

**RICHLAND COUNTY COUNCIL
REGULAR SESSION
COUNCIL CHAMBERS
NOVEMBER 1, 2005
6:00 P.M.**

CALL TO ORDER Honorable Anthony G. Mizzell

INVOCATION Honorable Kit Smith

**PLEDGE OF ALLEGIANCE
 Honorable Kit Smith**

ADOPTION OF AGENDA

PRESENTATION

APPROVAL OF MINUTES

Regular Session: October 18, 2005 [Pages 6-14]

Special Called Meeting: October 25, 2005 [Pages 15-17]

**REPORT OF COUNTY ATTORNEY FOR EXECUTIVE SESSION
MATTERS**

a. Personnel Matter

b. Personnel Matter

REPORT OF COUNTY ADMINISTRATOR

REPORT OF THE CLERK OF COUNCIL

**a. Urban League 2005 Equal Opportunity Day Dinner
 Thursday, November 3rd at 6:00 p.m. Seawells**

REPORT OF THE CHAIRMAN

OPEN/CLOSE PUBLIC HEARING ITEMS

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

APPROVAL OF CONSENT ITEMS

1.a., 1.b., 1.c., 1.d., 1.e., 1.f., 2.a.,2.b., 2.c., 2.f., 2.g., 2.h., 3.a., 3.c., 3.d., 3.e., 4.a., 4.b., 4.c.1., 4.c.2., 4.d.

1. THIRD READING ITEMS

- a. Ordinance placing a time limit on refunds of overpaid taxes [PUBLIC HEARING] [CONSENT] [Pages 18-19]**
- b. Sheriff's Request: Increase General Fund budget by \$167,000.00 for purchase of radios and tasers [PUBILC HEARING] [CONSENT] [Pages 20-21]**
- c. Ordinance authorizing the collection of a special duty administrative service fee [PUBIC HEARING] [CONSENT] [Pages 22-23]**
- d. Ordinance authorizing easement to Sloan Construction Company [PUBLIC HEARING] [CONSENT] [Page 24]**
- e. Ordinance to authorize a quit-claim deed on Eisenhower Drive [PUBLIC HEARING] [CONSENT] [Page 25]**
- f. Ordinance authorizing the Palmetto Health Lease Amendment [CONSENT] [Pages 26-31]**
- g. Ordinance authorizing infrastructure financing agreement with AEB Business Properties, LLC (Buck Enterprises [Pages 32-47]**

2. SECOND READING ITEMS

- a. A Budget Ordinance to add \$846,385.00 to the FY 2005-2006 Solid Waste Budget [PUBLIC HEARING] [CONSENT] [Pages 48-49]**
- b. Sheriff's Request: A budget amendment to cover General Fund revenue shortfall in the amount of \$250,471.00 [CONSENT] [Pages 50-51]**
- c. Sheriff's Request: Increase Victims Assistance budget by \$250,471.00 [PUBLIC HEARING] [CONSENT] [Pages 52-53]**

- d. **Redevelopment Plan for the Olympia, Whaley, Granby Tax Increment Financing District Ordinance [Pages 54-63]**
 - e. **Ordinance amending an agreement between Richland and Fairfield Counties providing for the inclusion of additional property within the I-77 Corridor Regional Industrial Park [Pages 64-66]**
 - f. **05-88MA
Cliff Kinder [Farm at McCords Ferry]
PDD to PDD (Amended) (89.2 acres)
Revise Master Plan Access Point Locations
21800-01-03/14 & 21900-09-08
Rabbit Run Road to Garners Ferry Road
[CONSENT] [Pages 67-70]**
 - g. **05-89MA
Cliff Kinder [Barnstormers]
PDD to PDD (Amended) (36.4 acres)
Revise Master Plan Access Point Locations
21800-01-04 & 21900-09-17
Rabbit Run Road to Garners Ferry Road
[CONSENT] [Pages 71-74]**
 - h. **05-81MA
Tammy H. Barkoot
RU to GC
Retail Car Sales
17400-05-23
Longtown Road [CONSENT] [Pages 75-77]**
- 3. REPORT OF DEVELOPMENT AND SERVICES COMMITTEE [Pages 78-79]**
- a. **Ordinance to prohibit through truck traffic on Olympia Avenue [CONSENT] [Pages 80-81]**
 - b. **Legal Settlement of Condemnation Action for Burdell Fuller Road**
 - c. **Ordinance granting an Easement to the City of Columbia to provide water service to the Heart Center Medical Office Building at Palmetto Richland Memorial Hospital [CONSENT] [Page 82]**

- d. **Ordinance granting a Cable Communication Easement to Time Warner Cable at Palmetto Richland Memorial Hospital [CONSENT] [Page 83]**
 - e. **Resolution authorizing Palmetto Richland Memorial Hospital to grant a Cable Communications Easement to Time Warner Cable [CONSENT] [Page 84]**
 - f. **Ordinance amending Warranty Requirements for New Roads [THIRD READING] [Pages 85-86]**
 - g. **Ordinance authorizing Small Business Participation in the Residential Solid Waste Collection Program [Page 87]**
4. **REPORT OF ADMINISTRATION AND FINANCE COMMITTEE [Pages 88-89]**
- a. **National Association of Counties Prescription Discount Card Program [CONSENT] [Resolution under separate cover]**
 - b. **Budget Amendment for the Mental Health Court [CONSENT] [Page 90-91]**
 - c. **Request for New Department and Budget: Business Service Center**
 - 1. **Ordinance creating the Business Service Center [CONSENT] [Page 92]**
 - 2. **Budget Amendment to authorize seven full-time positions and reallocation of \$170,071 to provide funding for the Business Service Center [CONSENT] [Pages 93-94]**
 - d. **Budget Amendment establishing the Hopkins Utility Fund for the operation of Franklin and Albene Park Utility Systems [CONSENT] [Page 95-96]**

- 5. REPORT OF RULES AND APPOINTMENTS COMMITTEE [Page 97]**
 - 1. ITEMS FOR DISCUSSION**
 - a. Employee Grievance Committee – Ordinance Amendment [Pages 98-121]**
 - b. Citizen’s Input – Time Allotment [Pages 122-123]**
 - c. Council Rules – Deadline for Administration & Finance/Development & Services Committee Agendas [Page 124]**
- 6. REPORT OF ECONOMIC DEVELOPMENT COMMITTEE**
 - a. Approval of an Industrial Development Revenue Bond for Plasti-Line, n/k/a ImagePoint, Inc. through JEDA [Pages 125-129]**
- 7. REPORT OF TOWNSHIP AD HOC COMMITTEE**
 - a. Township Auditorium Renovations**
- 8. CITIZEN’S INPUT**
- 9. MOTION PERIOD**
- 10. ADJOURNMENT**

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, OCTOBER 18, 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	Joyce Dickerson
Member	Valerie Hutchinson
Member	Paul Livingston
Member	Joseph McEachern
Member	Mike Montgomery
Member	Bernice G. Scott
Member	Kit Smith
Member	Damon Jeter
Member	Doris M. Corley

OTHERS PRESENT - T. Cary McSwain, Michelle Cannon-Finch, Larry Smith, Milton Pope, Tony McDonald, Ashley Jacobs, Monique Walters, Joe Cronin, Roxanne Matthews, Michelle Onley, Michael Criss, Chief Harrell, Gary Watts, Amelia Linder, John Newman, James Manning, Stephany Snowden

CALL TO ORDER

The meeting was called to order at approximately 6:05 p.m.

INVOCATION

The Invocation was given by the Honorable Bernice G. Scott

PLEDGE OF ALLEGIANCE

POINT OF PERSONAL PRIVILEGE

Ms. Smith asked that everyone shift to the left and be in front of their personal microphone.

ADOPTION OF AGENDA – Mr. Livingston moved, seconded by Mr. Jeter, to adopt the agenda submitted. The vote in favor was unanimous.

PRESENTATION

Gary Watts, Richland County Coroner – Mr. Watts presented a video regarding SIDS. He stated the video would be available on VHS and DVD. He also thanked Council for appropriating the funding for the Safe Sleep project and Stephany Snowden for her assistance with the video.

CITIZEN'S INPUT

The citizens signed up to speak did so for items that will require a public hearing. Therefore, Mr. Mizzell ruled those persons would be able to speak at the public hearings on those items.

APPROVAL OF MINUTES

Special Called Meeting: October 4, 2005 – Ms. Dickerson moved, Mr. Pearce seconded, to adopt the minutes as submitted. The vote in favor was unanimous.

Regular Session: October 4, 2005 – Mr. Pearce moved, Ms. Hutchinson seconded, to adopt the minutes as submitted. The vote in favor was unanimous.

REPORT OF COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

Mr. Pearce moved, seconded by Ms. Hutchinson, to go into Executive Session to discuss the following items:

- a. **Personnel Matter**
- b. **Personnel Matter**
- c. **Kershaw County DHEC Lawsuit**

The vote in favor was unanimous.

=====
Council went into Executive Session at approximately 6:17 p.m. and came out at approximately 7:15 p.m.
=====

REPORT OF THE COUNTY ADMINISTRATOR

No report given at this time.

REPORT OF THE CLERK OF COUNCIL

City of Columbia's Annual Luncheon – Ms. Finch stated the luncheon is going to be held at the Greek Orthodox Church on October 25, 2005 at noon. Ms. Finch inquired as to who would be attending.

Richland Revealed Show – Ms. Finch stated that the air time on Sunday has been changed from 11:00 a.m. to 11:30 a.m. Mr. McSwain stated that Council would be receiving DVDs of the show.

REPORT OF THE CHAIRMAN

Date for Planning 101 Session – Mr. Mizzell stated that Planning is trying to set up a time for Council and Planning Commissioners to have a work session.

Ms. Smith requested the work session be held on November 17 from 5:00 p.m. to 8:00 p.m. Mr. Mizzell accepted that date. Mr. Criss is to determine the location for the work session.

PUBLIC HEARING ITEMS

- **Ordinance authorizing infrastructure financing agreement with AEB Business Properties, LLC (Buck Enterprises)** [Third Reading] – No one signed up to speak
- **Ordinance authorizing the Palmetto Health Lease Amendment** [Second Hearing] – No one signed up to speak

APPROVAL OF CONSENT ITEMS

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

- **05-82MA, Tripp Bradley, RU to GC, Veterinary Office, TMS# 02505-02-13 Dutch Fork Road** [Third Reading]
- **05-83, Bert Pooser, RU to GC, Mini-Warehouses, TMS# 02502-01-02, Dutch Fork Road** [Third Reading]
- **05-84MA, Harold Pickerel, RU to RS-LD, Residential Subdivision, TMS# 15200-02-01, Boney Road** [Third Reading]
- **Definition of Major Subdivisions** [Third Reading]
- **Vesting of Subdivision Development Rights** [Third Reading]
- **Ordinance placing a time limit on refunds of overpaid taxes** [Second Reading]
- **Sheriff's Request: Increase General Fund budget by \$167,000.00 for purchase of radios and tasers** [Second Reading]
- **Ordinance authorizing the collection of a special duty administrative service fee** [Second Reading]
- **Ordinance authorizing easement to Sloan Construction Company** [Second Reading]
- **Ordinance to authorize a quit-claim deed on Eisenhower Drive** [Second Reading]
- **Ordinance authorizing the Palmetto Health Lease Amendment** [Second Reading]
- **A Budget Ordinance to add \$846,385.00 to FY 2005-2006 Solid Waste Budget** [First Reading]

The vote in favor was unanimous.

THIRD READING ITEMS

Ordinance authorizing infrastructure financing agreement with AEB Business Properties, LLC (Buck Enterprises)

Mr. McEachern moved, seconded by Mr. Montgomery to defer this item. The vote in favor was unanimous.

SECOND READING ITEMS

Sheriff's Request: Increase General Fund Budget by \$219,736.00 for purchase of miscellaneous equipment – Ms. Smith moved, Ms. Corley seconded to table this item. The vote in favor was unanimous.

Sheriff's Request: Increase Victims Assistance budget by \$250,471.00 – Ms. Scott moved, Ms. Corley seconded, to approve this item for Second Reading. A discussion took place. Mr. Pearce wished the record to state his concerns regarding this program. The vote was in favor.

Ms. Smith moved, Mr. Pearce seconded, to reconsider this item. The vote in favor was unanimous.

Ms. Smith moved, Mr. Montgomery seconded, to table this item.

The vote to table the item was as follows:

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

The motion failed.

Mr. McEachern moved, Ms. Dickerson seconded, to defer the item until the next meeting. The vote in favor was unanimous.

FIRST READING ITEMS

Sheriff's Request: A budget amendment to cover General Fund revenue shortfall in the amount of \$250,471.00 – Ms. Corley moved, Mr. McEachern seconded to approve this item for First Reading. The vote in favor was unanimous.

Ms. Smith had a procedural question regarding this item and the increase for victim's assistance budget by \$250,471.00 stated in the second reading items. A discussion took place.

Ms. Smith moved, Mr. Pearce seconded to reconsider and then table this item. Ms. Smith withdrew her reconsideration.

Redevelopment Plan for the Olympia Whaley, Granby Tax Increment Financing District Ordinance – Ms. Smith moved, Ms. Scott seconded, to approve this item for First Reading. A discussion took place.

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

The vote was in favor.

Mr. Livingston moved to instruct the Administrator to research a special source revenue bond, seconded by Ms. Dickerson. A discussion took place.

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

The motion failed.

Redevelopment Plan for the North Columbia/Eau Claire Tax Increment Financing District Ordinance – Mr. McEachern moved, Ms. Corley seconded to approve this item for First Reading. A discussion took place.

Mr. Pearce requested for the record that Mr. Smith explain what “title only” means. Mr. Smith explained that the details of the ordinance have yet to be brought before Council. In this particular context, Council will be approving a particular ordinance which outlines the fact there is an intention to develop a TIF in the North Columbia/Eau Claire are if the ordinance receives three readings.

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

The motion failed.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

Consideration of Incentives for AEB Business Properties, LLC (Buck Enterprises) – Mr. Livingston stated the committee's recommendation was to defer this item. The vote in favor was unanimous.

Ordinance Amending an Agreement between Richland and Fairfield Counties Providing for the Inclusion of Additional Property within the I-77 Corridor Regional Industrial Park – Mr. Livingston stated the committee's recommendation was to approve the item. The vote in favor was unanimous.

REPORT OF RULES AND APOINTMENTS COMMITTEE

I. Notification of Vacancies on Boards, Commissions, and Committees

Planning Commission-2

Mr. McEachern stated the committee recommended for staff to advertise the vacancies advertised. The vote in favor was unanimous.

II. Notification of Appointments to Boards, Commissions, and Committees

Board of Assessment Control-1

Mr. McEachern stated there is one vacancy to this board with three applications received. He stated the incumbent has applied for reappointment.

Ms. Dickerson voted in favor of Mr. James B. Allen.

Mr. Montgomery voted in favor of Mr. Hugh A. Palmer.

Mr. McEachern, Ms. Corley, Ms. Smith, Mr. Pearce, Mr. Mizzell, Mr. Livingston, Ms. Hutchinson, Mr. Jeter, Ms. Scott voted in favor of Mr. Chalon Shepard Headley, II. Mr. Headley was reappointed.

Board of Zoning Adjustments and Appeals-1

Mr. McEachern stated there is one vacancy to this board with one application received. He stated the committee recommended Rev. George Ashford, Sr. The vote in favor was unanimous.

Internal Audit Committee-1

Mr. McEachern stated there is one vacancy to this board with one application received. He stated the committee recommended Mr. Ulice Lance. The vote in favor was unanimous.

III. Items for Discussion

Employee Grievance Procedures – Mr. McEachern stated the committee recommended the item be given First Reading approval to amend the ordinance to prohibit grieving paid for

performance and to send the item back to committee. A discussion took place. The vote in favor was unanimous.

Citizen's Input Time Allotment – Mr. McEachern stated this item stayed in committee.

CITIZEN'S INPUT

Mr. Mizzell did not allow citizens that had signed up to speak on the North Columbia/Eau Claire TIF to speak because this item was on the agenda.

Councilman Barry Walker, Sr., Town of Irmo – Mr. Walker spoke regarding the roads in the Town of Irmo. He stated that the Friarsgate subdivision only has one entrance/exit. He requested that Council look into Sease Road being paved. He also thanked Council for the fine job they do.

Mr. Mizzell requested that staff put this issue on the committee agenda.

MOTION PERIOD

- **Resolution authorizing JEDA Bonds for Richland Memorial Hospital** – Ms. Scott moved, Ms. Dickerson seconded, to approve this item for next meeting agenda. (This item only requires a one time approval). The vote in favor was unanimous.
- **A Resolution authorizing a Public Hearing for the Redevelopment Plan for the Olympia Whaley, Granby Tax Increment Financing District** – Ms. Smith moved, Ms. Scott seconded, to adopt the resolution. The motion failed as it was not unanimous.

Ms. Smith moved, Ms. Scott seconded, to forward this item to the next committee meeting. The vote in favor was unanimous.

- **Sease Road** – Mr. Pearce moved, Mr. Montgomery seconded, to refer this item to D&S Committee. The vote in favor was unanimous.
- **Resolution for Dr. Barry Russell** – Mr. Pearce moved, Mr. Jeter seconded, to present Dr. Russell with a resolution. The vote in favor was unanimous.
- **Proposed Reallocation of Funding for Salary Increases for Deputies within Sheriff's Department** – Mr. Pearce moved, Mr. Montgomery to refer to A&F Committee for their review. The vote in favor was unanimous.
- **County Staff Member Attending City Council Meetings** – Mr. Pearce moved, Ms. Scott seconded, to refer for review to the D&S Committee with input from the Administrator staff the need for a county staff member to attend City Council meetings to monitor items that may impact County Council. The vote in favor was unanimous.
- **Endorsing Blueprint on Homelessness and Resolution to Accept the Recommendation of the --- Selection Panel** – Mr. Pearce moved, Mr. Jeter seconded, to refer to D&S Committee for consideration to make a recommendation whether Council should formally endorse the blueprint on homelessness resolution. The second part is for Council to pass a resolution to accept the recommendation of the --- Selection Panel

provided that Council be presented with and approve the criteria that the panel will be using in coming to its decision. The vote in favor was unanimous.

- **County Attorney Participating in Litigation on Council's Behalf** – Mr. Montgomery moved, Ms. Scott seconded, to approve the County attorney to participate on Council's behalf in any litigation that is deemed appropriate to protect Richland County's interests with regard to the Northeast area sewer service. The vote in favor was unanimous.
- **Evaluation of Budget Process with Regard to Formulating Budgets of Elected Officials** – Mr. Montgomery moved, Mr. Jeter seconded, to refer to D&S Committee to the evaluation of the budget process regarding budget formulation of elected officials. He requested Council consider changing the format with which they deal with elected officials' budgets so the budgets are addressed in total capital and total operating dollars. Elected officials would then take that amount and apply it appropriately to their line items so that full accountability is imposed on the elected officials budgets. The vote in favor was unanimous.
- **Sound System** – Ms. Hutchinson requested that staff inspect the sound system.

POINT OF PERSONAL PRIVILEGE

Ms. Scott thanked everyone for coming to the roast held on her behalf. She thanked Ms. Hutchinson and Mr. Livingston for their contribution.

ADJOURNMENT

The meeting adjourned at approximately 8:41p.m.

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 Michelle M. Onley

MINUTES OF



**RICHLAND COUNTY COUNCIL
SPECIAL CALLED MEETING
TUESDAY, OCTOBER 25, 2005
Immediately Following A&F Meeting**

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

ALSO PRESENT: Tony McDonald, Monique Walters, Michelle Onley, Michielle Cannon-Finch, Ashley Jacobs, Cary McSwain, Joe Cronin, Kendall Johnson, Roxanne Matthews, Amelia Linder, Milton Pope, Chief Harrell, Larry Smith, Michael Criss, Anna Almeida, Janet Claggett, Dwight Hanna, Donnie Phipps

CALL TO ORDER – The meeting started at approximately 6:44 p.m.

ADOPTION OF AGENDA – Mr. Montgomery moved, seconded by Ms. Hutchinson, to adopt the agenda as distributed. The vote in favor was unanimous.

ITEMS FOR ACTION

Resolution Authorizing a Public Hearing for the Redevelopment Plan for the Olympia Whaley Granby Tax Increment Financing District

Ms. Smith moved, seconded by Ms. Scott, to amend the resolution to insert the date of December 13, 2005 as the date of the public hearing. The vote in favor was unanimous.

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

Sheriff's Department: Resolution Authorizing an Advancement for Vehicle Purchases

The committee forwarded this item to Council with a recommendation for approval. The vote in favor was unanimous.

Personnel Matter – Mr. Pearce moved, seconded by Ms. Dickerson, to move this item to the end and reorder the remaining items. The vote in favor was unanimous.

Mr. Pearce moved, seconded by Mr. McEachern, to go into Executive Session to discuss a Personnel Matter.

=====
Council went into Executive Session at approximately 6:48 p.m. and came out at approximately 7:01 p.m.
=====

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

Mr. Pearce moved, seconded by Mr. McEachern, to recess until after the Zoning Public Hearing. The vote in favor was unanimous.

Mr. Livingston moved, seconded by Ms. Dickerson, to go into Executive Session. The vote in favor was unanimous.

=====
Council went into Executive Session at approximately 7:23 p.m. and came out at approximately 7:52 p.m.
=====

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

There was no action taken on this item.

November Meeting Schedule – Mr. Jeter moved, seconded by Ms. Dickerson, to hold committee and Zoning Public Hearing meetings on November 29, 2005. The vote in favor was unanimous.

POINT OF PERSONAL PRIVILEGE

Mr. McEachern acknowledged that Ms. Rosa Parks passed away and the impact that she had on the country and society.

Mr. McEachern moved to present Mr. Ben Bernanke with a resolution. Mr. Bernanke was appointed to chair the Federal Reserve. The vote in favor was unanimous.

ADJOURNMENT – Mr. Pearce moved, seconded by Mr. Montgomery, to adjourn.

The meeting adjourned at approximately 7:56 p.m.

Submitted by,

Anthony G. Mizzell, Chair

L. Gregory Pearce, Jr.

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 Michelle M. Onley

DRAFT

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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 23, TAXATION; ARTICLE I, IN GENERAL; SECTION 23-5, REFUND OF OVERPAYMENTS; SO AS TO LIMIT THE PERIOD OF TIME FOR FILING CLAIMS FOR PROPERTY TAX REFUNDS TO THE STATUTORY LIMIT OF THREE YEARS FROM THE TIME THE RETURN WAS FILED OR TWO YEARS FROM THE DATE THE TAX WAS PAID, WHICHEVER WAS LATER.

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

SECTION I. The Richland County Code of Ordinances; Chapter 23, Taxation; Article I, In General; Section 23-5, Refund of Overpayments; is hereby amended by the addition of a new subsection to read as follows:

(c) Notwithstanding the provisions of Section 12-43-220 (c)(3) of the S.C. Code of Laws, as amended (and consistent with the provisions of Section 12-54-85(F) of the S.C. Code of Laws, as amended), if a taxpayer believes that he or she has overpaid his or her property taxes because the property was eligible for the legal residence assessment pursuant to Sections 12-43-220(c)(1) and (2) of the S.C. Code of Laws, as amended, a claim for a refund must be filed with the County Assessor within three years from the time the return was filed, or two years from the date the tax was paid, whichever is later. In no event shall a refund be granted beyond this period of time.

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

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

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

RICHLAND COUNTY COUNCIL

BY: _____
Anthony G. Mizzell, Chair

ATTEST THIS THE ____ DAY

OF _____, 2005

Michielle R. Cannon-Finch
Clerk of Council

DRAFT

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: October 4, 2005
Second Reading: October 18, 2005
Public Hearing: November 1, 2005 (tentative)
Third Reading: November 1, 2005 (tentative)

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

AN ORDINANCE AMENDING THE FISCAL YEAR 2005-2006 GENERAL FUND ANNUAL BUDGET TO ADD ONE HUNDRED SIXTY-SEVEN THOUSAND DOLLARS (\$167,000.00) TO INCREASE FUNDING TO THE SHERIFF’S DEPARTMENT FOR THE PURCHASE 10 PORTABLE RADIOS AND 100 TASERS.

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 One Hundred Sixty-Seven Thousand Dollars (\$167,000.00) be appropriated to the FY 2005-2006 Sheriff’s Department budget. Therefore, the Fiscal Year 2005-2006 General Fund Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2005 as amended:	\$107,083,788
Appropriation of General Fund Unrestricted Fund Balance:	<u>167,000</u>
Total General Fund Revenue as Amended:	\$107,250,788

EXPENDITURES

Expenditures appropriated July 1, 2005 as amended:	\$107,083,788
Add to Sheriff’s Department budget:	<u>167,000</u>
Total General Fund Expenditures as Amended:	\$107,250,788

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: October 4, 2005
Second Reading: October 18, 2005
Public Hearing: November 1, 2005 (tentative)
Third Reading: November 1, 2005 (tentative)

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

AN ORDINANCE AMENDING THE FISCAL YEAR 2005-2006 GENERAL FUND ANNUAL BUDGET (ORDINANCE NO. 038-05HR) TO ADD A \$5.00 PER HOUR ADMINISTRATIVE SERVICES FEE TO SHERIFF DEPARTMENT ASSIGNMENTS FOR "SPECIAL DUTY" AGREEMENTS. THIS WILL AUTHORIZE THE CHARGE, COLLECTION, AND DISPOSITION OF THE STATED FEE.

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

SECTION I. The fiscal year 2005-2006 General Fund Annual Budget (Ordinance No. 038-05HR) is hereby amended to establish a \$5.00 per hour administrative services fee for Sheriff Department assignments for "special duty" agreements, as follows:

Section 22a. Richland County hereby enacts the implementation of an Administrative Service Fee of \$5.00 per hour, to be collected by the Sheriff from parties who request special duty services, and which are authorized by the Sheriff, beginning July 1, 2005, and for the duration of fiscal year 2005-2006 only. Funds collected by the Sheriff that are derived from the \$5.00 per hour administrative fee for special duty services shall be deposited directly into a Sheriff Administrative Fee revenue account in the General Fund. The goal of collecting this revenue in fiscal year 2005-2006 will be to offset the cost of the additional use of petrol oil and lubricants, and for the cost of administrative management of special duty assignments. The Sheriff and the Finance Director will assess the status of fees collected to date at the end of fiscal year 2006. The fees are not for the purpose of supplanting the Sheriff General Fund Operating Budget. Other options at the discretion of the Sheriff and County Council for possible consideration at year end are as follows: continue the fee for subsequent fiscal years, encumber a portion of the General Fund Balance for one-time, material projects not planned for but supported by excess fees collected and not spent.

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: October 4, 2005
Second Reading: October 18, 2005
Public Hearing: November 1, 2005 (tentative)
Third Reading: November 1, 2005 (tentative)

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

AN ORDINANCE AUTHORIZING AN EASEMENT TO SLOAN CONSTRUCTION COMPANY, INC. ON PROPERTY LOCATED NEAR ROSEWOOD DRIVE, AND IDENTIFIED AS A PORTION OF TMS # 08716-01-04, IN RICHLAND COUNTY.

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

SECTION I. The County of Richland and its employees and agents are hereby authorized to grant an easement right-of-way to Sloan Construction Company, Inc., upon a portion of land identified as TMS Number 08716-01-04, and as described in the *Easement Indenture*, a copy of which is attached hereto and incorporated herein.

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

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

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

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

First Reading: October 4, 2005
Second Reading: October 18, 2005
Public Hearing: November 1, 2005 (tentative)
Third reading: November 1, 2005 (tentative)

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

AN ORDINANCE AUTHORIZING DEED TO PERCY H. MCNEILL FOR A CERTAIN PORTION OF AN ABANDONED RIGHT-OF-WAY KNOWN AS OLD EISENHOWER DRIVE, RICHLAND COUNTY.

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

SECTION I. The County of Richland, through its County Administrator, is hereby authorized to grant a quit claim deed for a certain portion of an abandoned right-of-way known as Old Eisenhower Drive, Richland County, to Percy H. McNeill, as specifically described in the attached deed, which is incorporated herein.

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

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

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

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

First Reading: October 4, 2005
Second Reading: October 18, 2005
Public Hearing: November 1, 2005 (tentative)
Third reading: November 1, 2005 (tentative)

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

AN ORDINANCE AUTHORIZING A SECOND AMENDMENT TO THAT CERTAIN LEASE AGREEMENT AMONG THE COUNTY, RICHLAND MEMORIAL HOSPITAL AND BR HEALTH SYSTEM, INC. FOR PURPOSES OF PROVIDING TENANT THEREUNDER THE RIGHT TO GRANT A LEASEHOLD MORTGAGE ON ITS INTERESTS UNDER THE LEASE; AND OTHER MATTERS RELATED THERETO.

WHEREAS, by Ordinance No. 044-96HR adopted July 9, 1996 (the "Ordinance"), County Council for Richland County, South Carolina (the "County") found and determined, among other things, that the Board of Trustees of Richland Memorial Hospital (the "Board") is the duly constituted fiscal agent for the County for purposes of operating the County's hospital facilities under South Carolina law and is not a political subdivision of the State of South Carolina; and

WHEREAS, by the Ordinance, County Council for the County (the "County Council") also found and determined that the lease, to Palmetto Health Alliance f/k/a BR Health System, Inc. (the "Alliance"), of all hospital facilities owned by the County and/or the Board (collectively, the "Facilities") would serve a valid public purpose and promote the availability of modern, effective, and affordable health care to the residents of the County; and

WHEREAS, in the Ordinance, County Council approved, among other things, the form of lease (the "Lease") to be entered into among the County, the Board, and the Alliance to achieve that goal; and

WHEREAS, the County, the Board, and the Alliance executed and delivered the Lease as of February 9, 1998; and

WHEREAS, since February 9, 1998, the Alliance has operated the Facilities, other hospital properties, and related properties to provide modern, effective, and affordable health care to residents of the County without any subsidy from the County or the Board; and

WHEREAS, the Alliance has an opportunity to refinance certain borrowings and thereby realize a very substantial savings, if the refinancing is secured by a mortgage on, among other things, the Alliance's leasehold interest in the Facility comprising Palmetto Richland Memorial Hospital; and

WHEREAS, such refinancing would be accomplished by issuing debt under the Alliance's current Master Trust Indenture, which requires that collateral obtained to secure any debt under that Master Trust Indenture will secure equally and prorata all other debt issued thereunder, until such collateral is released; and

WHEREAS, Section 13.01 of the Lease prohibits the Alliance from, among other things, granting a mortgage on the Alliance's leasehold interest in the Facilities without the prior written consent of the County and the Board; and

WHEREAS, Article XXIII of the Lease requires that the Lease can only be modified by a written agreement duly signed by authorized representatives of the County, the Board, and the Alliance; and

WHEREAS, to achieve significant savings, the Alliance has requested that the Lease be amended so as to allow the Alliance to grant one or more fully subordinated leasehold mortgages on the Alliance's rights and interests arising under the Lease; and the Alliance has prepared a Second Amendment to Lease Agreement (the "Second Amendment") to accomplish the foregoing, and a Memorandum of Amendment to Lease (the "Memorandum") to be executed and recorded to give public notice of the execution and delivery of the Second Amendment; and

WHEREAS, the Alliance has requested that County Council adopt this Ordinance to approve and authorize the Second Amendment and the Memorandum;

NOW, THEREFORE, BE IT ORDAINED by the County Council as follows:

A. FINDINGS

The County Council hereby finds and determines as follows:

1. The Alliance has used, among others, an underwriter with extensive experience marketing hospital debt throughout the country, an experienced independent financial adviser, and experienced counsel in the Alliance's extensive investigation to determine the magnitude and certainty of savings available to it from the proposed refinancing. The Alliance has determined that such savings are very substantial and realizable.

2. The Alliance has determined that the underwriting requirements applicable to debt issued by hospital organizations currently require and are likely to continue to require for the foreseeable future that such debt financing at the best interest rate available be secured by a mortgage, if the borrower bears a credit rating that is equal to or at least one level better than the Alliance's current credit rating.

3. The Alliance's payment of excess interest reduces the funds and other assets available for the Alliance's use in providing modern, effective, and affordable health care to the residents of the county without subsidy by the County or the Board.

4. The County Council has been advised by its counsel that a fully-subordinated leasehold mortgage will not encumber, impair, or endanger any of the County's or the Board's rights and interests arising under the Lease.

5. The Board has reviewed the Alliance's request, the Second Amendment, and the Memorandum and, as the County's fiscal agent for purposes of operating the Facilities, endorses the Alliance's request that the County Council adopt this Ordinance.

B. AUTHORIZATION OF EXECUTION
AND DELIVERY OF DOCUMENTS

1. The Second Amendment, which authorizes the Alliance to grant a fully-subordinated leasehold mortgage on the Alliance's rights and interests arising under the Lease, is hereby authorized, ratified and approved with such changes, insertions and omissions as may be approved by the executing representative of the County Council upon advice of counsel. The Memorandum, which when recorded will give public notice that the Second Amendment has been executed, is hereby authorized, ratified and approved with such changes, insertions and omissions as may be approved by the executing representative of County Council upon advice of counsel. The Second Amendment and the Memorandum, as submitted to and authorized, ratified, and approved at this meeting, are appended hereto as Exhibits A and B, respectively, and made a part of this Ordinance as though set forth in full herein.

2. The Chairperson or Vice Chairperson of the County Council and the appropriate representative(s) of the Board are each hereby severally authorized to execute and deliver the Second Amendment and the Memorandum with such changes, insertions and omissions as may be approved by such Chairperson or Vice Chairperson upon advice of counsel, said execution being conclusive evidence of such approval; and the Clerk and Assistant Clerk of the County Council are each hereby severally authorized to affix the official seal of the County thereto and to attest the same.

C. GENERAL AUTHORIZATION

1. The Chairperson or the Vice Chairperson of the County Council, and the Clerk or any Assistant Clerk of the County Council, and any other proper officer of the County, are each fully empowered and authorized to take such further action and to execute and deliver such additional documents or certificates as may be reasonably required to implement and effect fully, and/or to give notice of the intention of, the County Council stated above and in accordance with the terms and conditions herein set forth; and the action of such officers or any of them in executing and delivering any of such documents, in such form as they shall approve with the advice of counsel, is hereby fully authorized, ratified and approved.

2. The Board, as the duly constituted fiscal agent of the County for the purpose of operating hospital facilities of the County, is hereby authorized to take such further action and to execute and deliver such additional documents or certificates as may be reasonably required to implement and effect fully, and to give notice of, the intention of the County Council stated above and in accordance with the terms and conditions herein set forth; and the action of such officers or any of them in executing and delivering any of such documents, in such form as they may be approved by the executing representative of the County Council, is hereby fully authorized, ratified and approved.

D. PROVISIONS INTENDED TO BE SEVERABLE

The provisions of this Ordinance are hereby declared to be separable and if any section, phrase or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereunder.

E. GENERAL REPEALER; EFFECTIVE DATE

All orders, resolutions, ordinances and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Ordinance shall take effect and be in full force from and after its passage and approval.

Passed and approved this ____ day of November, 2005.

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

First Reading: October 4, 2005
Public Hearing: October 18, 2005
Second Reading: October 18, 2005
Third Reading: November 1, 2005 (tentative)

EXHIBIT A
Form of Second Amendment

EXHIBIT B
Form of Memorandum

AMENDED 10-13-05

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

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN INFRASTRUCTURE FINANCING AGREEMENT BETWEEN RICHLAND COUNTY, SOUTH CAROLINA, AND AEB BUSINESS PROPERTIES, LLC, AN AFFILIATE OF BUCK ENTERPRISES, LLC.

WHEREAS, Richland County (the "County"), acting by and through its County Council (the "County Council") is authorized by Sections 4-1-175 and 4-29-68 of the Code of Laws of South Carolina 1976, as amended, to provide special source revenue financing, secured by and payable solely from revenues of the County derived from payments in lieu of taxes pursuant to Article VIII, Section 13 of the South Carolina Constitution, for the purpose of defraying the cost of designing, acquiring, constructing, improving, or expanding the infrastructure serving the County and for improved and unimproved real estate used in the operation of a manufacturing facility or commercial enterprise in order to enhance the economic development of the County; and

WHEREAS, AEB Business Properties, LLC, a South Carolina limited liability company (the "Company") will construct a manufacturing facility (the "Facility") to be located in the North Point Industrial Park in Richland County, South Carolina, and more particularly described on Exhibit A, attached hereto (the "Property"), and

WHEREAS, the Company is an affiliate of Buck Enterprises, LLC ("Buck"), which will lease the Facility and transfer 7 employees from its current facility to the Facility ~~employ approximately 7 employees~~ immediately upon completion of the Facility and anticipates adding 3-4 employees within 2 years of completion of the Facility and possibly an additional 10 employees within 3-5 years of completion of the Facility; and

WHEREAS, in order to operate the Facility, a sewer line extension needs to be constructed (the "Sewer Line") for which Buck has requested financial assistance from the County, and which will allow the further development of other industrial and business parcels in the area, thereby enhancing the tax base of the County and creating additional jobs in the County; and

WHEREAS, the County and Fairfield County have established a joint county industrial business park (the "Park") by entering into an Agreement for Development of Joint County Industrial Park, dated December 11, 1995, pursuant to the provisions of Article VIII, Section 13 of the South Carolina Constitution; and

WHEREAS, the County and Fairfield County have [recently] amended the previously mentioned Agreement for Development for Joint County Industrial Park by including the Property upon which the Facility (including the Project) is located in the Park (as so amended, the "Park Agreement"); and

WHEREAS, pursuant to the provisions of the Park Agreement, the Company and Buck are obligated to make or cause to be made payments in lieu of taxes which will be distributed to Fairfield County (the "Fairfield Fee Payments") and to the County (the "County Fee Payments") in the total amount equivalent to the ad valorem property taxes that would have been due and payable but for the location of the Property and Facility (including the Project) within the Park; and

WHEREAS, the County has agreed to provide special source revenue financing by allowing a credit to be taken by the Company against the Company's fee in lieu of tax payments, to offset the costs of the construction of the Sewer Line by the Company, such credit to be taken after the distribution of the Fairfield Fee Payments by the County; and

WHEREAS, the credit arrangement is set forth in the Infrastructure Improvements Financing Agreement attached hereto as Exhibit B (the "Financing Agreement"); and

WHEREAS, the assistance to the Company will benefit the general public welfare of the County by creating and retaining employment in the County, and provide other public benefits, all of which are proper governmental and public purposes.

NOW, THEREFORE, BE IT ORDAINED by the County Council as follows:

Section 1. There is hereby authorized the financing of the Sewer Line through incorporation of the Property and the Facility in a multi-county industrial park and a credit against the County Fee Payments in order to reimburse the Company for all or a part of the cost of the Sewer Lines as described in the attached Financing Agreement by the County.

Section 2. The Chairman is hereby authorized and directed, in the name and on behalf of the County, to execute the Financing Agreement in substantially the form attached hereto as Exhibit B, together with any changes or amendments thereto as may be deemed reasonable and necessary in the discretion of the Chairman of County Council and the Clerk of County Council is hereby authorized to attest the same; the Chairman of County Council is further authorized and directed to deliver the executed Financing Agreement and any authorized amendments thereto to the Company.

Section 3. Consummation of all transactions contemplated by the Financing Agreement is hereby approved.

Section 4. This Ordinance shall be construed and interpreted in accordance with laws of the State of South Carolina.

Section 5. This Ordinance shall become effective immediately upon third reading and approval by the County Council.

Section 6. The provisions of this Ordinance are hereby declared to be severable and if any section, phrase, or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, that declaration shall not affect the validity of the remainder of the sections, phrases, and provisions hereunder.

Section 7. All orders, resolutions, ordinances and parts thereof in conflict herewith are, to the extent of the conflict, hereby repealed.

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: September 20, 2005
Second Reading: October 4, 2005
Public Hearing: October 18, 2005
Third Reading: November 1, 2005 (tentative)

EXHIBIT A (to the Ordinance)

PROPERTY DESCRIPTION – 4 ACRES ON NORTHPOINT BLVD.)

All that piece, parcel, lot or tract of land, situate, lying and being in Richland County, South Carolina, and being shown and designated on a plat by B. P. Barber & Associates, Inc., dated November 25, 2002 entitled in part “Boundary & Topographic Survey” recorded at Plat Book 772, Page 2580 in the ROD Office of Richland County, South Carolina, and having such size, shape, buttings, boundings, dimensions and location as will appear by reference to said plat which is incorporated herein by reference, be all the dimensions and measurements shown thereon a little more or less.

Bounded on the north by land now or formerly of Hueck Foils, LLC, on the east and south by other lands of the Citadel Foundation and on the west by Northpoint Boulevard.

Being the same property conveyed to Buck Enterprises, LLC from The Citadel Foundation, dated March 20, 2003 in Record Book 772, Page 2581 in the ROD Office of Richland County, South Carolina.

Tax Map Parcel Number: 14900-01-34

EXHIBIT B (to the Ordinance)

INFRASTRUCTURE IMPROVEMENTS
FINANCING AGREEMENT

THIS INFRASTRUCTURE IMPROVEMENTS FINANCING AGREEMENT, dated as of _____, 2005 (the "Agreement"), between RICHLAND COUNTY, SOUTH CAROLINA, a body politic and corporate, and a political subdivision of the State of South Carolina (the "County"), and AEB BUSINESS PROPERTIES, LLC a South Carolina limited liability company and an affiliate of BUCK ENTERPRISES, LLC, a South Carolina Limited Liability Company ("Buck").

WITNESSETH:

WHEREAS, the County, acting by and through its County Council (the "County Council") is authorized by Sections 4-1-175 and 4-29-68 of the Code of Laws of South Carolina 1976, as amended, to provide special source revenue financing, secured by and payable solely from revenues of the County derived from payments in lieu of taxes pursuant to Article VIII, Section 13 of the South Carolina Constitution, for the purpose of defraying the cost of designing, acquiring, constructing, improving, or expanding the infrastructure serving the County and for improved and unimproved real estate used in the operation of a manufacturing facility or commercial enterprise in order to enhance the economic development of the County; and

WHEREAS, AEB Business Properties, LLC, a South Carolina limited liability company (the "Company") will construct a manufacturing facility (the "Facility") to be located in the North Point Industrial Park in Richland County, South Carolina, and more particularly described on Exhibit A, attached hereto (the "Property"), and

WHEREAS, the Company is an affiliate of Buck Enterprises, LLC ("Buck"), which will lease the Facility and transfer 7 employees from its current facility to the Facility employ approximately 7 employees immediately upon completion of the Facility and anticipates adding 3-4 employees within 2 years of completion of the Facility and possibly an additional 10 employees within 3-5 years of completion of the Facility; and

WHEREAS, in order to operate the Facility, a sewer line extension needs to be constructed (the "Sewer Line") for which Buck has requested financial assistance from the County, and which will allow the further development of other industrial and business parcels in the area, thereby enhancing the tax base of the County and creating additional jobs in the County; and

WHEREAS, the County and Fairfield County have established a joint county industrial business park (the "Park") by entering into an Agreement for Development of Joint County Industrial Park, dated December 11, 1995, pursuant to the provisions of Article VIII, Section 13 of the South Carolina Constitution; and

WHEREAS, the County and Fairfield County have [recently] amended the previously mentioned Agreement for Development for Joint County Industrial Park by including the Property

upon which the Facility (including the Sewer Line) is located in the Park (as so amended, the "Park Agreement"); and

WHEREAS, pursuant to the provisions of the Park Agreement, the Company and Buck are obligated to make or cause to be made payments in lieu of taxes which will be distributed to Fairfield County (the "Fairfield Fee Payments") and to the County (the "County Fee Payments") in the total amount equivalent to the ad valorem property taxes that would have been due and payable but for the location of the Property and Facility (including the Sewer Line) within the Park; and

WHEREAS, the County has agreed to provide special source revenue financing by allowing a credit to be taken by the Company against the Company's fee in lieu of tax payments, to offset the costs of the construction of the Sewer Line by the Company, such credit to be taken after the distribution of the Fairfield Fee Payments by the County; and

WHEREAS, the assistance to the Company will benefit the general public welfare of the County by creating and retaining employment in the County, and provide other public benefits, all of which are proper governmental and public purposes; and

WHEREAS, the County Council has duly authorized execution and delivery of this Agreement by ordinance duly enacted by the County Council on October 18, 2005, following conducting a public hearing held on October 18, 2005, in compliance with the terms of the Act.

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

ARTICLE I

DEFINITIONS

The terms defined in this Article I shall for all purposes of this Agreement have the meanings herein specified, unless the context clearly otherwise requires. Except where the context otherwise requires, words importing the singular number shall include the plural number and *vice versa*.

"*Act*" shall mean, collectively, Title 4, Chapter 29, and Title 4, Chapter 1 of the Code of Laws of South Carolina 1976, as amended, and all future acts amendatory thereof.

"*Agreement*" shall mean this Agreement, as the same may be amended, modified or supplemented in accordance with the terms hereof.

"*Buck*" shall mean Buck Enterprises, LLC, a South Carolina limited liability company, its successors and assigns.

"*County Fee Payments*" shall mean payments in lieu of taxes made to the County with respect to the Sewer Line as required by the Park Agreement.

"*Company*" shall mean AEB Business Properties, LLC, a South Carolina limited liability company, its successors and assigns.

"Cost of the Sewer Line" shall mean the cost of acquiring, by construction and purchase, the Sewer Line and shall be deemed to include, whether incurred prior to or after the date of the Agreement: (a) obligations incurred for labor, materials, and other expenses to builders and materialmen in connection with the acquisition, construction, and installation of the Sewer Line; (b) the cost of construction bonds and of insurance of all kinds that may be required or necessary during the course of construction and installation of the Sewer Line, which is not paid by the contractor or contractors or otherwise provided for; (c) the expenses for test borings, surveys, test and pilot operations, estimates, plans and specifications and preliminary investigations therefor, and for supervising construction, as well as for the performance of all other duties required by or reasonably necessary in connection with the acquisition, construction, and installation of the Sewer Line; (d) all other costs which shall be required under the terms of any contract for the acquisition, construction, and installation of the Sewer Line; and (e) the costs listed on Exhibit B attached hereto.

"County" shall mean Richland County, South Carolina, a body politic and corporate and a political subdivision of the State of South Carolina and its successors and assigns.

"Fairfield Fee Payments" shall mean payments in lieu of taxes made to Fairfield County with respect to the Sewer Line as required by the Park Agreement.

"Ordinance" shall mean the ordinance enacted by the County Council on October 18, 2005, authorizing the execution and delivery of this Agreement.

"Park Agreement" shall mean the Agreement for Development of Joint County Industrial Park, dated _____, between the County and Fairfield County, South Carolina, as amended or supplemented.

"Park" shall mean the Joint County Industrial or Business Park established pursuant to the terms of the Park Agreement.

"Person" shall mean an individual, a corporation, a partnership, an association, a joint stock company, a trust, any unincorporated organization, or a government or political subdivision.

"Sewer Line" shall mean the sewer line, the general location and costs of which are indicated on Exhibit B attached hereto.

"Special Source Revenue Credits" shall mean the credit to the Company's fee in lieu of tax payments to reimburse the Company for Cost of the Sewer Line in the amounts set forth in Section 3.02 hereof.

ARTICLE II

REPRESENTATIONS AND WARRANTIES

SECTION 2.01. Representations by the County. The County makes the following representations and covenants as the basis for the undertakings on its part herein contained:

(a) The County is a body politic and corporate and a political subdivision of the State of South Carolina and is authorized and empowered by the provisions of the Act to enter into the transactions contemplated by this Agreement and to carry out its obligations hereunder. By proper action by the County Council, the County has been duly authorized to execute and deliver this Agreement, and any and all agreements collateral thereto.

(b) The County proposes to reimburse the Company for a portion of the Cost of the Sewer Line for the purpose of creation and retention of jobs, increase in the tax base of the County, and promoting the economic development of the County.

(c) The County is not in default under any of the provisions of the laws of the State of South Carolina, where any such default would affect the validity or enforceability of this Agreement.

(d) The authorization, execution and delivery of this Agreement, the enactment of the Ordinance, and performance of the transactions contemplated hereby and thereby do not and will not conflict with, or result in the violation or breach of, or constitute a default or require any consent under, or create any lien, charge or encumbrance under the provisions of (i) the Constitution of the State or any law, rule, or regulation of any governmental authority, (ii) any agreement to which the County is a party, or (iii) any judgment, order, or decree to which the County is a party or by which it is bound. There is no action, suit, proceeding, inquiry, or investigation, at law or in equity, or before or by any court, public body, or public board which is pending or threatened challenging the creation, organization or existence of the County or its governing body or the power of the County to enter into the transactions contemplated hereby or wherein an unfavorable decision, ruling or finding would adversely affect the transactions contemplated hereby or would affect the validity, or adversely affect the enforceability, of this Agreement, or any other agreement or instrument to which the County is a party and which is to be used in connection with or is contemplated by this Agreement, nor, to the best of the knowledge of the County, is there any basis therefor.

SECTION 2.02. Representations by the Company. The Company and Buck (collectively, the "Companies") jointly make the following representations and warranties as the basis for the undertakings on their part herein contained:

(a) The Companies are South Carolina limited liability companies duly organized, validly existing, and in good standing under the laws of the State of South Carolina, are authorized to conduct business in the State of South Carolina, have power to enter into this Agreement, and by proper company action have been duly authorized to execute and deliver this Agreement.

(b) This Agreement has been duly executed and delivered by the Company and Buck and constitutes the legal, valid, and binding obligation of each the Company and Buck, enforceable in accordance with its terms except as enforcement thereof may be limited by bankruptcy, insolvency, or similar laws affecting the enforcement of creditors' rights generally.

(c) Neither the execution and delivery of this Agreement, the consummation of the transactions contemplated hereby, nor the fulfillment of or compliance with the terms and conditions of this Agreement, will result in a material breach of any of the terms, conditions, or provisions of any corporate restriction or any agreement or instrument to which the Company or

Buck is now a party or by which it is bound, or will constitute a default under any of the foregoing, or result in the creation or imposition of any lien, charge, or encumbrance of any nature whatsoever upon any of the property or assets of the Company or Buck, other than as may be created or permitted by this Agreement.

(d) Buck currently employs 7 full-time employees at its location in the County on Fairfield Road.

SECTION 2.03. Covenants of County.

(a) The County will at all times maintain its corporate existence and will use its best efforts to maintain, preserve, and renew all its rights, powers, privileges, and franchises; and it will comply with all valid acts, rules, regulations, orders, and directions of any legislative, executive, administrative, or judicial body applicable to this Agreement.

(b) The County will incorporate the Property and the Facility in the Park Agreement and will maintain such status for the duration of this Agreement.

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

ARTICLE III

SPECIAL SOURCE REVENUE CREDITS

SECTION 3.01. Payment of Costs of Sewer Line. The Company has paid, or agrees to pay, or cause to be paid, all Costs of the Sewer Line as and when due.

SECTION 3.02. Special Source Revenue Credits.

(a) Commencing with the first payment of fee in lieu of taxes pertaining to the Facility, the County hereby promises to provide a credit equal to \$34,860 of the County Fee Payments in order to partially reimburse the Company for the Cost of the Sewer Line as permitted by the Act. Upon the creation of an additional ten (10) new, full time jobs by Buck within three (3) years of completion of the Facility, provided such new jobs shall pay wages at a level commensurate with similar skill level jobs in this area, and the certification of such creation and wage level by Buck to the County, the County shall grant an additional credit of \$33,890 against the fee in lieu of tax payments by the Company in order to reimburse the Company for the remainder of the cost of construction of the Sewer Line, provided, however, that such credits shall not exceed, in the aggregate, the total amount of costs of the Sewer Line. THIS AGREEMENT AND THE SPECIAL SOURCE REVENUE CREDITS BECOMING DUE HEREON ARE LIMITED OBLIGATIONS

OF THE COUNTY PROVIDED BY THE COUNTY SOLELY FROM THE RICHLAND FEE PAYMENTS DERIVED BY THE COUNTY PURSUANT TO THE PARK AGREEMENT, AND DO NOT AND SHALL NEVER CONSTITUTE AN INDEBTEDNESS OF THE COUNTY WITHIN THE MEANING OF ANY CONSTITUTIONAL PROVISION (OTHER THAN THE PROVISIONS OF ARTICLE X, SECTION 14(10) OF THE SOUTH CAROLINA CONSTITUTION) OR STATUTORY LIMITATION AND DO NOT AND SHALL NEVER CONSTITUTE OR GIVE RISE TO A PECUNIARY LIABILITY OF THE COUNTY OR A CHARGE AGAINST ITS GENERAL CREDIT OR TAXING POWER. THE FULL FAITH, CREDIT, AND TAXING POWER OF THE COUNTY ARE NOT PLEDGED FOR THE SPECIAL SOURCE REVENUE CREDITS.

(b) No breach by the County of this Agreement shall result in the imposition of any pecuniary liability upon the County or any charge upon its general credit or against its taxing power. The liability of the County under this Agreement or of any warranty herein included or for any breach or default by the County of any of the foregoing shall be limited solely and exclusively to the County Fee Payments. The County shall not be required to execute or perform any of its duties, obligations, powers, or covenants hereunder except to the extent of the County Fee Payments.

ARTICLE IV

CONDITIONS TO DELIVERY OF AGREEMENT; TITLE TO SEWER LINE

SECTION 4.01. Documents to be Provided by County. (a) Prior to or simultaneously with the execution and delivery of this Agreement, the County shall provide to the Company:

(a) A copy of the Ordinance authorizing this Agreement, duly certified by the Clerk of the County Council under its corporate seal to have been duly enacted by the County and to be in full force and effect on the date of such certification; and

(b) A copy of the Park Amendment Ordinances or Resolutions, as the case may be, duly certified by the Clerk of the County Council under its corporate seal to have been duly enacted by the County and Fairfield County, respectively, and to be in full force and effect on the date of such certification; and

(c) Such additional certificates (including appropriate no-litigation certificates and certified copies of ordinances, resolutions, or other proceedings adopted by the County), instruments or other documents as the Company may reasonably request.

SECTION 4.02. Transfers of Sewer Line. The County hereby acknowledges that the Company may from time to time and in accordance with applicable law, sell, transfer, lease, convey, or grant the right to occupy and use the Sewer Line, in whole or in part, to others. No sale, lease, conveyance, or grant shall relieve the County from the County's obligations to provide Special Source Revenue Credits to the Company, or its assignee of such payments, under this Agreement.

SECTION 4.03. Assignment by County. The County shall not attempt to assign, transfer, or convey its obligations to provide Special Source Revenue Credits hereunder to any other Person.

ARTICLE V

DEFAULTS AND REMEDIES

SECTION 5.01. Events of Default. If the County or the Company, as the case may be, shall fail duly and punctually to perform any covenant, condition, agreement or provision contained in this Agreement on the part of the County or the Company, as the case may be, to be performed, which failure shall continue for a period of 30 days after written notice by the Company or the County, as the case may be, specifying the failure and requesting that it be remedied is given to the County or the Company, as the case may be, by first-class mail, the County or the Company, as the case may be, shall be in default under this Agreement (an "Event of Default").

SECTION 5.02. Legal Proceedings by Company. Upon the happening and continuance of any Event of Default, then and in every such case the Company in its discretion may:

(a) by mandamus, or other suit, action, or proceeding at law or in equity, enforce all of its rights and require the County to carry out any agreements with or for its benefit and to perform its or their duties under the Act and this Agreement;

(b) bring suit upon this Agreement;

(c) pay only as much as is not in dispute under this Agreement;

(d) by action or suit in equity require the County to account as if it were the trustee of an express trust for the Company;

(e) exercise any or all rights and remedies provided by the laws in effect in the State of South Carolina, or other applicable law, as well as all other rights and remedies possessed by the Company; or

(f) by action or suit in equity enjoin any acts or things which may be unlawful or in violation of its rights.

SECTION 5.03. Legal Proceedings by the County. Upon the happening and continuance of any Event of Default, then and in every such case the County in its discretion may:

(a) by mandamus, or other suit, action, or proceeding at law or in equity, enforce all of the rights of the County and require the Company to carry out any agreements with or for its benefit and to perform its or their duties under the Act and this Agreement;

(b) bring suit upon this Agreement;

(c) to audit the books of the Company with regard to Sewer Line expenses, or to otherwise require the Company to submit proof to the County, to verify that the Company is entitled to the credits provided under this Agreement;

(d) to exercise any and all statutory remedies to collect the fee-in-lieu payments to the extent that such remain unpaid;

(e) to require the Company to promptly pay any amounts that are not the subject of a bona fide dispute; or

(f) by action or suit in equity to enjoin any acts or things which may be unlawful or in violation of the rights of the County.

SECTION 5.04. Remedies Not Exclusive. No remedy in this Agreement conferred upon or reserved to the Company is intended to be exclusive of any other remedy or remedies, and each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or now or hereafter existing at law or in equity or by statute.

SECTION 5.05. Nonwaiver. No delay or omission of the Company or the County to exercise any right or power accruing upon any default or Event of Default shall impair any such right or power or shall be construed to be a waiver of any such default or Event of Default, or an acquiescence therein; and every power and remedy given by this Article V to the Company may be exercised from time to time and as often as may be deemed expedient.

ARTICLE VI

MISCELLANEOUS

SECTION 6.01. Successors and Assigns. All the covenants, stipulations, promises, and agreements in this Agreement contained, by or on behalf of, or for the benefit of, the County, shall bind or inure to the benefit of the successors of the County from time to time and any officer, board, commission, agency, or instrumentality to whom or to which any power or duty of the County, shall be transferred.

SECTION 6.02. Provisions of Agreement for Sole Benefit of County and Company. Except as in this Agreement otherwise specifically provided, nothing in this Agreement expressed or implied is intended or shall be construed to confer upon any Person other than the County and the Company any right, remedy, or claim under or by reason of this Agreement, this Agreement being intended to be for the sole and exclusive benefit of the County and the Company.

SECTION 6.03. Severability. In case any one or more of the provisions of this Agreement shall, for any reason, be held to be illegal or invalid, the illegality or invalidity shall not affect any other provision of this Agreement, and this Agreement and the Credits shall be construed and enforced as if the illegal or invalid provisions had not been contained herein or therein.

SECTION 6.04. No Liability for Personnel of County or Company. No covenant or agreement contained in this Agreement shall be deemed to be the covenant or agreement of any member, agent, or employee of the County or its governing body or the Company or any of its officers, employees, or agents in his individual capacity, and neither the members of the governing body of the County nor any official executing this Agreement shall be liable personally on the

Credits or the Agreement or be subject to any personal liability of accountability by reason of the issuance thereof.

SECTION 6.05. Notices. All notices, certificates, requests, or other communications under this Agreement shall be sufficiently given and shall be deemed given, unless otherwise required by this Agreement, when (i) delivered or (ii) sent by facsimile and confirmed by United States certified mail, return-receipt requested, restricted delivery, postage prepaid, addressed as follows or by mailing such notice to its Registered Agent for Service of Process at its Registered Office in South Carolina:

(a) if to the County: T. Cary McSwain
Richland County
2020 Hampton Street, Suite 4058
Columbia, South Carolina 29204

(b) if to the Company: AEB Business Properties, LLC
Attn: Managing Partner

with a copy to: Haynsworth Sinkler Boyd, P.A.
Attn: Edward G. Kluiters
1201 Main Street, Suite 2200
P.O. Box 11889
Columbia, South Carolina 29211-1889

A duplicate copy of each notice, certificate, request or other communication given under this Agreement to the County or to the Company shall also be given to the others. The County and the Company may, by notice given under this Section 6.05, designate any further or different addresses to which subsequent notices, certificates, requests or other communications shall be sent.

SECTION 6.06. Applicable Law. The laws of the State of South Carolina shall govern the construction of this Agreement.

SECTION 6.07. Counterparts. This Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original; but such counterparts shall together constitute but one and the same instrument.

SECTION 6.08. Amendments. This Agreement may be amended only by written agreement of the parties hereto.

SECTION 6.09. Waiver. Either party may waive compliance by the other party with any term or condition of this Agreement only in a writing signed by the waiving party.

IN WITNESS WHEREOF, Richland County, South Carolina, has caused this Agreement to be executed by the Chairman of its County Council and its corporate seal to be hereunto affixed and

attested by the Clerk of its County Council and AEB Business Properties, LLC has caused this Agreement to be executed by its authorized officer, all as of the day and year first above written.

RICHLAND COUNTY,
SOUTH CAROLINA

(SEAL)

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

ATTEST:

Clerk to County Council of
Richland County, South Carolina

AEB BUSINESS PROPERTIES, LLC

By: _____
Name: _____
Title: _____

Acknowledged and Agreed to:
BUCK ENTERPRISES, LLC

By: _____
Name: _____
Title: _____

EXHIBIT A (to the Financing Agreement)

PROPERTY DESCRIPTION – 4 ACRES ON NORTHPOINT BLVD.)

All that piece, parcel, lot or tract of land, situate, lying and being in Richland County, South Carolina, and being shown and designated on a plat by B. P. Barber & Associates, Inc., dated November 25, 2002 entitled in part “Boundary & Topographic Survey” recorded at Plat Book 772, Page 2580 in the ROD Office of Richland County, South Carolina, and having such size, shape, buttings, boundings, dimensions and location as will appear by reference to said plat which is incorporated herein by reference, be all the dimensions and measurements shown thereon a little more or less.

Bounded on the north by land now or formerly of Hueck Foils, LLC, on the east and south by other lands of the Citadel Foundation and on the west by Northpoint Boulevard.

Being the same property conveyed to Buck Enterprises, LLC from The Citadel Foundation, dated March 20, 2003 in Record Book 772, Page 2581 in the ROD Office of Richland County, South Carolina.

Tax Map Parcel Number: 14900-01-34

EXHIBIT B (to the Financing Agreement)
GENERAL LOCATION AND COSTS OF SEWER LINE

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

AN ORDINANCE AMENDING THE FISCAL YEAR 2005-2006 SOLID WASTE ANNUAL BUDGET TO ADD EIGHT HUNDRED FORTY-SIX THOUSAND THREE HUNDRED EIGHTY-FIVE DOLLARS (\$846,385) TO COVER A FUEL SUBSIDY INCREASE FOR COLLECTION CONTRACTORS.

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 Forty-Six Thousand Three Hundred Eighty-Five Dollars (\$846,385.00) be appropriated to the FY 2005-2006 Solid Waste budget. Therefore, the Fiscal Year 2005-2006 Solid Waste Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2005 as amended:	\$17,103,000
Appropriation of Solid Waste unrestricted Fund Balance:	<u>846,385</u>
Total Solid Waste Revenue as Amended:	\$17,949,385

EXPENDITURES

Expenditures appropriated July 1, 2005 as amended:	\$17,103,000
Add to Solid Waste Special Contracts:	<u>846,385</u>
Total Solid Waste Expenditures as Amended:	\$17,949,385

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: October 18, 2005
Public Hearing: November 1, 2005 (tentative)
Second Reading: November 1, 2005 (tentative)
Third Reading:

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

AN ORDINANCE AMENDING THE FISCAL YEAR 2005-2006 GENERAL FUND ANNUAL BUDGET TO APPROPRIATE TWO HUNDRED FIFTY THOUSAND FOUR HUNDRED SEVENTY-ONE DOLLARS (\$250,471.00) TO COVER THE GENERAL FUND REVENUE SHORTFALL.

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

SECTION I. That the amount of Two Hundred Fifty Thousand Four Hundred Seventy-One Dollars (\$250,471.00) be appropriated to the FY 2005-2006 General Fund budget. Therefore, the Fiscal Year 2005-2006 General Fund Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2005 as amended:	\$107,083,788
Appropriation of General Fund unrestricted Fund Balance:	250,471
Transfer of SRO Revenue to Victim’s Assistance:	<u>(250,471)</u>
Total Victim’s Assistance Revenue as Amended:	\$107,083,788

EXPENDITURES

Expenditures appropriated July 1, 2005 as amended:	\$107,083,788
No change to Sheriffs Department budget:	<u>-0-</u>
Total General Fund Expenditures as Amended:	\$107,083,788

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: October 18, 2005
Second Reading: November 1, 2005 (tentative)
Public Hearing:
Third Reading:

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

AN ORDINANCE AMENDING THE FISCAL YEAR 2005-2006 VICTIMS' ASSISTANCE ANNUAL BUDGET TO ADD TWO HUNDRED FIFTY THOUSAND FOUR HUNDRED SEVENTY-ONE DOLLARS (\$250,471.00) TO INCREASE FUNDING FOR SHERIFF VICTIMS' ASSISTANCE PROGRAM.

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

SECTION I. That the amount of Two Hundred Fifty Thousand Four Hundred Seventy-One Dollars (\$250,471.00) be appropriated to the FY 2005-2006 Victims' Assistance budget. Therefore, the Fiscal Year 2005-2006 Victims' Assistance Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2005 as amended:	\$585,000
Transfer of SRO Revenue from General Fund:	<u>250,471</u>
Total Victim's Assistance Revenue As Amended:	\$835,471

EXPENDITURES

Expenditures appropriated July 1, 2005 as amended:	\$585,000
Add to Sheriff Department VA:	<u>250,471</u>
Total General Fund Expenditures As Amended:	\$835,471

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: October 4, 2005
Public Hearing: November 1, 2005 (tentative)
Second Reading: November 1, 2005 (tentative)
Third Reading:

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

AN ORDINANCE ESTABLISHING AND APPROVING A PLAN FOR THE REDEVELOPMENT OF A PORTION OF RICHLAND COUNTY, SOUTH CAROLINA, PURSUANT TO A REDEVELOPMENT PLAN; DESIGNATING A REDEVELOPMENT PROJECT AREA; MAKING FINDINGS REGARDING THE REDEVELOPMENT PROJECT AREA; DESIGNATING REDEVELOPMENT PROJECTS; APPROVING A TAX INCREMENT FINANCING PLAN FOR SUCH REDEVELOPMENT PROJECTS; AND OTHER MATTERS RELATING THERETO.

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

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

(a) Pursuant to Section 4-9-10, Code of Laws of South Carolina 1976, as amended (the "Code") and the result of a referendum held in accordance therewith, the Council-Administrator form of government was adopted and the County Council constitutes the governing body of the County.

(b) Article 10, Section 14(10) of the Constitution of the State of South Carolina, 1895, as amended (the "Constitution") provides that the General Assembly may authorize by general law that indebtedness for the purpose of redevelopment within counties may be incurred and that debt service of such indebtedness be provided from the added increments of tax revenue to result from any such redevelopment.

(c) Pursuant to Title 6, Chapter 33 of the Code, the Tax Increment Financing Act for Counties (the same hereinafter referred to as the "Act"), the governing bodies of the several counties of the State may adopt redevelopment plans, establish redevelopment project areas and undertake tax increment financing for redevelopment project costs.

(d) Pursuant to the Act, the County is vested with all powers consistent with the Constitution necessary, useful and desirable to enable it to accomplish redevelopment in areas which are or threaten to become blighted.

(e) The County has caused to be prepared a redevelopment plan entitled "Tax Increment Financing Plan for the Redevelopment of the Olympia Whaley Granby Community" dated _____, 2005 (the "Redevelopment Plan") which contains a statement of the County's objectives with regard to the Redevelopment Plan. A copy of the Redevelopment Plan is attached and incorporated herein as Exhibit A to this Ordinance.

(f) The Redevelopment Plan provides a comprehensive program of the County for the redevelopment of the areas of the County described therein and as described and designated in Section 3 hereof (such areas being hereinafter referred to as the "Redevelopment Project Area").

(g) The Redevelopment Plan and other matters and information presented to the Council exhibit that the Redevelopment Project Area is a conservation area (as defined in the Act) and that conditions therein are detrimental to the public safety, health and general welfare; and the private initiatives are unlikely to

alleviate these conditions without substantial public assistance. Property values in the Redevelopment Project Area would remain static or decline without public intervention. The eradication of the conditions within the Redevelopment Project Area and the improvement of such area by the Redevelopment Projects described in the Redevelopment Plan and herein are essential to the public interest and the public safety, health, and general welfare of the citizens of the County.

(h) The Redevelopment Project Area includes approximately 1,200 parcels of real property comprising approximately 813 acres. The Redevelopment Project Area, together with all other redevelopment project areas of the County, does not exceed five percent of the total acreage of the County.

(i) In order to promote the health, public safety, and general welfare of the public, such conditions must be eliminated, and redevelopment of the Redevelopment Project Area must be undertaken. It is unlikely that private initiatives will alleviate these conditions without substantial public assistance. To remove and alleviate such conditions, it is necessary to encourage private investment and enhance the tax base of the taxing entities by the redevelopment of the Redevelopment Project Area, and the improvement of the area by the Redevelopment Projects herein authorized, which objectives are herein declared to be essential to the public interest of the County and its citizens.

(j) The Council is advised of the opportunity to attract significant new investment within the Redevelopment Project Area. The tax increment district is created with the intent of providing the opportunity for appropriate redevelopment in the Redevelopment Project Area. In part, a tax increment financing plan has been conceived to assist in the sequence of redevelopment and planned development in order to provide balanced growth to meet a variety of community and neighborhood needs. It will assist in the development of public facilities and services for residential and commercial land uses. The County intends to complete a combination of projects including road construction and enhancements, storm and urban stream restoration, water and sewer line extensions, improvement of fire suppression capabilities, public parking, and public park and recreational facilities. The Redevelopment Projects will be developed in phases over the course of the next decade. A listing of all real property in the Redevelopment Project Area is included herein as a portion of Exhibit A. A description of the boundaries of the Redevelopment Project Area is included herein as Exhibit B.

(k) The amount of indebtedness to be supported by tax increment financing will include up to \$7,500,000 Tax Increment Bonds of the County to be issued from time to time as permitted by the Act (the "Bonds"), which will be used to finance public improvements in the Redevelopment Project Area. The term of the Bonds issued to finance such improvements set forth in the Redevelopment Plan will not exceed 15 years from the date of their respective issuance. The Redevelopment Plan will have no effect on the existing revenues of the affected taxing districts, the City of Columbia and School District No. 1 of Richland County, South Carolina (the "Taxing Districts"). Such Taxing Districts will forego an incremental portion of their future revenue growth for the period of the Redevelopment Plan. Tax increment financing undertaken pursuant to the Redevelopment Plan will have no impact on personal property taxes collected within the Redevelopment Project Area.

(l) The use of incremental tax revenues to provide for the payment of redevelopment project costs as defined in the Act incurred by the County, including debt service on the Bonds, for public improvements is of benefit to the Taxing District, inasmuch as such Taxing Districts would not likely derive the benefits of an increased assessment base without the implementation of the Redevelopment Plan, and each Taxing District benefits from the implementation of the Redevelopment Plan.

(m) The Redevelopment Projects will not include any residential development. The private investment contemplated in the Redevelopment Plan is primarily residential which will include age

restricted communities and housing opportunities for current residents of the County. The estimated impact on public school enrollment is nominal.

(n) (A) Pursuant to Section 6-33-80, Code of Laws of South Carolina 1976, as amended, if a Taxing District does not file an objection to the Redevelopment Plan at or prior to the date of the public hearing, the Taxing District is considered to have consented to the Redevelopment Plan and the issuance of obligations under the terms of Section 6-33-80, Code of Laws of South Carolina 1976, as amended, to finance the Redevelopment Project, provided that the actual term of obligations issued is equal to or less than the term stated in the notice of public hearing. The County may issue obligations to finance the Redevelopment Project to the extent that each affected Taxing District consents to the Redevelopment Plan. The tax increment for a Taxing District that does not consent to the Redevelopment Plan must not be included in a Special Tax Allocation Fund (the "Special Tax Allocation Fund").

(B) Negotiations with the School District are ongoing and may result in an agreement between the County and the School District setting forth certain terms and conditions upon which the School District would consent to participation in the Redevelopment Plan. The Chairman of County Council and the County Administrator are authorized to enter into such agreements provided that the revenue expected to be available for deposit into the Special Tax Allocation Fund is increased as a result of the operation of said agreements.

(o) The total expenditures for public improvements which will not exceed \$36,300,000, some of which will be funded with proceeds of tax increment bonds for the Redevelopment Projects, to include:

Villages Streetscaping and Traffic Calming. \$1.2M. Streetscaping project on Heyward Street, Whaley Street, and Olympia Avenues that includes ADA access, sidewalks, pedestrian crossings, street lighting, and landscaping. Provides sidewalks connections to Olympia School, the Three Rivers Greenway, Olympia Park, the Proposed Mill Town Commons Park, Pacific Park, and the University of South Carolina.

Mill Town Commons Park: \$.95M. Creates a public park among the grand trees at the intersection of Whaley Street and Olympia Avenue. Serves as high quality public space adjacent to the Mill Town Commons, a private sector development site that will serve as a village center. This project is immediately north of the Olympia Granby Mills.

Three Rivers Greenway Extension along Rocky Branch: \$.9M. Extends the Three Rivers Greenway project along Rocky Branch and integrates this section into the regional Greenway system. This Extension within the Redevelopment Project Area connects the Olympia Park and Granby Olympia Mills area to the east toward the main University of South Carolina campus and to the west to the rivers. It will provide recreational capacity, ADA, and alternative transportation access within the core of the District.

Rocky Branch Stream Restoration: \$1.5M: Currently major portions of the Redevelopment Project Area are impacted by flooding along the course of Rocky Branch. This condition restricts both the development and recreational potential of the area bordering the Rocky Branch. This project opens the stream for efficient storm water discharge, restores a natural environment, and makes possible the addition of the Three Rivers Greenway Extension along Rocky Branch.

Olympia Sewer \$.5M. Extends sanitary sewer to areas of Olympia outside the city limits that do not have City sewer service.

Contingency \$1.01M.

(p) The Council intends to fund the debt service of indebtedness to be incurred for such purposes from the added increment of tax revenues to result from such redevelopment as authorized in Article X, Section 14 (10) of the South Carolina Constitution and the Act.

(q) The Redevelopment Plan will afford maximum opportunity for the redevelopment of the Redevelopment Project Area by private enterprise in a manner consistent with the needs of the County.

(r) All prerequisites having been accomplished, it is now necessary and in the best interest of the County in order to proceed further that (i) a Redevelopment Project Area be designated, and (ii) a Redevelopment Plan and a Tax Increment Financing Plan be approved. Such redevelopment is in the interest of the health, safety, and general welfare of the citizens of the County.

SECTION 2. Existence of Conservation Areas. The County Council does hereby expressly find that the redevelopment project area is a "conservation area" as defined in Section 6-33-30 of the Code. Specific conditions are set forth in Section 1(h) hereof and in the Redevelopment Plan.

SECTION 3. Determination of and Description of Redevelopment Project Area. For the purpose of this Ordinance, "Redevelopment Projects" and "Redevelopment Project Area" as used subsequently herein are defined in Section 36-33-30 of the Code. For the purpose of this Ordinance and any Redevelopment Projects to be undertaken pursuant hereto, the "Redevelopment Project Area" shall be that area described in Exhibit B hereto.

SECTION 4. Approval of Redevelopment Plan. The Council does hereby expressly approve and adopt the "Tax Increment Financing Plan for the Redevelopment of the Olympia Whaley Granby Community" dated August ____, 2005, for the redevelopment of the Redevelopment Project Area, which Redevelopment Plan includes reference to statements of objectives of the County with regard to the Redevelopment Plan, sets forth the need for the proposed use of the proceeds of the obligations in relationship to the Redevelopment Plan, sets forth the cost estimates of the redevelopment program and the project sources of revenue to be used to meet the costs, including estimates of tax increments and the total amount of indebtedness to be incurred, all as set forth in the Redevelopment Plan.

SECTION 5. Approval of List of Real Property in Redevelopment Project Area. The Council does hereby expressly approve the list of all real property as fully set forth in a portion of Exhibit A hereto.

SECTION 6. Approval of Designation of Real Property in Redevelopment Project Area. The Council does hereby expressly approve the designation of all property included in the Redevelopment Project Area as set forth in Section 3 above.

SECTION 7. Duration of Redevelopment Plan; Impact of Redevelopment Plan on Taxing Districts. The Council hereby determines that the duration of the Redevelopment Plan shall be 15 years from the date of enactment of this Ordinance. The Council determines that any adverse impact caused by the Redevelopment Plan upon the revenues of the Taxing Districts, resulting from taxes attributable to the increase in the then current assessed value over and above the initial assessed value used to retire the Bonds is minimal. The Council furthermore determines that the long-term impact will be beneficial following the inducement by the County of substantial private investment in the Redevelopment Project Area as a result of the initiatives undertaken pursuant to the Redevelopment Plan.

SECTION 8. Findings. The Council specifically finds that (a) the Redevelopment Project Area above defined is a "conservation area" and that private initiatives are unlikely to alleviate these conditions without substantial public assistance, (b) property values in the area would remain static or decline without public intervention, and (c) redevelopment is in the interest of the health, safety, and general welfare of the County's citizens.

SECTION 9. Notice of Public Hearing. The Council hereby ratifies and approves the publication of a notice of public hearing regarding the Redevelopment Plan and this Ordinance, such notice being in the form attached hereto as Exhibit C, having been published in The State, a newspaper of general circulation in Richland County, not less than 15 days prior to the date of such public hearing.

SECTION 10. Notice. Pursuant to Section 6-33-80 of the Code, a notice of the enactment of this Ordinance shall be published in The State, a newspaper of general circulation in Richland County. Such notice shall be in substantially the form set forth in Exhibit D hereof.

SECTION 11. Repeal of Conflicting Ordinances. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 12. Ordinance in Full Force and Effect. This entire Ordinance shall be and become finally binding immediately after same shall have received first and second readings, given in the manner required by law.

[Signature page to follow]

DRAFT

Enacted this ____ day of _____, 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: October 18, 2005
Second Reading: November 1, 2005 (tentative)
Public Hearing: December 13, 2005 (tentative)
Third Reading

Signature Page to Ordinance

EXHIBIT A

REDEVELOPMENT PLAN
(INCLUDING A LIST OF ALL PROPERTY IN THE
REDEVELOPMENT PROJECT AREA)

DRAFT

EXHIBIT B
PARCELS WITHIN THE
REDEVELOPMENT PROJECT AREA

DRAFT

EXHIBIT C

NOTICE OF PUBLIC HEARING

TAX INCREMENT FINANCING PLAN
FOR THE REDEVELOPMENT OF AREAS IN
THE COUNTY OF RICHLAND

Notice is hereby given to all taxing districts that on _____, at _____ p.m. in County Council Chambers, 2020 Hampton Street, 1st Floor, Columbia, South Carolina, the County Council will hold a Public Hearing.

The purpose of the hearing is to consider the Tax Increment Financing Redevelopment Plan and adoption of an ordinance creating a tax increment financing district within the incorporated boundaries of the County of Richland, South Carolina. All interested persons will be given an opportunity to be heard at this public hearing.

Each taxing district affected by the tax increment financing district is welcome to submit written comments to the County of Richland, South Carolina, concerning the subject of the hearing. Comments should be submitted on or by _____ to _____, _____, Columbia, South Carolina 29204.

Redevelopment projects and improvements will include but not be limited to: traffic intersections and lights; pedestrian crosswalks; road construction and re-routing; park construction; and any other public works, which may be purchased or constructed pursuant to section 6-21-50 of the Code of Laws of South Carolina. The enclosed Redevelopment Plan describes the type of projects with the estimated cost.

The enclosed map and description give boundaries of the proposed Tax Increment Financing Districts. The boundaries of the redevelopment project area as set forth in the Redevelopment Plan are attached as Exhibit A.

The County of Richland will incur indebtedness for the purpose of redevelopment and that debt service will be provided from the added increments of tax revenues that result from the redevelopment projects. The estimated maximum term of obligations to be issued under the redevelopment plan is _____ years. The total estimated cost of the project is \$ _____ to be funded initially with timed issues not to exceed \$7,500,000 of tax increment financing bonds and/or the use of current TIF cash revenues.

A copy of the Redevelopment Plan is available at the County Administrator's Office, 2020 Hampton Street, 4th Floor, Columbia, South Carolina.

This notice is pursuant to Title 31, Chapter 6, TAX INCREMENT FINANCING FOR REDEVELOPMENT PROJECTS, South Carolina Code of Laws.

EXHIBIT D

NOTICE OF ADOPTION BY THE RICHLAND COUNTY COUNCIL
OF AN ORDINANCE APPROVING THE
TAX INCREMENT FINANCING PLAN FOR THE REDEVELOPMENT OF
THE OLYMPIA WHALEY GRANBY COMMUNITY

NOTICE IS HEREBY GIVEN that the County Council of Richland County, South Carolina, on _____, 2005 enacted an Ordinance, entitled:

AN ORDINANCE ESTABLISHING AND APPROVING A PLAN FOR THE REDEVELOPMENT OF A PORTION OF RICHLAND COUNTY, SOUTH CAROLINA, PURSUANT TO A REDEVELOPMENT PLAN; DESIGNATING A REDEVELOPMENT PROJECT AREA; MAKING FINDINGS REGARDING THE REDEVELOPMENT PROJECT AREA; DESIGNATING REDEVELOPMENT PROJECTS; APPROVING A TAX INCREMENT FINANCING PLAN FOR SUCH REDEVELOPMENT PROJECTS; AND OTHER MATTERS RELATING THERETO.

The Ordinance approved the Tax Increment Financing Plan for the Redevelopment of the Olympia Whaley Granby Community dated _____, and designated certain areas of the County as a "redevelopment project area" as described in the Ordinance and the Redevelopment Plan. Copies of the Ordinance and the Redevelopment Plan are available during normal business hours in the offices of the County Administrator, 2020 Hampton Street, 4th Floor, Columbia, South Carolina 29801.

This notice is given pursuant to the provisions of Act No. 452 (1984 Acts) known as the Tax Increment Financing Law, now contained as Sections 6-33-10 to 6-33-120, South Carolina Code of Laws 1976, as amended.

Notice is further given that any interested party may, within 20 days after the publication of the Notice of Adoption of the Ordinance Approving the Redevelopment Plan, but not afterwards, challenge the validity of the adoption of such Redevelopment Plan by action de novo in the Court of Common Pleas in Richland County.

RICHLAND COUNTY, SOUTH CAROLINA

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

AUTHORIZING AN AMENDMENT TO THAT CERTAIN AGREEMENT BETWEEN RICHLAND COUNTY AND FAIRFIELD COUNTY PROVIDING FOR THE INCLUSION OF ADDITIONAL PROPERTY WITHIN THE I-77 CORRIDOR REGIONAL INDUSTRIAL PARK HERETOFORE FORMED BY THESE COUNTIES; AND OTHER MATTERS THERETO.

WHEREAS, Richland County, South Carolina (“Richland”) and Fairfield County, South Carolina (“Fairfield”) (collectively, “Counties”), as authorized by Article VIII, Section 13(d) of the South Carolina Constitution and Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended (“Act”), previously jointly developed the I-77 Corridor Regional Industrial Park (“Park”); and,

WHEREAS, the Counties have heretofore entered into an agreement by which the Counties created the Park (“Park Agreement”); and

WHEREAS, Wilburn Enterprises, LLC and Carolina Adventure World, LLC, and their corporate affiliates and assigns (collectively, “Company”), have requested the Counties expand the boundaries of the Park to include Company property located in Fairfield and described in the attached **Exhibit A** (“Property”); and

WHEREAS, the Counties now desire to expand the boundaries to include the Property as provided under the Park Agreement.

NOW, THEREFORE, BE IT ORDAINED BY THE RICHLAND COUNTY COUNCIL AS FOLLOWS:

Section 1. Expansion of Park Boundaries. There is hereby authorized an expansion of the Park boundaries to include the Property. The County Council Chair, or the Vice Chair in the event the Chair is absent, the County Administrator, and the Clerk to the County Council are hereby authorized to execute such documents and take such further actions as may be necessary to complete the expansion of the Park boundaries. Pursuant to the terms of the Park Agreement, the expansion shall be complete upon the adoption of this Ordinance by the Richland County Council and a companion Ordinance by the Fairfield County Council.

Section 2. Savings Clause. If any portion of this Ordinance shall be deemed unlawful, unconstitutional or otherwise invalid, the validity and binding effect of the remaining portions shall not be affected thereby.

Section 3. General Repealer. Any prior Ordinance, the terms of which are in conflict herewith, is, only to the extent of such conflict, hereby repealed.

Section 4. Effectiveness. This Ordinance shall be effective after third and final reading.

RICHLAND COUNTY COUNCIL

BY: _____
Anthony G. Mizell, Chair

(SEAL)

ATTEST THIS THE ____ DAY
OF _____, 2006

Michelle 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: October 18, 2005
Second Reading: November 1, 2005 (tentative)
Third Reading: _____, 2006
Public Hearing: _____, 2005

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

**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, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED HEREIN (TMS # 21800-01-03/14 & 21900-09-08), FROM PDD (PLANNED DEVELOPMENT DISTRICT) TO AN AMENDED 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 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 Zoning Map of unincorporated Richland County is hereby amended to change the property (TMS # 21800-01-03/14 & 21900-09-08), described in Exhibit A, which is attached

hereto, from PDD Planned Development District zoning to an amended PDD Planned Development District zoning.

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

- a) The applicant shall comply with the Master Plan, as previously approved on October 19, 2004 by the enactment of Ordinance Number 062-04HR; provided, however, two additional internal connections shall be located on the Northeast portion of the property between The Farms@ McCord's Ferry and Barnstormers PDD, as depicted in Exhibit A, which is attached hereto; and
- b) All site development requirements described above shall apply to the applicant, the developer, and/or their successors in interest.

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

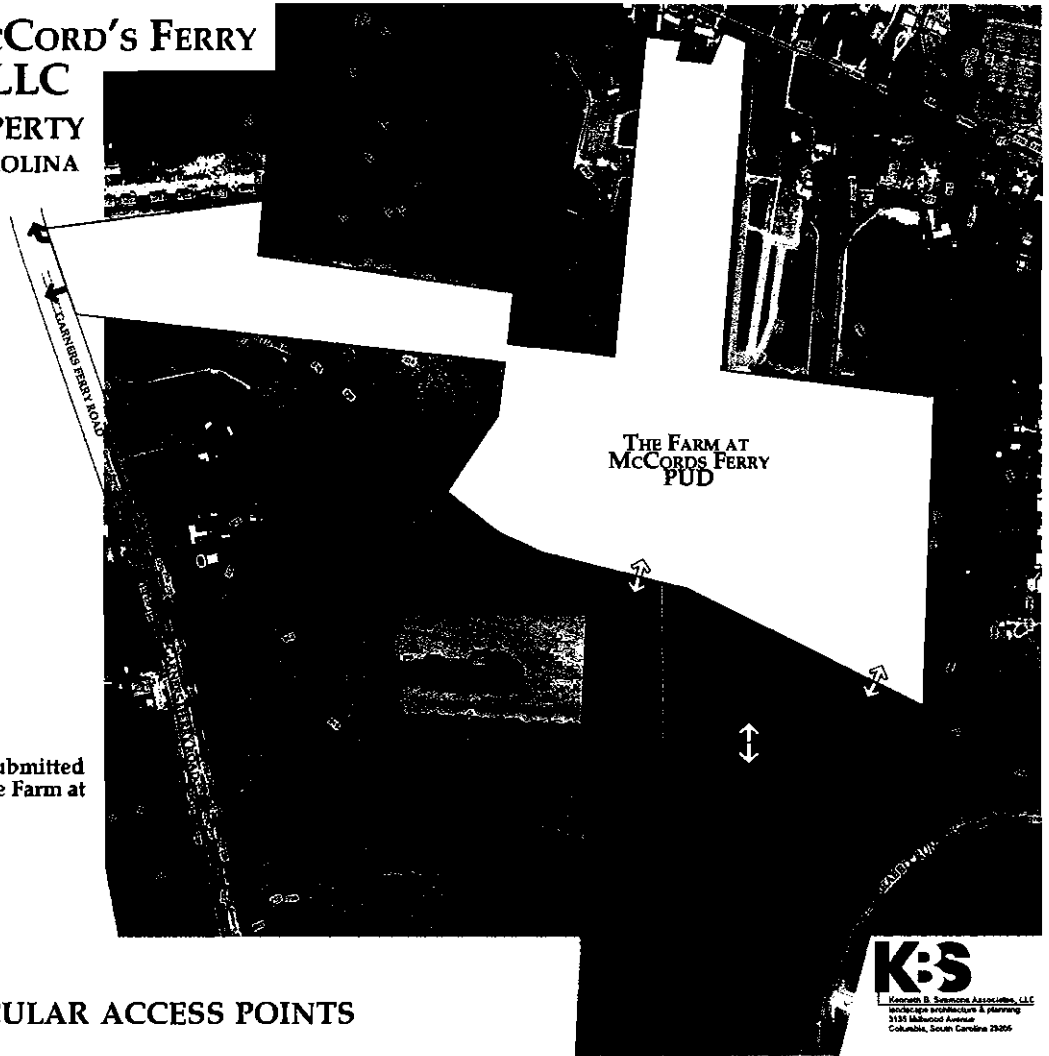
RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: October 25, 2005
First Reading: October 25, 2005
Second Reading: November 1, 2005 (tentative)
Third Reading:

**Exhibit A
Property Description**

**THE FARM AT McCORD'S FERRY
BARNSTORMERS, LLC
DESCHAMPS PROPERTY
COLUMBIA, SOUTH CAROLINA
AUGUST 25, 2005**



NOTE:
This plan amends previously submitted
PUDs for Barnstormers and The Farm at
McCord's Ferry.

↕ INTERNAL VEHICULAR ACCESS POINTS

K&S
Kearney B. Simmons Associates, LLC
landscape architecture & planning
3135 Ashwood Avenue
Columbia, South Carolina 29205

**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, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED HEREIN (TMS # 21800-01-04 & 21900-09-17), FROM PDD (PLANNED DEVELOPMENT DISTRICT) TO AN AMENDED 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 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 Zoning Map of unincorporated Richland County is hereby amended to change the property (TMS # 21800-01-04 & 21900-09-17), described in Exhibit A, which is attached

hereto, from PDD Planned Development District zoning to an amended PDD Planned Development District zoning.

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

- a) The applicant shall comply with the Master Plan, as previously approved on March 15, 2005 by the enactment of Ordinance Number 016-05HR; provided, however, one additional internal connection shall be located on the Northwest portion of the property between Barnstormers and The Farms@ McCord's Ferry PDD, as depicted in Exhibit A, which is attached hereto; and
- b) All site development requirements described above shall apply to the applicant, the developer, and/or their successors in interest.

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

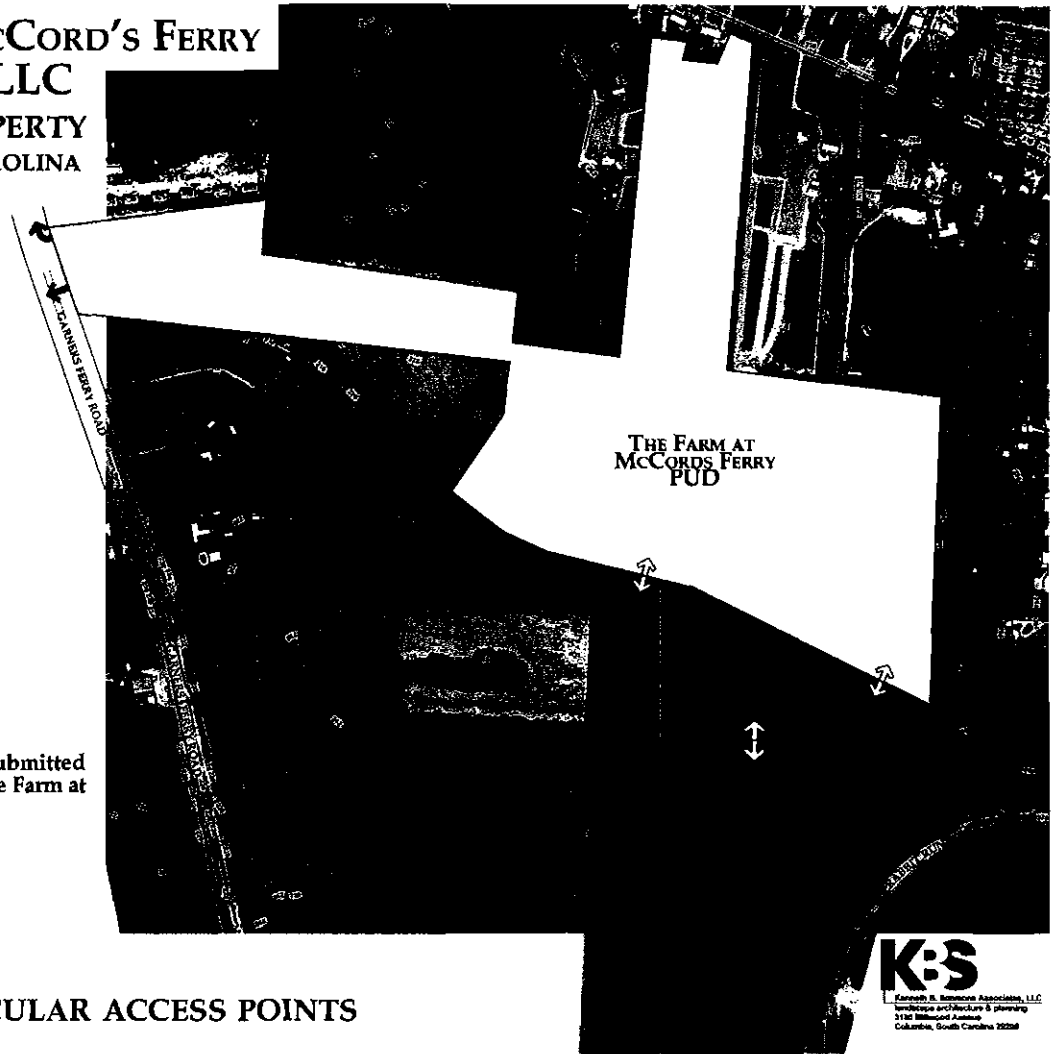
RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: October 25, 2005
First Reading: October 25, 2005
Second Reading: November 1, 2005 (tentative)
Third Reading:

**Exhibit A
Property Description**

**THE FARM AT McCORD'S FERRY
BARNSTORMERS, LLC
DESCHAMPS PROPERTY
COLUMBIA, SOUTH CAROLINA
AUGUST 25, 2005**



NOTE:
This plan amends previously submitted
PUDs for Barnstormers and The Farm at
McCord's Ferry.

↕ INTERNAL VEHICULAR ACCESS POINTS

**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, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED HEREIN (TMS # 17400-05-23) FROM RU (RURAL DISTRICT) TO GC (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 Zoning Map of unincorporated Richland County is hereby amended to change the property (TMS # 17400-05-23) described in Exhibit A, which is attached hereto, from RU Rural District zoning to GC 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: October 25, 2005
First Reading: October 25, 2005
Second Reading: November 1, 2005 (tentative)
Third Reading:

RICHLAND COUNTY COUNCIL DEVELOPMENT AND SERVICES COMMITTEE

Doris Corley
District 1

Joyce Dickerson
District 2

Damon Jeter, Chair
District 3

Greg Pearce
District 6

Bernice G. Scott
District 10

*Tuesday, October 25, 2005
5:00 PM*

Recommendations

ITEMS FOR ACTION

- Consent** **A. Ordinance to Prohibit Through Truck Traffic on Olympia Avenue** – The committee recommended that Council give first reading approval to an ordinance prohibiting through truck traffic on Olympia Avenue. The vote in favor was unanimous.
- B. Legal Settlement of Condemnation Action for Burdell Fuller Road** – The committee voted to send this item to Council without recommendation.
- Consent** **C. Ordinance Granting an Easement to the City of Columbia to Provide Water Service to the Heart Center Medical Office Building at Palmetto Richland Memorial Hospital** – The committee recommended that Council give first reading approval to an ordinance granting an easement to the City of Columbia to provide water service to the Heart Center Medical Office Building at Palmetto Richland Memorial Hospital. The vote in favor was unanimous.
- Consent** **D. Ordinance Granting a Cable Communication Easement to Time Warner Cable at Palmetto Richland Memorial Hospital** – The committee recommended that Council give first reading approval to an ordinance granting a cable communication easement to Time Warner Cable to provide cable services. The vote in favor was unanimous.
- Consent** **E. Resolution Authorizing Palmetto Richland Memorial Hospital to Grant a Cable Communications Easement to Time Warner Cable** – The committee recommended that Council approve a resolution authorizing Palmetto Richland Memorial Hospital to grant an easement to Time Warner Cable to provide cable services. The vote in favor was unanimous.
- F. Ordinance Amending Warranty Requirements for New Roads** - The committee voted to send this item to Council for THIRD reading without recommendation.

G. Ordinance Authorizing Small Business Participation in the Residential Solid Waste Collection Program – The committee voted to send this item to Council for first reading without recommendation.

Staffed by Joe Cronin

DRAFT

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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 17, MOTOR VEHICLES AND TRAFFIC; ARTICLE II, GENERAL TRAFFIC AND PARKING REGULATIONS; SECTION 17-9, THROUGH TRUCK TRAFFIC PROHIBITED; SO AS TO PROHIBIT THROUGH TRUCK TRAFFIC ON OLYMPIA AVENUE BETWEEN HEYWARD STREET AND VIRGINIA STREET IN RICHLAND COUNTY, SOUTH CAROLINA.

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

SECTION I. The Richland County Code of Ordinances; Chapter 17, Motor Vehicles and Traffic; Article II, General Traffic and Parking Regulations; Section 17-9, Through Truck Traffic Prohibited; is hereby amended by the deletion of the language contained therein and the substitution of the following language:

Section 17-9. Through truck traffic prohibited.

a. All through truck traffic is prohibited on Sparkleberry Lane in Richland County, South Carolina.

b. All through truck traffic is prohibited on Congress Road between Leesburg Road and Garners Ferry Road in Richland County, South Carolina.

c. All through truck traffic is prohibited on Bynum Road in Richland County, South Carolina.

d. All through truck traffic is prohibited on Summit Parkway in Richland County, South Carolina.

e. All through truck traffic is prohibited on Valhalla Drive in Richland County, South Carolina.

f. All through truck traffic is prohibited on Olympia Avenue between Heyward Street and Bluff Road in Richland County, South Carolina.

SECTION II. Severability. If any section, subsection, or clause of this Ordinance shall be held by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such finding shall not affect the validity of the remaining sections, subsections, and clauses of this Ordinance.

DRAFT

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: November 1, 2005 (tentative)
Second Reading:
Public Hearing:
Third Reading:

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

AN ORDINANCE AUTHORIZING THE GRANTING OF A WATER LINE RIGHT-OF-WAY EASEMENT TO THE CITY OF COLUMBIA ACROSS PROPERTY IDENTIFIED AS A PORTION OF TMS NUMBER 11503-01-04A, TO SERVE THE PALMETTO HEART MEDICAL OFFICE BUILDING.

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

SECTION I. The County of Richland and its employees and agents are hereby authorized to grant a water line right-of-way easement to the City of Columbia across property identified as a portion of TMS# 11503-01-04A to serve the Palmetto Heart Medical Building, as specifically described in the Easement, a copy of which is attached hereto and incorporated herein.

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

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

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

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

First Reading: November 1, 2005 (tentative)
Second Reading:
Public Hearing:
Third reading:

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

AN ORDINANCE AUTHORIZING A CABLE COMMUNICATIONS EASEMENT TO TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE PARTNERSHIP, THROUGH ITS TIME WARNER CABLE SOUTH CAROLINA DIVISION, D/B/A TIME WARNER CABLE ON PROPERTIES IDENTIFIED AS TMS NUMBER R11503-01-01 AND TMS NUMBER R11503-01-04A (ALSO KNOWN AS 5 MEDICAL PARK DRIVE, COLUMBIA, SOUTH CAROLINA).

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

SECTION I. The County of Richland and its employees and agents are hereby authorized to grant a cable communications easement to Time Warner Entertainment-Advance/Newhouse Partnership, through its Time Warner Cable South Carolina Division, d/b/a Time Warner Cable on properties identified as TMS Number R11503-01-01 and TMS Number R11503-01-04A (also known as 5 Medical Park Drive, Columbia, South Carolina, as specifically described in the Cable Communications Easement, a copy of which is attached hereto and incorporated herein.

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

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

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

First Reading: November 1, 2005 (tentative)
Second Reading:
Public Hearing:
Third reading:

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

 A RESOLUTION OF THE
 RICHLAND COUNTY COUNCIL

A RESOLUTION AUTHORIZING RICHLAND MEMORIAL HOSPITAL TO GRANT A CABLE COMMUNICATIONS EASEMENT TO TIME WARNER ENTERTAINMENT-ADVANCE/NEWHOUSE PARTNERSHIP, THROUGH ITS TIME WARNER CABLE SOUTH CAROLINA DIVISION, D/B/A TIME WARNER CABLE ON PROPERTIES IDENTIFIED AS TMS NUMBERS R17012-02-01, R17012-02-02A, R17012-02-02B, R17012-02-02C, AND TMS NUMBERS R11503-01-02, R11503-01-03, R11503-01-05 (ALSO KNOWN AS 3000 NORTHEAST MEDICAL PARK, COLUMBIA, SOUTH CAROLINA).

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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 21, ROADS, HIGHWAYS AND BRIDGES; SECTION 21-6, STANDARDS FOR STREETS AND DRAINAGE; SUBSECTION (F), WARRANTY; SO AS TO AMEND THE BOND REQUIREMENTS FOR ACCEPTANCE OF NEW STREETS AND DRAINAGE SYSTEMS BY RICHLAND COUNTY.

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

SECTION 1. The Richland County Code of Ordinances, Chapter 21, Roads, Highways and Bridges; Section 21-6, Standards for streets and drainage; Subsection (f), Warranty; is hereby amended by the deletion of the language contained therein and the substitution of the following language:

(f) *Warranty.* As a prerequisite to the county's acceptance of new streets and drainage systems, the grantor (or an assigned agent thereof) shall provide the county with a bond in an amount equal to 40% of the construction cost, with surety and conditions satisfactory to the county, as a warranty for a period of ~~three (3)~~ two (2) years. The warranty shall pertain to the design and construction of the streets and drainage system in accordance with these standards and their satisfactory performance during the warranty period. The warranty period shall commence with the formal acceptance of the roads by the county. The grantor (or an assigned agent thereof) is not responsible for repairing damage done to the roads subsequent to acceptance that was not a result of design or construction failure. Additionally, the roads and drainage networks shall be inspected by the County Engineer on an annual basis during this two year period. Deficiencies that are identified by the County Engineer, and are the responsibility of the developer as determined by the County Engineer, shall be repaired by the developer in a timely manner. The county may accept a bond in any one of the following forms:

- (1) A surety bond issued by a bonding company licensed to do business in the state; or
- (2) Escrow funds in an account in the name of the county; or
- (3) An irrevocable letter of credit issued by a responsible financial institution; or
- (4) A cash bond.

The bond and/or letter of credit would cover only claims made by the County in writing to the developer and the party issuing the bond within the two year period.

DRAFT

Claims must be made in writing with specificity as to what is to be repaired. The County would be entitled to draw only the required percentage of the cost of repairs as certified by the County Engineer.

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: September 6, 2005
Second Reading: September 20, 2005
Public Hearing: October 4, 2005
Third Reading: November 1, 2005 (tentative)

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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES;
CHAPTER 12, GARBAGE, TRASH AND REFUSE; ARTICLE II, COLLECTION AND
DISPOSAL; SO AS TO PROVIDE COLLECTION AND DISPOSAL SERVICES TO SMALL
BUSINESSES, AS DEFINED HEREIN.

RICHLAND COUNTY COUNCIL ADMINISTRATION AND FINANCE COMMITTEE

Kit Smith, Chair Mike Montgomery Paul Livingston Joseph McEachern Valerie Hutchinson
District 5 District 8 District 4 District 7 District 9

*Tuesday, October 25, 2005
Immediately Following D&S*

Recommendations

ITEMS FOR ACTION

- Consent A. National Association of Counties Prescription Discount Card Program** – The committee recommended that Council approve this item, pending the development of a plan by the Human Resources Department on how the program will be implemented. The vote in favor was unanimous.
- Consent B. Budget Amendment for the Mental Health Court** – The committee recommended first reading approval of a budget amendment in the amount of \$23,698.76 for the Mental Health Court. The vote in favor was unanimous.
- C. Request for New Department and Budget: Business Service Center**
- Consent 1. Ordinance Creating the Business Service Center** – The committee recommended first reading approval of an ordinance creating the Business Service Center. The vote in favor was unanimous.
- Consent 2. Budget Amendment to Authorize Seven Full-Time Positions and Reallocation of \$170,071 to Provide Funding for the Business Service Center** – The committee recommended first reading approval of a budget amendment authorizing seven full-time position and reallocation of \$170,071 to provide staff and funding for the Business Service Center. The vote in favor was unanimous.
- Consent D. Budget Amendment Establishing the Hopkins Utility Fund for the Operation of Franklin & Albene Park Utility Systems** – The committee recommended that Council give first reading approval of a budget amendment, contingent upon court approval of a rate increase, to establish the Hopkins Utility Fund and appropriate \$49,004 and authorize the addition of one full-time position. The committee also recommended that the rates remain in effect as long as receivership is held by Richland County. The vote in favor was unanimous.

The following committee items were approved during a Special Called Meeting of Richland County Council, held immediately following the A&F Committee meeting on October 25, 2005. Therefore, no action is required for these items during the regular Council meeting to be held on November 1, 2005.

E. Resolution Authorizing a Public Hearing for the Redevelopment Plan for the Olympia, Whaley, Granby Tax Increment Finance (TIF) District – The committee forwarded a resolution authorizing a public hearing for the Olympia, Whaley, Granby Tax Increment Finance (TIF) District to the full Council without recommendation.

Consent F. Sheriff's Department: Resolution Authorizing an Advancement for Vehicle Purchases – The committee recommended that Council approve a resolution advancing funds from a spring 2006 bond issuance for the purchase of vehicles for the Sheriff's Department. The vote in favor was unanimous.

Staffed by Joe Cronin

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

AN ORDINANCE AMENDING THE FISCAL YEAR 2005-2006 GENERAL FUND ANNUAL BUDGET TO REALLOCATE TWENTY-THREE THOUSAND SIX HUNDRED NINETY-NINE DOLLARS (\$23,699.00) TO INCREASE THE PROBATE COURT BUDGET TO PROVIDE FUNDS FOR THE MENTAL HEALTH COURT.

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 Twenty-Three Thousand Six Hundred Ninety-Nine Dollars (\$23,699.00) be appropriated to the FY 2005-2006 Probate Court budget. Therefore, the Fiscal Year 2005-2006 General Fund Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2005 as amended:	\$107,470,524
Revenue change due to ordinance:	<u> -0-</u>
Total General Fund Revenue As Amended:	\$107,470,524

EXPENDITURES

Expenditures appropriated July 1, 2005 as amended:	\$107,470,524
Transfer from Non-Departmental Grant Match:	(23,699)
Transfer to Probate Court Budget:	<u> 23,699</u>
Total General Fund Expenditures As Amended:	\$107,470,524

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: November 1, 2005 (tentative)
Second Reading:
Public Hearing:
Third Reading:

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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION; ARTICLE V, COUNTY DEPARTMENTS; BY ADDING A NEW DIVISION ENTITLED 7A, BUSINESS SERVICE CENTER, SO THAT A NEW COUNTY DEPARTMENT WILL BE CREATED.

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

AN ORDINANCE AMENDING THE FISCAL YEAR 2005-2006 GENERAL FUND ANNUAL BUDGET TO AUTHORIZE THE ADDITION OF SEVEN (7) FULL-TIME POSITIONS AND REALLOCATE ONE HUNDRED SEVENTY THOUSAND SEVENTY-ONE DOLLARS (\$170,071.00) TO PROVIDE FUNDING FOR THE BUSINESS SERVICE CENTER.

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 One Hundred Seventy Thousand Seventy-One Dollars (\$170,071.00) be appropriated to the FY 2005-2006 Business Service Center budget. Therefore, the Fiscal Year 2005-2006 General Fund Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2005 as amended:	\$107,470,524
Revenue change due to ordinance:	<u> -0-</u>
Total General Fund Revenue As Amended:	\$107,470,524

EXPENDITURES

Expenditures appropriated July 1, 2005 as amended:	\$107,470,524
Authorize the addition of seven (7) FT Positions for Business Service Center:	-0-
Transfer from Special Contracts, City Business License:	(170,071)
Transfer to Business Service Center:	<u> 170,071</u>
Total General Fund Expenditures As Amended:	\$107,470,524

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: November 1, 2005 (tentative)
Second Reading:
Public Hearing:
Third Reading:

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

AN ORDINANCE AMENDING THE FISCAL YEAR 2005-2006 RICHLAND COUNTY ANNUAL BUDGET TO ESTABLISH THE HOPKINS UTILITY FUND AND APPROPRIATE FORTY-NINE THOUSAND FOUR DOLLARS (\$49,004.00) AND AUTHORIZE THE ADDITION OF ONE FULL-TIME POSITION TO FUND THE HOPKINS UTILITY SYSTEM.

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 Forty-Nine Thousand Four Dollars (\$49,004.00) be appropriated to the FY 2005-2006 Hopkins Utility budget. Therefore, the Fiscal Year 2005-2006 Hopkins Utility Budget is hereby amended as follows:

REVENUE

Pond Drive Revenue appropriated July 1, 2005 as amended:	\$ 6,820
Appropriation of Franklin and Albene Park Water and Sewer Fee Revenue:	<u>49,004</u>
Total Hopkins Water System Revenue As Amended:	\$ 55,824

EXPENDITURES

Pond Drive Expenditures appropriated July 1, 2005 as amended:	\$ 6,820
Appropriation to Hopkins Water System:	<u>49,004</u>
Total Solid Waste Expenditures As Amended:	\$ 55,824

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: November 1, 2005 (tentative)
Second Reading:
Public Hearing:
Third Reading:

Richland County Council Rules and Appointments Committee



**RICHLAND COUNTY COUNCIL
REGULAR SESSION MEETING
NOVEMBER 1, 2005**

REPORT OF THE RULES AND APPOINTMENTS COMMITTEE

I. ITEMS FOR DISCUSSION

A. Employee Grievance Committee

Ordinance Amendment

B. Citizens Input

Time allotment

C. Council Rules

Deadline for Administration & Finance and Development & Services Committee Agendas

II. ADJOURNMENT

Report prepared and submitted by:
Monique Walters, Assistant to the Clerk of Council

*Joseph McEachern
Chairman
District Seven*

*Paul Livingston
District Four*

*Mike Montgomery
District Eight*

Staffed by:

*Monique Walters
Assistant to the Clerk of
Council*

Richland County Council

Committee Meeting

March 1, 2005

DIVISION 8. **GRIEVANCE** PROCEEDINGS

Editor's note--Ord. No. 1858-89, § VI, adopted April 4, 1989, deleted former Div. 8, §§ 2-475--2-483, relative to **grievance** proceedings, and enacted a new Div. 8, §§ 2-475--2-480 to read as herein set out. The provisions of former Div. 8 derived from Code 1976, §§ 4-1133--4-1139 and Ord. No. 1318-85, § 1, 6-18-85; Ord. No. 1324-85, § 1, 6-18-85; and Ord. No. 1469-86, § 1, 5-20-86)

Sec. 2-475. Generally.

This procedure is adopted in accordance with the "County and Municipal Employees **Grievance** Procedures Act," sections 8-17-110, et seq., Code of Laws of South Carolina, 1976, as amended. This division is not applicable to deputy sheriffs, who serve at the pleasure of the Richland County Sheriff.

(Ord. No. 1858-89, § VI, 4-4-89; Ord. No. 1956-90, § I, 3-6-90)

Sec. 2-476. Definitions.

Grievance. A **grievance** is defined as any complaint by an employee that he has been treated unfairly, unlawfully, or in violation of his rights under county policies, with regard to any matter pertaining to his employment by the county. This definition includes, but is not limited to, discharge, suspension, involuntary transfer, promotion and demotion. If an employee believes that he has not received or been credited with or has otherwise lost wages or benefits to which he is entitled, he must present his **grievance** in accordance with this procedure or such wages or benefits may be forfeited.

(Ord. No. 1858-89, § VI, 4-4-89)

Sec. 2-477. Procedure.

(a) An employee who feels that he has a **grievance** must follow the following procedure:

Step 1. He must discuss the **grievance** with his immediate supervisor. If his supervisor is unable or unwilling to adjust the **grievance** to the satisfaction of the employee, the employee must take Step 2.

Step 2. The employee must follow the chain of command, appealing to each successive level of supervision. All Step 1 and Step 2 appeals may be oral. At each level each supervisor shall have two (2) work days (Saturdays and Sundays excluded) to render a decision. If no decision is made within this time, the **grievance** shall be considered denied. If a supervisor at a particular level is unavailable to consider the **grievance**, it shall be considered denied and the employee shall appeal to the next level of supervision.

Step 3. If the head of the department in which the employee is employed denies the **grievance**, this decision shall be final as to any **grievance** brought by a probationary employee. A new employee shall be considered probationary until his probationary evaluation is completed and approved by his department head.

(b) An employee other than one serving an initial probation period may appeal to the employee **grievance** committee the denial of his/her **grievance** by department heads by filing a written request for appeal at the county's personnel department. This must be done within fourteen (14) calendar days of the time at which the facts on which the **grievance** is based became available to the employee. The written request for appeal must include the following information:

(1) The purpose of the appeal and what recommendation is requested of the **grievance** committee; and

(2) A statement that the chain-of-command has been followed in the appeal as is required by the **grievance** procedure.

The personnel department staff will assist in preparing the appeal, if requested.

(c) Within ten (10) days of receipt of the employee's request, the chair of the **grievance** committee shall schedule the requested hearing and notify the **grievance** committee, the employee requesting the hearing, the affected department, and the personnel department.

(Ord. No. 1858-89, § VI, 4-4-89)

Sec. 2-478. The employee **grievance** committee.

The county council shall appoint a committee composed of seven (7) employees to serve for terms of three (3) years, except that the members appointed

initially shall be appointed so that their terms will be staggered, and approximately one-third (1/3) of the terms shall expire each year. A member shall continue to serve after the expiration of his term until a successor is appointed. Any interim appointment to fill a vacancy for any cause prior to the completion of a member's term shall be for the unexpired term. Any member may be appointed for succeeding terms at the discretion of the county council. All members shall be selected on a broadly representative basis from among county employees. Members employed in the same department as the grieving employee and members having formed an opinion on the issues prior to the hearing, shall not participate in that employee's hearing. The council shall qualify and appoint no fewer than one (1) and no more than four (4) employees to serve for a term of three (3) years as alternate members of the employee grievance committee in the event three (3) or more permanent members of the committee shall be disqualified or otherwise unable to participate in a grievance proceeding, thereby precluding a quorum of the committee as required by this section. Alternate members may seek appointment as interim or permanent committee members as vacancies shall occur, in which event the council shall designate replacement for such alternate members so chosen for full membership on the committee:

(a) The committee annually shall select its own chair from among its members. The chair shall serve as the presiding officer at all hearings which he attends but may designate some other member to serve as presiding officer in his absence. The chair shall have authority to schedule and to re-schedule all hearings.

(b) A quorum shall consist of at least five (5) (two-thirds (2/3) of the committee) members, and no hearings may be held without a quorum.

(c) The presiding officer will have control of the proceedings. He shall take whatever action is necessary to ensure an equitable, orderly, and expeditious hearing. Parties shall abide by his decisions, except when a committee member objects to a decision to accept or reject evidence, in which case the majority vote of the committee will govern.

(d) The committee shall have the authority to call for files, records, and papers which are pertinent to any investigation and which are subject to the control of the county council; to call for or consider affidavits of witnesses; to request and hear the testimony of witnesses, to consider the results of polygraph examinations; and to secure the service of a recording secretary in its discretion. The committee shall have no authority to subpoena witnesses, documents or other evidence, nor shall any county employee be compelled to attend any hearing. All proceedings shall be tape recorded. Witnesses, other than the grieving employee and the department representative, shall be sequestered when not testifying. All witnesses shall testify under oath.

(e) All hearings shall be held in executive session unless the grieving employee requests at the beginning of the hearing that it be held in open session. The official tape recording and the official minutes of all hearings shall be subject to the control and disposition of county council.

(f) Neither the grieving employee nor the department may be assisted by advisers or attorneys during the hearing itself. However, the committee shall have an attorney

available at any and all times it considers necessary. The personnel department shall provide assistants in reading written materials to the committee at the request of a grieving employee.

(g) In disciplinary actions by department heads and their subordinate supervisors, the employee must receive in reasonable detail written notice of the nature of the acts or omissions which are the basis for the disciplinary action. This notice may be amended at any time twenty-four (24) hours or more before the commencement of the hearing. The department must demonstrate that the disciplinary action is for the good of the county. The department shall make the first presentation. The committee may base its findings and recommendations (and county council or elected or appointed officials may base their findings and recommendations) on any additional or different grounds from the employee's presentation.

(h) In non-disciplinary grievances, the employee must establish that a right existed and that it was denied him unfairly, illegally, or in violation of a county policy. The employee shall make the first presentation.

(i) In all grievances, the grieving employee and the department shall each be limited to one (1) hour of initial presentation. The party required to make the first presentation shall be entitled to a ten (10) minute rebuttal of the other party's presentation. The chair shall appoint himself or another member of the committee as timekeeper.

(j) In all grievances, presentations may be oral or in writing or both and may be supported by affidavits or unsworn signed statements from witnesses, by records, other documentary evidence, photographs, and other physical evidence. Presentations shall be made by the grieving employee (with reading assistance from a member of the personnel department if the employee desires) and by a managerial employee of the affected department. Neither party may call witnesses or question the other party, or question any witness called by the committee.

(k) Except as provided in (l) and (m) below, the committee shall, within twenty (20) days after hearing an appeal, make its findings and recommendation and report such findings and recommendation to the county administrator. The administrator shall immediately forward to the county council such findings and recommendations along with his own evaluation and recommendation. If the county council approves, the recommendation of the committee shall be its decision and copies of the decision shall be transmitted to the employee and to the head of the particular department involved. If, however, the county council rejects the decision of the committee, the county council shall make its own decision without further hearing, and that decision shall be final. Copies of the decision shall be transmitted to the employee and to the head of the particular department involved.

(l) If the administrator, in his sole discretion, believes that he is unable to give county council an objective recommendation and evaluation of the **grievance**, he shall forward the committee's findings and recommendations without adding his own evaluation and recommendation.

(m) In grievances involving the failure to promote or transfer, or the discipline or discharge of personnel employed in or seeking assignment to departments under the direction of an elected official or an official appointed by an authority outside county government, the committee shall, within twenty (20) days after hearing an appeal, make its findings and recommendation and report such findings and recommendation to such official. If the

official approves, the recommendation of the committee shall be his decision and a copy of the decision shall be transmitted by the committee to the employee. If, however, the official rejects the decision of the committee, the official shall make his own decision without further hearing, and that decision shall be final. A copy of the decision shall be transmitted to the employee.

(n) Nothing in this **grievance** procedure creates a property interest in employment or a contract of employment, nor does this procedure limit the authority of the county or an elected or appointed official to terminate any employee when the county or respective elected or appointed official considers such action to be necessary for the good of the county.

(Ord. No. 1858-89, § VI, 4-4-89; Ord. No. 2202-92, § I, 4-21-92)

Cross reference(s)--Boards, commissions and committees generally, § 2-326 et seq.

Sec. 2-479. Communication of **grievance policy and procedure.**

The policy and procedure shall be communicated directly to all employees and posted in a conspicuous place in all work areas. The personnel office shall have an affirmative duty to provide all county employees with information and assistance in utilizing the county **grievance** procedure.

(Ord. No. 1858-89, § VI, 4-4-89)

Sec. 2-480. Penalty for violation.

Any employee violating the provisions of this division shall be subject to suspension and/or dismissal.

(Ord. No. 1858-89, § VI, 4-4-89)

Sec. 2-393. Probationary period.

(a) All appointments to regular positions in the service of the county shall be for a probationary period of not more than six (6) months of satisfactory service. Law enforcement officers shall be on a

probationary status until they comply with all applicable existing state laws pertaining to law enforcement officers. Before the completion of the probationary period, the department head shall indicate in writing to the county administrator or his designee:

- (1) That he has discussed the new employee's progress (accomplishments, strengths, failures, and weaknesses) with the new employee;
- (2) That the new employee is performing satisfactory work;
- (3) If the new employee's probationary period should be extended beyond six (6) months;
- (4) That the employee should be retained; or
- (5) That the employee should be discharged.

(b) If retained, the employee should be considered a regular employee. An employee may be dismissed during the probationary period at any time if the department head believes that the employee is not capable of doing his assigned duties. Any grievance by the dismissed employee must be filed in accordance with the County's grievance procedures. Probationary employees shall be entitled to file grievances only with their immediate supervisor and each successive supervisor up to the department head, but no farther.

(Code 1976, § 4-1051; Ord. of 6-16-76, § 1; Ord. No. 1858-89, § V, 4-4-89; Ord. No. 059-94, § I, 7-5-94)

Sec. 2-401. Disciplinary action.

(a) Disciplinary actions shall be prescribed by a department head when, in his opinion, an employee's work performance or actions are sufficiently below standard so as to be detrimental to the program and/or the employee or if the employee violates county policies which mandate disciplinary action.

(b) Disciplinary action taken shall depend upon the nature of the offense; therefore, the action shall aim to prevent the continuation of unsatisfactory performance. Four (4) types of disciplinary action and their procedures will be used in most cases for regular employees but not necessarily in the following order:

(1) *Warning.* For single, unrelated and relatively minor instances of substandard performances or situations, an oral discussion between the employee's department head and the employee may be sufficient to correct the situation. In such cases, the department head need not fill out any formal written notice, and there need not be any documentation, placed in the employee's personnel folder; however, the department head may wish to make an informal note for his own records in case the corrective action sought is not forthcoming.

(2) *Official reprimand.* This action should take the form of a written notice of reprimand written by the employee's department head and given to the employee. Normally, it would follow repeated instances of minor infractions of substandard performance for which there have been previous oral warnings. This notice shall state clearly the reasons for the reprimand. A copy of this notice shall be retained by the department head and a copy given to the employee with the original sent to the personnel department to be reviewed, processed, and filed in the employee's personnel folder.

(3) *Probation.* This action shall be considered a severe warning issued in writing by the department head. The written notice shall explain clearly the reasons for the probationary action, stipulate the duration of the probationary period, the standards for judging the employee's improvement and the action to be taken if the deficiencies are not corrected within the probationary period. A copy shall be given to the employee, a copy retained by the department head with the original forwarded to the personnel office to be reviewed, processed, and placed in the employee's personnel file.

(4) *Suspension.* This action shall be taken as a disciplinary measure only when the action and/or behavior of an employee is grave enough to warrant more than probation but less than termination. It shall be issued in writing by a department head and shall clearly state the reasons, duration, and action to be taken (termination) if the action and/or behavior or similar actions/behaviors are repeated. A copy shall be given to the employee, a department copy retained, and the original forwarded to the personnel office to be reviewed, processed, and filed in the employee's personnel file.

(c) Any employee who feels disciplinary action taken against him is not justified may follow the **grievance** procedures.

(d) Employees shall be required to sign disciplinary notices, performance appraisals and similar documents. The employee's signature will simply indicate receipt and will not indicate agreement.

(Code 1976, § 4-1059; Ord. No. 1858-89, § V, 4-4-89; Ord. No. 059-94, § I, 7-5-94)

Sec. 2-413. Policy.

(a) *Equal employment opportunity.* It is the policy of the county to provide equal employment opportunity to all persons and to prohibit discrimination in employment because of race, religion, color, sex, age, national origin, physical disability or political affiliation with respect to employment, performance evaluation, promotion, training courses, terms or conditions of employment and all other county or county-sponsored activities.

(b) *Affirmative action.* The goal of affirmative action in employment throughout the county government is, and must continue to be, full representation of all groups in the

available work force of the county regardless of their race or sex. To that end, all divisions, subdivisions, departments and

agencies of the county receiving county funds shall take affirmative action to ensure equal employment opportunity. The county administrator shall have the plenary authority to recruit minority employees or comply with the letter and spirit of affirmative action as, in his sole discretion, such action is necessary, notwithstanding any other provision of this Code of ordinances.

(c) *Equal employment opportunity.* Equal employment opportunity shall be assured by Richland County. Richland County does not discriminate in any aspect of its operations against any person on the basis of race, sex, color, religion, national origin, disability, or on the basis of age with respect to individuals forty (40) years of age or older. County employees are required to comply strictly with the policy of non-discrimination in all matters concerning fellow employees and members of the public.

It is Richland County's policy to provide a working environment in which employees are free from discomfort or pressure resulting from jokes, ridicule, slurs, and harassment either relating to such distinctions or simply resulting from a lack of consideration for a fellow human being. If any employee feels that this policy has been violated by anyone with whom he comes in contact on the job, regardless of whether it is a fellow employee, a supervisor, or a member of the general public, he should utilize the grievance procedure to apprise the county. If an employee feels that his supervisor is violating this policy he should initiate his complaint with his supervisor's supervisor. The complaint will be kept as confidential, as possible, consistent with its efficient investigation.

Consistent with proper English usage, wherever in these ordinances a masculine pronoun or possessive adjective appears, it refers to both males and females.

Employees (including supervisors) who are found to have violated this policy will be subject to discipline commensurate with the seriousness of their conduct.

(Ord. No. 1043-83, § 2, 5-3-83; Ord. No. 1858-89, § V, 4-4-89; Ord. No. 059-94, § I, 7-5-94)

South Carolina Code of Laws
(unannotated)
Current through the end of the 2004 Regular Session

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Carolina and the South Carolina Legislative Council make no warranty as to the accuracy of the data, and users rely on the data entirely at their own risk.

Title 8 - Public Officers and Employees

CHAPTER 17.

STATE OR LOCAL EMPLOYEES GRIEVANCE PROCEDURE

ARTICLE 3.

COUNTY AND MUNICIPAL EMPLOYEES GRIEVANCE PROCEDURE

SECTION 8-17-110. *Legislative findings, declaration of purpose and short title.*

The General Assembly finds that a uniform procedure to resolve grievances of county and municipal employees arising from their public employment will contribute to more harmonious relations between public employers and public employees and result in an improvement in public service. The purpose of this article, which may be cited as the "County and Municipal Employees Grievance Procedure Act," is to implement this principle.

SECTION 8-17-120. *Adoption of plan for resolution of employee grievances; proper subjects for consideration under such plans.*

The governing body of any county or any incorporated municipality in this State may by ordinance or resolution adopt a plan for the hearing and resolution of employee grievances which, if adopted, shall conform substantially to the guidelines set forth in this article. As used in this article, grievances may include, but shall not necessarily be limited to, dismissal, suspensions, involuntary transfers, promotions and demotions. Compensation shall not be deemed a proper subject for consideration under the grievance procedure except as it may apply to alleged inequities within an agency or department of the particular county or municipal jurisdiction.

SECTION 8-17-130. *Establishment, membership, and powers of grievance committees.*

The governing body of each county and incorporated municipality which elects to establish an employee grievance procedure pursuant to this article shall appoint a committee composed of not less than three nor more than nine members to serve for terms of three years, except that the members appointed initially shall be appointed so that terms will be staggered and one third of the terms shall expire each year. Any interim appointment to fill a vacancy for any cause prior to the completion of his term shall be for the unexpired term. Any member may be reappointed for succeeding terms at the discretion of the appointing authority. All members of the grievance committee shall be selected on a broadly representative basis from among the career service or appointed personnel of the several county or municipal agencies, with the provision that, whenever a grievance comes before the committee initiated by or involving an employee of an agency of which a committee member also is an employee, such member shall be disqualified from participating in the hearing.

The committee shall select its own chairman from among its members. The chairman shall serve as the presiding officer at all hearings which he attends but may designate some other member to serve as presiding officer in his absence.

A quorum shall consist of at least two thirds of the committee members, and no hearings may be held without a quorum.

The presiding officer will have control of the proceedings. He shall take whatever action is necessary to insure an equitable, orderly and expeditious hearing. Parties shall abide by his decisions, except when a committee member objects to a decision to accept evidence, in which case the majority vote of the committee will govern.

The committee shall have the authority to call for files, records and papers pertinent to any investigation; to determine the order of the testimony and the appearance of witnesses; to call additional witnesses; and to secure the services of a recording secretary in its discretion.

SECTION 8-17-140. Findings and decisions of committee; review by local governing body.

The committee shall, within twenty days after hearing an appeal, make its findings and decision and report the findings and decision to the individual or body vested with employment and discharge authority. If the individual or body vested with employment and discharge authority approves, the decision of the grievance committee is final, and copies of the decision must be transmitted by the committee to the employee, to the chief administrative officer, and to the particular department or agency involved. If, however, the individual or body vested with employment and discharge authority rejects the decision of the committee, it shall make its own decision without further hearing, and that decision is final, with copies transmitted to the employee and the employing agency.

SECTION 8-17-150. Request for hearing before committee.

When any permanent county or municipal employee who has completed six months of satisfactory service is unable to resolve an alleged grievance by discussion and negotiation with his employer, he may request in writing a hearing before the grievance committee appointed and constituted as provided for in Section 8-17-130. The request for a hearing shall be directed to the governing body of the county or municipality concerned or to such administrative official as may be designated by the governing body. Within ten days of receipt of the employee's request, the governing body or its designated agency shall schedule the requested hearing and notify the grievance committee and the employee requesting the hearing.

SECTION 8-17-160. Powers of city managers.

In any municipality which has adopted the council-manager form of government, the powers and duties otherwise conferred by this article on the governing body shall be exercised by the city manager.

ARTICLE 5.
STATE EMPLOYEE GRIEVANCE PROCEDURE

SECTION 8-17-310. Legislative findings; declaration of purpose; short title.

The General Assembly finds that harmonious relations between public employers and public employees are a necessary and most important factor in the effective and efficient operation of government, and that a proper forum for the understanding and resolution of employee grievances will contribute to the establishment and maintenance of harmony, good faith, and the quality of public service. The General Assembly also recognizes that the most effective and cost efficient means of resolving grievances occurs at the lowest level, and state agencies are encouraged to use methods of alternative dispute resolution to avoid a grievance hearing and further litigation. It is for the protection and in the interests of both the employee and the agency via a neutral method of dispute resolution and fair administrative review, that this act, which may be cited as the "State Employee Grievance Procedure Act", is enacted.

SECTION 8-17-320. Definitions.

As used in this article, unless the context clearly indicates otherwise:

(1) "Agency" means a department, institution of higher learning, board, commission, or school that is a governmental unit of the State of South Carolina. Special purpose districts, political subdivisions, and other units of local government are excluded from this definition.

(2) "Appeal" means the request by a covered employee to the State Human Resources Director for review of an agency's final decision concerning a grievance.

(3) "Board" means the State Budget and Control Board.

(4) "Calendar days" means the sequential days of a year. The time must be computed by excluding the first day and including the last. If the last day falls on a Saturday, Sunday, or legal holiday, it must be excluded.

(5) "Class" means a group of positions sufficiently similar in the duties performed, degree of supervision exercised or received, minimum requirements of education, experience or skill, and the other characteristics that the same state class title and the same state salary range are applied to each position in the group by the Office of Human Resources.

(6) "Committee" means the State Employee Grievance Committee.

(7) "Covered employee" means a full-time or part-time employee occupying a part or all of an established full-time equivalent (FTE) position who has completed the probationary period and has a "meets" or higher overall rating on the employee's performance evaluation and who has grievance rights. Instructional personnel are covered upon the completion of one academic year except for faculty at state technical colleges of not more than two full academic years' duration. If an employee does not receive an evaluation before the official review date, the employee must be considered to have performed in a satisfactory manner and be a covered employee. This definition does not include employees in positions such as temporary, temporary grant, or time-limited employees who do not have grievance rights.

(8) "Demotion" means the assignment of an employee by the appointing authority from one established position to a different established position having a lower state salary range.

(9) "Deputy director" means an employee who has been appointed under the provisions of Section 1-30-10(E), oversees a division, and reports directly to the agency head.

(10) "Full-time equivalent" or "FTE" means a value expressing a percentage of time in hours and of funds related to a particular position authorized by appropriations acts enacted by the General Assembly.

(11) "Grievance" means a complaint filed by a covered employee or the employee's representative regarding an adverse employment action designated in Section 8-17-330 taken by an agency.

(12) "Instructional personnel" means employees of an agency that has primarily an educational mission, excluding the state technical colleges and excluding those employees exempted in Section 8-17-370(10) who work an academic year.

(13) "Involuntary reassignment" means the movement of an employee's principal place of employment in excess of thirty miles from the prior work station at the initiative of the agency. The reassignment of an employee by an agency in excess of thirty miles from the prior work station to the nearest facility with an available position having the same state salary range for which the employee is qualified is not considered involuntary reassignment.

(14) "Mediation" means an alternative dispute resolution process whereby a mediator who is an impartial third party acts to encourage and facilitate the resolution of a dispute without prescribing what it should be. The process is informal and nonadversarial with the objective of helping the disputing parties reach a mutually acceptable agreement.

(15) "Mediation-arbitration" means an alternative dispute resolution process that provides for the submission of an appeal to a mediator-arbitrator, an impartial third party who conducts conferences to attempt to resolve the grievance by mediation and render a decision that is final and binding on the parties if the appeal is not mediated.

(16) "Probationary employee" means a full-time or part-time employee occupying a part or all of an established FTE position in the initial working test period of employment with the State of twelve months' duration for non-instructional personnel, of the academic year duration for instructional personnel except for those at state technical colleges, or of not more than two full academic years' duration for faculty at state technical colleges. An employee who receives an unsatisfactory performance appraisal during the probationary period must be terminated before becoming a covered employee.

(17) "Promotion" means an employee's change from a position in one class to a position in another class having a higher state salary range. Failure to be selected for a promotion is not an adverse employment action that can be considered as a grievance or appeal.

(18) "Punitive reclassification" means the assignment of a position in one class to a different lower class with the sole purpose to penalize the covered employee.

(19) "Reassignment" means the movement within an agency of an employee from one position to another position having the same state salary range, or the movement of a position within an agency which does not require reclassification.

(20) "Reclassification" means the assignment of a position in one class to another class which is the result of a natural or an organizational change in duties or responsibilities of the position.

(21) "Reduction in force" means a determination made by an agency head to eliminate one or more filled positions in one or more organizational units within the agency due to budgetary limitations, shortage of work, or organizational changes.

(22) "Salary decrease based on performance" means the reduction of a covered employee's compensation based on the results of an Employee Performance Management System (EPMS) evaluation.

(23) "State Human Resources Director" means the head of the Office of Human Resources of the State Budget and Control Board, or his designee.

(24) "Suspension" means an enforced leave of absence without pay pending investigation of charges against an employee or for disciplinary purposes.

(25) "Temporary employee" means a full-time or part-time employee who does not occupy an FTE position, whose employment is not to exceed one year, and who is not a covered employee.

(26) "Termination" means the action taken by an agency against an employee to separate the employee involuntarily from employment.

(27) "Transfer" means the movement to a different agency of an employee from one position to another position having the same state salary range, or the movement of a position from one agency to another agency which does not require reclassification.

SECTION 8-17-330. Agency employee grievance plans; procedures; appeals.

Each agency shall establish an agency employee grievance procedure that must be reduced to writing and submitted for approval to the Office of Human Resources. A copy of the approved agency grievance procedure must be made available to covered employees of the agency. The provisions of the State Administrative Procedures Act apply in proceedings before the State Employee Grievance Committee. At other levels the State Administrative Procedures Act does not apply, but the covered employee has the right to a representative, including counsel. When a final decision is rendered, it must be given to the covered employee or the employee's representative in writing. If the covered employee chooses to exercise the right to counsel, the employee does so at his own expense.

The procedure must provide that all grievances of agency actions affecting a covered employee must be initiated internally by such employee within fourteen calendar days of the effective date of the action and that the agency shall make a final decision on a grievance within forty-five calendar days of the filing of the grievance by the covered employee. Failure by the agency to make a final decision on the grievance within forty-five calendar days after the filing of the grievance is considered an adverse decision, and the covered employee may appeal thereafter to the State Human Resources Director. The internal time periods of the agency grievance procedure may be waived upon the mutual written agreement of both parties. The forty-five-calendar-day period for action by the agency may not be waived except by mutual written agreement of both parties. The time periods for appeal to the State Human Resources Director may not be waived.

A covered employee who wishes to appeal the decision of the agency grievance procedure to the State Human Resources Director shall file an appeal within ten calendar days of receipt of the decision from the agency head or his designee or within fifty-five calendar days after the employee files the grievance with the agency, whichever occurs later. The covered employee or the employee's representative shall file the request in writing with the State Human Resources Director. Failure to file an appeal with the State Human Resources Director within ten calendar days of the agency's final decision or fifty-five calendar days from the initial grievance, whichever occurs later, constitutes a waiver of the right to appeal.

An employee must not be disciplined or otherwise prejudiced in employment for exercising rights or testifying under these processes.

As used in this article, a covered employee may file a grievance or appeal concerning the following adverse employment actions: terminations, suspensions, involuntary reassignments, and demotions. Reclassifications are considered a grievance only if an agency, or an appeal if the State Human Resources Director, determines that there is a

material issue of fact that the action is a punitive reclassification. However, reclassifications, reassignments, and transfers within the same state salary range are not adverse employment actions which may be considered grievances or appeals. Promotions are not adverse employment actions which may be considered grievances or appeals except in instances where the agency, or in the case of appeals, the State Human Resources Director, determines that there is a material issue of fact as to whether or not an agency has considered a qualified covered employee for a position for which the employee formally applied or would have applied if the employee had known of the promotional opportunity. For purposes of this article, when an agency promotes an employee one organizational level above the promoted employee's former level, that action is not a grievance or appeal for any other qualified covered employee. Salary decreases based on performance are adverse employment actions that may be considered as grievances or appeals. A reduction in force is an adverse employment action considered as a grievance only if the agency, or as an appeal if the State Human Resources Director, determines that there is a material issue of fact that the agency inconsistently or improperly applied its reduction in force policy or plan.

A covered employee has the right to appeal to the State Human Resources Director an adverse employment action involving the issues specified in this section after all administrative remedies to secure relief within the agency have been exhausted.

SECTION 8-17-340. State Employee Grievance Committee; hearings; procedures; appeals.

(A) There is created the State Employee Grievance Committee constituted and appointed to serve as an administrative hearing body for state employee appeals. The State Human Resources Director shall forward to the committee for a hearing all appeals which meet jurisdictional requirements and relate to the following adverse employment actions: terminations, salary decreases based on performance, demotions, suspensions for more than ten days, and reductions in force when the State Human Resources Director determines there is a material issue of fact regarding inconsistent or improper application of the agency's reduction in force plan or policy. The committee shall consist of at least eighteen and not more than twenty-four members who must be appointed by the State Budget and Control Board to serve for terms of three years and until their successors are appointed and qualify. All members of the committee must be selected on a broadly representative basis from among the personnel of the various state agencies as recommended by the agency head.

The committee annually shall elect a chairman from among its members to serve for a one-year term. In addition, the State Human Resources Director may divide the committee into panels of five members to sit at hearings and designate a member to serve as the presiding officer and a member to serve as secretary at all panel hearings. A quorum of a panel consists of at least three members.

Vacancies occurring for a reason other than expiration of a term must be filled by the State Budget and Control Board in the same manner as the original appointments.

Members may be reappointed for succeeding terms at the discretion of the State Budget and Control Board. The committee and the State Human Resources Director may recommend to the State Budget and Control Board that it promulgate regulations as necessary to carry out the provisions of this article and the board is authorized to promulgate these and other necessary regulations.

Committee members shall receive their normal pay for the time they are required to be away from their regular assignments. They may be reimbursed as provided by law from funds appropriated to the State Budget and Control Board for expenses, such as meals, lodging, and mileage, when using their personal automobiles, incurred in connection with the performance of necessary committee business.

(B) Whenever an appeal before the committee is initiated by or involves an employee of an agency of which a committee member also is an employee or involves another impermissible conflict of interest, the member is disqualified from participating in the hearing.

(C) The committee chairman or a designee shall conduct the grievance hearing in an equitable, orderly, and expeditious fashion. The committee chairman or a designee is authorized to administer oaths; to issue subpoenas for files, records, and papers; to call additional witnesses; and to subpoena witnesses. The State Budget and Control Board is authorized to request assignment by the Attorney General of one or more of his staff attorneys admitted to practice law in South Carolina to serve in the capacity of committee attorney. If the Attorney General is not able to provide sufficient legal staff for this purpose due to an impermissible conflict of interest, the State Budget and Control Board, with the approval of the Attorney General, is authorized to secure other qualified attorneys to serve as committee counsel. The committee attorney shall determine the order and relevance of the testimony and the appearance of witnesses, and shall rule on all motions, and all legal issues. The parties are bound by the decisions of the committee chairman or a designee or the committee attorney insofar as these hearings are concerned.

(D) At these hearings the employee and the agency are allowed representatives, including counsel. During the course of the hearing the parties and witnesses also shall respond to questions asked by the committee attorney or the committee members. The committee attorney or the attorney for the Office of Human Resources may assist the committee in the preparation of its findings of fact, statements of policy, and conclusions of law. The committee attorney may be present during the committee's deliberations on its decision only upon the request of the presiding officer. Within twenty calendar days of the conclusion of the hearing, the committee shall render its decision on the appeal. The decision shall include the committee's findings of fact, statements of policy, and conclusions of law.

(E) The committee may sustain, reject, or modify a grievance hearing decision of an agency as follows:

(1) In cases involving actual or threatened abuse, neglect, or exploitation, to include those terms as they may be defined in Section 43-35-10 or 20-7-490, of a patient, client, or inmate by an employee, the agency's decision must be given greater deference and may not be altered or overruled by the committee, unless the covered employee establishes that:

(a) The agency's finding that the covered employee abused, neglected, or exploited or threatened to abuse, neglect, or exploit a patient, client, or inmate is clearly erroneous in view of reliable, probative, and substantial evidence;

(b) The agency's disciplinary action was not within its established personnel policies, procedures, and regulations; or

(c) The agency's action was arbitrary and capricious.

(2) In all other cases, the committee may not alter or overrule an agency's decision, unless the covered employee establishes that the agency's decision is one or more of the following and prejudices substantial rights of the covered employee:

(a) in violation of constitutional or statutory provisions;

(b) in excess of the statutory authority of the agency;

(c) made upon unlawful procedure;

(d) affected by other error of law;

(e) clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or

(f) arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.

(F) The decision of the committee members must be transmitted in writing to the employee and the employing agency and is final in terms of administrative review. As a result of this decision, either the covered employee or the agency may request a rehearing or reconsideration within thirty calendar days from receipt of the decision. Petition for judicial review of the final decision may be made by the covered employee to the court of common pleas of the county in which the covered employee's place of employment is located. Only after an agency submits a written request to the Office of Human Resources seeking approval of the board may the agency initiate a petition for judicial review to the court of common pleas of the county in which the covered employee's place of employment is located. However, the agency may perfect the petition for judicial review only upon approval of the board. The covered employee or the agency who initiates a petition for judicial review is responsible for preparation of a transcript and paying the costs of preparation of a transcript of the audio tapes of a hearing required for

certification of the record to the court of common pleas. Neither the board nor the Office of Human Resources nor the State Human Resources Director nor the committee may be named in this petition for judicial review. However, any of these entities are entitled to make a motion in the court of common pleas to be allowed to intervene to participate in the petition for judicial review for appropriate reasons including their interest in defending their policies.

SECTION 8-17-345. Mediation-arbitration of employment action appeals.

The State Human Resources Director shall forward to a mediator-arbitrator all appeals which meet jurisdictional requirements and relate to the appeal of the following adverse employment actions: lack of promotional consideration and punitive reclassifications when the State Human Resources Director determines there is a material issue of fact regarding these issues, suspensions for ten days or fewer, and involuntary reassignments. In these cases, the arbitration decision is final. The provisions of the State Administrative Procedures Act do not apply to the mediation-arbitration proceedings.

The mediator-arbitrator must be assigned by the State Human Resources Director and shall serve as an impartial third party to hold conferences to mediate the appeal and if the appeal is not mediated, determine whether the covered employee substantiates that the agency's decision was not reasonable. The mediator-arbitrator shall review the documents which have been submitted by each party and shall schedule a time to meet with both parties, jointly or independently. Failure of the covered employee or the employee's representative to attend a conference without reasonable justification constitutes a waiver of the employee's rights to pursue the appeal further. The State Human Resources Director shall determine whether or not reasonable justification exists based on documents submitted by the parties.

The conferences with the parties are confidential and limited to the parties and their representatives, but other persons may attend with the permission of the parties and the mediator-arbitrator. The parties or their representatives attending a conference must have full authority to negotiate and recommend settlement. The mediator-arbitrator may not be compelled by subpoena or otherwise to divulge any records or discussions or to testify in regard to the mediation-arbitration in any adversary proceeding or judicial forum. All records, reports, documents, discussions, and other information received by the mediator-arbitrator while serving in that capacity are confidential, except the documents which have been submitted by each party shall be the record during judicial review.

If an agreement by the two parties is not reached, the mediator-arbitrator shall transmit to both parties a final written decision based on the information presented during the process concerning the appeal within forty-five calendar days after the mediator-arbitrator conducts a conference with either or both parties. This forty-five-day period may be extended by the State Human Resources Director under extenuating circumstances. The mediator-arbitrator shall request assistance from the attorney for the Office of Human Resources in the preparation of the final written decision. As a result of this decision, either the covered employee or the agency may request a reconsideration

within thirty calendar days from receipt of the decision. The mediator-arbitrator shall request assistance from the attorney for the Office of Human Resources in the preparation of the written response to the request for reconsideration. Petition for judicial review of the final decision may be made by the covered employee to the court of common pleas of the county in which the covered employee's place of employment is located. Only after an agency submits a written request to the Office of Human Resources seeking approval of the board may the agency initiate a petition for judicial review to the court of common pleas of the county in which the covered employee's place of employment is located. However, the agency may perfect the petition for judicial review only upon approval of the board. The record for judicial review shall be limited to the documents which have been submitted by each party and the final written decision of the mediator-arbitrator. Neither the board nor the Office of Human Resources nor the State Human Resources Director nor the mediator-arbitrator may be named in this petition for judicial review. However, any of these entities are entitled to make a motion in the court of common pleas to be allowed to intervene to participate in the petition for judicial review for appropriate reasons including their interest in defending their policies.

SECTION 8-17-350. Duties of state personnel director relative to grievance appeals from agency decisions.

When an appeal is filed, the State Human Resources Director shall assemble all records, reports, and documentation of the earlier proceedings on the grievance and review the case to ascertain that there has been full compliance with established grievance policies, procedures, and regulations within the agency involved and shall determine whether or not the action is grievable to the committee or a mediator-arbitrator. The attorney for the Office of Human Resources or a committee attorney shall provide the State Human Resources Director legal advice requested to assist the State Human Resources Director in complying with the provisions of this article. If the State Human Resources Director determines that the action is grievable, he shall forward the appeal and documents either (1) to the mediator-arbitrator for mediation-arbitration or (2) after the mediation process has been completed, to the designated committee panel and to the committee attorney for a hearing, whichever is appropriate based on the type of adverse employment action. The State Human Resources Director shall notify committee members, the committee attorney, and the parties concerned of the date, time, and place of hearings. The documents transmitted by the State Human Resources Director to the designated committee panel and committee attorney must be marked into evidence as "Committee Exhibit I" during the committee chairman's opening statement at the beginning of the hearing unless excluded by the committee attorney based on a prior objection raised by either party.

The State Human Resources Director is responsible for recording the hearings, and shall provide to the committee from the resources of the Office of Human Resources, the administrative and clerical services required.

SECTION 8-17-360. Mediation of grievances by state personnel director.

Once an appeal has been made to the State Human Resources Director and has been determined to meet all jurisdictional requirements, but before forwarding the appeal to the committee, the State Human Resources Director shall appoint a mediator to the appeal of the following adverse employment actions: terminations, salary decreases based on performance, demotions, suspensions for more than ten days, and reductions in force when the State Human Resources Director determines there is a material issue of fact regarding inconsistent or improper application of the agency's reduction in force plan or policy. The mediator must be an impartial third party who shall act to encourage and facilitate the resolution of the dispute through mediation. The mediator shall review the documents which have been submitted by each party and shall schedule a time to meet with both parties, jointly or independently, to attempt to resolve the matter. Mediation conferences are confidential and limited to the parties and their representatives. Other persons may attend only with the permission of the parties and the mediator. The parties or their representatives attending a mediation conference must have full authority to negotiate and recommend settlement. Failure of the covered employee or the employee's representative to attend a mediation conference without reasonable justification constitutes a waiver of the employee's rights to further pursue the appeal. The State Human Resources Director shall determine whether or not reasonable justification exists based on documents submitted by the parties.

The mediator may not be compelled by subpoena or otherwise to divulge records or discussions or to testify in regard to the mediation in any adversary proceeding or judicial forum. All records, reports, documents, discussions, and other information received by the mediator while serving in that capacity are confidential.

SECTION 8-17-370. Exemptions.

The provisions of this article do not apply to:

- (1) members, officers, or employees of the General Assembly;
- (2) employees within the Office of the Governor who work at the mansion or in the State House or those employees appointed by the Governor to serve at or above the organizational level of assistant directors of the individual program components;
- (3) elected public officials of this State or persons appointed to fill vacancies in these offices;
- (4) all judges, officers, and employees of the Judicial Department; jurors; all employees of the Commission on Prosecution Coordination; and the judges, officers, and employees of the Administrative Law Judge Division;
- (5) members of state boards, commissions, councils, advisory councils, or committees compensated on a per diem basis;

(6) inmate help in a charitable, penal, or correctional institution, residents of rehabilitation facilities, or students employed in institutions of learning;

(7) part-time professional personnel engaged in consultant or contractual services;

(8) an agency head who has the authority and responsibility for an agency within state government including the divisions of the State Budget and Control Board;

(9) employees of the Public Service Authority, State Ports Authority, the Jobs-Economic Development Authority, or the Division of Public Railways and the Division of Savannah Valley Development of the Department of Commerce;

(10) teaching or research faculty, professional librarians, academic administrators, or other persons holding faculty appointments at a four-year post-secondary educational institution, including its branch campuses, if any, as defined in Section 59-107-10;

(11) athletic coaches and unclassified employees in the athletic departments of four-year post-secondary educational institutions as defined in Section 59-107-10;

(12) deputy directors as defined in Section 8-17-320;

(13) regional and county directors of the Department of Social Services as defined in Section 43-3-40(B);

(14) employees of the Medical University Hospital Authority, provided the Medical University Hospital Authority has promulgated an employee grievance plan in accordance with its enabling provision; and

(15) presidents of the South Carolina Technical College System.

(16) a retired member of the South Carolina Police Officers Retirement System who is hired by an agency to fill all or some fraction of a full-time equivalent (FTE) position covered by the State Employee Grievance Procedure Act.

SECTION 8-17-380. Grievance and performance appraisal procedure for academic employees.

With respect to the teaching and research faculty, professional librarians, academic administrators, and all other persons holding faculty appointments at any post-secondary educational institutions described in item (10) of Section 8-17-370, each such institution, subject to the approval of the State Budget and Control Board or its designee and the Commission on Higher Education, shall establish in writing:

(a) A performance appraisal procedure which shall assure:

(1) annual review and evaluation of such employees;

(2) written findings;

(3) review of evaluations with each covered employee;

(4) retention of performance appraisals and written comments of such employee, if any, in a permanent file with right of full disclosure to the employee.

(b) A grievance procedure which shall at an appropriate stage provide a hearing for such employees before an individual or committee designated for such purposes, at which the employee shall have the right to representation by counsel and the opportunity to present evidence in his behalf. Any such procedure shall include the right of the employee to appeal the post-hearing decision to the governing board of the institution, or a committee designated by the board for this purpose, such appeal to be limited to the record of the hearing. Discrimination in compensation, promotion, and work assignment shall be subjects for consideration by such grievance procedure. Dismissal of tenured or other permanent employees and dismissal prior to the end of an employment contract term shall be only for cause, and shall be subject for consideration by such grievance procedure. The granting or the failure to grant tenured status to such employees or non-renewal of employment contracts at the end of the contract term shall not be subjects for consideration by such grievance procedure.

The grievance and performance appraisal procedure provided for herein shall be submitted to the State Budget and Control Board or its designee and the Commission on Higher Education for approval within six months after the establishment of any new institution.

RICHLAND COUNTY HUMAN RESOURCES GUIDELINES

TITLE: Grievance Procedure

Number: 6.02

EFFECTIVE DATE: 6/1/04

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REVISION DATE: 10/5/04

REVISION #:

PREPARED BY: Human Resources Department

AUTHORIZED BY: HRD

PURPOSE:

This procedure is adopted in accordance with the County and Municipal Employees Grievance Procedures Act, sections 8-17-110, et seq., Code of Laws of South Carolina, 1976, as amended.

DEFINITIONS:

- A. Grievance – Any complaint by a Regular employee that s/he has been treated unlawfully or in violation of his/her rights under county policies, with regard to any matter pertaining to his/her employment by the County. Matters involving compensation are not subjects for consideration under the grievance procedure except as they may apply to alleged inequities within a department of the County. Employee performance appraisal ratings may not be the subject of a grievance. This definition includes, but is not limited to, discharge, suspension, involuntary transfer, promotion and demotion. If a Regular employee believes that s/he has not received or been credited with or has otherwise lost benefits to which s/he is entitled, s/he must present his/her grievance in accordance with this procedure, or such wages or benefits may be forfeited.

PROCEDURE:

1. Only Regular employees may appeal their grievance to the Richland County Grievance Committee. Employees in their initial probationary period may appeal only up to the level of Department Head and no further in the process.
2. The following are not considerable grievable by Richland County, unless relating to discrimination:
 - 2.1. Performance appraisal ratings
 - 2.2. Employee Compensation except as it may apply to alleged inequities within a department of the County.
3. An employee who feels that s/he has a grievance must follow the following procedure:

Step 1: Attempt to discuss the grievance with his/her immediate Supervisor. If his/her Supervisor is unable or unwilling to adjust the grievance to the satisfaction of the employee, the employee must take Step 2.

Step 2: Follow the chain of command, appealing to each successive level of supervision. At each level each Supervisor shall have five calendar days to render a decision. If no decision is made within this time, the grievance is considered denied. If a Supervisor at a particular level is unavailable to consider the grievance, it is considered denied and the employee may appeal to the next level of supervision.

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PREPARED BY: Human Resources Department

AUTHORIZED BY: HRD

- 14.2. In grievances involving the failure to promote or transfer, or the discipline or discharge of personnel employed in or seeking assignment to departments under the direction of an elected official or an official appointed by an authority outside County government, the committee shall, within twenty (20) days after hearing an appeal, make its findings and recommendation and report such findings and recommendation to such official. If the official approves, the recommendation of the committee shall be his/her decision and a copy of the decision shall be communicated by the official to the employee and a copy of the final decision forwarded to HRD. If, however, the official rejects the recommendation of the committee, the official shall make his/her own decision without further hearing, and that decision shall be final. A copy of the Official's decision should be communicated to the employee.
15. Nothing in this grievance procedure creates a property interest in employment or a contract of employment, nor does this procedure limit the authority of the County or an elected or appointed official to terminate any employee when the County or respective elected or appointed official considers such action to be necessary for the good of the County.
16. These guidelines will be communicated to employees and may be posted in a conspicuous place within each department. IIRD will provide employees with information about and assistance in utilizing the County grievance procedure.

RESPONSIBILITIES:

1. Employee

1.1. Follow the chain of command in reporting grievances.

2. Supervisor / Department Head

2.1. Follow the grievance procedure and ensure timely consideration of grievances.

3. Human Resources Department

3.1. Support employee grievance requests for assistance in using procedures and publicize grievance procedure.

4. County Administrator

4.1 Make determination whether a grievance is eligible to proceed to the Grievance Committee.

- 2) Pledge of Allegiance
- 3) County Attorney's Report of Executive Session items: Council shall move to take action or to receive as information each item to be discussed in executive session.
- 4) Adoption of agenda: a two-thirds majority vote, of those present, is required to adopt the agenda.
- 5) Citizen input: Each citizen who has "signed up" to speak before Council may do so for up to 2 minutes; provided, however, the entire citizen input time shall not exceed 30 minutes. Input must pertain to items on the agenda for which no public hearing is required or has been scheduled. Any material that a citizen intends to present to Council, including audio and visual presentations, must be approved by the Clerk of Council prior to the meeting. Exceptions may be made with the consent of a simple majority of those Council members present.
- 6) Approval of minutes of previous meetings: a simple majority vote of Council is required to approve minutes. If there are corrections or amendments to the minutes, they may be approved as corrected or amended. Motions to reconsider, rescind, or expunge from the record any previous action must be made prior to adoption of the relevant minutes and any such motion will be placed on the Agenda's Motion Period for debate. Only when an item is expunged can it be reconsidered during the Motion Period. The adopted minutes shall note the motion to reconsider, rescind, or expunge.
- 7) Report of County Administrator: The County Administrator shall make recommendations or announcements concerning county affairs; but no action shall be taken on any item without proper notice, except in case of extreme emergency.
- 8) Report of Clerk of Council: The Clerk of Council shall make announcements, if any, concerning county affairs.
- 9) Public Hearings: Each citizen who has "signed up" may speak to Council concerning an item for which there is a public hearing for up to 2 minutes; provided, however, the entire public hearing time for any one item shall not exceed 30 minutes. Any material that a citizen intends to present to Council, including audio and visual presentations, must be approved by the Clerk of Council prior to the meeting. Exceptions may be made with the consent of a simple majority of those Council members present.
- 10) Consent items: Items shall consist of those matters that do not require further discussion by Council that have been forwarded to Council by the unanimous vote of the Committee. Any member of Council can remove an item from the Consent Agenda prior to adoption of the agenda. The Chair has the discretion to place items on the Consent Agenda, if in the judgement of the Chair, those items are unlikely to be debated.
- 11) Third reading: final approval of Ordinances.
- 12) Second reading.
- 13) Requests by Council members: items may include those that were defeated (or deferred beyond 90 days) by committee and reintroduced by three Council Members' signatures.
- 14) Second Citizen Input: Any citizen who wishes to introduce an item for consideration not currently under Council's consideration or bring a concern

to Council's attention may speak for no more than two minutes; provided, however, the entire second citizen input time shall not last longer than 30 minutes. Items for which a public hearing is required or has been scheduled cannot be addressed at this time. Exceptions may be made with the consent of a simple majority of those Council members present.

- 15) Motion period/Announcements: Any Council member may make an announcement or introduce an item (including resolutions and ordinances) for referral to a Committee. In addition, any Council member may make a motion for the approval of a resolution or to give first reading approval to an ordinance. Such resolutions and ordinances may be referred to a Committee for further deliberation or, by unanimous consent, the resolution shall be deemed adopted or the ordinance may be sent forward for second reading. Further, any Council member may make a motion directing the county administrator to take action on a county-related matter; and upon approval of a majority of members present and voting, the county administrator shall act upon the directive given.

- 16) Adjourn.

- d) Additions - A request to add items to the agenda requires a two-thirds vote of those Council members present.

RULES II: THE CHAIR

2.1 Call to Order

The Chair shall call Council meetings to order at 6:00 p.m. or as soon thereafter as practical on the first and third Tuesday of each month and, if a quorum is present, proceed to the meeting agenda.

2.2 Preservation of Order

The Chair shall preserve order and decorum and, in case of disturbance or disorderly conduct in the Chamber or the lobby, may cause the same to be cleared. The members of Council, and the public who participate in meetings, agree to adhere to the following "Code of Conduct":

"I pledge that I may disagree, but will be respectful of all. I will direct all comment to the issues. I will refrain from personal attacks."

2.3 Transgressions of Order

If any member, in speaking or otherwise, transgresses the Rules of the Richland County Council, the Chair shall call him/her to order, or any member may call such transgressions to the attention of the Chair who shall call the transgressor to order. If repeated cries of order are ineffective, the Chair may call a member by name, and if the Chair deems it necessary, shall state the offense committed. The member may be heard in self-defense and shall withdraw from the issue, and the Council shall consider any further proceeding to be had.

2.4 Points of Order

The Chair shall decide all points of order, subject to an appeal by any member. The Chair may require the member raising a point of order to cite the Rule or other authority in support

exist at that time. After an appointment(s) has been made, applications shall be retained by the Clerk of Council for one (1) year and may be considered upon the request of the applicant whenever a vacancy occurs within that one (1) year period of time.

- d) **Economic Development Committee**, consisting of four (4) members through December 31, 2001, and thereafter consisting of three (3) members, serves to consider economic development matters brought before them and make recommendations to the full Council. The Committee meets on an as needed basis.

4.2 Organization

Each of the above-referenced committees shall select a Chair and function primarily as legislative/advisory committees. Once appointed for the year, no member of a committee may be removed by the Chair of Council without the approval of Council. During the remainder of the year, any vacancy occurring on these committees shall be filled in a similar manner as soon as it may reasonably be accomplished. Any member of Council may attend any meeting of the committee, provided, however, only members of the particular committee may vote on matters before that committee.

The Chair of County Council shall be an ex-officio member of the Rules and Appointments Committee and Economic Development Committee.

4.3 Jurisdiction

Unless otherwise ordered, committees shall have jurisdiction only over matters pertaining to the subjects indicated by the names of the respective committees. Personnel matters shall be discussed by the full Council and not by standing or special committees.

4.4 Agendas

Appropriate written backup for all items of business that are to be included in the Administration and Finance Committee's or the Development and Services Committee's agenda must be delivered to the County Administrator's Office by 5:00 p.m. on Friday, the eleventh day prior to the committee's meeting on Tuesday. Agendas with backup information shall be provided to all members of Council on or before the Friday prior to the Committee's meeting.

4.5 Meetings

Committees shall meet regularly in a room designated by the Committee Chair. No committee shall meet while the Council is meeting without special leave. No committee shall sit unless a quorum is present. No Council member shall be allowed under any circumstances to vote by proxy. Members of Council, whenever possible, shall make inquires and requests for information at the Committee meetings. Members of the public may address a Committee with the permission of the Committee Chair and with the consent of the Committee; however, any material that a citizen intends to present, including audio and visual presentations, must be approved by the Clerk of Council prior to the Committee meeting.

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MEMORANDUM

TO: T. Cary McSwain, Administrator
Michielle Cannon-Finch, Clerk to Council
Larry C. Smith, Esquire

FROM: Francenia B. Heizer, Esquire

DATE: October 20, 2005

RE: Industrial Development Revenue Bond

In 1997, Plasti-Line, Inc. now ImagePoint, Inc. (the "Company") issued an industrial development revenue bond through the South Carolina Jobs-Economic Development Authority ("JEDA"). The Company is now undertaking to refund the transaction. Federal and State law require that a public hearing be held in the jurisdiction in which the Company is located and that the governing body within that jurisdiction adopt a resolution in support of the bonds. In an effort to assist the Company, we would ask that a public hearing be held on November 15, 2005, and such a resolution be adopted by the County at that time. The forms of these documents along with a Certificate to be executed by the Clerk to Council are attached. The Company will be responsible for publishing the Notice. A representative will be available, if requested, to attend the meeting to answer any questions.

As the financing is through JEDA, the County has no responsibility whatsoever for the debt.

FBH:laf

Attachments

cc: F. Mitchell Johnson, Jr., Esquire

PUBLIC NOTICE

Notice is hereby given by the South Carolina Jobs - Economic Development Authority ("*JEDA*") and Richland County Council ("*County Council*") that a joint public hearing relating to the proposed issuance and delivery by JEDA of not exceeding \$5,000,000 in aggregate principal amount of its Tax-Exempt Adjustable Mode Industrial Development Revenue Refunding Bonds (ImagePoint, Inc. Project) Series 2005 (the "*Bonds*") pursuant to Title 41, Chapter 43, Code of Laws of South Carolina 1976, as amended, which Bonds are to be issued to refinance the acquisition, construction, installation, and equipping of a facility for the manufacture of specialty signage and automatic teller machine surround products (the "*Project*") owned and operated by ImagePoint, Inc., a Tennessee corporation, will be held at the Council Chambers of Richland County Council, 2020 Hampton Street, Columbia, South Carolina, at 6:00 p.m. on November 15, 2005. The Project is located at 2050 American Italian Way approximately one mile south of the intersection of Pineview Road and Garners Ferry Road in Richland County, South Carolina.

RICHLAND COUNTY COUNCIL

A RESOLUTION

IN SUPPORT OF THE ISSUANCE BY THE SOUTH CAROLINA JOBS - ECONOMIC DEVELOPMENT AUTHORITY OF ITS TAX-EXEMPT ADJUSTABLE MODE INDUSTRIAL DEVELOPMENT REVENUE REFUNDING BONDS (IMAGEPOINT, INC. PROJECT) SERIES 2005 PURSUANT TO THE PROVISIONS OF TITLE 41, CHAPTER 43, CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED, IN THE PRINCIPAL AMOUNT OF NOT EXCEEDING \$5,000,000.

WHEREAS, the South Carolina Jobs - Economic Development Authority (the "Authority") is authorized and empowered under and pursuant to the provisions of Title 41, Chapter 43, Code of Laws of South Carolina 1976, as amended (the "Act"), to utilize any of its program funds to establish loan programs to be utilized to acquire, by construction or purchase, properties and for other purposes described in §41-43-160 of the Act in order to promote and develop the business and economic welfare of the State of South Carolina (the "State"), encourage and assist in the location of new business enterprises in the State and in rehabilitation and assistance of existing business enterprises and in the promotion of the export of goods, services, commodities, and capital equipment produced within the State, and thus provide maximum opportunities for the creation and retention of jobs and improvement of the standard of living of the citizens of the State and in the promotion and advancement of industrial, commercial, agricultural, and recreational development in the State; and

WHEREAS, the Authority is further authorized by §41-43-110 of the Act to issue bonds to provide funds for any program authorized by the Act; and

WHEREAS, on July 17, 1997, and in accordance with the Act, the Authority issued its South Carolina Jobs - Economic Development Authority, Industrial Development Revenue Bonds (Plasti-Line, Inc. Project) Series 1997 (the "Prior Bonds") to defray the costs of the acquisition, construction, installation, and equipping of certain land, buildings, fixtures, machinery, and equipment constituting a facility for the manufacture of specialty signage and automatic teller machine surround products (the "Project") to be located in Richland County, South Carolina (the "County"); and

WHEREAS, ImagePoint, Inc. *Et/*a Plasti-Line, Inc. (the "Company"), a Tennessee corporation and the owner of the Project, has requested that the Authority issue its "South Carolina Jobs - Economic Development Authority Tax-Exempt Adjustable Mode Industrial Revenue Refunding Bonds (ImagePoint, Inc. Project) Series 2005" in an amount not exceeding \$5,000,000 (the "Series 2005 Bonds") for the purpose of providing funds to finance a portion of the cost of refunding and defeasing the Prior Bonds; and

WHEREAS, the Authority and the County have this day jointly held a public hearing, duly noticed by publication in a newspaper having general circulation in the County not less than fifteen (15) days prior to the date hereof, at which all interested persons were given a reasonable opportunity to express their views,

NOW, THEREFORE, BE IT RESOLVED by Richland County Council as follows:

Section 1. It is hereby found, determined, and declared, that the Project and the refinancing thereof is anticipated to benefit the general public welfare of the County by continuing to provide services, employment, recreation, or other public benefits not otherwise provided locally.

Section 2. The County supports the Authority in its determination to issue the Series 2005 Bonds to defray a portion of the cost of refunding and defeasing the Prior Bonds.

Section 3. All orders and resolutions and parts thereof in conflict herewith are to the extent of such conflict hereby repealed, and this Resolution shall take effect and be in full force from and after its adoption.

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

I, the undersigned, Clerk of Richland County Council, do hereby certify that the foregoing is a true, correct, and verbatim copy of a Resolution duly adopted by Richland County Council on November 15, 2005.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of November, 2005.

Clerk, Richland County Council

CERTIFICATE AS TO PUBLIC HEARING

I, the undersigned, Michelle Cannon-Finch, Clerk of Richland County Council ("*County Council*"), DO HEREBY CERTIFY as follows:

1. Attached hereto is an Affidavit of Publication of Notice of Public Hearing (the "*Notice*") published in *The State*, a newspaper of general circulation in Richland County, South Carolina (the "*County*") on October ____, 2005.

2. The public hearing was conducted by County Council and the South Carolina Jobs - Economic Development Authority (the "*Authority*"), at the time and place specified in the Notice, in connection with the issuance by the Authority of its Tax-Exempt Adjustable Mode Industrial Development Revenue Refunding Bonds (ImagePoint, Inc. Project) Series 2005 in an amount not to exceed \$5,000,000 (the "*Bonds*") for the purpose of refinancing the acquisition, construction, installation, and equipping of a facility for the manufacture of specialty signage and automatic teller machine surround products (the "*Project*") located in Richland County, South Carolina (the "*County*"), and owned and operated by ImagePoint, Inc. f/k/a Plasti-Line, Inc., a Tennessee corporation.

3. At the public hearing, all persons desiring to do so were given reasonable opportunity to speak and, if requested, to present their opinions in writing regarding the issuance by the Authority of the Bonds and the use of the proceeds for the above-described purposes. There were no written comments received nor were there persons in attendance at the public hearing to speak in opposition to the issuance of the Bonds.

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of November, 2005.

Michelle Cannon-Finch, Clerk, Richland County Council