

**RICHLAND COUNTY COUNCIL
REGULAR SESSION
COUNCIL CHAMBERS
MAY 17, 2005
6:00 P.M.**

**CALL TO ORDER Honorable Anthony G. Mizzell,
Chairman**

INVOCATION Honorable Joseph McEachern

**PLEDGE OF ALLEGIANCE
 Honorable Joseph McEachern**

**PRESENTATION: Mr. Dave Zunker
Convention & Visitor's Bureau**

PRESENTATION OF PROCLAMATION:

a. Proclamation Honoring Public Works Week

ADOPTION OF AGENDA

CITIZEN'S INPUT

APPROVAL OF MINUTES

**Zoning Public Hearing: April 26, 2005
[Pages 6-15]**

**Regular Session: May 3, 2005
[Pages 16-25]**

**REPORT OF THE COUNTY ATTORNEY FOR
EXECUTIVE SESSION ITEMS**

REPORT OF THE COUNTY ADMINISTRATOR

REPORT OF THE CLERK OF COUNCIL

OPEN/CLOSE PUBLIC HEARING ITEMS

NONE

APPROVAL OF CONSENT ITEMS

1.a., 1.c., 1.d., 1.e., 1.f., 2.a, 2.b., 3.a.,

1. THIRD READING ITEMS

- a. 05-42MA**
Charles Warrington
RU to C-3
Retail Sales and Office Space
15000-04-01/02 & 17700-01-12(p)
Intersection of Wilson Blvd. & Farrow Road
[CONSENT] [Pages 26-28]
- b. 05-45MA**
Walter Taylor & Co. c/o Bill Theus
PUD-1C/RU to PUD-1R Multi and Single
family residential with commercial and
industrial uses 14800-02-02/22/23,
14900-04-01, Intersection of I-77 &
Wilson Blvd. (Hwy. 21) [Pages 29-37]
- c. 05-40MA**
Agnew Lake Services c/o Gerald Steele
RU to PDD Office Space, Retail, Storage,
Repair 02407-01-37(p) Intersection
of Shadowood Dr. and Dutch Fork
[CONSENT] [Pages 38-42]

- d. 05-53MA**
Albert Ray Smoot
RS-1 to RU
Single family residence
03400-01-14(p)
Intersection of Shady Grove & Old Tamah
[CONSENT] [Pages 43-45]
- e. 05-54 MA**
Gloria Bulluck
D-1 to C-3
Commercial use
05000-04-32/33/34
7131 Broad River Road near Kennerly Road
[CONSENT] [Pages 46-48]
- f. 05-57MA**
Stadium Village Lofts /co Boyce Haigler
M-2 to C-3
Residential condominiums
11206-04-02/03
1046 & 1047 Berea Road near USC
[CONSENT] [Pages 49-51]
- g. 05-58MA**
Gentry Development, LLC. c/o Donald E.
Lovett, C-1/RU to C-3 General Retail
Space/Shopping Center, 17400-06-01/02/03/
04/05/06/07/08/09/11/12/12, Intersection of
New Clemson Road & Longtown Road
[Pages 52-59]

2. SECOND READING ITEMS

- a. Treasurer's Office Budget Ordinance**
authorizing new full-time position request
[CONSENT] [Pages 60-61]

- b. Ordinance authorizing the funding of a site for a new Farmer’s Market through the issuance of not to exceed \$5,000,000, Richland County [CONSENT] [Pages 62-67]**
- c. 05-52MA
NKD, Inc. River Shoals
TMS 04300-04-10 O’Sheal Road
RU to PUD-1R [Pages 68-73]**

3. APPROVAL OF RESOLUTION

- a. Resolution to appoint and commission James H. Massey as a Code Enforcement Officer for the Proper Security, General Welfare and Convenience of Richland County [CONSENT] [Page 74]**

4. Purchase of property – EMS

5. Official Approval of Change of Date for Budget Public Hearing to May 19, 2005 at 6:00 P.M.

6. Report of Development and Services Committee (Item deferred from May 3, 2005 Council agenda)

- a. Blythewood Intergovernmental Agreement**

7. EMPLOYEE GRIEVANCE (under separate cover)

8. CITIZEN’S INPUT

9. MOTION PERIOD

- a. Councilman McEachern: Approval of Resolution honoring the late Deputy Keith Cannon**

10. ADJOURNMENT

MINUTES OF



**RICHLAND COUNTY COUNCIL
ZONING PUBLIC HEARING
APRIL 26, 2005
7:00 P.M.**

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

(Due to misplacement of the Citizen's Sign-In Sheet, some of the names may be misspelled. We apologize for any inconvenience.)

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MEMBERS PRESENT

Chair	Anthony G. Mizzell
Vice-Chair	L. Gregory Pearce, Jr.
Member	Doris M. Corley
Member	Joyce Dickerson
Member	Valerie Hutchinson
Member	Damon Jeter
Member	Paul Livingston
Member	Joseph McEachern
Member	Mike Montgomery (arrived at approximately 7:30 p.m.)
Member	Bernice G. Scott
Member	Kit Smith

ALSO PRESENT: T. Cary McSwain, Anna Almeida, Michael Criss, Michielle Cannon-Finch, Geo Price, William Simon, Ashley Bloom, Skip Limbaker, Marsheika Martin, Amelia Linder

CALL TO ORDER

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

OPEN PUBLIC HEARING

Additions/Deletions – Mr. Mizzell stated he was notified by staff of the following withdrawals by the applicant:

- **05-43MA, McElveen-Graybill c/o Robert F. Fuller, D-1 to RG-2, (6.65 acres), multi-family residential, 19102-02-01, Hazelwood Drive north of Garners Ferry Road**
- **05-44MA, McElveen-Graybill c/o Robert F. Fuller, D-1 to C-3, (2.57 acres), General Commercial Uses, 19102-02-02, Hazelwood Drive north of Garners Ferry Road**

Mr. Mizzell stated there was a request to move item 05-52MA to the end of the agenda.

Mr. Pearce moved, seconded by Mr. Livingston, to move 05-52MA to the end of the agenda. The vote in favor was unanimous.

Map Amendments – Public Comment and First Reading

Mr. Mizzell explained the rules of the public hearing to the public.

05-39MA, Robert Fuller, RU to PDD, Commercial Business Park, 20200-03-49 & 50, Clemson Road near U.S. Post Office

Mr. Mizzell stated this item was deferred from the March 22nd Zoning Public Hearing Meeting.

The floor to the public hearing was opened. The following persons spoke:

- Mr. Albert Heyward
- Mr. Anthony Richardson
- Mr. Greg Martin
- Mr. Tom Byrd
- Mr. Andy Shelbert
- Mr. Robert Fuller

Ms. Hutchinson moved, seconded by Ms. Scott, to approve the re-zoning request for First Reading.

Ms. Amelia Linder, Assistant County Attorney, stated that compromises have been made different from the ordinance that was approved by the Planning Commission, and because of this, the item would have to go back before the Planning Commission. She stated that Council could give the item First Reading approval, send the item back to the Planning Commission and then be placed on Council's agenda for Second Reading.

The vote in favor was unanimous.

05-03MA, Stedfast Unmovable Ministries, Inc., c/o Nancy E. Johnson, RS-2 to C-3, Commercial Development, 20200-01-31, Clemson Road West of Hardscrabble Road

Mr. Mizzell stated this item was deferred from the March 22nd Zoning Public Hearing Meeting. He stated there were two persons signed up "in favor" of the item and no one "against" the item.

Ms. Dickerson stated that both parties have agreed to change the request from C-3 zoning to C-1 zoning.

Ms. Dickerson moved, seconded by Ms. Scott, to give First Reading approval to this item for C-1 zoning and send back to the Planning Commission with the change.

Mr. Mizzell opened the floor to the public hearing.

The citizens waived their right to speak at this time.

The floor to the public hearing was closed.

The vote in favor was unanimous.

05-42MA, Charles Warrington, RU to C-3, Retail Sales and Office Space, 15000-04-01/02 & 17700-01-12 (portion), Intersection of Wilson Blvd. & Farrow Rd.

Mr. Mizzell stated the Planning Commission recommended approval of this item. Mr. Mizzell stated two persons were signed up to speak "in favor" of the item and no one signed up "against" it.

Ms. Dickerson moved, seconded by Mr. McEachern, to approve the rezoning request for First Reading.

Mr. Mizzell opened the floor to the public hearing.

The citizens waived their right to speak at this time.

The floor to the public hearing was closed.

The vote in favor was unanimous.

Point of Personal Privilege: Mr. McEachern recognized Ms. Mary Lee in the audience, a long time serving member on one of the boards and commissions.

Mr. Mizzell recognized the Honorable Nate Ballentine in the audience.

05-45MA, Walter Taylor & Co. c/o Bill Theus, PUD-1C/RU to PUD-1/R (154.6 acres), Multi and Single Family Residential with Commercial and Industrial Uses, 14800-02-02/22/23, 14900-04-01, Intersection of I-77 & Wilson Blvd. (Hwy 21)

Mr. Mizzell stated the Planning Commission recommended approval of this item. Mr. Mizzell stated several persons have signed up to speak "for" and "against" this item.

The floor to the public hearing was opened.

The following persons spoke:

- Mr. Ken Simmons
- Ms. Janet Robinson
- Mr. Mickey Windham
- Mr. Walter Taylor
- Mr. Bob Windham
- Ms. Janice Davis
- Ms. Mary Lee
- Ms. Tally Hood
- Mr. Glenn Hood
- Mr. Paul W. Beaty

The floor to the public hearing was closed.

Mr. McEachern moved, seconded by Mr. Jeter, to approve this item with a request for buffers and have Stormwater Management make an assessment and have recommendations by the next Council meeting.

A discussion took place.

Ms. Smith offered an amendment to amend the PUD to require ½ acre to be set aside as a playground or play lot. Mr. McEachern accepted the amendment.

The vote was in favor of the main motion as amended.

Ms. Linder stated this item would have to go back before the Planning Commission because of the amendments.

05-48MA, Hawkins Creek Development, c/o Ron Anderson, RU to PUD-1R, (52.25 acres), Single family residential, 14800-05-36, Wilson Blvd., South of Turkey Farm Road

Mr. Mizzell stated the Planning Commission recommended approval of this item. He stated several persons signed up to speak "for" and "against" this item.

Mr. McEachern moved, seconded by Ms. Scott, to defer the public hearing and First reading. The vote in favor was unanimous.

05-40MA, Agnew Lake Services c/o Gerald Steele, RU to PDD (4.14 acres), Office space, retail, storage, repair, 02407-01-37 (portion), Intersection of Shadowood Dr. & Dutch Fork

Mr. Mizzell stated the Planning Commission recommended approval. He stated three persons have signed up to speak "in favor" and one person "against".

Mr. Mizzell opened the floor to the public hearing.

The following persons spoke:

- Gerald Steele
- Dave Campbell
- Norman Agnew
- Joe Agnew

The floor to the public hearing was closed.

Ms. Corley moved, seconded by Mr. Montgomery, to approve the rezoning request for First Reading. The vote in favor was unanimous. (Ms. Scott was away during the vote.)

05-53MA, Albert Ray Smoot, RS-1 to RU (4.48 acres), Single family residence, 03400-01-14 (portion), Intersection of Shady Grove & Old Tamah

Mr. Mizzell stated the Planning Commission recommended approval. He stated no one signed up to speak at this time.

Mr. Mizzell opened the floor to the public.

No one wished to speak.

The floor to the public hearing was closed.

Ms. Corley moved, seconded by Mr. McEachern, to approve the rezoning request for First Reading. The vote in favor was unanimous.

05-54MA, Gloria H. Bulluck, D-1 to C-3, (3.93 acres), Commercial use, 05000-04-32/33/34, 7131 Broad River Road near Kennerly Road

Mr. Mizzell stated the Planning Commission recommended approval. He stated one person signed up to speak "in favor" of the item.

Ms. Corley moved, seconded by Ms. Scott, to approve the rezoning request for First Reading.

Mr. Mizzell opened the floor to the public hearing.

The citizens waived their right to speak at this time.

The floor to the public hearing was closed.

The vote in favor was unanimous.

05-57MA, Stadium Village Lofts c/o Boyce Haigler, M-2 to C-3 (2.38 acres), Residential Condominiums, 11206-04-02/03, 1046 & 1047 Berea Road near USC Stadium

Mr. Mizzell stated the Planning Commission recommended approval.

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

Mr. Mizzell opened the floor to the public hearing.

The citizens waived their right to speak at this time.

The floor to the public hearing was closed.

The vote in favor was unanimous.

05-58MA, Gentry Development, LLC c/o Donald E. Lovett, C-1/RU to C-3, General Retail Space/Shopping Center, 17400-06-01/02/03/04/05/06/07/08/09/11/12/13, Intersection of New Clemson Road & Longtown Road

Mr. Mizzell stated the Planning Commission recommended approval.

Mr. McEachern moved, seconded by Mr. Livingston, to approve this item for First Reading.

Mr. Mizzell opened the floor to the public hearing.

The citizens waived their right to speak at this time.

The floor to the public hearing was closed.

The vote was in favor.

Mr. McEachern moved, seconded by Mr. Montgomery, to take a five-minute break. The vote in favor was unanimous.

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The meeting recessed at approximately 8:04 p.m. and reconvened at approximately 8:10 p.m.
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Mr. McEachern moved, seconded by Ms. Hutchinson, to come out of recess. The vote in favor was unanimous.

05-52MA, NKD, Inc./River Shoals, RU to PUD-1R, Residential Development, 04300-04-10, O'Sheal Road ¼ mile from Kennerly Road

Mr. Mizzell stated the Planning Commission recommended denial of this item. He stated there were several persons signed up to speak

Mr. Mizzell opened the floor to the public hearing.

The following persons spoke:

- Steve Harvey
- Kathy Sikes
- Karl Haslinger
- Harry Onley
- Phyllis Glen
- Brian Frailey
- Sue Green
- Carol French
- Eric Tripi
- Nancy Hembree
- Elizabeth Faller
- Johnny Johnson
- Kay Reardon
- Wayne Duncan
- Paul Cronin – **The power went out at approximately 8:40 p.m. during this citizen's input.**

Due to the power outage, Mr. Montgomery moved, seconded by Mr. McEachern, to recess the meeting for approximately 15 minutes.

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Council recessed at approximately 8:56 p.m. and reconvened at approximately 9:29 p.m.
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It was moved and seconded to reconvene the meeting. The vote in favor was unanimous.

Due to the power outage, Mr. Mizzell stated Council would need to recess the meeting and reconvene at a later date.

Mr. Livingston moved, seconded by Mr. Pearce, to recess the meeting until Tuesday, May 3rd at approximately 7:00 p.m. The vote in favor was unanimous.

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The meeting recessed on Tuesday, April 26th at approximately 9:29 pm. and reconvened on Tuesday, May 3rd at approximately 7:03 p.m.
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It was moved and seconded to reconvene the Zoning Public Hearing. The vote in favor was unanimous.

Council asked staff about the proper procedure in order to proceed with the meeting.

A discussion took place.

Mr. Mizzell recommended continuing with the sign-up sheet from April 26th and then if there were any other persons who wished to speak who have not already spoken, they may do so.

The public hearing continued with the following persons speaking:

- Kay Reardon
- Debra Outz
- Virgil Autry
- Dr. Lamar Priester
- David Warr
- Loretta McEntire
- Bob Faller
- Greta McEntire
- Bill Brown
- Bruce Todd
- Jimmy Derrick
- Jennifer Gonzalez
- Ryan Cole
- Ruthie Bishop
- Nick Leventis
- Sharlene Turner
- Frank Berry
- Lisa Dye
- Fred Sojourner
- Don Carlson
- Fred Sojourner
- San Delany

- Don Minson
- Catherine Howe
- Robert Hiter
- Kim Murphy
- Yancey McLeod
- Carl McKellar
- Wayne Duncan
- Paul Younginer
- Ski Catskey
- Leanne Johnson
- Wesley Graybill

Ms. Scott moved, seconded by Mr. Livingston, to accept staff's recommendation for approval.

A discussion took place.

Ms. Smith made a substitute motion, seconded by Ms. Hutchinson, to eliminate from the PUD agreement the requirement for the amenity packet; and if the developer finds it is feasible to include the costly amenity packet, fine, but don't require it. In exchange, reduce the homes to 100 homes and give a bonus for good design of 20% (a total of 120 homes) in exchange for protecting the river, scenic view, the woods and buffering the surrounding community. She requested giving First Reading approval to a reduction of 120 homes with the terms of the PUD agreement to be articulated at the next meeting as outlined.

The discussion continued.

Mr. Livingston made a second substitute motion, seconded by Mr. Montgomery/Mr. Pearce, to reduce the number of homes to 149 homes and leave the amenity packet in the packet.

Ms. Scott withdrew her motion. (Ms. Smith's substitute motion became the main motion.)

The discussion continued.

Ms. Smith offered an amendment to Mr. Livingston's motion, seconded by Ms. Corley, to reduce the number of homes to 140. Mr. Livingston did not accept the amendment.

Ms. Smith made a second substitute motion, seconded by Ms. Corley, to give the developer some flexibility on the amenity package by the time Second Reading comes and reduce the number of homes to 140.

After a voice vote, a hand vote was taken.

Anthony G. Mizzell, Chair

L. Gregory Pearce, Jr. Vice-Chair

Doris M. Corley

Joyce Dickerson

Valerie Hutchinson

Damon Jeter

Paul Livingston

Joseph McEachern

Mike Montgomery

Bernice G. Scott

Kit Smith

The minutes were transcribed by Marsheika G. Martin

MINUTES OF



**RICHLAND COUNTY COUNCIL
REGULAR SESSION
May 3, 2005
6:00 P.M.**

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

MEMBERS PRESENT:

Chair: Anthony G. Mizzell
Vice-Chair: L. Gregory Pearce, Jr.
Member: Doris M. Corley
Member: Joyce Dickerson
Member: Valerie Hutchinson
Member: Damon Jeter
Member: Paul Livingston
Member: Joseph McEachern
Member: Mike Montgomery
Member: Bernice G. Scott
Member: Kit Smith

OTHERS PRESENT: T. Cary McSwain, Ashley Bloom, Michelle Cannon-Finch, Marsheika Martin, Monique Walters, Stephany Snowden, Michael Criss, Amelia Linder, Larry Smith, Susan Britt, Joe Cronin, Kendall Johnson, Chief Harrell, Roxanne Matthews

CALL TO ORDER: The meeting was called to order at approximately 6:02 p.m.

INVOCATION – The Invocation was given by the Honorable Valerie Hutchinson.

PLEDGE OF ALLEGIANCE

ADOPTION OF AGENDA – Ms. Michelle Cannon-Finch, Clerk of Council, stated that item 4-d (Richland County Solid Waste Collector Increase) need to be added to the consent agenda.

Ms. Finch also passed out an ordinance regarding the Treasurer's Office: Budget Ordinance Authorizing New Full-Time Position Request.

Ms. Smith stated a report regarding funding for the Black Expo need to be added under the Report of Administration and Finance Committee. Mr. Mizzell stated this would be added to agenda as item 5-h.

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

CITIZEN'S INPUT – No one signed up to speak at this time.

APPROVAL OF MINUTES – April 19, 2005 – Mr. Montgomery moved, seconded by Mr. Jeter, to adopt the minutes as submitted. The vote in favor was unanimous.

REPORT OF THE COUNTY ATTORNEY

Mr. Larry Smith, County Attorney, item 6-a (USC Research and Technology Park), a contractual matter, need to be discussed in Executive Session.

Mr. McEachern moved, seconded by Mr. Pearce, to move Executive Session after Citizen's Input. The vote in favor was unanimous.

REPORT OF THE COUNTY ADMINISTRATOR

Mr. T. Cary McSwain, County Administrator, gave the following report:

- **Association of Counties** – Council was asked to respond to very important Senate Bills. One of the bills, Senate Bill 808 (changing the appointments on the Recreation Commission) was introduced by the Richland County Legislative Delegation. This bill has passed Third Reading and will be going before the House of Representatives. A request to contact all of House Members was made for a recommendation of approval.

Ms. Smith requested a copy of the legislation.

Mr. Mizzell directed the Administrator to e-mail a copy to all Council members.

Mr. Mizzell stated that a Council member will make a motion during Motion Period.

REPORT OF THE CLERK OF COUNCIL

Ms. Michielle Cannon-Finch, Clerk of Council, gave the following report:

- **Planning 101 Seminar** – A reminder that the Seminar will be held on Friday, May 6th at the Congaree National Park from 9:00 a.m. until 3:00 p.m. Directions to the Congaree National Park were e-mailed and will be e-mailed to anyone who will need them again.

- **South Carolina Association of Counties Conference** – The conference will be held August 2nd through the 7th. Reservations have been made for all Council members. An e-mail will be sent to Council in the near future regarding the selection of classes.
- **Budget Schedule** – Copies of the budget calendar previously approved by Council were redistributed to Council.

Mr. Montgomery requested for the Chair to consider Council members who are working when scheduling multiple meetings during the week.

A discussion took place.

Mr. McSwain stated that the **Budget Public Hearing** need to be rescheduled from Tuesday, May 24th to Thursday, May 19th due to Committees and the Zoning Public Hearing scheduled on May 24th.

Mr. Mizzell stated Council members were polled regarding the schedule change.

Mr. McSwain stated Council would need to vote in order to change the public hearing date.

Mr. Mizzell stated that a Council member will make a motion during Motion Period.

OPEN/CLOSE PUBLIC HEARINGS

Mr. Mizzell opened the floor to the following public hearings:

- **Sheriff's Department: Holiday Pay**
- **Budget Amendment: Legal Department**
- **Facilities and Grounds Maintenance: Ordinance to authorize utility easement at Columbia Downtown Airport**
- **Italian American Pasta**

No one signed up to speak to the following items:

The public hearing was closed.

CONSENT ITEMS

Mr. Pearce moved, seconded by Ms. Smith, to approve the following consent items:

- **Budget Amendment: Legal Department [Third Reading]**
- **Facilities and Grounds Maintenance: Ordinance to authorize utility easement at Columbia Downtown Airport [Third Reading]**
- **Italian American Pasta Company [Third Reading]**

- **05-42MA, Charles Warrington, RU to C3, Retail Sales and Office Space, 15000-04-01/02 & 17700-01-12, Intersection of Wilson Blvd & Farrow Road [Second Reading]**
- **05-40MA, Agnew Lake Services c/o Gerald Steele, RU to PDD, Office space, retail, storage, repair, 02407-01-37, Intersection of Shadowood Dr. & Duch Fork [Second Reading]**
- **05-53MA, Albert Ray Smoot, RS-1 to RU, Single family residence, 03400-01-14, Intersection of Shady Grove & Old Tamah [Second Reading]**
- **05-54MA, Gloria H. Bulluck, D-1 to C-3, Commercial Use, 05000-04-32/33/34, 7131 Broad River Road near Kennerly Road [Second Reading]**
- **05-57MA, Stadium Village Lofts c/o Boyce Haigler, M-2 to C-3, Residential Condominiums, 11206-04-02/03, 1046 & 1047 Berea Road near USC Stadium [Second Reading]**
- **Department of Public Works: Private Pond Maintenance Policy**
- **Richland County Coroner: Children's Health & Safety Council Safe Sleep Campaign**
- **Richland County Solid Waste Collector Increase**
- **Community Development: Midlands Area Consortium for the Homeless (MACH) Request**
- **Public Works Department (Central Garage Division): Purchase of Excavator**
- **Emergency Services Department: Resolution to Adopt the National Incident Management**
- **Administration: TIF Audit**
- **Recreation Commission Steering Committee Report**
- **Treasurer's Office: Budget Ordinance authorizing new full-time position request [First Reading]**

The vote in favor was unanimous.

THIRD READING ITEMS

Sheriff's Department: Holiday Pay – Ms. Smith moved, seconded by Mr. Livingston, to take the money from the Fund Balance rather than the EMS Dept.

A discussion took place.

After a voice vote, Mr. Mizzell called for division.

The vote was as follows:

<u>In favor</u>	<u>Oppose</u>
Montgomery	McEachern
Smith	Corley
Pearce	Scott
Mizzell	Jeter
Livingston	
Hutchinson	
Dickerson	

The motion passed.

Ms. Smith clarified that her motion was an amendment to the ordinance.

Ms. Smith moved, seconded by Mr. Mr. Livingston, to adopt the ordinance as amended.
The vote was in favor.

SECOND READING ITEMS

05-45MA, Walter Taylor & Co. c/o Bill Theus, PUD-1C/RU to PUD-1R Multi and Single family residential with commercial and industrial uses 14800-02-02/22/23, 14900-04-01, Intersection of I-77 & Wilson Blvd. (Hwy. 21)

Mr. McEachern moved, seconded by Ms. Corley, to approve along with the amendments that came from the Planning Commission. The vote was in favor.

05-58MA, Gentry Development, LLC c/o Donald E. Lovett, C-1/RU to C-3, General Retail Space/Shopping Center, 17400-06-01/02/03/04/05/06/07/08/09/11/12/13, Intersection of New Clemson Road & Longtown Road

Mr. McEachern moved, seconded by Ms. Corley, to approve for Second Reading. The vote was in favor.

FIRST READING ITEMS

FY 2005-2006 Budget Ordinance

Mr. Montgomery moved, seconded by Ms. Corley/Ms. Scott, to adopt the ordinance for First Reading by title only. The vote in favor was unanimous.

FY 2005-2006 Millage Ordinance

Ms. Scott moved, seconded by Mr. Pearce, to approve the ordinance for First Reading by title only. The vote in favor was unanimous.

REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

Blythewood Intergovernmental Agreement – Ms. Dickerson moved, seconded by Ms. Scott, to defer this item. The vote in favor was unanimous.

REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

Alvin S. Glenn Detention Center Annual Contract Renewals

1. **Food Service Management/Aramark Correctional Services, Inc.**
2. **Officer Uniforms/Wright Johnson, Inc.**
3. **Medical Services/Prison Health Services**

Ms. Smith stated the Committee's recommendation was for adoption.

A discussion took place.

Mr. Mizzell stated the items will be taken up one at a time.

1. **Food Service Management/Aramark Correctional Services, Inc.** – The Committee recommended approval. The vote in favor was unanimous.
2. **Officer Uniforms/Wright Johnson, Inc.** – The Committee recommended approval. The vote in favor was unanimous.
3. **Medical Services/Prison Health Services** – The Committee recommended approval. The vote in favor was unanimous.

Funding of the Black Expo

Ms. Smith stated the Committee took this item up and administratively some changes will be made to the application forms for Accommodations Tax Funds. She stated the Committee requested a report on any available funding to assist the Black Expo.

Ms. Smith stated a memo was placed before Council from the Administrator. The Administrator stated in the memo that there are funds available in the Hospitality Tax.

Mr. Livingston moved, seconded by Mr. McEachern, to approve \$20,000 funding for the unallocated portion of the Hospitality Tax and making sure that the changes in the application are incorporated. The vote in favor was unanimous.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

Notification of Vacancies on Boards, Commissions and Committees

Mr. McEachern reported that the Committee recommended approval of staff advertising of the following vacancies:

- **Building Codes Board of Adjustments and Appeals-1**
- **Internal Audit Committee-1**

Notification of Appointments to Boards, Commissions and Committees

Board of Assessment Appeals-1 – Mr. McEachern stated there is one vacancy on this board. He stated two applications were received, but one applicant withdrew. Mr. McEachern stated the committee recommended appointing Mr. Timothy R. Miles to the board. The vote in favor was unanimous.

Board of Zoning Adjustments and Appeals-1 – Mr. McEachern stated there is one vacancy to this board with two applications received.

The vote was as follows:

<u>Branch</u>	<u>Coleman</u>
Unanimous	0

Mr. Branch was appointed to the board.

Building Code Board of Adjustments and Appeals- 1 - Mr. McEachern stated there is one vacancy on this board with one application received. The Committee recommended appointing Mr. Victor Snipes to the board. The vote in favor was unanimous.

Midlands Workforce Development Board-1 – Mr. McEachern stated there is one vacancy to this board with one application received. The Committee recommended appointing Ms. Val Richardson to the board. The vote in favor was unanimous.

ITEMS FOR DISCUSSION: Mr. McEachern reported on the following items:

- **Update on the Horticulturist Position for the Appearance Commission** – Still in Committee.
- **Update on the Employee Grievance Committee Procedures** – Still in Committee.
- **Scheduling of the Administration and Finance Committee Meeting** – Mr. McEachern stated the Committee's recommendation was to reset the meeting at 6:00 p.m. The vote in favor was unanimous.

An Ordinance authorizing the funding of a site for a new Farmer's Market through the Issuance of not to exceed \$5,000,000 Richland County South Carolina, Hospitality Fee Special Obligation Bond Anticipation Notes, Series 2005

Mr. McSwain stated that this will set in motion the three readings necessary to buy the land when required under the MOU that Council approved with the Department of Agriculture.

Mr. Livingston moved, seconded by Ms. Scott, to approve this item for First Reading. The vote in favor was unanimous. (Mr. Jeter was away during the vote.)

Amendments to Neighborhood Improvement Master Plan Areas for Districts 7

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

CITIZEN'S INPUT – No one signed up to speak at this time.

EXECUTIVE SESSION ITEM

USC Research and Technology Park

Mr. Livingston moved, seconded by Ms. Scott, to go into Executive Session to discuss a contractual matter. The vote in favor was unanimous.

=====
Council went into Executive Session at approximately 6:51 p.m. and came out at approximately 7:01 p.m.
=====

It was moved and seconded to come out of Executive Session. The vote in favor was unanimous.

No action was taken at this time.

Ms. Smith moved, seconded by Mr. Jeter, to recess the meeting in order to hold the Zoning Public Hearing; and at the conclusion of that, reconvene into open session of County Council in order to make another motion to go into Executive Session to continue the briefing and having discussion related to the contractual matter of the university. The vote in favor was unanimous.

=====
Council recessed the meeting at approximately 7:02 p.m. and reconvened at approximately 8:58 p.m.
=====

Mr. McEachern moved, seconded by Ms. Scott, to reconvene the meeting. The vote in favor was unanimous.

USC Research and Technology Park

Mr. McEachern moved, seconded by Ms. Scott, to go into Executive Session to receive legal advice. The vote in favor was unanimous.

=====
Council went into Executive Session at approximately 8:58 p.m. and came out at approximately 9:27 p.m.
=====

Mr. Pearce moved, seconded by Mr. Livingston, to come out of Executive Session. The vote in favor was unanimous.

Mr. Livingston moved, seconded by Ms. Scott, to adopt the resolution as presented in Executive Session regarding the USC Parking Infrastructure. The vote was in favor.

Ms. Smith moved, seconded by Mr. Montgomery, to direct the Administrator and the County Attorney to engage bond counsel to assist in drafting the MOU. The vote was in favor.

MOTION PERIOD

Mayor's Commission on Homelessness

Mr. Pearce moved, seconded by Mr. Montgomery, to defer a presentation to the Development and Services Committee. The vote in favor was unanimous.

Resolution for the Equestrian Team

Mr. Pearce moved, seconded by Mr. Jeter, to present a resolution honoring the Equestrian Team. The vote in favor was unanimous.

Resolution for Ms. Mary B. Smith

Ms. Scott moved, seconded by Mr. Jeter, to present a resolution honoring Ms. Smith for 30 years of service to Gadsden Elementary School. The vote in favor was unanimous.

Detention Center Contracts

Ms. Smith moved, seconded by Mr. Jeter, to receive a report on who is receiving the award of contracts at the Detention Center and/or a breakdown of subcontractors.

ADJOURNMENT – Mr. Pearce moved, seconded by Mr. Montgomery, to adjourn the meeting at approximately 9:34 p.m. The vote in favor was unanimous.

Anthony G. Mizzell, Chair

L. Gregory Pearce, Jr. Vice-Chair

Doris M. Corley

Joyce Dickerson

Valerie Hutchinson

Damon Jeter

Paul Livingston

Joseph McEachern

Mike Montgomery

Bernice G. Scott

Kit Smith

The minutes were transcribed by Marsheika G. Martin

**STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ___-05HR**

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, AS DEFINED IN SECTION 26-31 OF THE RICHLAND COUNTY CODE OF ORDINANCES, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED HEREIN (TMS # 15000-04-01/02 AND A PORTION OF TMS # 17700-01-12) FROM RU (RURAL DISTRICT) TO C-3 (GENERAL COMMERCIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Article VIII of the South Carolina Constitution and Section 4-9-30 of the Code of Laws of South Carolina (the Home Rule Act) gives Richland County broad authority to provide a variety of services and functions within its jurisdiction, including, but not limited to, land use planning and land development regulation, and similar activities and services; and

WHEREAS, Title 6, Chapter 29, of the Code of Laws of South Carolina provides the statutory enabling authority for Richland County to engage in planning and regulation of development within its jurisdiction; and

WHEREAS, Section 6-29-720 of the Code of Laws of South Carolina requires the County to adopt the Land Use Element of its Comprehensive Plan in conformance with the requirements therein as a prerequisite to continuing implementation of its zoning authority; and

WHEREAS, the County Council adopted a Comprehensive Plan on May 3, 1999, in conformance with the requirements Title 6, Chapter 29, of the Code of Laws of South Carolina; and

WHEREAS, Section 6-29-760 of the Code of Laws of South Carolina provides the statutory authority and process to amend the Zoning Ordinance, codified as Chapter 26 of the Richland County Code of Ordinances; and

WHEREAS, this Ordinance complies with the requirements of Section 6-29-760 of the Code of Laws of South Carolina and the ordinance adoption process proscribed in Section 2-28 of the Richland County Code of Ordinances.

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

Section I. The Richland County Code of Ordinances, Chapter 26, Zoning; Article 3, Establishment of Districts and Zoning Maps; is hereby amended to change the property (TMS # 15000-04-01/02 and a portion of TMS # 17700-01012) described in Exhibit A, which is attached hereto, from RS-1 Single-Family Residential zoning to C-3 General Commercial zoning.

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

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

Section IV. This ordinance shall be enforced after the date of an affirmative Third Reading.

RICHLAND COUNTY COUNCIL

By: _____
Anthony G. Mizzell, Chair

Attest this _____ day of
_____, 2005.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: April 26, 2005
First Reading: April 26, 2005
Second Reading: May 3, 2005
Third Reading: May 17, 2005 (tentative)

Exhibit A

Legal description of Parcels A, A-1, & B

All that certain piece, parcel or tract of land, together with any improvements thereon, situate, lying and being near Blythewood, in the county of Richland and the state of South Carolina, containing 2.20 acres (total) and being described as follows. Beginning at an (N) ½" rebar on the eastern right-of-way of Farrow Road being 405.00 feet south of the centerline intersection of Wilson Blvd. (U.S. Hwy 21) and running along the right-of-way of Farrow Road N30°22'09"W for a distance of 100.04 feet to an (N) ½" rebar (being the division line between tracts A & B), thence continuing along the right-of-way of Farrow Road N30°22'09"W for a distance of 206.96 feet to an (N) ½" rebar, thence turning and continuing along a 100 foot site right-of-way of Farrow road and Wilson Blvd. (U.S. Hwy 21) N11°49'56"W for a distance of 189.62 feet to an (N) ½" rebar, thence turning and running along the right-of-way of Wilson Blvd. (U.S. Hwy 21) along a curve to the left, said curve having a radius of 1936.18 feet, an arc length of 69.63 feet, a chord distance of 69.63 feet, a delta angle of 02°03'38" and a chord bearing of N04°11'40"W (being the division line between tracts A & A-1) to an (N) PK nail set in an asphalt drive, thence continuing along the right-of-way of Wilson Blvd. (U.S. Hwy 21) along a curve to the left, said curve having a radius of 1936.18 feet, an arc length of 425.48 feet, a chord distance of 424.63 feet, a delta angle of 12°35'27" and a chord bearing of N03°07'52"W to an (N) ½" rebar on the right-of-way intersection of Wilson Blvd. (U.S. Hwy 21) and a 130 foot Southern Railway right-of-way, thence turning and running along the Southern Railway right-of-way S18°40'00"E for a distance of 410.47 feet to an (O) ½" iron pipe (being the division line between tracts A-1 & A), thence continuing along the Southern Railway right-of-way S18°40'00"E for a distance 426.47 feet to an (N) ½" rebar (being the division line of tracts A & B), thence continuing along the Southern Railway right-of-way S18°40'00"E for a distance of 102.53 feet to an (N) ½" rebar, thence turning and running S58°40'26"W for a distance of 103.59 feet to an (N) ½" rebar, said rebar being the point of beginning. This tract is 2.20 acres and is more particularly shown on a plat prepared for Charles Warrington by Belter & Associates, Inc. dated: December 27, 2003 and revised: January 06, 2005.

**STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ___-05HR**

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, AS DEFINED IN SECTION 26-31 OF THE RICHLAND COUNTY CODE OF ORDINANCES, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED HEREIN (TMS # 14800-02-02/22/23 AND TMS # 14900-04-01) FROM RU (RURAL DISTRICT) AND PUD-1C TO PUD-1R; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Article VIII of the South Carolina Constitution and Section 4-9-30 of the Code of Laws of South Carolina (the Home Rule Act) gives Richland County broad authority to provide a variety of services and functions within its jurisdiction, including, but not limited to, land use planning and land development regulation and similar activities and services; and

WHEREAS, Title 6, Chapter 29, of the Code of Laws of South Carolina provides the statutory enabling authority for Richland County to engage in planning and regulation of development within its jurisdiction; and

WHEREAS, Section 6-29-720 of the Code of Laws of South Carolina requires the County to adopt the Land Use Element of its Comprehensive Plan in conformance with the requirements therein as a prerequisite to continuing implementation of its zoning authority; and

WHEREAS, the County Council adopted a Comprehensive Plan on May 3, 1999, in conformance with the requirements of Title 6, Chapter 29, of the Code of Laws of South Carolina; and

WHEREAS, Section 6-29-760 of the Code of Laws of South Carolina provides the statutory authority and process to amend the Zoning Ordinance, codified as Chapter 26 of the Richland County Code of Ordinances; and

WHEREAS, this Ordinance complies with the requirements of Section 6-29-760 of the Code of Laws of South Carolina and with the ordinance adoption process proscribed in Section 2-28 of the Richland County Code of Ordinances;

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

Section I. The Richland County Code of Ordinances, Chapter 26, Zoning; Article 3, Establishment of Districts and Zoning Maps; is hereby amended to change the property (TMS # 14800-02-02/22/23 AND TMS # 14900-04-01) described in Exhibit A, which is attached hereto, from RU Rural District zoning and PUD-1C zoning to PUD-1R zoning.

Section II. PUD Site Development Requirements. The following site development requirements shall apply to the subject parcels:

- a) The Planning Commission approved the General Development Plan dated March 15, 2005, prepared for Walter Taylor and Company by Kenneth B. Simmons, LLC, except as otherwise amended herein, required by Section 26.70-15, which is on file in the Richland County Planning & Development Services Department (hereinafter referred to as "PDSD") and is incorporated herein by reference; and
- b) The site development shall be limited to 558 multi-family dwelling units and 342 single-family dwelling units; the 55.2 acres of non-residential property (as depicted on Exhibit B, which is attached hereto) shall be limited to the following uses:
 - 1) Retail establishments;
 - 2) Service and repair establishments;
 - 3) Personal service establishments, including such uses as beauty shops, barber shops, shoe repair shops, dry cleaning and laundry, dressmaking and tailoring;
 - 4) Offices;
 - 5) Photography studios, art studios, art sales, interior design studios, craft studios, craft sales, antique shops, and establishments for the teaching of music, dancing, and/or other performing arts;
 - 6) Financial institutions;
 - 7) Eating and drinking establishments, including drive-in eating and drinking establishments;
 - 8) Wholesaling and distribution establishments not involving over 8,000 square feet of area for storage of wares to be wholesaled or distributed;
 - 9) Commercial recreation and entertainment structures and uses, such as theaters, bowling alleys, miniature golf courses, night clubs, and the like;
 - 10) Hotels and motels;
 - 11) Commercial parking lots and parking garages;
 - 12) Commercial printing and job printing establishments;
 - 13) Veterinary establishments, provided that all animals are kept within suitably designed sound-proof, air-conditioned buildings;
 - 14) Funeral homes;
 - 15) High-rise structures containing non-residential uses that are permitted principal uses for this district, subject to the provisions of Section 26-80 of the Richland County Code of Ordinances, or its relevant successor regulations;
 - 16) Business and vocational schools not involving operations of an industrial nature;
 - 17) Private clubs and lodges, civic and fraternal organizations not involving residential uses;
 - 18) Medical and health related centers, clinics, laboratories;
 - 19) Parks, playgrounds, and playfields;
 - 20) Community service structures and uses, such as community service centers, libraries, fire stations, civic, cultural, or recreational uses;
 - 21) Churches and other places of worship, including educational buildings related thereto;
 - 22) Utility substations;
 - 23) Automobile service stations;

- 24) Cemeteries;
- 25) Day nurseries and kindergartens, subject to the provisions of Section 26-84 of the Richland County Code of Ordinances, or its relevant successor regulations; and adult day care facilities, provided that the Zoning Administrator shall ensure that the applicant has applied to the South Carolina Department of Health and Environmental Control (SCDHEC) for a license to operate the facility and that all SCDHEC requirements, including, but not limited to, those dealing with the maximum number of persons to be cared for at the facility are satisfied;
- 26) Dwelling units that are located over retail establishments;
- 27) Structures and uses which:
 - a. Are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures,
 - b. Are located wholly on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership, and
 - c. Do not involve operations not in keeping with the character of the area or of a nature prohibited under Section 26-70.8 of the Richland County Code of Ordinances, or its relevant successor regulations;
- 28) Hospitals, sanitariums, nursing homes, rest homes, convalescent homes, homes for orphans, homes for the aged, provided that no such facility shall have a lot area less than one (1) acre, and that no building in connection with such facility shall be closer than twenty-five (25) feet to any lot residentially zoned;
- 29) Mini-warehouses with or without an accessory apartment (one apartment only) for security purposes and parking and storing of retail rental vehicles;
- 30) Elementary or high schools;
- 31) Wholesaling, warehousing, storage, supply, and distribution facilities;
- 32) Light manufacturing and processing; and
- 33) Laboratories and establishments for fitting, repair, or production of eyeglasses, hearing aids, or prosthetic devices; and
- c) Within the subject site, a minimum of 0.5 acres shall be set aside as a playground; and
- d) The applicant shall provide a phasing plan for the single-family residential portions of the project to the PDSB prior to the department's review of any construction plans or site plans; and
- e) Unless otherwise provided herein, all development shall conform to all relevant land development regulations in effect at the time a permit application is received by the PDSB; and
- f) The provisions of Sections 26-70.7, 26-70.8, 26-70.10, and 26-70.11 of the Richland County Code of Ordinances shall not apply to this project; and
- g) No Special Exceptions, as defined in Section 26-602 of the Richland County Code of Ordinances, or its relevant successor regulations, shall be permitted; and
- h) Pursuant to the requirements of Section 26-70.17 of the Richland County Code of Ordinances, the following changes shall require a review and recommendation by the Planning Commission and a new ordinance by the County Council:
 - 1) Any increase in the number of access points to the external road network;
 - 2) Any decrease in the amount of open space/common areas;
 - 3) Any increase in the gross project density (measured in DU/acre); and/or
 - 4) Any change in traffic flow; and

- i) The Planning Commission is hereby authorized to make minor amendments to Exhibit B or as otherwise allowed by Section 26-70.17 of the Richland County Code of Ordinances, or its relevant successor regulations; and
- j) The PSD is authorized to make minor adjustments to the phasing schedule as may become necessary during the project's construction; and
- k) No site clearing activity shall begin until the Richland County Public Works Department issues a Grading Permit and the PSD issues a Controlled Clearing letter; and
- l) All internal streets shall be publicly owned and maintained by Richland County; and
- m) Access to all development sites shall be limited to the internal roadway network; and
- n) Unless recommended by a traffic impact assessment and management plan prepared by a recognized professional traffic consultant to the contrary, the access to the subject site shall be limited to an entrance opposite Community Road, an entrance opposite Turkey Farm Road, ~~and one entrance on Highway 21 and one entrance on Marthan Road~~ OR two entrances on Highway 21, an entrance opposite Dunwoody Place, and one additional entrance on Highway 21, for a total of four (4) entrances on Highway 21; provided, however, that in no event shall there be an entrance on Marthan Road; and
- o) Parking shall be prohibited on all principal access roads; and
- p) Street trees and ground cover shall be installed within the right-of-way along the principal access road on a phase by phase basis; and
- q) A minimum twenty-five (25) foot wide buffer shall be established on the subject property along its common property line with Marthan Road property owners (the buffer may be established either by deed of property to the Home Owners Association or by an easement prohibiting clearing over the rear portion of the lots); and
- r) Street lights shall be installed along at least the principal access roads on a phase by phase basis; and
- s) Some type of coordinated signage program shall be established for each portion of the project; and
- t) The non-residential and multi-family portions of the project shall establish minimum setbacks from the principal access roads; and
- u) Parking shall be prohibited in the front setback area of the non-residential portions of the project; and
- v) The developer shall pay the costs associated with the construction of any necessary acceleration, deceleration, or turn lanes that may be required by the South Carolina Department of Transportation; and
- w) With future development (engineering and construction), the developer shall provide public water access to Marthan Road – the exact location to be determined by the developer; and
- x) The applicant has submitted a draft description of proposed procedures of any homeowners association or other group maintenance or group ownership features for the Department's review and inclusion in the project records; and
- y) Richland County shall not be responsible for the enforcement of any deed restrictions imposed by the applicant, the developer, or their successors in interest; and
- z) All of the above enumerated conditions shall apply to the applicant, the developer, and/or their successors in interest.

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

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

Section V. This ordinance shall be enforced after the date of an affirmative Third Reading.

RICHLAND COUNTY COUNCIL

BY: _____
Anthony G. Mizzell, Chair

Attest this _____ day of
_____, 2005

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: April 26, 2005
First Reading: April 26, 2005
Second Reading: May 3, 2005
Third Reading: May 17, 2005 (tentative)

Exhibit A
Legal Description

(Small tract 11.34 acres)

ALL that certain piece, parcel or lot of land, situate, lying in the County of Richland, State of South Carolina, containing approximately 11.34 acres as shown on a survey prepared for Lina Mae Leigh, by Civil Engineering of Columbia, dated April 25, 1986, having the following metes and bounds: Beginning at the Southwestern corner of the subject property whereupon it fronts on U.S. Highway #21 and running N 18°42'38" E for a distance of 344.56 feet; thence turning and running N 27°43'29" E for a distance of 327.30 feet; thence turning and running in a curved line having a chord bearing of N 62°20'52" E for a chord distance of 184.93 feet and an arc distance of 203.35 feet; thence, turning and running in a curved line having a chord bearing of S 66°57'27" E for a chord distance of 339.09 feet and an arc distance of 340.17 feet; thence turning and running in a curved line having a chord bearing of S 51°58'32" E for a chord distance of 370.81 feet and an arc distance of 371.80 Feet, thence turning and running S 54°51'2" W for a distance of 63.22 feet; thence turning and running S 38°6'22" E for a distance of 211.81 feet; thence turning and running S 6°10'7" W for a distance of 52.37 feet; thence turning and running S 85°34'11" W for a distance of 846.09 feet; thence turning and running N 50°9'50" E for a distance of 19.71 feet; thence turning and running N 38°56'21" W for a distance of 32.80 feet; thence turning and running N 41°14'0" W for a distance of 33.31 feet; thence turning and running S 50°12'52" W for a distance of 112.53 feet; thence turning and running S 85°32'0" W for a distance of 147.13 feet to the Point of Beginning. Be all measurements a little more or less.

(Large tract 143.28 acres)

ALL those pieces, parcels or lots of land, with improvements thereon, if any, situate, lying and being just south of the intersection of U. S. Highway 21 and Interstate 77, in the County of Richland, State of South Carolina, consisting of a total of approximately 143.28 acres, and shown and delineated as Parcel "A" (4.49 acres), Parcel "B" (111.35 acres), and Parcel "C" (2.44 acres), on a plat prepared for Columbia Land Associates, Ltd., by Civil Engineering of Columbia dated October 21, 1985, recertified December 12, 1986, recorded in the Office of the RMC for Richland County, South Carolina in Plat Book B 51 at page 3598. The perimeter boundary of Parcels "A", "B" and "C" being more particularly described by reference to said plat as follows:

BEGINNING at an iron pin at the intersection of the northern boundary of the right-of-way of Highway S-1695 and the eastern boundary of the right-of-way of U. S. Route 21, said pin being the POINT OF BEGINNING, thence running N 28° 00' 18" W along the right-of-way of U. S. Route 21 for a distance of 11.41' to an iron pin; thence running N 16° 32' 08" E along the right-of-way of U. S. Route 21 for a distance of 1523.10' to an iron pin; thence turning and running S 73° 27' 55" E along the right-of-way of U. S. Route 21 for a distance of 17.24' to a right-of-way monument; thence turning and running N 22° 37' 13" E along the right-of-way of U. S. Route 21 for a distance of 378.55' to a right-of-way monument; thence running N 16° 36' 56" E along the right-of-way of U. S. Route 21 for a distance of 131.23' to an iron pin; thence turning and running N 16° 32'

58" E along the right-of-way of U. S. Route 21 for a distance of 1,104.65' to an iron pin; thence running N 16° 22' 37" E along the right-of-way of U. S. Route 21 for a distance of 46.76' to a right-of-way monument; thence running N 17° 28' 07" E along the right-of-way of U. S. Route 21 for a distance of 328.33 feet to a right-of-way monument; thence turning and running N 68° 22' 47" E along the right-of-way of a paved access road for a distance of 77.46' to a right-of-way monument; thence turning and running S 70° 53' 42" E along the right-of-way of a paved access road for a distance of 19.07' to a right-of-way monument; thence turning and running N 50° 09' 50" E along the right-of-way of a paved access road for a distance of 329.87' to an iron pin; thence turning and running N 85° 34' 11" E along property N/F Leigh for a distance of 846.09' to an iron pin; thence running N 06° 10' 07" E along property N/F Leigh for a distance of 52.37' to an iron pin; thence turning and running S 38° 07' 24" E along the right-of-way of an unpaved access road for a distance of 60.65' to a right-of-way monument; thence turning and running N 52° 40' 44" E along the right-of-way of an unpaved access road for a distance of 60.92' to a right-of-way monument on the western boundary of the right-of-way of Interstate 77; thence turning and running S 33° 25' 03" E along the western boundary of the right-of-way of Interstate 77 for a distance of 98.77' to a right-of-way monument, thence running S 36° 25' 12" E along the western boundary of the right-of-way of Interstate 77 for a distance of 241.89' to a right-of-way monument; thence turning and running along the western boundary of the right-of-way of Interstate 77 along a curve having a chord bearing of S 26° 38' 12" E, a radius of 6131.30', a chord length of 430.63', a delta of 4° 01' 30", an arc of 430.72 and a tangent of 215.45', to an iron pin; thence turning and running along a curve on the western boundary of the right-of-way of Interstate 77 having a chord bearing of S 22° 44' 17" E, a radius of 6131.30', a chord length of 400.00', a delta of 3° 44' 19", an arc of 400.07' and a tangent of 200.11', to an iron pin; thence turning and running along a curve on the western boundary of the right-of-way of Interstate 77 having a chord bearing of S 18° 16' 24" E, a radius of 5650.89', a chord length of 400.00', a delta of 4° 03' 24", an arc of 400.08' and a tangent of 200.13', to an iron pin; thence turning and running along a curve on the western boundary of the right-of-way of Interstate 77 having a chord bearing of S 14° 13' 00" E, a radius of 5650.89', a chord length of 400.00', a delta of 4° 03' 24", an arc of 400.08' and a tangent of 200.13', to an iron pin; thence turning and running S 81° 06' 29" W along property N/F Wages for a distance of 447.79' to an iron pin; thence running S 82° 27' 40" W along property N/F Wages for a distance of 598.98' to an iron pin; thence turning and running S 14° 34' 53" E along property N/F Wages for a distance of 310.00' to an iron pin; thence running S 14° 34' 53" E along property N/F Wages for a distance of 455.18' to an iron pin; thence turning and running S 60° 49' 59" W along property N/F Wages for a distance of 474.88' to an iron pin; thence turning and running S 58° 48' 10" W along property N/F Williams for a distance of 336.89' to an iron pin; thence running S 59° 24' 18" W along property N/F Wilson for a distance of 210.10' to an iron pin; thence running S 59° 22' 41" W along property N/F Bowman for a distance of 330.30' to an iron pin; thence running S 51° 38' 29" W along property N/F of Corbet and along property N/F Jenkins for a distance of 398.60' to an iron pin; thence running S 51° 38' 29" W along property N/F Babridge for a distance of 382.49' to an iron pin on the northern boundary of the right-of-way of S-1695; thence turning and running along the northern boundary of Highway S-1695 in a curve having a chord bearing of N 81° 33' 06" W, a radius of 1393.45', a chord length of 130.00', a delta of 5° 20' 50", an arc of 130.05 and a tangent of 65.07', to an iron pin; thence turning and running along the northern boundary of Highway S-1695 in a curve having a chord bearing of N 75° 48' 46" W, a radius of 1393.45', a chord length of 149.02', a delta of 6° 07' 50", an arc of 149.10' and a tangent of 74.62', to an iron pin; thence running N 72° 45' 51" W along the northern boundary of Highway S-1695 for a distance of 190.80' to an iron pin; thence running N 28° 00' 18" W along the northern boundary of

Highway S-1695 for a distance of 59.87' to an iron pin, which is the POINT OF BEGINNING, be all said measurements a little more or less.

THIS conveyance specifically includes all right, title and interest of Grantor(s), if any, in and to lands subject to or underlying any highway, road, utility easement, waterway, or body of water crossing or adjacent to the property hereby conveyed.

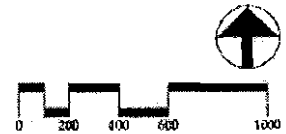
Exhibit B Site Plan



NOTES: WETLANDS SHOWN ARE APPROXIMATE BASED ON DRAWINGS FROM PREVIOUS DEVELOPER. LOCATIONS ARE NOT CERTIFIED BY THE U.S. ARMY CORPS OF ENGINEERS. ROAD ALIGNMENT SUBJECT TO MINOR AND MAJOR RELOCATIONS ACCORDING TO CERTIFIED WETLANDS SURVEY TO ASSURE MINIMUM IMPACT TO EXISTING WETLANDS. EXISTING TOPOGRAPHY FROM RICHLAND COUNTY GIS.

AMENDED MARCH 15, 2005
REVISED MAY 3, 2005

GENERAL DEVELOPMENT PLAN I-77 / US 21 MIXED USE PUD COLUMBIA, SC



**STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ___-05HR**

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA AS DEFINED IN SECTION 26-31 OF THE RICHLAND COUNTY CODE OF ORDINANCES TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED HEREIN (A PORTION OF TMS # 02407-01-37), FROM RU RURAL DISTRICT TO PDD PLANNED DEVELOPMENT DISTRICT; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Article VIII of the South Carolina Constitution and Section 4-9-30 of the Code of Laws of South Carolina (the Home Rule Act) gives Richland County broad authority to provide a variety of services and functions within its jurisdiction, including, but not limited to, land use planning and land development regulation and similar activities and services; and

WHEREAS, Title 6, Chapter 29, of the Code of Laws of South Carolina provides the statutory enabling authority for Richland County to engage in planning and regulation of development within its jurisdiction; and

WHEREAS, Section 6-29-720 of the Code of Laws of South Carolina requires the County to adopt the Land Use Element of its Comprehensive Plan in conformance with the requirements therein as a prerequisite to continuing implementation of its zoning authority; and

WHEREAS, the County Council adopted a Comprehensive Plan on May 3, 1999, in conformance with the requirements of Title 6, Chapter 29, of the Code of Laws of South Carolina; and

WHEREAS, Section 6-29-760 of the Code of Laws of South Carolina provides the statutory authority and process to amend the Zoning Ordinance, codified as Chapter 26 of the Richland County Code of Ordinances; and

WHEREAS, this Ordinance complies with the requirements of Section 6-29-760 of the Code of Laws of South Carolina, and the ordinance adoption process proscribed in Section 2-28 of the Richland County Code of Ordinances.

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

SECTION I. The Richland County Code of Ordinances, Chapter 26, Zoning; Article 3, Establishment of Districts and Zoning Maps; is hereby amended to change the property (a portion of TMS # 02407-01-37) described in Exhibit A, which is attached hereto, from RU Rural District zoning to PDD Planned Development District zoning.

SECTION II PDD Site Development Requirements The following site development requirements shall apply to the subject parcels:

- a) The development of the subject site is limited to a 2,400 sq. ft. welding shop, a 3,600 sq. ft. shop, a 3,200 sq. ft. two-story office building, an 11,800 sq. ft. open storage shed and twenty-three (23) parking spaces in the general arrangement depicted in the Site Plan, which is attached hereto as Exhibit B; and
- b) Pursuant to the requirements of Section 26-72.13 of the Richland County Code of Ordinances, the Planning Commission may approve changes to the Site Plan (Exhibit B) only upon findings that such changes will not: 1) increase the density of the project, 2) increase the amount of traffic generated, 3) reduce screening or off-street parking requirements, or 4) substantially alter the composition of the project; and
- c) Unless otherwise provided herein, all development shall conform to all relevant land development regulations in effect at the time a permit application is received by the Richland County Planning and Development Services Department (hereinafter referred to as “PDSD”); and
- d) No site clearing activity shall begin until the Richland County Public Works Department issues a Grading Permit and the PDSD issues a Controlled Clearing letter; and
- e) No Special Exceptions, as defined in Section 26-602 of the Richland County Code of Ordinances, or its relevant successor regulations, shall be permitted; and
- d) Access to the subject site shall be limited to two (2) intersections on Shadowood Drive; and
- e) The developer shall construct any necessary turn lanes for the project on Shadowood Drive, subject to obtaining all required state and/or county approvals; and
- f) The activity on the site shall not effect the adjacent properties by emitting noxious fumes, dust, noise, or other hazards or nuisances to the well-being of the public; and
- g) No material piles, material storage racks, or similar uses shall be more than fifteen (15) feet in height; and
- h) The height of all structures within the site area shall not exceed thirty-five (35) feet; and
- i) The lot-split process must be completed for the parcel prior to final approval [of what?]; and
- j) All proposed vegetation must be planted outside of the limits of the existing twenty foot (20’) South Carolina Electric and Gas Company power line right-of-way to the north of the site to avoid the destruction of the plantings and/or the hindrance with the utilities; and
- k) Existing healthy vegetation, including trees, shall not be cleared in those areas required to be landscaped; and
- l) No street frontage planting area shall be less than ten feet (10’) in width along all public right-of-ways, including any supplemental plantings required by the County to meet the minimum opacity levels of the current landscape standards; and
- m) The proposed “Wax Myrtles” depicted on Exhibit B shall be a minimum of five feet (5’) in height at the time of installation, and the proposed “Leyland Cypressess” shall be a minimum of six feet (6’) in height at the time of installation; and
- n) The proposed two-story office building will not require a “buffer”, but should be planted in a manner so as to exceed current minimum landscape standards as set forth by the Richland County Code of Ordinances that is in effect at the time of installation; and
- o) The interior of the site shall be maintained in a manner that allows accessibility for fire apparatuses to all areas of the site in accordance with the current regulations of the County Fire Marshall and in a manner that does not hamper vehicular traffic within the site; and

- p) All lighting fixtures shall be installed with proper shielding to prevent encroachment of nuisance glare from the site; and
- q) One sign per street frontage will be allowed at a size not to exceed two hundred fifty (250) sq. ft.; no sign shall exceed fifteen feet (15') in height; and no sign shall be located in any landscaped area or bufferyard.

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

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

SECTION V. This ordinance shall be effective after the date of an affirmative Third Reading.

RICHLAND COUNTY COUNCIL

BY: _____
Anthony G. Mizzell, Chair

Attest this _____ day of
_____, 2005

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: April 26, 2005
First Reading: April 26, 2005
Second Reading: May 3, 2005
Third Reading: May 17, 2005 (tentative)

Exhibit A
Property Description

This property consists of 4.14 total acres located at the intersection of Shadowood Drive with U.S. Highway 76 in the County of Richland, South Carolina.

Commencing from the center line intersection of Shadowood Road, with Carl Shealy Road, thence S82°44'39"E for a distance of 450.28 feet to an iron pin, being the point of beginning.

Thence from the point of beginning in a clockwise direction:

Along a bearing of N78°54'12" for a distance of 395.95' to an iron pin. Said line being the Northern R/W of Shadowood Drive.

Thence N77°00'10"W for a distance of 221.38 feet to an iron pin. Said line being the Northern R/W of Shadowood Drive.

Thence N76°02'56"W for a distance of 124.11' to a calculated point. Said line being the Northern R/W of Shadowood Drive.

Thence N30°37'56"E for a distance of 449.56 feet to a calculated point. Said line being bounded on the West by lands of now or formerly South Carolina Electric and Gas.

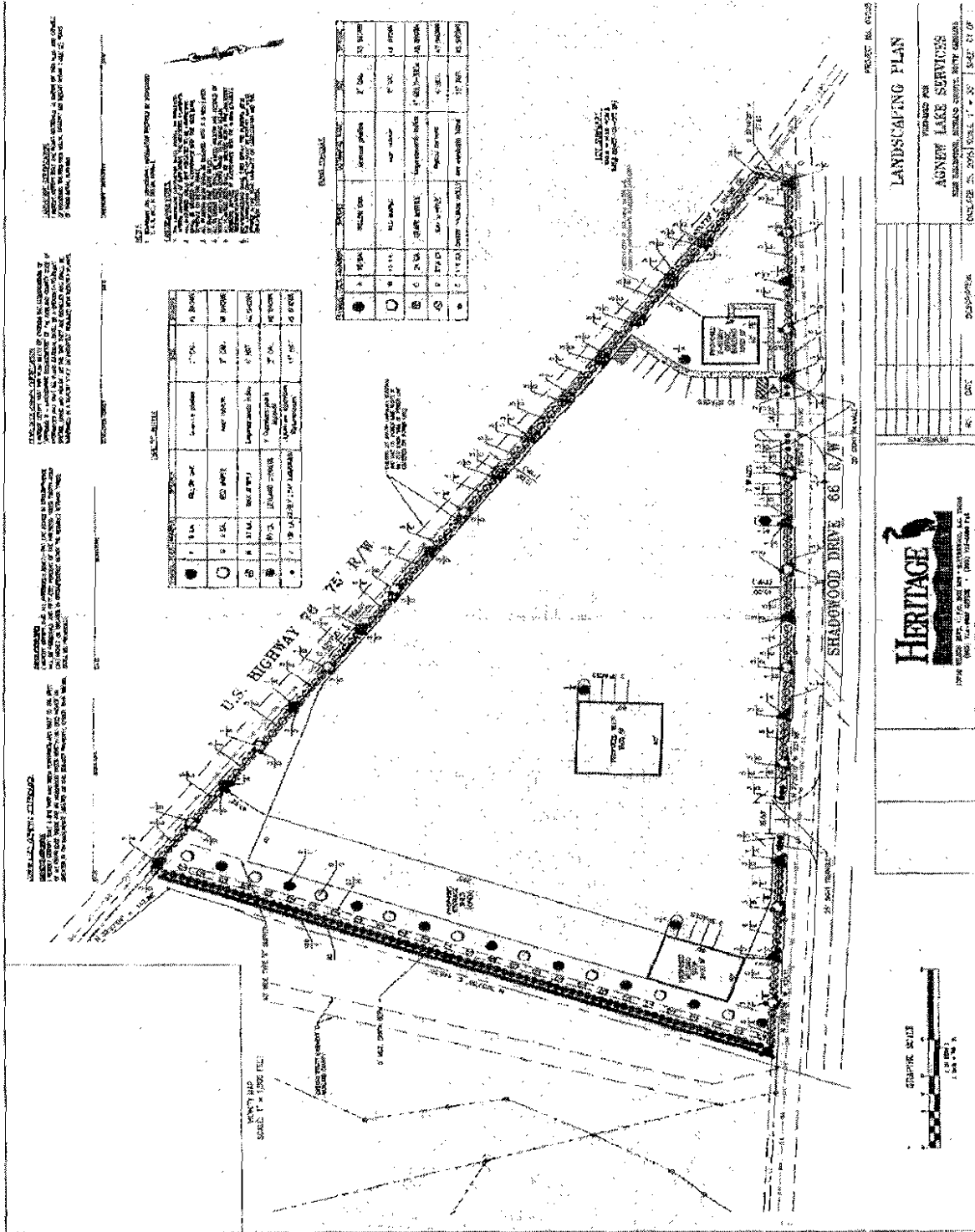
Thence N32°27'04"W for a distance of 143.88 feet to a calculated point. Said line being bounded on the West by lands of now or formerly South Carolina Electric and Gas.

Thence S42°17'21"E for a distance of 762.51 feet to an iron pin. Said line being the Western R/W of U.S. Highway 76.

Thence along a curve on a chord bearing S43°57'29"E for a chord distance of 104.58 feet to an iron pipe. Said line being the Western R/W of U.S. Highway 76.

Thence S27°18'33"W for a distance of 27.92 feet to an iron pin. Said line being the Northern R/W of Shadowood Drive. Said point being the point of beginning.

Exhibit B Site Plan



GENERAL NOTES:
1. ALL PLANTINGS TO BE INSTALLED IN ACCORDANCE WITH THE LANDSCAPE PLAN AND THE SPECIFICATIONS TO THE LANDSCAPE PLAN.
2. ALL PLANTINGS TO BE INSTALLED IN ACCORDANCE WITH THE LANDSCAPE PLAN AND THE SPECIFICATIONS TO THE LANDSCAPE PLAN.
3. ALL PLANTINGS TO BE INSTALLED IN ACCORDANCE WITH THE LANDSCAPE PLAN AND THE SPECIFICATIONS TO THE LANDSCAPE PLAN.

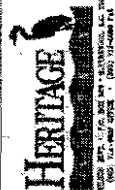
PLANTING SCHEDULE

SYMBOL	PLANT TYPE	QUANTITY	INSTALLATION	NOTES
●	1.00	10	10' x 10'	10' x 10'
○	2.00	10	10' x 10'	10' x 10'
□	3.00	10	10' x 10'	10' x 10'
△	4.00	10	10' x 10'	10' x 10'
◇	5.00	10	10' x 10'	10' x 10'
○	6.00	10	10' x 10'	10' x 10'
□	7.00	10	10' x 10'	10' x 10'
△	8.00	10	10' x 10'	10' x 10'
◇	9.00	10	10' x 10'	10' x 10'
○	10.00	10	10' x 10'	10' x 10'

PLANTING SCHEDULE

SYMBOL	PLANT TYPE	QUANTITY	INSTALLATION	NOTES
●	1.00	10	10' x 10'	10' x 10'
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◇	5.00	10	10' x 10'	10' x 10'
○	6.00	10	10' x 10'	10' x 10'
□	7.00	10	10' x 10'	10' x 10'
△	8.00	10	10' x 10'	10' x 10'
◇	9.00	10	10' x 10'	10' x 10'
○	10.00	10	10' x 10'	10' x 10'

LANDSCAPING PLAN
PROJECT NO. 05-40MA
DESIGNED FOR
AGNEW LAKE SERVICES
1000 TULLY DRIVE, SUITE 100
DALLAS, TEXAS 75241
(972) 714-4444



**STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ___-05HR**

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, AS DEFINED IN SECTION 26-31 OF THE RICHLAND COUNTY CODE OF ORDINANCES, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED HEREIN (A PORTION OF TMS # 03400-01-14) FROM RS-1 (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO RU (RURAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Article VIII of the South Carolina Constitution and Section 4-9-30 of the Code of Laws of South Carolina (the Home Rule Act) gives Richland County broad authority to provide a variety of services and functions within its jurisdiction, including, but not limited to, land use planning and land development regulation, and similar activities and services; and

WHEREAS, Title 6, Chapter 29, of the Code of Laws of South Carolina provides the statutory enabling authority for Richland County to engage in planning and regulation of development within its jurisdiction; and

WHEREAS, Section 6-29-720 of the Code of Laws of South Carolina requires the County to adopt the Land Use Element of its Comprehensive Plan in conformance with the requirements therein as a prerequisite to continuing implementation of its zoning authority; and

WHEREAS, the County Council adopted a Comprehensive Plan on May 3, 1999, in conformance with the requirements Title 6, Chapter 29, of the Code of Laws of South Carolina; and

WHEREAS, Section 6-29-760 of the Code of Laws of South Carolina provides the statutory authority and process to amend the Zoning Ordinance, codified as Chapter 26 of the Richland County Code of Ordinances; and

WHEREAS, this Ordinance complies with the requirements of Section 6-29-760 of the Code of Laws of South Carolina and the ordinance adoption process proscribed in Section 2-28 of the Richland County Code of Ordinances.

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

Section I. The Richland County Code of Ordinances, Chapter 26, Zoning; Article 3, Establishment of Districts and Zoning Maps; is hereby amended to change the property (a portion of TMS # 03400-01-14) described in Exhibit A, which is attached hereto, from RS-1 Single-Family Residential District zoning to RU Rural District zoning.

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

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

Section IV. This ordinance shall be enforced after the date of an affirmative Third Reading.

RICHLAND COUNTY COUNCIL

By: _____
Anthony G. Mizzell, Chair

Attest this _____ day of
_____, 2005.

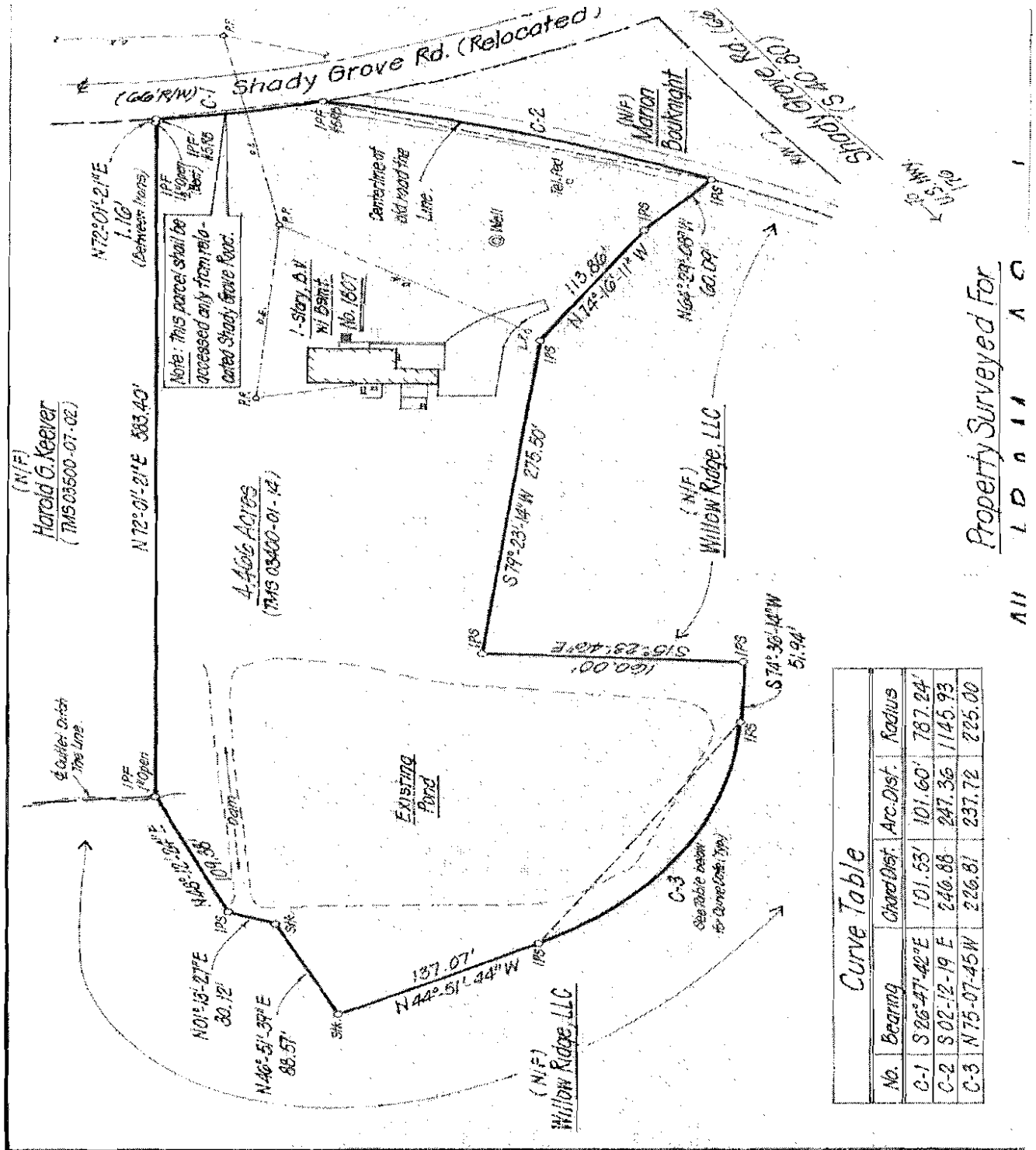
Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: April 26, 2005
First Reading: April 26, 2005
Second Reading: May 3, 2005
Third Reading: May 17, 2005 (tentative)

Exhibit A Property Description



Property Surveyed For
ALL L D O I A A C

**STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ___-05HR.**

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, AS DEFINED IN SECTION 26-31 OF THE RICHLAND COUNTY CODE OF ORDINANCES, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED HEREIN (TMS # 05000-04-32/33/34) FROM D-1 (DEVELOPMENT DISTRICT) TO C-3 (GENERAL COMMERCIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Article VIII of the South Carolina Constitution and Section 4-9-30 of the Code of Laws of South Carolina (the Home Rule Act) gives Richland County broad authority to provide a variety of services and functions within its jurisdiction, including, but not limited to, land use planning and land development regulation, and similar activities and services; and

WHEREAS, Title 6, Chapter 29, of the Code of Laws of South Carolina provides the statutory enabling authority for Richland County to engage in planning and regulation of development within its jurisdiction; and

WHEREAS, Section 6-29-720 of the Code of Laws of South Carolina requires the County to adopt the Land Use Element of its Comprehensive Plan in conformance with the requirements therein as a prerequisite to continuing implementation of its zoning authority; and

WHEREAS, the County Council adopted a Comprehensive Plan on May 3, 1999, in conformance with the requirements Title 6, Chapter 29, of the Code of Laws of South Carolina; and

WHEREAS, Section 6-29-760 of the Code of Laws of South Carolina provides the statutory authority and process to amend the Zoning Ordinance, codified as Chapter 26 of the Richland County Code of Ordinances; and

WHEREAS, this Ordinance complies with the requirements of Section 6-29-760 of the Code of Laws of South Carolina and the ordinance adoption process proscribed in Section 2-28 of the Richland County Code of Ordinances.

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

Section I. The Richland County Code of Ordinances, Chapter 26, Zoning; Article 3, Establishment of Districts and Zoning Maps; is hereby amended to change the property (TMS # 05000-04-32/33/34) described in Exhibit A, which is attached hereto, from D-1 Development District zoning to C-3 General Commercial District zoning.

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

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

Section IV. This ordinance shall be enforced after the date of an affirmative Third Reading.

RICHLAND COUNTY COUNCIL

By: _____
Anthony G. Mizzell, Chair

Attest this _____ day of
_____, 2005.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: April 26, 2005
First Reading: April 26, 2005
Second Reading: May 3, 2005
Third Reading: May 17, 2005 (tentative)

Exhibit A
Property Description

METES & BOUNDS DESCRIPTION:

Richland County **TMS 05000-04-32**, Lot 2-B, 1.00 acre off of Broad River Road near Irmo

Beginning at an iron pin set, 7/8" open, 394.63 feet south of the southern right-of-way of Broad River Road to the point of beginning; thence S19°-20'-12"W for a distance of 413.92' to an iron pin found, 7/8" open; thence N72°-02'-39"W for a distance of 111.29' to an iron pin set, 7/8" open; thence N21°-04'-46"E for a distance of 416.79' to an iron pin set, 7/8" open; thence S70°-39'-48"E for a distance of 98.58' to an iron pin set, 7/8" open, this being the point of beginning.

Richland County **TMS 05000-04-33**, lot 2-A, 1.914 acres on Broad River Road near Irmo

Beginning at a 1" pinch pipe found on the southern right-of-way, across from the intersection of Broad River Road and Riverwalk Way, this being the point of beginning; thence S19°-20'-12"W for a distance of 394.63' to an iron pin set, 7/8" open; thence N70°-39'-48"W for a distance of 98.58' to an iron pin set, 7/8" open; thence N70°-39'-48"W for a distance of 98.58' to an iron pin set, 7/8" open; thence N22°-38'-44"E for a distance of 96.81' to an iron pin found, 7/8" open; thence N17°-38'-06"E for a distance of 180.81' to an iron pin found, 1" pinch; thence N27°-12'-32"E for a distance of 197.51' to an iron pin found, 5/8" rod; thence S47°-36'-45"E for a distance of 91.18' to an iron pin set, 5/8" open; thence S44°-15'-27"E for a distance of 96.00' to an iron pin found, 1" pinch, this being the point of beginning.

Richland County **TMS 05000-04-34**, Lot 2-C, 1.00 acre off of Broad River Road near Irmo

Beginning at an iron pin set, 7/8" open, bounded by lots 2-A, 2-B, & 2-C; thence S21°-04'-46"W for a distance of 416.79' to an iron pin set, 7/8" open; thence N72°-02'-39"W for a distance of 70.22' to an iron pin found, 1-1/2" open; thence N72°-22'-07"W for a distance of 39.76' to an iron pin found, 1" rod; thence N22°-36'-33"E for a distance of 335.25' to an iron pin found, 3/4" rod; thence N22°-38'-44"E for a distance of 84.91' to an iron pin set, 7/8" open; thence S70°-39'-48"E for a distance of 98.58' to an iron pin set, 7/8" open, this being the point of beginning.

**STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ___-05HR**

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, AS DEFINED IN SECTION 26-31 OF THE RICHLAND COUNTY CODE OF ORDINANCES, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED HEREIN (TMS # 11206-04-02/03) FROM M-2 (HEAVY INDUSTRIAL DISTRICT) TO C-3 (GENERAL COMMERCIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Article VIII of the South Carolina Constitution and Section 4-9-30 of the Code of Laws of South Carolina (the Home Rule Act) gives Richland County broad authority to provide a variety of services and functions within its jurisdiction, including, but not limited to, land use planning and land development regulation, and similar activities and services; and

WHEREAS, Title 6, Chapter 29, of the Code of Laws of South Carolina provides the statutory enabling authority for Richland County to engage in planning and regulation of development within its jurisdiction; and

WHEREAS, Section 6-29-720 of the Code of Laws of South Carolina requires the County to adopt the Land Use Element of its Comprehensive Plan in conformance with the requirements therein as a prerequisite to continuing implementation of its zoning authority; and

WHEREAS, the County Council adopted a Comprehensive Plan on May 3, 1999, in conformance with the requirements Title 6, Chapter 29, of the Code of Laws of South Carolina; and

WHEREAS, Section 6-29-760 of the Code of Laws of South Carolina provides the statutory authority and process to amend the Zoning Ordinance, codified as Chapter 26 of the Richland County Code of Ordinances; and

WHEREAS, this Ordinance complies with the requirements of Section 6-29-760 of the Code of Laws of South Carolina and the ordinance adoption process proscribed in Section 2-28 of the Richland County Code of Ordinances.

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

Section I. The Richland County Code of Ordinances, Chapter 26, Zoning; Article 3, Establishment of Districts and Zoning Maps; is hereby amended to change the property (TMS # 11206-04-02/03) described in Exhibit A, which is attached hereto, from M-2 Heavy Industrial District zoning to C-3 General Commercial District zoning.

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

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

Section IV. This ordinance shall be enforced after the date of an affirmative Third Reading.

RICHLAND COUNTY COUNCIL

By: _____
Anthony G. Mizzell, Chair

Attest this _____ day of
_____, 2005.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: April 26, 2005
First Reading: April 26, 2005
Second Reading: May 3, 2005
Third Reading: May 17, 2005 (tentative)

Exhibit A
Property Description

Beginning at the intersection of the northern right-of-way of Bluff Road and the eastern right-of-way of Berea Road at a point, thence running along the eastern right-of-way of Berea Road for a distance of 450 feet to a 1-1/4" Pipe (o), this being the POINT OF BEGINNING (P.O.B.); thence turning and running N 50°09'56" W along the northern margin of the right-of-way of Berea Road for a distance of 50.01 feet to a 3/4" Pinch top (o); thence turning and running N 50°09'56" W along property of now or formerly Woodward W. Williams, Jr. & Charles W. Williams for a distance of 22.19 feet to a 1/2" Rebar (n); thence turning and running N 50°09'56" W along property of now or formerly Woodward W. Williams, Jr. & Charles W. Williams for a distance of 154.00 feet to a 1/2" Rebar (n); thence turning and running N 39°52'26" E along property of now or formerly The Cockaboose Corporation for a distance of 650.93 feet to a 1/2" Rebar (n); thence turning and running S 50°07'34" E along the southern right-of-way of Key Road for a distance of 154.00 feet to a Point; thence turning and running S 50°07'34" E along the southern right-of-way of Key Road for a distance of 74.30 feet to a Mag Nail (n); thence turning and running S 45°29'49" E along the southern right-of-way of Key Road for a distance of 5.72 feet to a Mag Nail (n); thence turning and running S 39°52'26" W along property of now or formerly Warehouses, Inc. for a distance of 650.34 feet to a Point on Wall; thence turning and running N 49°58'05" W along property of now or formerly Betty L. Jackson for a distance of 7.80 feet to a 1-1/4" Pipe (o), the POINT OF BEGINNING (P.O.B.).

**STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ___-05HR**

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, AS DEFINED IN SECTION 26-31 OF THE RICHLAND COUNTY CODE OF ORDINANCES, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED HEREIN (TMS # 17400-06-01/02/03/04/05/06/07/08/09/11/12/13) FROM RU (RURAL DISTRICT AND C-1 (OFFICE AND INSTITUTIONAL DISTRICT) TO C-3 (GENERAL COMMERCIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Article VIII of the South Carolina Constitution and Section 4-9-30 of the Code of Laws of South Carolina (the Home Rule Act) gives Richland County broad authority to provide a variety of services and functions within its jurisdiction, including, but not limited to, land use planning and land development regulation, and similar activities and services; and

WHEREAS, Title 6, Chapter 29, of the Code of Laws of South Carolina provides the statutory enabling authority for Richland County to engage in planning and regulation of development within its jurisdiction; and

WHEREAS, Section 6-29-720 of the Code of Laws of South Carolina requires the County to adopt the Land Use Element of its Comprehensive Plan in conformance with the requirements therein as a prerequisite to continuing implementation of its zoning authority; and

WHEREAS, the County Council adopted a Comprehensive Plan on May 3, 1999, in conformance with the requirements Title 6, Chapter 29, of the Code of Laws of South Carolina; and

WHEREAS, Section 6-29-760 of the Code of Laws of South Carolina provides the statutory authority and process to amend the Zoning Ordinance, codified as Chapter 26 of the Richland County Code of Ordinances; and

WHEREAS, this Ordinance complies with the requirements of Section 6-29-760 of the Code of Laws of South Carolina and the ordinance adoption process proscribed in Section 2-28 of the Richland County Code of Ordinances.

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

Section I. The Richland County Code of Ordinances, Chapter 26, Zoning; Article 3, Establishment of Districts and Zoning Maps; is hereby amended to change the property (TMS # 17400-06-01/02/03/04/05/06/07/08/09/11/12/13) described in Exhibit A, which is attached

hereto, from RU Rural District zoning and C-1 Office and Institutional District zoning to C-3 General Commercial District zoning.

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

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

Section IV. This ordinance shall be enforced after the date of an affirmative Third Reading.

RICHLAND COUNTY COUNCIL

By: _____
Anthony G. Mizzell, Chair

Attest this _____ day of
_____, 2005.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: April 26, 2005
First Reading: April 26, 2005
Second Reading: May 3, 2005
Third Reading: May 17, 2005 (tentative)

Exhibit A
Property Description

TMS # 17400-06-01

All that certain piece, parcel or lot of land, with improvements thereon, situate, lying and being on the Northeastern corner of Longtown Road (South Carolina Road 105) and Jilda Drive, near Killian, in the County of Richland, State of South Carolina and being shown and designated as Lot 8 in Terry Acres on plat prepared for William Leroy Lovett by Keels Engineering Company dated October 5, 1969, to be recorded, and measuring and bounding thereon, On the North by Lot 9 for a distance of Two Hundred-five (225') feet, On the East by property of W. D. Grimsley for a distance of two hundred (200') feet, On the South by Jilda Drive for a distance of Two hundred twenty-five (225') feet, and On the West By Longtown Road, fronting thereon for a distance of Two Hundred (200') feet. Reference is had to one above-reference to plat for a more complete description.

This being the identical property conveyed to Catherine L. Brazell herein by deed of William Leroy Lovett, and recorded in the Office of the Register of Deeds for Richland County in Book 498 at page 366.

TMS Number: 17400-06-02

All that certain piece, parcel or lot of land, with improvements thereon, situate, lying and being on the southern corner of Longtown Road and a proposed street, being shown and designated as Lot 7, Terry Acres, Killian Community, on plat prepared for W. D. Grimsley, Developer, by Keels Engineering Company, dated August 11, 1967, to be recorded, and measuring and bounding thereon as follows: On the Northwest by Longtown Road, fronting thereon, for a distance of one hundred seventy-five (175') feet; On the Northeast by proposed street as shown on said plat for a distance of two hundred twenty-five (225') feet; On the Southeast by Lot 16 for a distance of one hundred seventy-five (175') feet; and, on the Southwest by Lot 6 for a distance of two hundred twenty-five (225') feet; reference is had to the above referred to plat for a more complete description -- all measurements being a little more or less. Being a portion of the property conveyed to W.D. Grimsley by Gussie Terry by deed March 6, 1962, and recorded in the office of the Clerk of Court for Richland County in Deed Book 321 at page 8.

This being the identical property conveyed to Jerry B. Norton herein by deed of Jerry B. Norton and Elaine H. Norton, and recorded in the Office of the Register of Deeds for Richland County in Book 765 at page 2511.

TMS Number 17400-06-03

All of that certain piece parcel or lot of land, with improvements thereon, situate, lying and being on the southeastern side of Longtown Road, near Killian and Columbia, in the County of

Richland, State of South Carolina, and shown and designated as Lot 6 on plat of proposed subdivision of "Terry Acres", and also being shown on plat prepared for James V. Sewell by Arthur H. Keels, C.E., dated September 28, 1964, to be recorded, and bounding and measuring as follows: On the Northwest by Longtown Road, fronting thereon for a distance of one hundred seventy-five (175') feet; On the Northeast by Lot No. 7, for a distance of two hundred twenty-five (225') feet; On the Southeast by Lot No. 15, for a distance of one hundred seventy-five (175') feet; and on the Southwest by Lot No. 5, for a distance of two hundred twenty-five (225') feet.

This being the same property conveyed to James V. Sewell by W. D. Grimsley by deed dated October 2, 1964 and recorded in the Office of the Register of Deeds for Richland County on October 2, 1964 in Deed Book 399, at page 411.

TMS Number: 17400-06-04

All that certain piece, parcel or lot of land, with improvements thereon, situate, lying and being on the eastern of Longtown Road, near Killian, Richland County, South Carolina, and being shown and designated as Lot 5 on plat prepared for Erwin N. Hughes by James Covington dated March 28, 1963, to be recorded, and measuring and bounding thereon as follows: On the North by Lot Six (6), as shown on said plat, for a distance of two hundred twenty-five (225') feet; On the East by Lot Fourteen (14), as shown on said plat for a distance of one hundred seventy-five (175') feet; and on the South by Lot Four (4), as shown on said plat for a distance of two hundred twenty-five (225') feet; and on the West by Longtown Road, fronting thereon a distance of one hundred seventy-five (175') feet. Being a portion of the property conveyed by deed of Gussie Terry to W. D. Grimsley, dated March 6, 1962, and recorded in the office of the Clerk of the Court for Richland County in Deed Book 121, page 8 on March 7, 1962.

This being the identical property conveyed to Arthur D. Hayes and Agnes E. Hayes herein by deed of Albert B. Bowling and Claudette S. Bowling, and recorded in the Office of the Register of Deeds for Richland County in Book 1074 at page 244.

TMS Number: 17400-06-05

All that certain piece, parcel or lot of land, with improvements thereon, situate, lying and being located in the County of Richland, State of South Carolina; being shown and designated at Lot 4, on a plat prepared for W. D., Grimsley by Keels Engineering Company dated March 20, 1969, and recorded in the Office of the RMC for Richland County in Plat Book X at page 612; being more particularly shown on a plat prepared for Charles Lynwood Bower and Ruth F. Bower by Isaac J. Cox & Cox, dated April 28, 1975, and recorded in Plat Book X at page 3602, and according to latter plat having the following boundaries and measurements, to wit: on the Northwest by Longtown Road, whereon it measures 175 feet; on the Northeast by undesignated property, whereon it measures 225.4 feet; on the Southeast by undesignated property, whereon it measures 175.2 feet; and on the Southwest by Jilda Drive, whereon it measures 225 feet; be all measurements a little more or less.

This being the identical property conveyed to Robert C. Hammond, Sr. and Sandra C. Hammond herein by deed of Jane R. Smith, and recorded in the Office of the Register of Deeds for Richland County in Book 939 at page 537.

TMS #17400-06-06

All that certain piece, parcel or lot of land situate, with improvements thereon, situate, lying and being near the City of Columbia, County of Richland, State of South Carolina; being further shown and delineated as Lot 13, Terry Acres, on a plat prepared for Thomas W. Goff by Collingwood & Associates, dated October 23, 1986, and recorded in the Office of the Register of Deeds for Richland County.

According to said plat having the following boundaries and measurements, to-wit: On the Northeast by Lot 14, whereon it measures for a distance of 225.03 feet; on the Southeast by Olga Road whereon it measures for a distance of 175.00 feet; on the Southwest by Jilda Drive whereon it measures for a distance of 225.5 feet; and on the Northwest by Lot 4 whereon it measures for a distance of 175.07 feet; be all measurements a little more or less.

TMS # 17400-06-07

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, and being more particularly shown and delineated as Tract 10, containing 48.5 Acres on a plat of property of Bertha G. Schenk, near Killian, South Carolina, prepared by Shand Engineering Company, dated April 2, 1917 and recorded in the Office of the Register of Deeds for Richland County in Plat Book C at Page 224 and shown thereon as being bounded and measuring as follows: Beginning at the northernmost point of said property, on the southeastern right-of-way margin of Long Town Road, thence running S40°E along Tract 11 as shown on said plat for a distance of 1893 feet to a pipe; thence turning and running S72 ½°W along property of Jones as shown on said plat for a distance of 1340 feet to a pipe; thence continuing along property of Jones as shown on said plat S62 ½°W for a distance of 915 feet to a pipe; thence turning and running along Jacobs Road as shown on said plat which separates said tract from property of Shannon; thence turning and running northeast along Long Town Road as shown on said plat for a distance of 2760 feet to the point being the point of beginning.

This being a portion of the same property conveyed to W. D. Grimsley by Gussie Terry by deed recorded in the Office of the Register of Deeds for Richland County in Book 321, page 8.

LESS AND EXCEPTING: Five (5) acres conveyed to Henry G. Jackson by deed recorded in the Office of the Register of Deeds for Richland County in Book EN, page 194; and Lots 2, 3, 4, 5, 6, 7, 8, 11, 12 & 13 as shown on a plat of "Terry Acres" prepared by Keels Engineering Co. dated March 20, 1969 and recorded in Plat Book N at page 812.

TMS Number: 17400-06-08

All that certain piece, parcel or lot of land, situate lying and being in Richland County near Columbia, South Carolina in the Blythewood section being shown as Lot 11 on a plat of Terry Acres by Keels Engineering Company dated May 15, 1969 and recorded in the RMC office for Richland County in Plat Book X at Page 6448. Said property is further shown in a Plat prepared for Janice G. Delozier by Arthur H. Keels, registered civil engineer and surveyor, dated August 1, 1989 to be recorded.

Said lot is bounded and measures as follows: Bounded North by Lot 12 whereon it measures 225'; bounded on the Northwest by Lot 2 whereon it measures 175'; bounded on the South by Lot 10 whereon it measures 225' and bounded on the East by Olga Road whereon it fronts for a distance of 175'

This being the identical property conveyed to Janice DeLozier herein by deed recorded in the Office of the Register of Deeds for Richland County in Book D399 at page 957.

TMS Number 17400-06-09

All that certain piece, parcel or lot of land with the improvements thereon, situate, lying and being on the Northern side of S.C. Road S-40-52, near the City of Killian, in the County of Richland, State of South Carolina **KNOWN AS 2708 CLEMSON ROAD**, being more particularly shown and designated as **PARCEL "A"** and **CONTAINING 2.55 ACRES, MORE OR LESS**, as shown on plat for Wayne D. Lovett prepared by William Wingfield, dated July 21, 1962, and recorded in the Office of the Clerk of Court for Richland County in **PLAT BOOK 20** at **PAGE 145**. Said lot having the following measurements and boundaries as shown on the said plat, to wit: Beginning at a nail and cap in the center line of S.C. Road S-40-52 and running N62°35'E 107.7 feet to an iron on the northern right-of-way of S.C. Road S40-52 and continuing N62°35" E for a distance of 307.0 feet along the boundary of land now or formerly of B. E. Jackson to an iron stake, thence turning and running N73°31' E for a distance of 353.0 feet along the boundary line of property now or formerly of B.E. Jackson; thence turning and running in a southwardly direction 58°03' W for a distance of 329.5 feet along the boundary line of property now or formerly of W.A. McCrary to an iron stake on the northern right-of-way of S.C. Road S-40-52 and continuing 58°03' W for a distance of 33.8 feet to the nail and cap in the center line of S.C. Road S-40-52, then turning and running in a westwardly direction along the center line curve of S.C. Road S-40-52 for a distance of 669.8 feet to the point of beginning.

Included in the above description is a portion of S.C. Road S-40-52 right-of-way and this conveyance conveys such interest as the grantor may have therein.

Derivation: This is the same property conveyed to Wayne D. Lovett by Deed of H. T. Lovett dated September 26, 1962 and recorded in the Office of the Register of Deeds for Richland County on September 27, 1962 in Book 337 at Page 157, the said Wayne D. Lovett having thereafter conveyed an undivided one-half (1.2) interest therein unto Mary Ellen Lovett by deed

filed in the Office of the Register of Deeds for Richland County on October 12, 1973, in Book 295 at Page 793; the said Mary Ellen Lovett having thereafter re-conveyed all of her right, title and interest in said property unto Wayne D. Lovett by deed dated August 23, 1991, and filed in said Register of Deeds Office; the said Wayne D. Lovett thereafter having died testate whose estate is filed in the Office of the Judge of Probate for Richland County in File #2001-ES-40-1180.

TMS Number: 17400-06-11

All that certain piece, parcel or lot of land, with improvements thereon, situate, lying and being near Killian, in the County of Richland, State of South Carolina and being shown and designated as Lot Number Two (2), on a map of Terry Acres, property of W. D. Grimsley and also being shown on a plat prepared for Blake Freeman, by Arthur H. Keels, Reg Surveyor, dated December 16, 1983 and recorded in the Office of the RMC for Richland County, in Plat Book 22, page 418, and being more fully shown and delineated on a plat prepared for John T. Coutsos, by Cox and Dinkins, Inc. dated October 1, 1984, to be recorded, and having the following boundaries and measurements as shown on said latter plat, to wit: On the Northeast by Lot Number Three (30, whereon it measures Two Hundred Twenty-Five and Eighteen Hundredths (225.18') feet; on the Southeast by Lot Number Eleven (11), whereon it measures One Hundred Seventy-Four and Eighty Two Hundredths (174.82') feet; on the Southwest by Lot Number One (1), whereon it measures Two Hundred Twenty Five and Twenty Eight Hundredths (225.28') feet; and on the Northwest by Longtown Road, whereon it measures One Hundred Seventy Four and Sixty One Hundredths (174.61') feet, be all measurements a little more or less.

This being the identical property conveyed to Larry H. Sharpe herein by deed of William Coutsos, and recorded in the Office of the Register of Deeds for Richland County in Book D713 at page 511.

TMS #17400-06-12

All that certain piece, parcel or lot of land, with any and all improvements thereon, situate, lying and being in the County of Richland, State of South Carolina, being designated as Lot #3 Terry Acres, as shown on a plat prepared for Norman O. Tichnell by H. E. Edwards, Jr., R.L.S., dated February 12, 1980 and being recorded with the Register of Deeds for Richland County in Plat Book Y at Page 6984. Said lot being more fully shown and delineated on said plat as follows, to-wit: Beginning at an iron located at the intersection of the Eastern right-of-way boundary of Longtown Road, and the Southern right-of-way boundary of Jilda Drive; thence running S 61° 35' E along the said right-of-way of Jilda Drive for a distance of 225.0 feet to an iron; thence turning and running S 32° 30' W along property now and formerly of W.D. Grimsley for a distance of 175.0 feet to an iron; thence turning and running N 61° 35' W along Lot #2 as shown on said plat for a distance of 225.0 feet to an iron; thence turning and running N 32° 30' E along the Eastern right-of-way boundary of Longtown Road for a distance of 175.0 feet to an iron which is the point of beginning. Be all measurements a little more or less.

TMS Number: 17400-06-13

All that certain piece, parcel or lot of land, situate lying and being in Richland County near Columbia, South Carolina in the Blythewood section being shown as Lot 12 on a plat of Terry Acres by Keels Engineering Company dated May 15, 1969 and recorded in the RMC office for Richland County in Plat Book X at Page 6448. Said property is further shown in a Plat prepared for Janice G. DeLozier by Arthur H. Keels, registered civil engineer and surveyor, dated August 1, 1989 to be recorded.

Said lot is bounded and measures as follows: Bounded on the Northeast by Jilda Drive whereon it runs for a distance of 225"; bounded on the Northwest by Lot 3 whereon it measures 175'; bounded on the Southwest by Lot 11 whereon it measures 225' and bounded on the Southeast by Olga Road whereon it fronts for a distance of 175'

This being the identical property conveyed to Janice DeLozier herein by deed recorded in the Office of the Register of Deeds for Richland County in Book D948 at page 245.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-05HR

AN ORDINANCE AMENDING THE FISCAL YEAR 2004-2005 GENERAL FUND ANNUAL BUDGET TO AUTHORIZE THE ADDITION OF ONE FULL-TIME POSITION AND ADD EIGHT HUNDRED DOLLARS (\$800.00) FOR PARTIAL YEAR FUNDING FROM THE GENERAL FUND BALANCE TO INCREASE FUNDING TO THE TREASURER'S DEPARTMENT FOR SALARIES AND ASSOCIATED COST.

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

SECTION I. That the amount of Eight Hundred Dollars (\$800.00) be transferred from the General Fund Balance and appropriated to the FY 2004-2005 Treasurer's Department budget. Therefore, the Fiscal Year 2004-2005 General Fund Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2004 as amended:	\$98,777,830
Appropriation of General Fund unrestricted Fund Balance:	_____ 800
Total General Fund Revenue As Amended:	\$98,778,630

EXPENDITURES

Expenditures appropriated July 1, 2004 as amended:	\$98,777,830
Increase to Treasurer Department Budget:	_____ 800
Total General Fund Expenditures As Amended:	\$98,778,630

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

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

SECTION IV. Effective Date. This ordinance shall be enforced from and after _____, 2005.

RICHLAND COUNTY COUNCIL

BY: _____
Anthony G. Mizzell, Chair

ATTEST THIS THE ____ DAY

OF _____, 2005

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: May 3, 2005
Second Reading: May 17, 2005 (tentative)
Public Hearing:
Third Reading:

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___-05

AN ORDINANCE AUTHORIZING THE SALE AND ISSUANCE OF A NOT EXCEEDING \$5,000,000 HOSPITALITY TAX SPECIAL OBLIGATION BOND ANTICIPATION NOTE, SERIES 2005, OF RICHLAND COUNTY, SOUTH CAROLINA; PROVIDING FOR THE FORM AND DETAILS OF THE NOTE; PROVIDING FOR THE PAYMENT OF THE NOTE; PROVIDING FOR THE DISPOSITION OF THE PROCEEDS THEREOF; AND OTHER MATTERS RELATING THERETO.

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

Section 1. Definitions. The terms defined in this Section for all purposes of this Ordinance shall have the respective meanings as set forth in this Section. The term:

"County" means Richland County, South Carolina.

"Code" means the Internal Revenue Code of 1986, as amended, from time to time, or any successor internal revenue laws of the United States enacted by the Congress of the United States in replacement thereof. References to the Code and sections of the Code include relevant applicable regulations, temporary regulations and proposed regulations thereunder and any successor provisions to those sections, regulations, temporary regulations or proposed regulations.

"Council" means the County Council of Richland County, South Carolina.

"Hospitality Tax" means the local Hospitality Tax imposed by the County pursuant to South Carolina Code Sections 6-1-700 to 6-1-770 and the Hospitality Tax Ordinance, which fee is equal to two percent (2%) on the gross proceeds derived from the sale of prepared meals and beverages for immediate consumption within the unincorporated area of the County.

"Hospitality Tax Ordinance" means Ordinance No. 025-03HR enacted by the County Council on May 6, 2003, which imposed the Hospitality Tax.

"Ordinance" means this Ordinance of the County.

"Project" means: (i) the acquisition of property for use as the State Farmer's Market at Columbia; and (ii) the costs of issuance including professional fees.

"South Carolina Code" shall mean South Carolina Code of Laws 1976 as amended.

"Hospitality Tax Special Obligation Bond Anticipation Note" shall be the not exceeding Hospitality Tax Special Obligation Bond Anticipation Note, Series 2005 authorized herein.

Section 2. Findings and Determinations. The Council hereby finds and determines:

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

(b) Pursuant to the authorization granted by the General Assembly to counties in Sections 6-1-700 to 6-1-770 of the South Carolina Code (collectively, the "Act"), the County Council imposed the Hospitality Tax.

(c) It is a well established principle of South Carolina law that the use of a particular word is not determinative of its characterization. Jackson v. Breeland, 88 S.E. 128, 103 S.C. 184 (1915). As set forth in Brown v. County of Horry, 417 S.E.2d 565, 308 S.C. 180 (1992), the factors that are of paramount importance to the analysis of whether a charge constitutes a "tax" or a "fee" are the following: (1) the purpose behind its imposition; (2) the intended portion of the community that will be charged; and (3) the dedication of the sums so collected to the purpose for which it is charged. The Council finds that its actions in (1) imposing the Hospitality Tax; and (2) segregating the collections received from such fees in order that such sums be utilized according to the Act meet the test enunciated in Brown such that the charges imposed pursuant to the provisions of the Hospitality Tax Ordinance constitute fees.

(d) A vibrant tourism industry fosters and enhances the economic growth and well being of a community and its residents. Tourism has been and continues to be a growing industry for the County. The State Farmer's Market at Columbia will be a major tourist attraction located within the County.

(e) The new State Farmer's Market at Columbia will be a premier attraction, drawing visitors and tourists to its many and varied shopping opportunities. Additionally, the State Farmer's Market at Columbia will be an excellent venue for numerous activities and special events, all of which will contribute to its use as a tourist-related facility.

(f) There is a need to undertake the Project. In order to finance the cost of the Project, the County has determined to issue a hospitality tax special obligation bond anticipation note.

(g) The Hospitality Tax may be used only for the purposes stated in Section 6-1-730 of the South Carolina Code. The Hospitality Tax constitutes an "enterprise charge" within the meaning of Section 11-27-110(A)(4) of the South Carolina Code and the Hospitality Tax Special Obligation Bond Anticipation note constitutes an "enterprise financing agreement" within the meaning of Section 11-27-110(A)(5) of the South Carolina Code and as such the Hospitality Tax Special Obligation Bond Anticipation Note shall not be included within the County's constitutional debt limitation.

(h) The Council finds that the proceeds of the Hospitality Tax Special Obligation Bond Anticipation Note authorized by this Ordinance, as well as the Hospitality Tax pledged in connection therewith, will be used for a public purpose and that the execution and delivery of the Hospitality Tax Special Obligation Bond Anticipation Note as well as all related documents is necessary and in the best interest of the County.

(i) In order to finance the construction of the Project, it is necessary and in the best interest of the County to issue the Hospitality Tax Special Obligation Bond Anticipation Note authorized by this Ordinance. Such transaction will serve a proper public and corporate purpose of the County.

Section 3. Authorization and Details of Hospitality Tax Special Obligation Bond Anticipation Note.

There is hereby authorized to be issued the Hospitality Tax Special Obligation Bond Anticipation Note in fully-registered form payable to the named payee as may be designated by the purchaser thereof. The Hospitality Tax Special Obligation Bond Anticipation Note shall be offered for sale at one time. The Council hereby delegates to the County Administrator the authority to offer the Hospitality Tax Special Obligation Bond Anticipation Note for sale at such time as he deems to be in the best interest of the County. The County Administrator may arrange the sale of the Hospitality Tax Special Obligation Bond Anticipation Note by negotiation or may cause the Hospitality Tax Special Obligation Bond Anticipation Note to be advertised and bids received therefor. If so advertised, a Notice of Sale may be prescribed and distributed as deemed advisable. The County further delegates to the County Administrator the authority to receive responses on behalf of the County and the authority to award the sale of the Hospitality Tax Special Obligation Bond Anticipation Note to the bank offering to purchase the Hospitality Tax Special Obligation Bond Anticipation Note at the lowest net interest cost to the County provided the interest rate on the Hospitality Tax Special Obligation Bond Anticipation Note shall not exceed 6%. After the sale of the Hospitality Tax Special Obligation Bond Anticipation Note, the County Administrator shall submit a written report to the Council setting forth the results of the sale of the Hospitality Tax Special Obligation Bond Anticipation Note.

The Hospitality Tax Special Obligation Bond Anticipation Note issued in fully-registered form shall be registered as to both principal and interest; shall be dated as of the date of delivery; shall mature not later than one (1) year from the date thereof; and shall not be subject to penalty if paid prior to maturity.

Both the principal of and interest on the Hospitality Tax Special Obligation Bond Anticipation Note shall be payable in any coin or currency of the United States of America which is, at the time of payment, legal tender for public and private debts at a bank or trust company organized under the laws of the State of South Carolina or the laws of the United States of America.

The Hospitality Tax Special Obligation Bond Anticipation Note shall be executed in the name of the County with the facsimile signature of the Chairman of County Council attested by the facsimile signature of the Clerk of the County Council under the seal of the County to be imprinted, impressed or reproduced thereon.

The Hospitality Tax Special Obligation Bond Anticipation in fully-registered form shall be issued in substantially the form attached hereto as Exhibit A and incorporated herein by reference.

Section 4. Security. The County Council irrevocably obligates and binds the County to effect the issuance of a sufficient amount of hospitality tax special obligation bonds prior to the stated maturity of the Hospitality Tax Special Obligation Bond Anticipation Note. At the time of issuance of the hospitality tax special obligation bonds, the County will enact an ordinance setting forth the details thereof.

Section 5. Pledge of Hospitality Tax. As additional security for its obligation to make payments pursuant to the Hospitality Tax Special Obligation Bond Anticipation Note, the County hereby pledges the Hospitality Tax to the extent necessary to make all required payments under the Hospitality Tax Special Obligation Bond Anticipation Note.

Section 6. Tax Covenants. The County covenants that no use of the proceeds of the sale of the Hospitality Fee Special Obligation Bond Anticipation Note shall be made which, if such use had been reasonably expected on the date of issue of such Hospitality Fee Special Obligation Bond Anticipation Note would have caused the Hospitality Fee Special Obligation Bond Anticipation Note to be "arbitrage bonds", as defined in Section 148 of the Internal Revenue Code of 1986 (the "IRC"), and to that end the County hereby shall:

(a) Comply with the applicable provisions of Section 103 and Sections 141 through 150 of the IRC and any regulations promulgated thereunder so long as any of the Hospitality Fee Special Obligation Bond Anticipation Note is outstanding;

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

(c) Make such reports of such information at the times and places required by the IRC; and

(d) Not take any action which will, or fail to take any action which failure will, cause interest on the Hospitality Fee Special Obligation Bond Anticipation Note to become includable in the gross income of the bondholders for federal income tax purposes pursuant to the provisions of the IRC and regulations promulgated thereunder in effect on the date of original issuance of the Hospitality Fee Special Obligation Bond Anticipation Note.

Section 7. Miscellaneous. The County Council hereby authorizes any one or more of the following officials to execute such documents and instruments as necessary to effect the issuance of the Hospitality Fee Special Obligation Bond Anticipation Note: Chair of the County Council, County Administrator, Clerk to the County Council and County Attorney. The County Council hereby retains McNair Law Firm, P.A. as bond counsel in connection with the issuance of the Hospitality Fee Special Obligation Bond Anticipation Note.

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

[Signature page to follow]

Enacted this _____ day of June, 2005.

RICHLAND COUNTY, SOUTH CAROLINA

By: _____
Anthony G. Mizzell, Chair
Richland County Council

(SEAL)

ATTEST THIS _____ DAY OF
_____, 2005:

Michielle R. Cannon-Finch
Clerk of County Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: May 3, 2005
Second Reading: May 17, 2005 (tentative)
Third Reading:

FORM OF HOSPITALITY TAX SPECIAL OBLIGATION BOND ANTICIPATION NOTE

[TO BE PROVIDED]

**STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ___-05HR**

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, AS DEFINED IN SECTION 26-31 OF THE RICHLAND COUNTY CODE OF ORDINANCES, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED HEREIN (TMS # 04300-04-10) FROM RU (RURAL DISTRICT) TO PUD-1R; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, Article VIII of the South Carolina Constitution and Section 4-9-30 of the Code of Laws of South Carolina (the Home Rule Act) gives Richland County broad authority to provide a variety of services and functions within its jurisdiction, including, but not limited to, land use planning and land development regulation and similar activities and services; and

WHEREAS, Title 6, Chapter 29, of the Code of Laws of South Carolina provides the statutory enabling authority for Richland County to engage in planning and regulation of development within its jurisdiction; and

WHEREAS, Section 6-29-720 of the Code of Laws of South Carolina requires the County to adopt the Land Use Element of its Comprehensive Plan in conformance with the requirements therein as a prerequisite to continuing implementation of its zoning authority; and

WHEREAS, the County Council adopted a Comprehensive Plan on May 3, 1999, in conformance with the requirements of Title 6, Chapter 29, of the Code of Laws of South Carolina; and

WHEREAS, Section 6-29-760 of the Code of Laws of South Carolina provides the statutory authority and process to amend the Zoning Ordinance, codified as Chapter 26 of the Richland County Code of Ordinances; and

WHEREAS, this Ordinance complies with the requirements of Section 6-29-760 of the Code of Laws of South Carolina and with the ordinance adoption process proscribed in Section 2-28 of the Richland County Code of Ordinances;

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

Section I. The Richland County Code of Ordinances, Chapter 26, Zoning; Article 3, Establishment of Districts and Zoning Maps; is hereby amended to change the property (TMS # 04300-04-10) described in Exhibit A, which is attached hereto, from RU Rural District zoning to PUD-1R zoning.

Section II. PUD Site Development Requirements. The following site development requirements shall apply to the subject parcels:

- a) The Planning Commission approved the General Development Plan prepared for NKD, Inc. and Essex Homes Southeast, Inc., Columbia, South Carolina by The Hayter Firm, Pinehurst, North Carolina, except as otherwise amended herein, required by Section 26.70-15, which is on file in the Richland County Planning & Development Services Department (hereinafter referred to as "PDSD") and is incorporated herein by reference; and
- b) The site development shall be limited to ~~172~~ 149 dwelling units; and
- c) The applicant shall provide a phasing plan to the PDSD prior to the department's review of any construction plans or site plans; and
- d) Unless otherwise provided herein, all development shall conform to all relevant land development regulations in effect at the time a permit application is received by the PDSD; and
- e) Exhibit B, which is attached hereto, constitutes the applicant's Sketch Plan for subdivision purposes, and is hereby approved for such purposes; and
- f) The provisions of Sections 26-70.7, 26-70.8, 26-70.10, and 26-70.11 of the Richland County Code of Ordinances shall not apply to this project; and
- g) No Special Exceptions, as defined in Section 26-602 of the Richland County Code of Ordinances, or its relevant successor regulations, shall be permitted; and
- h) Pursuant to the requirements of Section 26-70.17 of the Richland County Code of Ordinances, the following changes shall require a review and recommendation by the Planning Commission and a new ordinance by the County Council:
 - 1) Any increase in the number of access points to the external road network;
 - 2) Any decrease in the amount of open space/common areas;
 - 3) Any increase in the gross project density (measured in DU/acre); and/or
 - 4) Any change in traffic flow; and
- i) The Planning Commission is hereby authorized to make minor amendments to Exhibit B or as otherwise allowed by Section 26-70.17 of the Richland County Code of Ordinances, or its relevant successor regulations; and
- j) The PDSD is authorized to make minor adjustments to the phasing schedule as may become necessary during the project's construction; and
- k) No site clearing activity shall begin until the Richland County Public Works Department issues a Grading Permit and the PDSD issues a Controlled Clearing letter; and
- l) All internal streets shall be publicly owned and maintained by Richland County, except as otherwise noted in the General Development Plan; and
- m) Access to the subject site shall be limited to one intersection on O'Sheal Road; and
- n) The applicant shall construct a landscaped berm, fence, wall, or some combination thereof, to ensure that no parcel in the project will have direct access onto O'Sheal Road or Harry Derrick Road; and
- o) The applicant has submitted a draft description of the proposed procedures of the homeowners association for the Department's inclusion in the project records; and
- p) Richland County shall not be responsible for the enforcement of any deed restrictions imposed by the applicant, the developer, or their successors in interest.

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

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

Section V. This ordinance shall be enforced after the date of an affirmative Third Reading.

RICHLAND COUNTY COUNCIL

BY: _____
Anthony G. Mizzell, Chair

Attest this _____ day of
_____, 2005

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

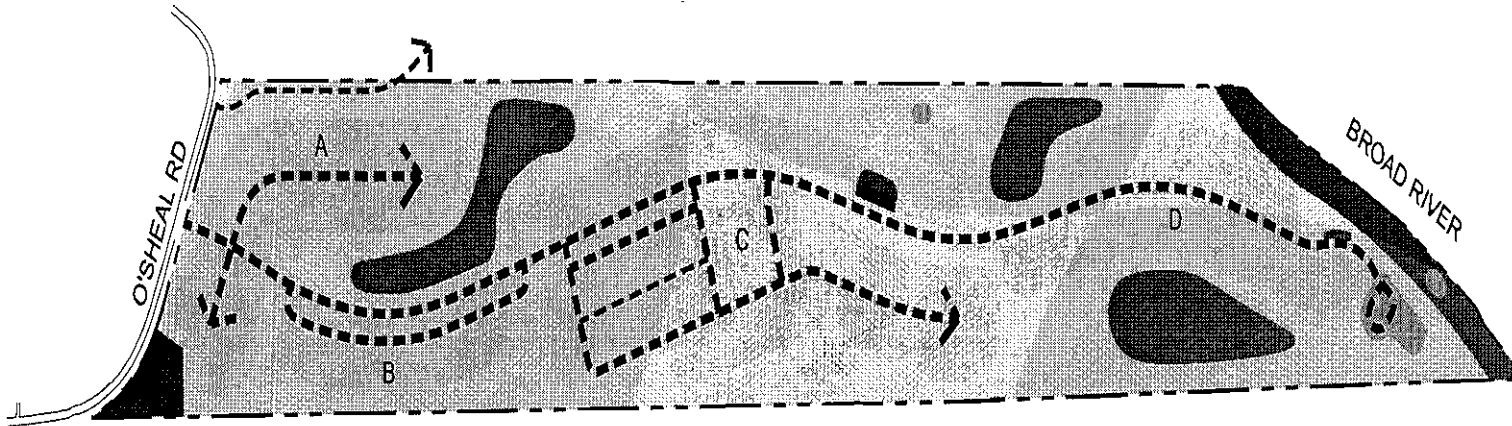
Approved As To LEGAL Form Only
No Opinion Rendered As To Content

Public Hearing: April 26, 2005; continued on May 3, 2005
First Reading: May 3, 2005
Second Reading: May 17, 2005 (tentative)
Third Reading:

Exhibit A
Legal Description

All that certain piece, parcel or tract of land, together with any improvements thereon, situate, lying and being near Columbia, in the county of Richland and the state of South Carolina, containing 94.804 acres and being described as follows. Beginning at an (N) ½” rebar on the eastern right-of-way of O’Sheal Road being 381.30 feet north of the right-of-way intersection of Harry Derrick Road (a 13’ wide rock and gravel road) and running along the property of Harry J. and Doris W. Derrick N85°20’38”E for a distance of 635.49 feet to an (O) 5/8” iron pipe, thence turning and continuing along the property of Harry J. and Doris W. Derrick and Don S. and D. Sharlene Turner N85°10’25”E for a distance of 1331.05 feet to an (O) ¾” iron pipe, thence turning and continuing along the property of Don S. and D. Sharlene Turner and Jan D. Conley N84°55’07”E for a distance of 252.17 feet to an (O) 5/8” rebar, thence turning and running along the property of Jan D. Conley N85°00’33”E for a distance of 279.07 feet to an (O) 20” Oak Tree with hacks, thence turning and continuing along the property of Jan D. Conley N85°52’51”E for a distance of 495.74 feet to an (O) 18” Hickory Tree with hacks, thence turning and continuing along the property of Jan D. Conley N85°12’49”E for a distance of 1191.74 feet to an (O) 1” iron pipe (1’ tall) on top of the bank of the Broad River, thence turning and running along the Broad River the following courses and distances, S62°34’31”E for a distance of 184.80 feet to an (N) ½” rebar, thence turning and continuing S68°14’31”E for a distance of 209.88 feet to an (N) ½” rebar, thence turning and continuing S67°24’31”E for a distance of 354.42 feet to an (N) ½” rebar, thence turning and continuing S59°04’31”E for a distance of 360.36 feet to an (N) ½” rebar, thence turning and running S41°49’31”E for a distance 56.10 feet to an (N) ½” rebar thence turning and continuing S55°51’22”E for a distance of 218.36 feet to an (O) 2” iron pipe thence turning and running along the property of J.R. Sikes & Kathy S. Sikes S83°42’53”W for a distance of 719.36 feet to an (O) 1” iron pipe thence turning and running along the property of John Mervyn Derrick & Judy Thigpen S83°28’57”W for a distance of 1626.03 feet to an (o) flat blade (3’ tall), thence turning and running along the property of Ralph T. Scurry S84°20’00”w for a distance of 368.71 feet to an (O) 5/8” rebar thence turning and running along the property of Stephen M. & Kimberly R. Holland S84°20’22”W for a distance of 200.01 feet to an (O) 5/8” rebar, thence turning and running along the property of Otis L. & Linda J. Eddings S84°20’51”W for a distance of 173.98 feet to an (O) 5/8” rebar, thence turning and continuing along the property of Otis L. & Linda J. Eddings S84°18’47”W for a distance of 164.23 feet to an (O) 5/8” rebar, thence turning and running along the property of Stewart J. & Ann F. Oseman S84°21’46”W for a distance of 160.24 feet to an (O) 5/8” rebar, thence turning and running along the property of James A. & Gordon R. Hipp S84°21’30”W for a distance of 1042.34 feet to an (O) 1-1/4” iron pipe, thence turning and running along the property of Eva Bragg Wilbur S84°35’53”W for a distance of 222.84 feet to an (O) 1-1/4” iron pipe, thence turning and running along the property of Carolyn Derrick Kibler S84°30’32”W for a distance of 1208.88 feet to an (N) ½” rebar on the right-of-way of O’Sheal road, thence turning and continuing along the right-of-way of O’Sheal road along a curve to the left said curve having an radius of 510.47 feet, an arc length of 413.15 feet a chord distance of 401.96 feet, an delta angle of 46°22’20” and a chord bearing of N42°15’08”E to an (N) ½” rebar, thence continuing along the right-of-way of O’Sheal road N19°04’45”E for a distance of 583.72’ to an (N) ½” rebar, thence continuing along the right-of-way of O’Sheal road along a curve to the left said curve having a radius of 149.79 feet,

an arc length of 63.03 feet a chord distance of 62.57 feet, an delta angle of 24°06'59" and a chord bearing of N08°25'44"E to an (N) ½" rebar, said rebar being the point of beginning. This act is 94.804 acres and is more particularly shown on a plat prepared for NKD, Inc. by Belter & Associates, Inc. dated: November 24, 2004 and revised: December 20, 2004



LEGEND & SITE DATA

<p>--- RIGHT OF WAY AREA & PARKING..... 12.366 acre</p> <p>--- PROPOSED HARRY DERRICK RIGHT OF WAY AREA..... 1.131 acre</p> <p>--- RESIDENTIAL AREA..... 33.923 acre</p> <p>--- "PARK AVENUE" COMMONS..... 1.645 acre</p> <p>■ PROPOSED FIRE STATION SITE..... 1.060 acre</p> <p>--- OPEN SPACE..... 44.671 acre</p> <p>--- COMMUNITY AMENITY AREA (PART OF OPEN SPACE)..... (0.832 acre)</p>	<p>■ STORMWATER MANAGEMENT AREA (PART OF OPEN SPACE)..... (7.539 acre)</p> <p>■ RIVER BUFFER (PART OF OPEN SPACE)..... (3.040 acre)</p> <p>TOTAL SITE AREA..... 94.804 acre</p> <p>A 8.385 acre</p> <p>B 2.980 acre</p> <p>C 15.848 acre</p> <p>D 10.558 acre</p>
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Exhibit B
Site Plan

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

A RESOLUTION OF THE
RICHLAND COUNTY COUNCIL

A RESOLUTION TO APPOINT AND COMMISSION JAMES H. MASSEY AS A CODE ENFORCEMENT OFFICER FOR THE PROPER SECURITY, GENERAL WELFARE, AND CONVENIENCE OF RICHLAND COUNTY.

WHEREAS, the Richland County Council, in the exercise of its general police power, is empowered to protect the health and safety of the residents of Richland County; and

WHEREAS, the Richland County Council is further authorized by Section 4-9-145 of the Code of Laws of South Carolina 1976, as amended, to appoint and commission as many code enforcement officers as may be necessary for the proper security, general welfare, and convenience of the County;

NOW, THEREFORE, BE IT RESOLVED THAT James H. Massey is hereby appointed and commissioned a Code Enforcement Officer of Richland County for the purpose of providing for the proper security, general welfare, and convenience of the County, replete with all the powers and duties conferred by law upon constables in addition to such duties as may be imposed upon them by the governing body of this County, including the enforcement of the County’s storm water management regulations and the use of an ordinance summons, and with all the powers and duties conferred pursuant to the provisions of Section 4-9-145 of the Code of Laws of South Carolina 1976, as amended. Provided, however, James H. Massey shall not perform any custodial arrests in the exercise of his duties as a code enforcement officer. This appointment shall remain in effect only until such time as James H. Massey no longer employed by Richland County to enforce the County’s storm water management regulations.

ADOPTED THIS THE ____ DAY OF MAY, 2005.

Anthony G. Mizzell, Chair
Richland County Council

Attest: _____
 Michielle R. Cannon-Finch
 Clerk of Council