASED ON INFORMATION PROVIDED BY OTHERS OR BY FIELD LOCATION. UTILITY LOCATIONS AS SHOWN HEREON ARE INTENDED FOR PLANNING ONLY. ACTUAL LOCATION, SIZE, OR DEPTH OF LINE SHOULD BE VERIFIED WITH THE INDIVIDUAL UTILITY COMPANY BEFORE CONSTRUCTION.
 3. BROKEN LINES UNLESS THEY HAVE A METES AND BOUNDS DESCRIPTION, INDICATE PROPERTY LINES NOT SURVEYED.
 4. THE OFF-SITE RIGHT-OF-WAY SHOWN HEREON IS FOR ILLUSTRATIVE PURPOSES ONLY. THE UNDERSIGNED CERTIFIES ONLY TO THE RIGHT-OF-WAYS SURVEYED, AND DOES NOT CERTIFY TO THE RIGHT OF WAY WIDTH OF ANY ADJACENT PROPERTIES.
 5. THE PURPOSE OF THIS PLAT IS TO CLOSE THE SECTION OF TERRAMONT DRIVE BETWEEN KILLIAN ROAD AND KILLIAN COMMONS PARKWAY.
 6. THIS CONVEYANCE/ROAD ABANDONMENT AND CLOSURE IS MADE SUBJECT TO ALL EASEMENTS, RESTRICTIONS, COVENANTS AND EXISTING UTILITIES THAT HAVE A RECORDED EASEMENT OR CAN BE LOCATED BY AN INSPECTION OF THE PROPERTY.
- ALSO, THIS CONVEYANCE/ROAD ABANDONMENT AND CLOSURE IS MADE SUBJECT TO AN EXISTING 15' EXCLUSIVE WATER EASEMENT AND AN EXISTING 15' SANITARY SEWER EASEMENT GRANTED TO THE CITY OF COLUMBIA FROM NORTHEAST LAND PROPERTIES, LLC, DATED 6/20/2006 AND RECORDED ON 6/22/2006 IN THE OFFICE OF THE REGISTER OF DEEDS FOR RICHLAND COUNTY IN RECORD BK. R1197 AT PAGE 904.

CLOSING OF TERRAMONT DRIVE

BETWEEN KILLIAN DRIVE AND KILLIAN COMMONS PARKWAY

CITY OF COLUMBIA, RICHLAND COUNTY, SC
TAX PARCEL NO: R17400-08-17, & -18

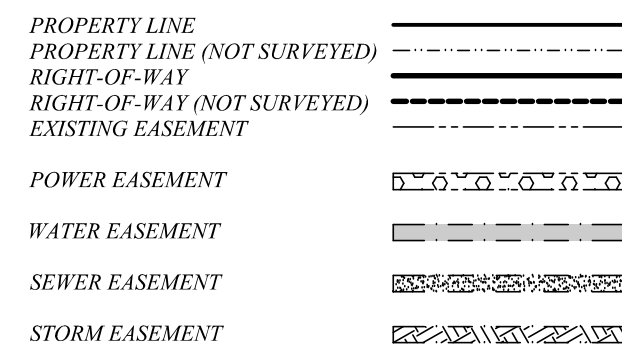
AREA OF STREET CLOSING: 18,783 SQ. FT. OR 0.4312 ACRES



VICINITY MAP
NOT TO SCALE

LEGEND:

- C&G - CURB AND GUTTER
- CP - CALCULATED POINT
- D.B. - DEED BOOK
- ECM - EXISTING CONCRETE MONUMENT
- EIP - EXISTING IRON PIPE
- EIR - EXISTING IRON ROD
- EN - EXISTING NAIL
- M.B. - MAP BOOK
- NCM - NEW CONCRETE MONUMENT
- N.G.S. - NATIONAL GEODETIC SURVEY
- NIR - NEW IRON ROD
- NN - NEW NAIL
- PIN - PARCEL IDENTIFICATION NUMBER
- PG. - PAGE
- PP - POWER POLE
- PVC - PLASTIC PIPE
- R/W - RIGHT-OF-WAY
- RCP - REINFORCED CONCRETE PIPE
- SDMH - STORM DRAIN MANHOLE
- SSMH - SANITARY SEWER MANHOLE
- WM - WATER METER
- WV - WATER VALVE

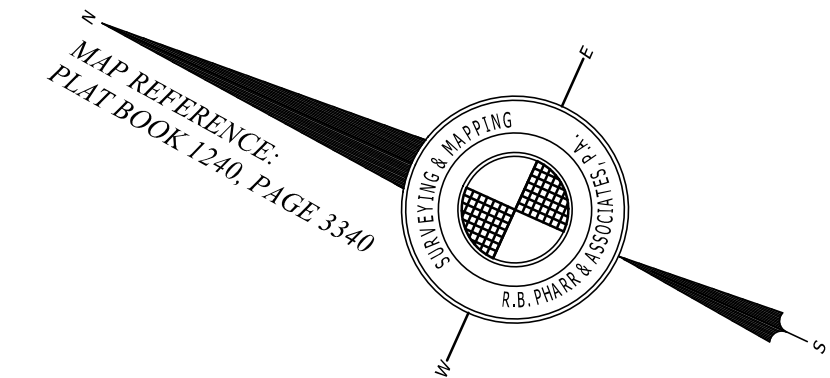
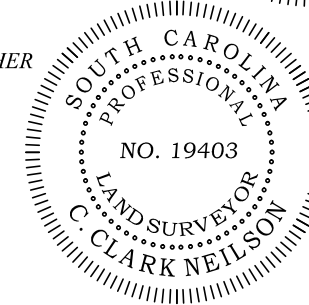


SURVEYOR'S CERTIFICATE:

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND
I, THE UNDERSIGNED SURVEYOR, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (MAP REFERENCE: 1240-3340); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION AS REFERENCED ON THE FACE OF THIS PLAT; THAT THE RATIO OF PRECISION AS CALCULATED EXCEEDS 1: 10,000 LINEAR FEET; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 18th DAY OF JANUARY, A.D., 2017.

THAT THIS PLAT IS OF A SURVEY OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT ORDERED SURVEY OR OTHER EXCEPTIONS TO THE DEFINITION OF A SUBDIVISION.

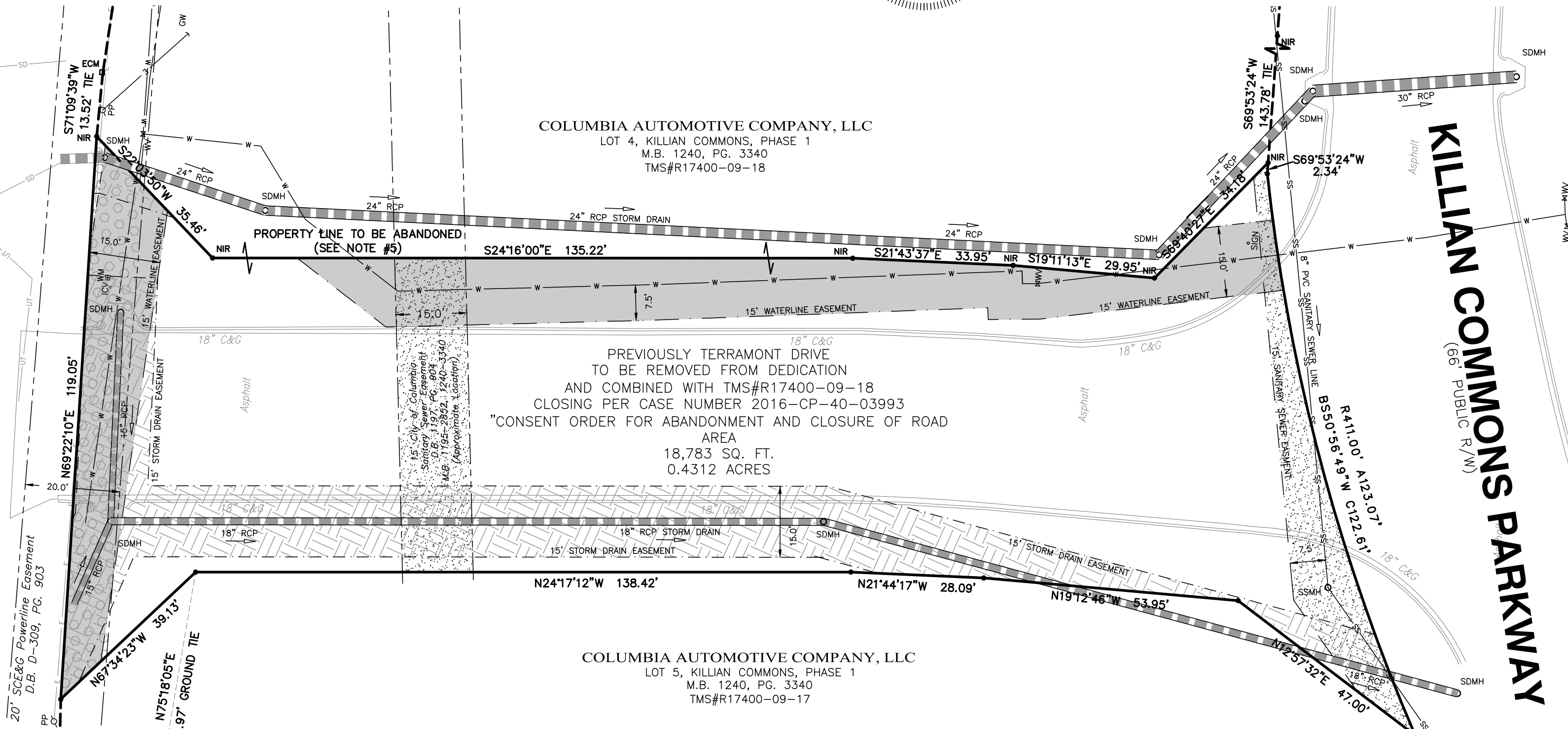
C. CLARK NEILSON
SCPLS. L-19403
cneilson@rbpharr.com



MAP REFERENCE:
PLAT BOOK 1240, PAGE 3340

KILLIAN ROAD
(VARIABLE PUBLIC R/W)

KILLIAN COMMONS PARKWAY
(66' PUBLIC R/W)



COLUMBIA AUTOMOTIVE COMPANY, LLC
LOT 4, KILLIAN COMMONS, PHASE 1
M.B. 1240, PG. 3340
TMS#R17400-09-18

PREVIOUSLY TERRAMONT DRIVE
TO BE REMOVED FROM DEDICATION
AND COMBINED WITH TMS#R17400-09-18
CLOSING PER CASE NUMBER 2016-CP-40-03993
"CONSENT ORDER FOR ABANDONMENT AND CLOSURE OF ROAD
AREA
18,783 SQ. FT.
0.4312 ACRES

COLUMBIA AUTOMOTIVE COMPANY, LLC
LOT 5, KILLIAN COMMONS, PHASE 1
M.B. 1240, PG. 3340
TMS#R17400-09-17

REVIEW OFFICER:

I, _____ REVIEW OFFICER OF RICHLAND COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER _____ DATE _____

GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

FLOOD CERTIFICATION
THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, FEDERAL INSURANCE ADMINISTRATION, DATED SEPTEMBER 9, 2010
MAP NUMBER: 45079C0140K, ZONE X

CREW:	DRAWN:	REVISED:
RBP	BZM	

R.B. PHARR & ASSOCIATES, P.A. SURVEYING & MAPPING LICENSE NO. C-1471		
420 HAWTHORNE LANE CHARLOTTE, N.C. 28204 TEL: (704) 376-2186		
SCALE: 1" = 20'	DATE: JANUARY 18, 2017	FILE NO. XX-4417 JOB NO. 86246



STATE OF SOUTH CAROLINA)

COUNTY OF RICHLAND)

Columbia Automotive, LLC, d/b/a)
Midlands Honda,)

Petitioner,)

v.)

Richland County, South Carolina,)

Respondent.)

IN THE COURT OF COMMON PLEAS

Case No.: 2016-CP-40-03993

**CONSENT ORDER
FOR ABANDONMENT AND
CLOSURE OF ROAD**

2016 DEC 12 PM 12:09
FILED
CLERK OF COURT

This matter is before me on motion by Petitioner Columbia Automotive, LLC, d/b/a Midlands Honda ("Midlands Honda") with consent from Respondent, Richland County ("Richland County"). Based on the pleadings, affidavits and other documents filed with this court, I find and conclude as follows:

1. This petition is brought pursuant to S.C. Code Ann. 57-9-10, *et seq.* for the purpose of closing and abandoning the public road known as Terramont Drive ("Subject Road") located in Richland County, South Carolina.

2. Richland County has been served with the Petition in this matter and has filed an answer stating that it has no objection to the closing of the Subject Road.

3. Petitioner is the owner of the following tracts of real property located in Richland County which are adjacent to the Subject Road:

a. That parcel located at 124 Killian Commons Parkway consisting of approximately 11.99 acres, known as TMS# R17400-04-17, being the same property conveyed to Petitioner by deed of Northeast Land Properties, LLC recorded June 30, 2006 in Book 1200, page 3842 in the records of the Office of the Register of Deeds for Richland County.

b. That parcel located at 120 Killian Commons Parkway consisting of approximately 1.11 acres, known as TMS#: R17400-09-18, being the same property

conveyed to Petitioner by Killian Holdings, LLC by deed recorded at Book 2118, page 2884 in the records of the Office of the Register of Deeds of Richland County.

4. The Subject Road is owned by Richland County. It was conveyed by a deed of all of the roads in Killian Commons Phase I by deed dated November 25, 2008 and recorded January 13, 2010 at RB1581, Page 1562, and shown on the plat recorded at RB1240, Page 3340.

5. The Subject Road is a one block long street that formerly connected Killian Road and Killian Commons Parkway. In the summer of 2013 the South Carolina Department of Transportation closed the Subject Road by barricading both ends of the street. At a later time the barricades at the intersection with Killian Commons Parkway were removed. However, the closing of the intersection of the Subject Road and Killian Road is permanent and the Subject Road is now a one block long, dead-end road. The only parcels that are served by the Subject Road are the two parcels listed in Paragraph 3 above and which are both owned by the Petitioner.

6. Petitioner is an "interested person" with regard to the Subject Road, as defined under S.C. Code Ann. § 57-9-10, by virtue of the fact that it owns both properties that are located on the Subject Road.

7. Petitioner advertised for three (3) consecutive weeks in The Columbia Star, a newspaper published in Richland County, a "Notice of Intention to File Petition to Close Road" in compliance with S.C. Code Ann § 57-9-10. The "Notice of Intention to File Petition to Close Road" was published on May 20, 2016, May 27, 2016 and June 3, 2016, as evidenced by the Affidavit of Publication filed with this court.

8. Notice has been physically posted along the Subject Road by Petitioner, pursuant to the requirements set forth in S.C. Code of Regulations R. 63-1000, as evidenced by the affidavit of Caleb Richardson filed with this court.

9. Richland County currently owns and maintains the Subject Road and it has consented to the relief requested by Petitioner.

10. It is in the best interest of all concerned parties that the Subject Road be abandoned and closed.

11. Pursuant to S.C. Code Ann. § 57-9-10 *et. al.*, Petitioner is entitled to an order permanently closing and abandoning the Subject Road and vesting all portions of the Subject in the name of Petitioner.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED as follows:

- a. The Subject Road is hereby permanently closed, abandoned, discontinued and vacated;
- b. All rights and obligations held by Respondent and the general public with regard to the Subject Road are hereby permanently terminated;
- c. The Subject Road is hereby vested in the name of Petitioner, its successors and assigns.
- d. Pursuant to S.C. Code Ann. § 57-9-30, the Register of Deeds of Richland County, South Carolina shall immediately record this Order and index the same in the book of deeds to real property.
- e. In order to clearly establish the exact boundaries of the Subject Road, Petitioner shall obtain a plat of survey denoting same (the "Plat"). Upon approval of the Plat for recording by Richland County, Richland County shall execute a quit claim deed in form and substance as set forth on Exhibit "A" hereto and incorporated herein conveying the Subject Road to Respondent by craving reference to the Plat.

IT IS SO ORDERED.

Dec. 7, 2016.
Columbia, South Carolina.

Judge Joseph M. Strickland
Master in Equity
Fifth Judicial Circuit

CERTIFIED TRUE COPY
OF ORIGINAL FILED,
Janette W. M. Brade
C.C.C.P.&G.S. 305
RICHLAND COUNTY
SOUTH CAROLINA

IN WITNESS HEREOF, the GRANTOR, has caused these presents to be signed and sealed this _____ day of December, in the year 2016.

SIGNED, SEALED AND DELIVERED

GRANTOR:

IN THE PRESENCE OF:

Richland County

(#1 witness sign here)

By: _____

Name:

Title:

(Notary sign as #2 witness)

STATE OF SOUTH CAROLINA

)

) **ACKNOWLEDGMENT**

COUNTY OF RICHLAND

)

On the _____ day of December, 2016, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared _____, who acknowledged himself to be the _____ of Richland County, who acknowledged to me that s/he executed the foregoing instrument; and who is personally known to me, or who was proved to me on the basis of satisfactory evidence to be the person who executed the foregoing instrument for the purposes therein contained.

WITNESS my hand and seal the day and year aforesaid.

Notary Public
for the State of South Carolina

My Commission Expires: _____

EXHIBIT A

Property Description:

Derivation of title:

To be combined with Richland County TMS#

STATE OF SOUTH CAROLINA
 COUNTY OF RICHLAND
 IN THE COURT OF COMMON PLEAS

FORM 4
 JUDGMENT IN A CIVIL CASE

CASE NO. 2016-CP-40-03993

Columbia Automotive, LLC, d/b/a Midlands
 Honda,
 PLAINTIFF(S)

Richland County, South Carolina
 DEFENDANT(S)

Submitted by: Frank R. Ellerbe, III	Attorney for : <input type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant
	or <input type="checkbox"/> Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT.** This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT.** This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered. See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):** Rule 12(b), SCRPC; Rule 41(a), SCRPC (Vol. Nonsuit); Rule 43(k), SCRPC (Settled); Other
- ACTION STRICKEN (CHECK REASON):** Rule 40(j), SCRPC; Bankruptcy; Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award; Other
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):**
 Affirmed; Reversed; Remanded; Other

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED: See attached order (formal order to follow) Statement of Judgment by the Court: _____

ORDER INFORMATION

This order ends does not end the case.
 Additional Information for the Clerk : _____

INFORMATION FOR THE JUDGMENT INDEX		
Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.		
Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)
		\$
		\$
		\$
If applicable, describe the property, including tax map information and address, referenced in the order:		

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

Circuit Court Judge *MAST*

2097
 Judge Code

Dec. 7, 2016
 Date



REPORT OF THE TRANSPORTATION AD HOC COMMITTEE

a. **Clemson Road and Sparkleberry Lane Project: Right of way acquisition**

Background:

On July 26, 2016 Council approved the concept report for this intersection improvement project which is enclosed for information purposes. In addition, Council approved a revision to the County Transportation Improvement Program (CTIP) to begin advanced right of way acquisition for this project. The approved concept will prompt the relocation of a car wash currently located within the project limits, but in doing so will correct existing as well as future traffic congestion. The approved concept also has the least impact to overall access for businesses located within the project footprint when compared with traditional intersection improvement concepts detailed in the concept report.

Staff commissioned an appraisal of this property which was recently completed, and subsequently approved by SCDOT. During the February 14, 2016 Transportation Ad Hoc Committee staff requested approval to begin negotiations with the property owner based on the completed appraisal.

Committee recommendation:

This item was discussed during the Transportation Ad Hoc Committee in executive session as it had outside legal counsel. The Committee recommendation was to forward to full Council with a recommendation to have staff proceed as discussed in executive session.



EXECUTIVE SUMMARY

Date: 7/7/16

**FOR INFORMATION ONLY
APPROVED BY COUNCIL
7-26-16**

To: Rob Perry, PE
Director of Transportation

From: Jennifer Bragg, PE
Assistant Program Manager

RE: Clemson Road (S-52) and Sparkleberry Lane (S-2033) Intersection Improvement Draft Concept Report and Public Meeting/Stakeholder Coordination Summary with Recommendation

A Draft Concept Report was presented to the Richland County Transportation Ad Hoc committee on Tuesday, November 17, 2015. The report detailed the proposed project location as shown on the *Google earth* image. Included in the report and presented at the public meeting were four intersection alternates. The four alternates are: *Alternate 1 – Dual Left Turn Lanes*, *Alternate 2 – Dual Left Turn Lanes with Access Accommodations*, *Alternate 3 – Diverging Intersection*, and *Alternate 4 – Relocated Sparkleberry Lane* and they are attached.

The Richland Penny Program held a Public Meeting for the Clemson Road (S-52) and Sparkleberry Lane (S-2033) Intersection Improvement project on Thursday, December 3, 2015, from 5:00 to 7:00 p.m. at the Spring Valley High School cafeteria, 120 Sparkleberry Lane. The meeting was conducted with an informal, open house format with project displays and Richland Penny Program representatives were available to answer questions. Upon entering the meeting, individuals were provided a handout and a comment card. After reviewing the project displays for the four alternates and simulations of a dual left turn lane and diverging intersection improvements, the attendees were encouraged to provide comments on the project as well as select their preference for an alternate. There were 31 people in attendance for the meeting.

The project displays provided aerial plan layouts of the proposed alternates while the simulations represented the dual left turn layout for *Alternate 1* and the diverging intersection for *Alternate 3*. *Alternates 1 and 2* proposed improvements to Clemson Road and Sparkleberry Lane while *Alternates 3 and 4* also included improvements to Sparkleberry Crossing Road. All alternates include proposed shared-use paths to accommodate bicyclists and pedestrians and the shared-use paths would connect with the proposed shared-use paths on the Clemson Road Widening project.



A total of 26 comments/emails were received. Several comments included concerns regarding business access and impacts. Attendees were encouraged to select an alternate for the project. A summary of the 26 comments indicating a preferred alternate is as follows:

- Alternate 1 – 2,
- Alternate 2 – 0,
- Alternate 3 – 20,
- Alternate 4 – 1,
- No Alternate Selected – 3.

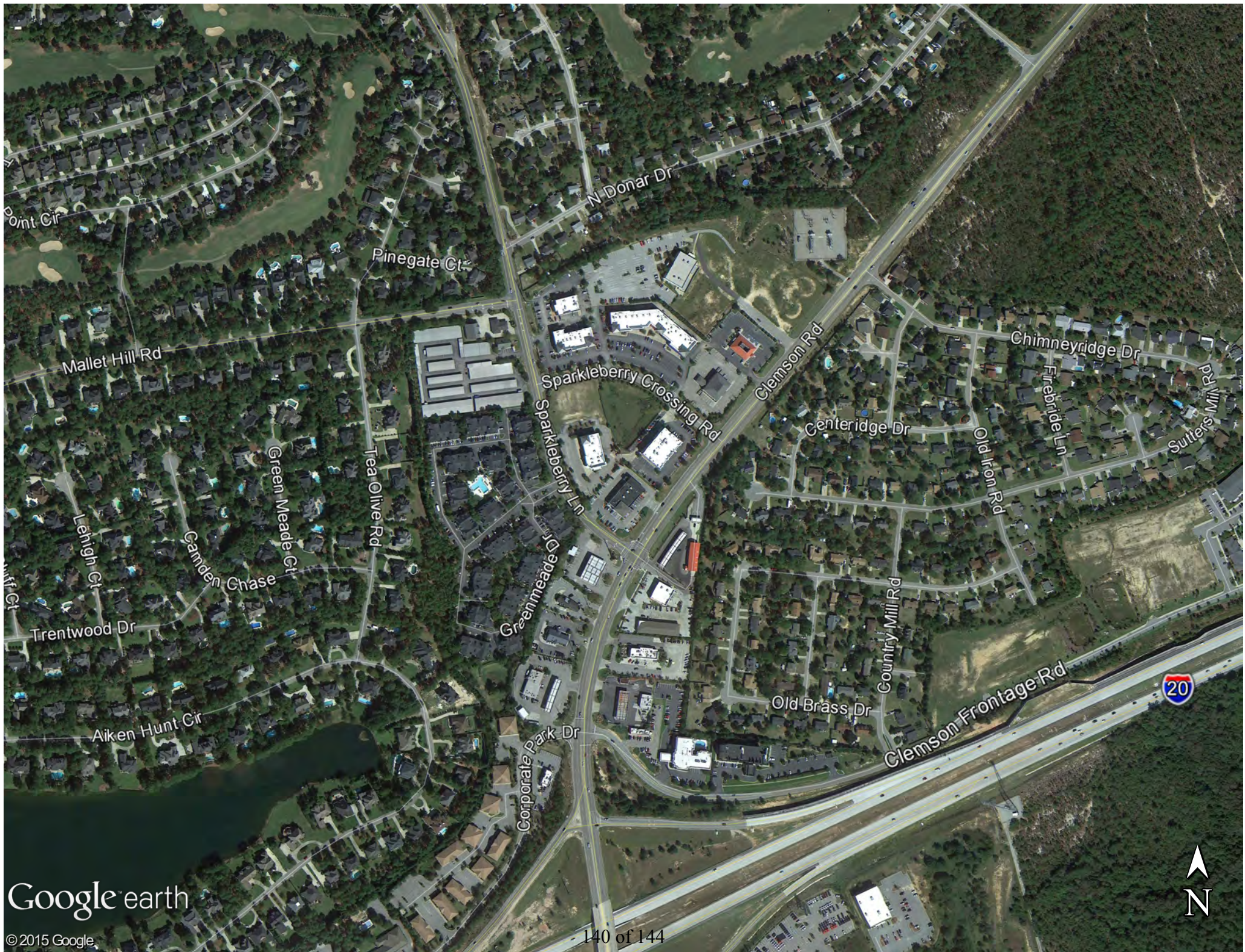
The project will again be presented to the public prior to right-of-way acquisition. This will allow the residents to view the selected alternate and discuss specific concerns with the Richland Penny Program.

A project status was provided to the Richland County Transportation Ad Hoc committee on Tuesday, January 19, 2016, since the public selected *Alternate 3*. Additional stakeholder outreach was recommended as *Alternate 3* is an innovative design. The project was presented to the Transportation Penny Advisory Committee (Monday, February 22, 2016) and Central Midlands Council of Government's Transportation Subcommittee (Thursday, April 14, 2016) and Board (Thursday, April 28, 2016). The Richland Penny Program organized additional meetings with Senator Joel Lourie (Tuesday, April 19, 2016), Representative Beth Bernstein (Friday, April 15, 2016), and Representative Mia McLeod (Tuesday, April 19, 2016).

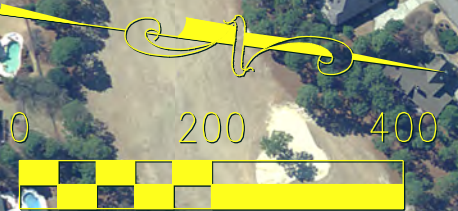
The Richland Penny Program also conducted two meetings on Thursday, June 23, 2016 from 6:00-7:00 pm and Saturday, June 25, 2016, from 10:00-11:00 am for property owners and business owners within the project limits. Additional meetings were held with two Homeowners' Associations: Woodlands Northeast on Tuesday, June 28, 2016 and Mallet Hill Village on Thursday, June 30, 2016. Other homeowners' associations were contacted but they have not accepted an offer for a presentation.

Recommendations

Based on the comments and input received at the public meeting as well as consideration of existing and future traffic capacity and operational efficiency, safety, property impacts and continuity with other improvements in the area (ie; Clemson Road Widening), *Alternate 3 – Diverging Intersection* is recommended for the intersection improvement project. The project will also include shared-use paths on both sides of the roadway for pedestrian and bicycle accommodations. Other comments such as right-of-way impacts, parking, and safety will be considered as the design is progressed.



CLEMSON RD AND SPARKLEBERRY LN INTERSECTION ALTERNATE 1: DUAL LEFT TURN LANES



LEGEND	
	PROPERTY LINE
	PRESENT R\W
	NEW R\W
	CURB & GUTTER
	PAVEMENT REMOVAL
	PROPOSED 10' MULTI-USE PATH
	CONCRETE ISLAND
	GRASS
	NEW PAVEMENT
	EXISTING PAVEMENT
	RETAINING WALL

CLEMSON RD AND SPARKLEBERRY LN INTERSECTION ALTERNATE 2: DUAL LEFT TURN LANES WITH ACCESS ACCOMMODATIONS



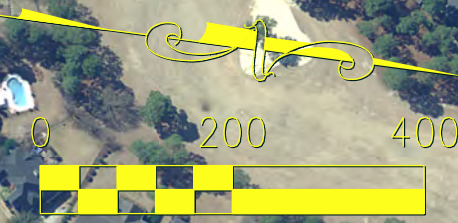
LEGEND	
	PROPERTY LINE
	PRESENT R\W
	NEW R\W
	CURB & GUTTER
	PAVEMENT REMOVAL
	PROPOSED 10' MULTI-USE PATH
	CONCRETE ISLAND
	GRASS
	NEW PAVEMENT
	EXISTING PAVEMENT
	RETAINING WALL

CLEMSON RD AND SPARKLEBERRY LN INTERSECTION ALTERNATE 3: DIVERGING INTERSECTION



LEGEND	
	PROPERTY LINE
	PRESENT R\W
	NEW R\W
	CURB & GUTTER
	PAVEMENT REMOVAL
	PROPOSED 8' MULTI-USE PATH
	CONCRETE ISLAND
	GRASS
	NEW PAVEMENT
	EXISTING PAVEMENT
	RETAINING WALL

CLEMSON RD AND SPARKLEBERRY LN INTERSECTION ALTERNATE 4: RELOCATED SPARKLEBERRY LN WITH DUAL LEFT TURN LANES



LEGEND	
	PROPERTY LINE
	PRESENT R\W
	NEW R\W
	CURB & GUTTER
	PAVEMENT REMOVAL
	PROPOSED 10' MULTI-USE PATH
	CONCRETE ISLAND
	GRASS
	NEW PAVEMENT
	EXISTING PAVEMENT
	RETAINING WALL