



## **PUBLIC HEARING ITEMS**

**2.a., 5.a.**

## **APPROVAL OF CONSENT ITEMS**

**1.b., 1.c. 1.d. 1.e., 1.f., 2.b., 5.a.**

### **1. THIRD READING ITEMS**

- a. An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article III, Building Codes, Section 6-82; Article IV, Electrical Code, Sections 6-96 and 6-97; Article V, Fire Prevention Code; Article VI, Gas Code; Article VII, Mechanical Code; Article VIII, Plumbing Code, Sections 6-153 and 6-154; Article IX, Swimming Pool Code, Sections 6-168 and 6-169; Article X, Property Maintenance, Section 6-182; so as to adopt the 2005 Edition of the National Electrical Code and the 2006 Editions of the International Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, and International Property Maintenance Code [Pages 15-19]**
  
- b. 08-10MA  
Stan Mack  
RS-MD to GC  
Law Office  
07307-02-01  
1320 Bluefield Drive [CONSENT] [Page 20]**
  
- c. 08-18MA  
B&C Development Company, LLC  
Lee Blythe  
RU to RS-MD (25.71 acres)  
Single Family Residential  
02509-04-03 & 02416-01-01 & 02412-02-06  
Wise Road & Bickley Road [CONSENT] [Pages 21-22]**
  
- d. 08-19MA  
Hester Woods Place  
Steve Corboy  
PDD to RM-MD (3.35 acres)  
Townhomes  
20200-04-02 (p)  
Hardscrabble & Hester Woods Drive [CONSENT] [Page 23]**

- e. **An Ordinance Amending the Required Conditions for Day Cares (Adult Day Cares, Family Day Cares, and Group Day Cares), regarding parking [CONSENT] [Pages 24-26]**
- f. **An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-141, Table of Permitted Uses with Special Requirements, and Special Exceptions; “Recreational Uses” of Table 26-V-2.; so as to correctly reflect that golf courses are only permitted in the TROS, GC, M-1, and LI Zoning Districts [CONSENT] [Pages 27-29]**
- g. **An Ordinance Amending the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article 1, in general, so as to amend requirements pertaining to sexually oriented businesses, and make clarifications pertaining to all businesses [Pages 30-47]**
- h. **An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (c), Standard; Paragraph (66), Sexually Oriented Businesses; so as to amend requirements pertaining to sexually oriented businesses [Pages 48-66]**

**2. SECOND READING ITEM**

- a. **An Ordinance to levy and impose a one percent (1%) sales and use tax, subject to a referendum, within Richland County pursuant to Section 4-37-30 of the Code of Laws of South Carolina 1976, as amended; to define the specific purposes and designate the projects for which the proceeds of the tax may be used; to provide the maximum time for which such tax may be imposed; to provide the estimated cost of the projects funded from the proceeds of the tax; to provide for a county-wide referendum on the imposition of the sales and use tax and the issuance of general obligation bonds and to prescribe the contents of the ballot questions in the referendum; to provide for the conduct of the referendum by the Richland County Election Commission; to provide for the administration of the tax, if approved; to provide for the payment of the tax, if approved; and to provide for other matters relating thereto [PUBLIC HEARING] [Pages 67-85]**

- b. **08-16MA  
The Cascades  
Tom Margle  
RU to RS-LD (67.97 Acres)  
Single Family Residential  
20400-01-01/02/03/04/10/11 & 18  
Sand Farm Rd. [CONSENT] [Pages 86-87]**

**3. FIRST READING ITEMS**

- a. **An Ordinance Amending the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article 1, in general; so as to address business revenues generated by interstate commerce [Pages 88-90]**
- h. **An Ordinance Amending the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article 1, in general; so as to address rates set for landfills [Pages 91-92]**

**4. REPORT OF THE DEVELOPMENT AND SERVICES COMMITTEE**

**[deferred from Council Meeting held July 1, 2008]**

- a. **Request to approve an extension of the American Engineering Construction Management Contract, the Power Engineering Resident Contract Representative Contract, and the Power Engineering Consultant Services Contract for the purpose of completing the Broad River Waste Water Treatment Plant construction project**

**5. REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE**

- a. **A Resolution in support of the issuance by the South Carolina Jobs-Economic Development Authority of its not exceeding \$35,000,000 industrial revenue bonds (South Carolina Electric and Gas Company Project), in one or more series, pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina 1976, as amended [CONSENT] [PUBLIC HEARING] [Pages 93-95]**

**6. REPORT OF THE ECONOMIC DEVELOPMENT COMMITTEE**

- a. **Project CAGE Resolution [Pages 96-100]**
- b. **Project CAGE MOU [Pages 101-113]**
- c. **Ordinance to amend Siemens Diesel Systems Technology FILOT [Page 114]**
- d. **Ordinance to amend Siemens VDO Automotive Corporation FILOT [Page 115]**

- e. **Bailey Bill Ordinance Amendments [Pages 116-130]**
- f. **Industry Appreciation Week Resolution [Page 131]**
- g. **Business Ambassador for Richland County [Pages 132-133]**

**7. REPORT OF THE RULES AND APPOINTMENTS COMMITTEE  
[Pages 134-135]**

**I. NOTIFICATION OF VACANCIES ON BOARDS, COMMISSIONS,  
AND COMMITTEES**

- a. **Accommodations Tax Committee-1**
- b. **Board of Assessment Control-1**
- c. **Community Relations Council-1**
- d. **Employee Grievance Committee-1**

**II. NOTIFICATION OF APPOINTMENTS TO BOARDS,  
COMMISSIONS, AND COMMITTEES**

- a. **Board of Zoning Adjustments and Appeals-1 [Pages 136-140]**
- b. **Building Codes Board of Adjustments and Appeals-1  
[Pages 141-142]**
- c. **Central Midlands Council of Governments-2 [Pages 143-144]**
- d. **East Richland Public Service Commission-1 [Pages 145-148]**
- e. **Internal Audit Committee-1**
- f. **Midlands Regional Convention Center Authority-1  
[Pages 149-153]**

**III. MOTION PERIOD-RULE CHANGE [Page 154]**

**IV. MOTION PERIOD-REVIEW POLICY OF MOTIONS BEING  
HELD IN COMMITTEES FOR MORE THAN SIX MONTHS  
[Page 155]**

**8. CITIZEN'S INPUT**

**9. EXECUTIVE SESSION**

**10. MOTION PERIOD**

**11. ADJOURNMENT**

# MINUTES OF



## RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, JULY 1, 2008 6:00 p.m.

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

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### MEMBERS PRESENT:

Chair	Joseph McEachern
Member	Joyce Dickerson
Member	Valerie Hutchinson
Member	Norman Jackson
Member	Damon Jeter
Member	Paul Livingston
Member	Bill Malinowski
Member	L. Gregory Pearce, Jr.
Member	Bernice G. Scott
Member	Kit Smith
Absent	Mike Montgomery

**OTHERS PRESENT** – Michielle Cannon-Finch, Milton Pope, Tony McDonald, Roxanne Matthews, Joe Cronin, Stephany Snowden, Jennifer Dowden, Tamara King, Larry Smith, Joseph Kocy, Anna Almeida, Jennie Sherry-Linder, Geo Price, Amelia Linder, Jim Wilson, Hugh Caldwell, Pam Davis, Rodolfo Callwood, Audrey Shifflett, Daniel Driggers, Teresa Smith, Monique Walters, Michelle Onley

### CALL TO ORDER

The meeting was called to order at approximately 6:07 p.m.

### INVOCATION

The Invocation was given by the Honorable Joe McEachern

### PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Joseph McEachern

Ms. Scott moved, seconded by Ms. Hutchinson, to add a presentation by Camp Discovery. The vote in favor was unanimous.

**Camp Discovery Presentation** – Ms. Dawn Johnson gave a brief presentation regarding Camp Discovery.

### CITIZENS' INPUT

No one signed up to speak.

### APPROVAL OF MINUTES

**Regular Session: June 17, 2008** – Mr. Malinowski moved, seconded by Ms. Hutchinson, to approve the minutes as distributed. The vote in favor was unanimous.

**Zoning Public Hearing: June 24, 2008** – Ms. Hutchinson moved, seconded by Mr. Jackson, to approve the minutes as distributed. The vote in favor was unanimous.

### ADOPTION OF AGENDA

Mr. Smith stated that the back up information (petition and project list) for 3.a. actually should be the back up for 7.a.

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

Mr. Malinowski requested that the title of Item 2.g. be grammatically corrected.

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

The following items were potential Executive Session items:

- a. **Project CAGE**
- b. **Splash vs. Richland County**
- c. **Watts vs. Richland County—Pending Litigation**
- d. **Killian Crossing Mitigation**
- e. **Team IA vs. Richland County**
- f. **Recreation Items (3.a. and 7.a.)**

### REPORT OF THE COUNTY ADMINISTRATOR

**Project CAGE** – This item was taken up during Executive Session.

**Wrap Up Special Called Meeting before August recess; July 22, 2008—  
Immediately Following Zoning Public Hearing** – This item was taken up during the motion period.

**OPEB/GASB 45 Resolution** – Mr. Pope stated that this resolution was in regard to the County's potential partnership with the South Carolina Association of Counties irrevocable trust. The resolution is non-binding, but expresses the County's interest in participating in the trust.

**Business License Ad Hoc Committee Report** – This item was on the agenda for action.

**College Colors Day** – This item was taken up during the motion period.

**Transportation Work Session Report** – Mr. Pope stated that the grocery sales tax initiative did not pass this legislative year; therefore, the project list dollar amount remains the same. Mr. Pope further stated that the 1% sales and use tax—transportation penny—was on the agenda for Second Reading and needed to be forwarded to the Election Commission by mid-August in order for it to appear on the November ballot.

**Homelessness Initiative Report** – Mr. Pope stated that there is a pledge to raise approximately \$15,000,000. The Knight Foundation has pledged \$5,000,000 and a pledge of \$5,000,000 has been requested from the private sector. The Commission will then be coming to local governments for sponsorship.

**Lower Richland LLC** – This item was taken up during Executive Session.

**GASB 45 Clarification** – Mr. Pope stated that the number of years of service had been amended from 28 years to 25 years and the effective date in regard to the Medicare Advantage Plan will be October 1, 2008 to be consistent with the health insurance plan year effective date.

#### **REPORT OF THE CLERK OF COUNCIL**

No report was given.

#### **REPORT OF THE CHAIRMAN**

**Innovista TIF** – Mr. McEachern stated that he would like to have an Ad Hoc Committee formed to participate in this process.

**Policy Decision regarding Committee Items** – Mr. McEachern stated that this matter needs to be forwarded to the Rules Committee.



**Detention Center Issues** – Mr. McEachern stated that the City of Columbia has agreed to the jail maintenance fee and to further discussion regarding the inmate drop-off policy.

#### **PUBLIC HEARING ITEMS**

- **An Ordinance authorizing the transfer of deed to the City of Columbia for Jim Hamilton Boulevard** – No one signed up to speak.
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article III, Building Codes, Section 6-82; Article IV, Electrical Code, Sections 6-96 and 6-97; Article V, Fire Prevention Code; Article VI, Gas Code; Article VII, Mechanical Code; Article VIII, Plumbing Code, Sections 6-153 and 6-154; Article IX, Swimming Pool Code, Sections 6-168 and 6-169; Article X, Property Maintenance, Section 6-182; so as to adopt the 2005 Edition of the National Electrical Code and the 2006 Editions of the International Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, and International Property Maintenance Code** – No one signed up to speak.

#### **APPROVAL OF CONSENT ITEMS**

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

- **08-10MA, Stan Mack, RS-MD to GC, Law Office, 07307-02-01, 1320 Bluefield Dr.** [Second Reading]
- **08-18MA, B & C Development Company, LLC, Lee Blythe, RU to RS-MD (25.71 Acres), Single Family Residential, 02509-04-03 & 02416-01-01 & 02412-02-06, Wise Rd. & Bickley Rd.** [Second Reading]
- **08-19MA, Hester Woods Place, Steve Corboy, PDD to RM-MD (3.35 Acres), Townhomes, 20200-04-02(p), Hardscrabble & Hester Woods Dr.** [Second Reading]
- **An Ordinance Amending the Required Conditions for Day Cares (Adult Day Cares, Family Day Cares, and Group Day Cares) regarding parking** [Second Reading]
- **An Ordinance Correcting the Table of Permitted Uses with Special Requirements, and Special Exceptions; "Recreational Use"; so as to permit golf courses only in the TROS, GC, M-1 and LI zoning districts** [Second Reading]
- **Request to negotiate and award a professional services contract to the most responsive bidder for the removal and replacement of all HVAC controls and operating system for the Richland County Administration and Health Department Buildings**
- **Funding Request: Greater Blythewood Chamber of Commerce (\$300,000)** [RECOMMENDATION FOR DENIAL]

The vote in favor was unanimous.

### THIRD READING ITEMS

**An Ordinance authorizing the transfer of deed to the City of Columbia for Jim Hamilton Boulevard** – Mr. Malinowski moved, seconded by Mr. Livingston, to approve this item. The vote in favor was unanimous.

### SECOND READING ITEMS

**An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article III, Building Codes, Section 6-82; Article IV, Electrical Code, Sections 6-96 and 9-97; Article V, Fire Prevention Code; Article VI, Gas Code; Article VII, Mechanical Code; Article VIII, Plumbing Code, Sections 6-153 and 6-154; Article IX, Swimming Pool Code, Sections 6-168 and 6-169; Article X, Property Maintenance, Section 6-182; so as to adopt the 2005 Edition of the National Electrical Code and the 2006 Editions of the International Building Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Plumbing Code, and International Property Maintenance Code** – Mr. Livingston moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

**An Ordinance to Levy and Impose a one percent (1%) sales and use tax, subject to a referendum, with Richland County pursuant to Section 4-37-30 of the Code of Laws of South Carolina 1976, as amended; to define the specific purposes and designate the projects for which the proceeds of the tax may be used; to provide the maximum time for which such tax may be imposed; to provide the estimated cost of the projects funded from the proceeds of the tax; to provide for a county-wide referendum on the imposition of the sales and use tax and the issuance of General Obligation Bonds and to prescribe the contents of the ballot questions in the referendum; to provide for the conduct of the referendum by the Richland County Election Commission; to provide for administration of the tax, if approved; to provide for the payment of the tax, if approved; and to provide for other matters relating thereto** – Mr. Livingston moved, seconded by Mr. Pearce, to approve Option 3. A discussion took place.

Mr. Malinowski made a substitute motion, seconded by Mr. Jackson, to schedule a work session prior to Second Reading. A discussion took place.

Ms. Hutchinson made a second substitute motion, seconded by Ms. Dickerson, to defer Second Reading until July 15<sup>th</sup>, hold the Public Hearing on July 15<sup>th</sup> and schedule Third Reading for July 22<sup>nd</sup>.

<u>In Favor</u>	<u>Oppose</u>
Malinowski	Pearce
Jackson	Livingston
Jeter	Smith
Hutchinson	
McEachern	
Dickerson	
Scott	

The second substitute motion passed.

#### **FIRST READING ITEM (BY TITLE ONLY)**

**Authorizing the Recreation Commission of Richland County on behalf of the Recreation District of Richland County to Issue General Obligation Bonds in the principal amount of not exceeding \$45,000,000; and other matters relating thereto**

– Ms. Scott moved, seconded by Ms. Dickerson, to defer this item until after Executive Session. The vote in favor was unanimous.

Ms. Scott moved, seconded by Ms. Hutchinson, to approve this item by title only. The vote was in favor.

#### **REPORT OF DEVELOPMENT AND SERVICES COMMITTEE**

**Request to approve an extension of the American Engineering Construction Management Contract, the Power Engineering Resident Contract Representative Contract, and the Power Engineering Consultant Services Contract for the purpose of completing the Broad River Waste Water Treatment Plant construction project** – Ms. Scott moved, seconded by Ms. Dickerson, to defer this item. The vote in favor was unanimous.

**Request to close a road/easement located to the east and south of Covenant Road**  
The committee recommended approval. A discussion took place.

Mr. Malinowski moved, seconded by Ms. Scott, to direct staff to determine if there is a fair market value for the property and then offer the property to the interested parties at that price. The vote was in favor.

**GASB 45 Resolution** – Ms. Dickerson moved, seconded by Ms. Hutchinson, to approve this item. The vote in favor was unanimous.

#### **Approval of Resolution with Petition and Project List**

- a. **Approval of a Resolution ordering a public hearing to be held for the purpose of determining whether it may be in the interest of the Recreation District of Richland County, South Carolina for the County Council of Richland County to authorize the Recreation District of**

**Richland County to issue General Obligation Bonds in an amount not exceeding \$45,000,000; providing for notice of a public hearing and other matters relating thereto** – Ms. Scott moved, seconded by Ms. Dickerson, to defer this item until after Executive Session. The vote in favor was unanimous.

Ms. Scott moved, seconded by Ms. Hutchinson, to approve only the portion of this item pertaining to the scheduling of the public hearing for July 22<sup>nd</sup>. The vote was in favor.

**REPORT OF THE BUSINESS LICENSE AD HOC COMMITTEE**

- a. Interstate Commerce
- b. Landfills Rates
- c. Penalties
- d. Online Database

The committee recommended places these items on the July 15<sup>th</sup> agenda for action. The vote in favor was unanimous.

**POINT OF PERSONAL PRIVILEGE** – Mr. Jackson recognized Councilman-elect Kelvin Washington was in the audience.

**POINT OF PERSONAL PRIVILEGE** – Mr. Jeter recognized that Dr. Salmond was in the audience.

**POINT OF PERSONAL PRIVILEGE** – Ms. Dickerson recognized that Blythewood Mayor Keith Bailey was in the audience.

**POINT OF PERSONAL PRIVILEGE** – Ms. Scott recognized that the Recreation Commission Chairman, Rev. Epps, was in the audience.

**CITIZENS' INPUT**

Mr. Blackwell spoke regarding the 1% sales and use tax public hearing.

**EXECUTIVE SESSION**

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**Council went into Executive Session at approximately 7:22 p.m. and came out at approximately 8:55 p.m.**  
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- a. **Project CAGE** – No action was taken.
- b. **Splash vs. Richland County** – The County Attorney is to come back with a settlement offer.

- c. **Watts vs. Richland County** – No action was taken.
- d. **Killian Crossing Mitigation** – Ms. Hutchinson moved, seconded by Mr. Jeter, to authorize the County Administrator to negotiate a settlement with the landowner. The vote in favor was unanimous.
- e. **Team IA vs. Richland County** – Mr. Jeter moved, seconded by Mr. Jackson, to authorize the County Administrator to bring back a settlement offer. The vote in favor was unanimous.
- f. **Lower Richland LLC** – Ms. Scott moved, seconded by Mr. Jackson, to authorize Administration to go forward as directed in Executive Session. The vote was in favor.

#### **MOTION PERIOD**

**Policy Decision regarding Committee Items** – Mr. McEachern referred this item to the Rules and Appointments Committee.

**College Colors Day** – Ms. Scott moved, seconded by Mr. Jackson, to approve this item. The vote in favor was unanimous.

**Innovista TIF Ad Hoc Committee** – Ms. Scott moved, seconded by Ms. Hutchinson, to set up an Innovista TIF Ad Hoc Committee. Mr. Pearce, Mr. Jackson, Mr. Jeter, Mr. Livingston, and Ms. Dickerson were appointed.

**Special Called: July 22, 2008** – Mr. Jackson moved, seconded by Ms. Scott, to schedule a wrap-up Special Called meeting for July 22, 2008. The vote was in favor.

**Friendship Baptist Church Resolution** – Mr. Jackson moved, seconded by Ms. Scott, to adopt a resolution for Friendship Baptist Church. The vote in favor was unanimous.

**Mobile Home Park Ordinances** – Mr. Jeter referred to the D&S Committee the ordinances relating to mobile home parks.

**Franchise Fees** – Mr. Malinowski referred to the D&S Committee the matter of franchise fees.

#### **ADJOURNMENT**

The meeting adjourned at approximately 9:05 p.m.

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Joseph McEachern, Chair

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Valerie Hutchinson, Vice-Chair

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Joyce Dickerson

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Norman Jackson

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Damon Jeter

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Paul Livingston

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Bill Malinowski

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Mike Montgomery

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L. Gregory Pearce, Jr.

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Bernice G. Scott

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Kit Smith

The minutes were transcribed by Michelle M. Onley

# REVISED 6-9-08

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-08HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS; ARTICLE III, BUILDING CODES, SECTION 6-82; ARTICLE IV, ELECTRICAL CODE, SECTIONS 6-96 AND 6-97; ARTICLE V, FIRE PREVENTION CODE; ARTICLE VI, GAS CODE; ARTICLE VII, MECHANICAL CODE; ARTICLE VIII, PLUMBING CODE, SECTIONS 6-153 AND 6-154; ARTICLE IX, SWIMMING POOL CODE, SECTIONS 6-168 AND 6-169; ARTICLE X, PROPERTY MAINTENANCE, SECTION 6-182; SO AS TO ADOPT THE 2005 EDITION OF THE NATIONAL ELECTRICAL CODE AND THE 2006 EDITIONS OF THE INTERNATIONAL BUILDING CODE, INTERNATIONAL FIRE CODE, INTERNATIONAL FUEL GAS CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL PLUMBING CODE, AND INTERNATIONAL PROPERTY MAINTENANCE CODE;

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

SECTION I. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article III, Building Codes; Section 6-82, Adopted; is hereby amended to read as follows:

**Sec. 6-82. Adopted.**

(a) There is hereby adopted by the county council the 2003 International Residential Code, and all amendments thereto, as published by the International Code Council, Inc. The construction, alteration, repair, or demolition of every one- and two-family dwelling structure shall conform to the requirements of this Code.

(b) There is hereby adopted by the county council the ~~2003~~ 2006 International Building Code, including Chapter 1 (Administration), and all amendments thereto, as published by the International Code Council, Inc. The construction, alteration, repair, or demolition of every building or structure (other than a one or two family dwelling structure) shall conform to the requirements of this Code.

SECTION II. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article IV, Electrical Code; Section 6-97, Adopted; is hereby amended to read as follows:

**Sec. 6-97. Adopted.**

The workmanship, construction, maintenance, or repair of all electrical work shall conform to the requirements set forth in the 2002 2005 edition of the National Electrical Code, published by the National Fire Prevention Association.

# REVISED 6-9-08

SECTION III. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article V, Fire Prevention Code; is hereby amended to read as follows:

## ARTICLE V. FIRE PREVENTION CODE

### Sec. 6-113. Purpose.

The purpose of this article is to apply the provisions of the ~~2003~~ 2006 edition of the International Fire Code to all buildings and structures that are not regulated by the ~~2000~~ 2003 edition of the International Residential Code.

### Sec. 6-114. Adopted; applicability, etc.

(a) There is hereby adopted by the county council the ~~2003~~ 2006 edition of the International Fire Code, including Chapter 1 (Administration), and all amendments thereto, as published by the International Code Council, Inc. ~~In addition, the following appendices of the 2003 edition of the International Fire Code are hereby adopted:~~

- ~~(1) Appendix B, Fire Flow Requirements for Buildings;~~
- ~~(2) Appendix E, Hazard Categories;~~
- ~~(3) Appendix F, Hazard Ranking; and~~
- ~~(4) Appendix G, Cryogenic Fluids – Weight and Volume Equivalents.~~

(b) It shall be unlawful for any person to violate the code adopted by this section, to permit or maintain such violation, to refuse to obey any provision thereof, or to fail or refuse to comply with any such provision or regulation except as variation may be allowed by action of the county fire marshal in writing. Proof of such unlawful act or failure to act shall be deemed prima facie evidence that such act is that of the owner. Prosecution or lack thereof of either the owner or the occupant shall not be deemed to relieve the other.

(c) The provisions of the code adopted by this section shall apply equally to both public and private property. It shall apply to all new and existing structures and their occupancies, ~~including buildings, structures, equipment, etc., and, except as otherwise specified by ordinance, to existing structures and their occupancies including buildings, structures, equipment, etc.,~~ which constitute a clear and present hazard to life or to property.

(d) This section shall be deemed an exercise of the police powers of the county for the preservation and protection of the public health, peace, safety and welfare, and all its provisions shall be liberally construed for that purpose.

### Sec. 6-115 – 6-124. Reserved.



# REVISED 6-9-08

SECTION IV. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article VI, Gas Code; is hereby amended to read as follows:

## ARTICLE VI. GAS CODE

### **Sec. 6-125. Purpose.**

The purpose of this Article is to provide for regulating the installation, alteration, and maintenance of all piping extending from the point of delivery of gas for use as a fuel and designated to convey or carry the same gas appliances, and regulating the installation and maintenance of appliances designated to use such gas as a fuel, in all buildings and structures that are not regulated by the 2003 edition of the International Residential Code.

### **Sec. 6-126. Adopted.**

There is hereby adopted by the county council the ~~2003~~ 2006 edition of the International Fuel/Gas Code, and all amendments thereto, as published by the International Code Council, Inc. The installation, workmanship, construction, maintenance, or repair of all gas work shall conform to the requirements of this Code.

### **Sec. 6-127 – 6-138. Reserved.**

SECTION V. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article VII, Mechanical Code; is hereby amended to read as follows:

## ARTICLE VII. MECHANICAL CODE

### **Sec. 6-139. Purpose.**

The purpose of this Article is to provide for regulating the installation, alteration, and maintenance of all mechanical systems and other related appurtenances that are not regulated by the 2003 edition of the International Residential Code.

### **Sec. 6-140. Adopted.**

There is hereby adopted by the county council the ~~2003~~ 2006 International Mechanical Code, including Chapter 1 (Administration), and all amendments thereto, as published by the International Code Council, Inc. ~~In addition, Appendix A, Combustion Air Openings and Chimney Connector Pass Throughs of the 2003 International Mechanical Code is hereby adopted.~~ The installation of mechanical systems, including alterations, repair, replacements, equipment, appliances, fixtures, and/or appurtenances shall conform to these Code requirements.

### **Sec. 6-141 – 6-152. Reserved.**

# REVISED 6-9-08

SECTION VI. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article VIII, Plumbing Code; Section 6-154, Adopted; is hereby amended to read as follows:

**Sec. 6-154. Adopted.**

There is hereby adopted by the county council the ~~2003~~ 2006 International Plumbing Code, including Chapter 1 (Administration), and all amendments thereto, as published by the International Code Council, Inc. The installation, workmanship, construction maintenance or repair of all plumbing work shall conform to the requirements of this Code.

SECTION VII. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article IX, Swimming Pool Code; is hereby amended to read as follows:

## ARTICLE IX. SWIMMING POOL CODE

**Sec. 6-167. Purpose.**

The purpose of this article is to provide for regulating the installation and alteration of swimming pools, public or private.

~~**Sec. 6-168. Adopted.**~~

~~Appendix G of the 2003 edition of the International Residential Code and all amendments thereto, as published by the International Code Council, Inc. (regarding swimming pools, spas and hot tubs), is hereby adopted verbatim and incorporated by reference.~~

**Sec. 6-169. Additional Requirements.**

In addition to the requirements imposed by the ~~2003~~ 2006 edition of the International Building Code and ~~by Appendix G of the 2003 edition of the International Residential Code~~, the following administrative requirements are hereby enacted:

- (1) A licensed swimming pool contractor shall be responsible for securing a permit from the County Building Official for the installation of an in-ground swimming pool.
- (2) In the event an approved wall, fence, or other substantial structure to completely enclose the proposed pool is not in existence at the time an application is made for the permit to install a pool, it shall be the responsibility of the property owner to have the enclosure installed prior to the final inspection and, further, to ensure that said structure remains in place as long as the swimming pool exists.

# REVISED 6-9-08

SECTION VIII. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article X, Property Maintenance; Section 6-182, Adoption; is hereby amended to read as follows:

**Sec. 6-182. Adopted.**

The ~~2003~~ 2006 edition of the International Property Maintenance Code and all amendments thereto, as published by the International Code Council, Inc., is hereby adopted verbatim and incorporated by reference.

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

SECTION XI. Effective Date. This ordinance shall be effective from and after July \_\_, 2008.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Joseph McEachern, Chair

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

OF \_\_\_\_\_, 2008

\_\_\_\_\_  
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: June 17, 2008 (tentative)  
Second Reading:  
Public Hearing:  
Third Reading:

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-08HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED AS TMS # 07307-02-01 FROM RS-MD (RESIDENTIAL, SINGLE-FAMILY – MEDIUM DENSITY DISTRICT) TO GC (GENERAL COMMERCIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real property described as TMS # 07307-02-01 from RS-MD (Residential, Single-Family – Medium Density 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 effective from and after \_\_\_\_\_, 2008.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Joseph McEachern, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2008.

\_\_\_\_\_  
Michielle R. Cannon-Finch  
Clerk of Council

Public Hearing: June 24, 2008  
First Reading: June 24, 2008  
Second Reading: July 1, 2008 (tentative)  
Third Reading:

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-08HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTIES DESCRIBED AS TMS # 02509-04-03 & 02416-01-01 & 02412-02-06 FROM RU (RURAL DISTRICT) TO RS-MD (RESIDENTIAL, SINGLE-FAMILY – MEDIUM DENSITY DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real properties described as TMS # 02509-04-03 & 02416-01-01 & 02412-02-06 from RU (Rural District) zoning to RS-MD (Residential, Single-Family – Medium Density 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 effective from and after \_\_\_\_\_, 2008.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Joseph McEachern, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2008.

\_\_\_\_\_  
Michielle R. Cannon-Finch  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: June 24, 2008  
First Reading: June 24, 2008  
Second Reading: July 1, 2008 (tentative)  
Third Reading:

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-08HR

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 (A PORTION OF TMS # 20200-04-02) FROM PDD (PLANNED DEVELOPMENT DISTRICT) TO RM-MD (RESIDENTIAL, MULTI-FAMILY – MEDIUM DENSITY DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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 real property described as a portion of TMS # 20200-04-02 from PDD (Planned Development District) zoning to RM-MD (Residential, Multi-Family – Medium Density 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 effective from and after \_\_\_\_\_, 2008.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Joseph McEachern, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2008.

\_\_\_\_\_  
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:            June 24, 2008  
First Reading:            June 24, 2008  
Second Reading:         July 1, 2008 (tentative)  
Third Reading:

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-08HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE VI, SUPPLEMENTAL USE STANDARDS; SECTION 26-152, SPECIAL EXCEPTIONS; SUBSECTION (D), STANDARDS; PARAGRAPHS (8), (9), AND (10); SO AS TO AMEND THE REQUIRED CONDITIONS FOR DAY CARES (ADULT DAY CARES, FAMILY DAY CARES, AND GROUP DAY CARES) REGARDING PARKING.

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

SECTION I. The Richland County Code of Ordinances, Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-152, Special Exceptions; Subsection (D), Standards; Paragraphs (8), (9), and (10) are hereby amended to read as follows:

- (8) *Day care, adult, home occupation (six or less).*
  - a. Use districts: Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density.
  - b. An adult day care, home occupation, with six (6) or fewer attendees must be operated in an occupied residence.
  - c. Client pick-up and drop-off shall not obstruct traffic flow on adjacent public roads.
  - ~~d. — Parking shall not be located in the front yard.~~
  - d. All other state and federal regulations shall be met.
  
- (9) *Day Care, Child, Family Day Care, Home Occupation (5 or less)*
  - a. Use districts: Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density.
  - b. A child group family day care home occupation must be operated in an occupied residence.



- c. Any outdoor play area shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas, or land otherwise unsuited for children's play space.
- d. Client pick-up and drop-off shall not obstruct traffic flow on adjacent public roads.
- ~~e. Parking shall not be located in the front yard.~~
- e. All other state and federal regulations shall be met.

(10) *Day Care, Child, Group Day Care, Home Occupation (6 to 12).*

- a. Use districts: Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single-Family, Low Density; Residential, Single-Family, Medium Density; Residential, Single-Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density.
- b. A child group day care home occupation must be operated in an occupied residence.
- c. Any outdoor play area shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas, or land otherwise unsuited for children's play space.
- d. Client pick-up and drop-off shall not obstruct traffic flow on adjacent public roads.
- ~~e. Parking shall not be located in the required front yard.~~
- e. All other state and federal regulations shall be met.

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 \_\_\_\_\_, 2008.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Joseph McEachern, Chair

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

OF \_\_\_\_\_, 2008

\_\_\_\_\_  
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: June 24, 2008  
First Reading: June 24, 2008  
Second Reading: July 1, 2008 (tentative)  
Third Reading:

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-08HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 26, LAND DEVELOPMENT; ARTICLE V, ZONING DISTRICTS AND DISTRICT STANDARDS; SECTION 26-141, TABLE OF PERMITTED USES WITH SPECIAL REQUIREMENTS, AND SPECIAL EXCEPTIONS; "RECREATIONAL USES" OF TABLE 26-V-2.; SO AS TO CORRECTLY REFLECT THAT GOLF COURSES ARE ONLY PERMITTED IN THE TROS, GC, M-1, AND LI ZONING DISTRICTS.

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

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

(ORDINANCE CONTINUES ON NEXT PAGE)

	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LI	HI
nds														SR	SR	SR	
												P	P	P	P		
	SR	SE	SE	SE	SE	SE	SE	SE	SE	SE	P	SR	SR	P	P		
														SR	SR	SR	
														P	P		
		SR									P	P	P	P	P		
	SR	SR	SE	SE	SE	SE	SE	SE	SE	SE				SR	SR	SR	
											P	P	P	P	P		
all														SR	P		P
	SR	SR	SE	SE	SE	SE	SE	SE	SE	SE				SR	SR	SR	
													P	P	P	P	
	SR												SR	SR	SR	SR	
		P															
														P	P		
											P	P	P	P	P	P	
	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR
	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR
																	SE
	P	P													P		
														P	P	P	P
		SE															SE
														P	P		
	SR	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	P	P	SE	
	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	SR			

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 \_\_\_\_\_, 2008.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Joseph McEachern, Chair

ATTEST THIS THE \_\_\_\_ DAY  
OF \_\_\_\_\_, 2008

\_\_\_\_\_  
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: June 24, 2008  
First Reading: June 24, 2008  
Second Reading: July 1, 2008 (tentative)  
Third Reading:

**STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-08HR**

**AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 16, LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS; ARTICLE 1, IN GENERAL, SO AS TO AMEND REQUIREMENTS PERTAINING TO SEXUALLY ORIENTED BUSINESSES, AND MAKE CLARIFICATIONS PERTAINING TO ALL BUSINESSES.**

**WHEREAS**, sexually oriented businesses require special supervision from the public safety agencies of the County in order to protect and preserve the health, safety, and welfare of patrons of such businesses as well as citizens of the County; and

**WHEREAS**, upon review of numerous studies, case law, analyses, and observations, the County concludes that sexually oriented businesses, as a category of business, are associated with a wide variety of negative secondary effects, including but not limited to, ~~personal and property crimes, tax evasion,~~ public safety risks, prostitution, potential spread of disease, lewdness, public indecency, illicit sexual activity, ~~illicit drug use and drug trafficking,~~ adverse ~~impacts on surrounding properties, litter,~~ and sexual assault and exploitation and other crimes against morality and decency; and

**WHEREAS**, the Richland County Council has a substantial government interest in minimizing and controlling these adverse effects and thereby protecting the health, safety and welfare of the citizenry; protect the citizens from crime; ~~preserve the property values and character of surrounding neighborhoods and deter the spread of urban blight;~~ and preserve the quality of life; and

**WHEREAS**, the County's interest in regulating sexually oriented businesses extends to future secondary effects that could occur in the County related to current sexually oriented businesses as well as sexually oriented businesses that may locate in the County in the future; and

**WHEREAS**, the County recognizes its constitutional duty to interpret, construe, and amend its laws and ordinances to comply with constitutional requirements as they are announced; and

**WHEREAS**, it is not the intent of this ordinance to suppress any speech activities protected by the United States Constitution or the South Carolina Constitution, but to enact an ordinance to further the content-neutral governmental interests of the County, to wit, the controlling of secondary effects of sexually oriented businesses.

**NOW, THEREFORE**, 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 Richland County Code of Ordinances, Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Sections 16-1 through 16-3 is hereby amended as follows:

**Section 16-1. License Required.**

- (1) — Every person engaged or intending to engage in any calling, business, occupation or profession, whether or not it is listed in the rate classification index portion of ~~this chapter~~ the Business License Fee Schedule, in whole or in part, within the unincorporated areas of the county is required to submit a completed application for a business license accompanied by the appropriate fees for the privilege of doing business in the county and to obtain a business license as herein provided, except those as noted in Section 16-7.
  
- (2) — ~~Any business holding a state occupational license or registering with the Secretary of State's Office listing an address in unincorporated Richland County creates a presumption of business conduct and thus requires the business to have a business license. Other State agencies, professional organizations, or County departments who have a record for the business listing an address in unincorporated Richland County also create a presumption of business conduct and requires the business to have a business license.~~

**Section 16-2. Definitions.**

The following words, terms, and phrases, when used in this article shall have the meaning ascribed herein, except where the context clearly indicates or requires a different meaning:

- (1) “*Business*” means a calling, occupation, profession or activity engaged in with the object of gain, benefit or advantage, either directly or indirectly. A charitable organization shall be deemed a business unless the entire proceeds of its operation are devoted to charitable purposes.
  
- (2) “*Charitable organization*” means a person:
  - (a) determined by the Internal Revenue Service to be a tax exempt organization pursuant to Section 501(c)(3) of the Internal Revenue Code; or
  
  - (b) that is or holds itself out to be established for any benevolent, social welfare, scientific, educational, environmental, philanthropic, humane, patriotic, public health, civic, or other eleemosynary purpose, or for the benefit of law enforcement personnel, firefighters, or other persons who protect the public safety; or

(c) that employs a charitable appeal as the basis of solicitation or an appeal that suggests that there is a charitable purpose to a solicitation, or that solicits or obtains contributions solicited from the public for a charitable purpose.

- (3) “*Charitable purpose*” means a purpose described in Section 501(c)(3) of the Internal Revenue Code or a benevolent, social welfare, scientific, educational, environmental, philanthropic, humane, patriotic, public health, civic, or other eleemosynary objective, including an objective of an organization of law enforcement personnel, firefighters, or other persons who protect the public safety if a stated purpose of the solicitations includes a benefit to a person outside the actual service membership of the organization.
- (4) “*Classification*” means a division of businesses by major groups subject to the same license rate as determined by a calculated index of ability to pay based on national averages, benefits, equalization of tax burden, relationships of services, or other basis deemed appropriate by County Council.
- (5) “*Construction Manager*” means any self-employed individual, firm, partnership, corporation, or group which supervises or coordinates construction of any building, highway, sewer, grading, improvement, re-improvement, structure, or part thereof. Notwithstanding payment by fixed price, commission, fee, or wage, said “construction manager” shall be classified in the category of “construction contractors” for purposes of this article and shall pay a license fee based upon the total cost of the undertaking supervised or coordinated, except as otherwise exempted.
- (6) “*Contractor*” means any self-employed individual (not reporting income taxes on the IRS Form W2), firm, partnership, corporation, or group performing a service or providing a product subsequent to a contract signed by that party and another party.
- (7) “*County*” means the County of Richland.
- (8) “*Drinking Place*” means any business which obtains the majority, not necessarily at least 50.1%, of its gross income from the sale or provision of alcohol for onsite consumption.
- (89) “*Gross income*” means the total revenue of a business, received or accrued, for one (1) calendar or fiscal year, collected or to be collected by a business within the county, excepting there from business done wholly outside of the county on which a license fee is paid to some other county or a municipality and fully reported to Richland County.

Gross income for brokers or agents means gross commissions received or retained, unless otherwise specified. Gross income for business license fee purposes shall not include taxes collected for a governmental entity (such as sales



taxes), escrow funds, or funds that are the property of a third party. The value of bartered goods or trade-in merchandise shall be included in gross income. The gross income for business license purposes may be verified by inspection of returns and reports filed with the Internal Revenue Service, the South Carolina Department of Revenue, the South Carolina Department of Insurance, or other government agency.

(910) "*Gross receipts*" means the value proceeding or accruing from the sale of tangible personal property, including merchandise and commodities of any kind and character and all receipts, by the reason of any business engaged in, including interest, dividends, discounts, rentals of real estate or royalties, without any deduction on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid, or any other expenses whatsoever, and without any deductions on account of losses.

(11) "*Insurance company*" refers to a businesses which meets the definition established in South Carolina Code of Laws, § 38-1-20, Definitions: an insurer defined as "any corporation, ... or aggregation of individuals engaging or proposing or attempting to engage as principals in any kind of insurance [defined as a "contract whereby one undertakes to indemnify another or pay a specified amount upon determinable contingencies"] or surety business, including the exchanging of reciprocal or interinsurance contracts between individuals, partnerships, and corporations", and does not meet the criteria for a health maintenance organization as covered by South Carolina Code of Laws, § 38-33-140(D).

(1012) "*License official*" means a county employee who is designated to administer this article, and/or his/her designee(s).

(1113) "*Person*" means any individual, firm, partnership, LLP, LLC, cooperative, nonprofit membership, corporation, joint venture, professional association, estate, trust, business trust, receiver, syndicate, holding company, or other group or combination acting as a unit, in the singular or plural, and the agent or employee having charge or control of a business in the absence of the principals.

(14) "*Sexually Oriented Business*" means a sexually oriented business as defined within Section 26-22 of the Richland County Code of Ordinances.

**Section 16-3. General Purpose and Duration.**

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(1) The requirement of a business license levied by this article is for the purpose of assuring that a business conducted within unincorporated Richland County complies with all applicable State and County regulations and requirements in order to protect the health, safety and welfare of the citizens of the County providing such regulation as may be required by the businesses subject thereto

~~and for the purpose of raising revenue for the general fund through a privilege tax. Each license that is issued shall be valid for one calendar year, beginning on January 1 and expiring on December 31. This time period shall be considered a license year. The provisions of this article and the rates set out in this article shall remain in effect from year to year as amended by the County Council. Additionally, the requirement of a business license fee levied by this article serves to establish an excise tax for the privilege of doing business within unincorporated Richland County.~~

- (2) Each license that is issued shall be valid for one calendar year, beginning on January 1 and expiring on December 31. This time period shall be considered a license year. The provisions of this article and the rates set out in this article shall remain in effect from year to year as amended by the County Council.

**SECTION II.** The Richland County Code of Ordinances, Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Sections 16-6 through 16-7 is hereby amended as follows:

**Section 16-6. Registration Required.**

- (1) The owner, agent, or legal representative of every business subject to this article, whether listed in the classification index or not, shall register the business and make application for a business license on or before the due date of each year. A new business shall be required to have a business license prior to operation within any unincorporated area of the county.
- (2) Application shall be on a form provided by the License Official, which shall contain the Social Security Number and/or the Federal Employer's Identification Number, the South Carolina Retail License Number (if applicable), the business name as reported on the South Carolina income tax return, the business name as it appears to the public at the physical location, and all information about the applicant and the business deemed reasonably necessary ~~appropriate~~ to carry out the purpose of this article by the License Official. Applicants may be required to submit copies of portions of state and federal income tax returns reflecting gross income figures.
- (3) The applicant shall certify ~~under oath~~ that the information given in the application is true, that the gross income is accurately reported, or estimated for a new business, without any unauthorized deductions, that all funds due to the County have been paid, and that all other licenses and permits required by the County or State to do business in the County have been obtained.
- (4) No business license shall be issued until the applicant ~~satisfies all indebtedness to the County, has obtained~~ all other licenses and/or permits required by the County or State to do business in the County, ~~have been obtained, first submits documents necessary to establish compliance with Richland County Zoning Ordinance,~~

~~Building Code, Electrical Code, Mechanical Code, Plumbing Code, Roofing Code and other regulatory Codes as adopted by the County Council and paid in full any associated license and permit fees or business-related fees and taxes, including any late fees or penalties.~~

- (5) ~~As a prerequisite to submittal of a business license application, the premises and real property to be used as a business must be in compliance with all applicable state and local health, fire, zoning and building codes or regulations. As part of the Business License application, the applicant must submit to the License Official any documentation in the possession of the applicant or that can be reasonably obtained by the applicant that shows that the premises is currently in compliance with the Richland County Zoning Ordinance, Building Code, Electrical Code, Mechanical Code, Plumbing Code, Roofing Code and other applicable regulatory Codes as adopted by the County Council.~~

~~The License Official may provide a form on which compliance shall be certified by the officials administering the aforementioned codes or regulations. In the event that such a compliance form is used, the applicable aforementioned officials shall determine compliance with their respective codes or regulations and inform the License Official of their determination within thirty (30) calendar days from the earliest date of receipt of the compliance form by any one of the health, fire, zoning and building officials.~~

~~If the License Official does not receive a particular determination of compliance from an official administering the aforementioned codes and regulations on or before this thirty day time period, that compliance determination not received by the License Official shall be deemed approved. All other compliance determinations received before the thirty day period expires shall be unaffected by any other compliance determination that fails to meet the thirty day time period.~~

- (56) Insurance agents and brokers shall report the name of each insurance company for which a policy was issued and the total premiums collected for each company for each type of insurance coverage on a form approved by the License Official. An insurance agent not employed by an insurance company or employed by more than one insurance company shall be licensed as a broker.
- (67) Fireworks Sales: Any establishment desiring to sell fireworks must first acquire the Annual State Board of Pyrotechnic Safety License and must meet all regulations pursuant to the provisions of Regulation 19-405, S.C. Code of Laws for 1976. Prior approval of the Richland County Sheriff's Department is required as governed by regulations of the State Fire Marshal pursuant to the 1976 Code, Chapter 9 of Title 23, and Chapter 43 of Title 39, governing the transportation and use of pyrotechnics.

- (78) Miscellaneous Sales (Antique Malls, Flea Markets or Leased Space Sales): Any person leasing space for the sale of merchandise from an established business shall be required to have a business license, whether or not the sales are made through a central cash register. Furthermore, it shall be the responsibility of the ~~lesor~~ lessor of the spaces to advise the business license office of persons leasing space.

**Section 16-7, Deductions, Exemptions, Charitable Organizations, and Determination of Classification**

- (1) No deductions from gross income shall be made except income from business done wholly outside of the county jurisdiction on which a license fee is paid to another county or to any municipality, taxes collected for a governmental entity, or income which cannot be taxed pursuant to State or Federal law. The applicant shall have the burden to establish the right to deduction by satisfactory records and proof by including with the business license application, either new or renewing, a separate itemized list showing all deductions claimed, or no deductions will be allowed. Deductions will be approved as authorized by this section.
- (2) (a) No person shall be exempt from the requirements of this article by reason of the lack of an established place of business within the County, unless exempted by State or Federal law. ~~No person shall be exempt from this article by reason of the payment of any other tax or fee, unless exempted by State law, and no person shall be relieved of the liability for the payment of any other tax or fee by reason of the application of this article. The following businesses, occupations or professions are exempt from the requirements of this article:~~
1. Teachers;
  2. Ministers, pastors, preachers, rabbis and other leaders of commonly recognized religious faiths;
  3. Telephone, telegraph, gas and electric and other utilities or providers regulated by the South Carolina Public Service Commission;
  4. Insurance companies; and
  5. An entity which is exempt from license tax under any state law other than South Carolina Code of Laws, § 4-9-30(12), or a subsidiary or affiliate of any such exempt entity.
- (b) ~~No person shall be exempt from this article by reason of the payment of any other tax or fee, unless exempted by State law, and no person shall be relieved of the liability for the payment of any other tax or fee by reason of the application of this article.~~
- (3) In lieu of the license required by Section 16-1, a participant in a single annual event of not more than ten consecutive calendar days in length may be issued a permit at the rate of \$10.00 on gross income on the first ~~\$10,000.00~~ \$2,000 and \$1.20 on each additional

\$1,000.00 of gross income or fraction thereof. This permit will be valid only for the time period specified thereon and can be obtained for no more than one event annually. Organizers of such events may pay for and obtain a business license on behalf on all its vendors at a rate of \$10 per vendor or on the previous year's income generated by the event based upon the rate above, whichever is greater.

Inspections prior to the issuance of a permit may be waived. Inspections may be conducted during the event. For purposes of this subsection, an event is defined as participation by a group of exhibitors or others where displays are established in individual booths or stalls for the purpose of presenting to the audience goods, wares, merchandise or services offered for sale, rent or promotional purposes or for the general good will of the exhibitors. An event may be a trade show, an antique show, a craft show, or any other type of show fitting this definition.

- (4) Notwithstanding any provision to the contrary, businesses and individuals defined as "contractor" herein shall be exempt from the provisions of this article in the following manner:

The business license fee shall be reduced by excluding that portion of the business' gross income generated from work done for which a Richland County building permit was obtained and a building permit fee paid (by either the general contractor or subcontractor responsible for that work), pursuant to the provisions of Section 6-51 of the Richland County Code of Ordinances.

If all income of a contractor is generated from work done for which a building permit fee is paid (by either the general contractor or subcontractor responsible for that work), said contractor shall be exempt from paying any business license fee. Such an exempt contractor shall still submit a business license application by the deadline with documentation attached establishing such contractor's right to an exemption.

Income generated from work done for which a Richland County building permit is not required, such as general repairs, shall be subject to a business license fee on that income.

- (5) Charitable organizations which have exemptions from state and federal income taxes and/or are 501(c)(3) organizations according to the IRS Tax Code and where all proceeds are devoted to charitable purposes are exempt from a business license fee. Documentation of the claim to this exemption must be provided.
- (6) The provisions of this article shall not extend to persons who grow their own agricultural produce or products, and use the Columbia State Farmers' Market, or other farmers' markets officially recognized by the County, to sell their produce directly to consumers.
- (7) The License Official shall determine the appropriate classification for each business.

**SECTION III.** The Richland County Code of Ordinances, Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Sections 16-10 is hereby amended as follows:

**Section 16-10, Administration, Enforcement.**

- (1) The License Official shall administer the provisions of this article, collect license fees, issue licenses, make or initiate investigations and audits to ensure compliance, initiate denial or revocation procedures, report violations to the appropriate department, and assist in prosecution of violators, produce forms, make reasonable regulations relating to the administration of this article, and perform such other duties as may be assigned by the County Administrator.
- (2) The Planning and Development Services Department, Building Codes and Inspections Department, Fire Marshal's Office, and Sheriff's Department, in addition to the License Official, are hereby empowered to make or initiate investigations to ensure compliance with the provisions of this article and to initiate prosecution of violations. ~~These offices, in addition to the License Official, shall also have the authority to order that a business with no permanent business location immediately cease operations in the event no current valid Richland County Business License has been issued. (Doing business at an officially recognized Farmers Market within Richland County shall be considered as having a permanent business location).~~

**SECTION IV.** The Richland County Code of Ordinances, Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Sections 16-13 is hereby amended as follows:

**Section 16-13, Delinquent License Fees, Partial Payment.**

- (1) A license fee shall be considered delinquent if all or any part of such fee has not been paid on or before March 15 of each calendar year. Businesses providing business license payments by the deadline but which have: a) indebtedness to the County, or b) have not yet obtained other necessary permits or licenses, or c) have not met other requirements necessary to obtain a business license, as specified in Section 16-6, shall accrue penalties until the indebtedness is cleared, the permits or licenses obtained, or met the other requirements necessary to obtain a business license, at which time the business license application processing may continue.
- ~~(2) For non-payment of all or any part of the correct license fee, the License Official shall levy and collect a late penalty of five (5%) percent of the unpaid fee for each month or portion thereof after the due date until paid. Penalties shall not be waived. If any license fee shall remain unpaid for sixty (60) days after its due date, the License Official shall issue an execution which shall constitute a lien upon the property of the licensee for the fee, penalties and costs of collection, and shall proceed to collect in the same manner as prescribed by law for the collection of other taxes.~~
- (2) Partial payment may be accepted by the License Official to toll imposition of penalties as authorized in Section 16-22 on the portion paid; provided, however, no business license shall be issued or renewed until the full amount of the balance due, with penalties, has been paid.

**SECTION V.** The Richland County Code of Ordinances, Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Sections 16-15 through 16-21 is hereby amended as follows:

**Section 16-15. Denial of License.**

- (1) The License Official ~~may~~ shall deny a license to an applicant ~~when if:~~
- (a) the application is incomplete;
  - (b) the application contains a misrepresentation, false or misleading statement, evasion or suppression of a material fact;
  - (c) the applicant has given a bad check or tendered illegal consideration for any license fee;
  - (d) within five years from the date of application, the applicant has been convicted of or pled guilty or nolo contendere any crime(s) or offense(s) under a law or article regulating or relating to business, a crime involving moral turpitude, or an unlawful sale of merchandise or prohibited goods; South Carolina Code of Laws, Title 16, Crimes and Offenses, Chapter 13, Forgery, Larceny, Embezzlement, False Pretenses and Cheats; Chapter 14, the Financial Transaction Card Crime Act; or South Carolina Code of Laws, § 39-15-1190, Sale of Goods or Services with a Counterfeit Mark; or the same crime or offense in another jurisdiction;
  - ~~(e) the applicant has been convicted of engaging in an unlawful activity or nuisance related to the business;~~
  - ~~(e) the premises and parcel of real property to be used for the business activity for which a license is sought is not in compliance with applicable state and/or local health, fire, zoning, and building codes and regulations.~~
  - (f) the business activity for which a license is sought ~~by a business~~ is unlawful ~~or constitutes a public nuisance per se; or~~
  - ~~(g) the business, regardless of ownership, has proven to be a public nuisance; or~~
  - ~~(g) the business constitutes a public nuisance as determined by a court of law.~~
  - ~~(h) the business owner has proven to be a public nuisance.~~

A decision of the License Official shall be subject to appeal to the Business Service Center Appeals Board as herein provided. Denial shall be written with reasons stated.

4/21/16

**Section 16-16. Sexually Oriented Businesses, Drinking Places, or other similar establishments.**

- ~~(1) No license to operate a sexually oriented business, drinking place, or other similar establishment shall be issued to, or in the name of, a corporation, association, or a trade name as such. Any application for a corporation, association, or trade name shall be made by the officers for its use, and such officers shall identify in the application the name by which the business will be operated. In addition, such officers in making an application shall be held to assume all responsibility there under as individuals, and shall be subject to all the provisions and penalties set forth herein or in any other article of the Richland County Code of Ordinances.~~
- ~~(2) No person shall be eligible for such license if he/she or the person who will have actual control and management of the business proposed to be operated:~~
- ~~(a) is a minor;~~
  - ~~(b) is not of good repute, as evidenced by a background check or by conducting a reference check with law enforcement agencies; or~~
  - ~~(c) has had a license revoked or denied under the provisions of this article within a three-year period immediately preceding the filing of the application.~~
- ~~(3) Applicants for businesses herein described, in addition to the license application(s) required under Section 16-1 of this article, shall complete a sworn, notarized statement on a form prepared by the License Official for the purpose of establishing his/her qualifications to operate a business identified in this section. The owner(s) of the premises whereon such business is proposed to be located shall signify their consent to the application by signing and notarizing the form in an appropriate place provided therein or on a separate form established for this purpose.~~
- ~~(4) Owners of sexually oriented businesses and/or drinking establishments are responsible for ensuring all their contractors have current, valid business licenses and maintain a list of their current contractors' names, business license numbers, and a copy of a photo ID for each contractor on file.~~
- (1) No license to operate a drinking place shall be issued to, or in the name of, a corporation, association, or a trade name as such. Any application for a corporation, association, or trade name shall be made by the officers for its use, and such officers shall identify in the application the name by which the business will be operated. In addition, such officers in making an application shall be held to assume all responsibility there under as individuals, and shall be subject to all the provisions and penalties set forth herein or in any other article of the Richland County Code of Ordinances.
- (2) In addition to the reasons for denial of a license set forth in Section 16-15 of this article, the License Official shall deny a business license to an applicant for a Drinking Place if the applicant or an agent of such applicant who has or will have actual authority to control and manage the business proposed to be operated:



- (a) is a minor;
- (b) has had an alcohol liquor license issued in the name of the applicant or other officer pursuant to South Carolina Code of Laws, § 61-6-10 et seq., suspended, revoked, or not renewed within a two-year period immediately preceding the filing of the application; or
- (c) has had a business license revoked or denied under the provisions of this article within a three-year period immediately preceding the filing of the application.

**Section 16-17. Sexually Oriented Businesses.**

- (1) The purpose of this section is to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of Richland County, and to establish reasonable and uniform regulations to prevent or reduce to any extent the deleterious secondary effects of sexually oriented businesses within the County. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of or reasonable access to any communicative materials or expression. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials or expression protected by the First amendment of the United States Constitution, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution or exhibition of obscenity.
- (2) Based on evidence of the adverse secondary effects of sexually oriented businesses presented in hearings and reports made available to the Richland County Council, and on the findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, LLC*, 124 S. Ct. 2219 (2003); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *Pap's A.M. v. City of Erie*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *Chesapeake B & M, Inc. v. Harford County*, 58 F.3d 1005 (4<sup>th</sup> Cir. 1995); *Giovani Carandola, Ltd. v. Fox*, 470 F.3d 1074 (4<sup>th</sup> Cir. 2006); *Centaur v. Richland County*, 392 S.E.2d 165 (S.C. 1990); *U.S. v. Pendergrass*, Petition to Enter a Plea of Guilty and Plea Agreement on the Charge of Tax Evasion (3:06-00147, M.D. Tenn. 2007); and other cases; and on reports of secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Phoenix, Arizona (1979); Minneapolis, Minnesota (1980); Houston, Texas (1987); Indianapolis, Indiana (1984); Amarillo, Texas (1977); Garden Grove, California (1991); Los Angeles, California (1977); Whittier, California (1978); Austin, Texas (1986); Seattle, Washington (1989); Oklahoma City, Oklahoma (1986); El Paso, Texas (1986); New York City, New York (1994); Dallas, Texas (1997); Newport News, Virginia (1996); New York

Times Square Study (1994); Phoenix, Arizona (1995-1998); Greensboro, North Carolina (2003); Toledo, Ohio (2002); Centralia, Washington 2004; Greensboro, North Carolina (2003); and also from the reports of "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, January 12, 2000; "Survey of Appraisers Fort Worth & Dallas, Effects of Land Uses on Surrounding Property Values," by Duncan Associates, September 2004; and the Report of the Attorney General's Working Group on the Regulation of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the Richland County Council finds:

- (a) Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, tax evasion, public safety risks, prostitution, potential spread of disease, lewdness, public indecency, illicit sexual activity, illicit drug use and drug trafficking, , negative impacts on surrounding properties, litter, and sexual assault and exploitation.
- (b) Each of the foregoing negative secondary effects constitutes a harm which the County has a substantial government interest in preventing and/or abating in the future. This substantial government interest in preventing secondary effects, which is the County's rationale for this ordinance, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the County's interest in regulating sexually oriented businesses extends to future secondary effects that could occur in the County related to current sexually oriented businesses in the future as well as sexually oriented businesses that may locate in the County in the future. The County finds that the cases and secondary effects documentation relied on in this ordinance are reasonably believed to be relevant to said secondary effects.
- (3) No license to operate a sexually oriented business shall be issued to, or in the name of, a corporation, association, or a trade name as such. Any application for a corporation, association, or trade name shall be made by the officers for its use, and such officers shall identify in the application the name by which the business will be operated. In addition, such officers in making an application shall be held to assume all responsibility there under as individuals, and shall be subject to all the provisions and penalties set forth herein or in any other article of the Richland County Code of Ordinances.
- (4) Notwithstanding the pre-application process wherein an applicant must obtain documentation of compliance with all applicable state and local health, fire, zoning, and building codes or regulations pursuant to section 16-6(5) of this ordinance, upon application for a business license by an applicant identifying the

business as a sexually oriented business, the License Official must circulate a form on which compliance shall be certified by the officials administering the applicable zoning, fire, building and health regulations. The applicable aforementioned officials shall determine compliance with their respective codes or regulations and inform the License Official of their determination within thirty days from the earliest date of receipt of the compliance form by any one of the aforementioned officials. If the License Official does not receive a particular determination of compliance from an official administering the aforementioned codes and regulations on or before this thirty-day time period, that compliance determination not received by the License Official shall be deemed approved. All other compliance determinations received before the thirty-day time period expires shall be unaffected by any other compliance determination that fails to meet the thirty-day time period.

- (5) During the time in which an application for a pre-existing Sexually Oriented Business is pending, the applicant may continue its business activity and shall not be subject to citations for violations of any provision of this article, nor any enforcement proceedings pursuant to this article or Section 1-8 of this Code of Ordinances.
- (5) The License Official shall approve or deny an application for a license for a Sexually Oriented Business within thirty days (30) calendar days from the date of receipt of the application. If the License Official fails to either approve or deny the application within thirty calendar days, then the application shall be deemed approved and business activity may begin or continue immediately, notwithstanding the fact that no license has been issued.
- (6) In addition to the reasons for denial of a license set forth in Section 16-15 of this article, the License Official shall deny a business license to an applicant for a Sexually Oriented Business if the applicant or an agent of such applicant who has or will have actual authority to control and manage the business proposed to be operated:
- (a) is under the age of eighteen;
  - (b) within five years of the date of application, has been convicted of or pled guilty or nolo contendere to any of the following crimes: South Carolina Code of Laws, § 16-15-90, § 16-15-100, § 16-15-305, § 16-15-325, § 16-15-335, § 16-15-342, § 16-15-345, § 16-15-355, § 16-15-365, § 16-15-385, § 16-15-387, § 16-15-395, § 16-15-405, § 16-15-410, § 16-15-415, or § 16-15-425, or of the same crime in any other jurisdiction.
- (7) Applicants for a Sexually Oriented Business herein described, in addition to the license application(s) required under Section 16-1 of this article, shall complete a sworn, notarized statement on a form prepared by the License Official for the

purpose of establishing his/her qualifications to operate a business identified in this section.

- (8) Owners of sexually oriented businesses are responsible for ensuring all their contractors have current, valid business licenses and maintaining a list of their current contractors' names, business license numbers, and a copy of a photo ID for each contractor on file.

**Section 16-18. Revocation of License.**

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When the License Official determines that:

- (a) a license has been mistakenly or improperly issued or issued contrary to law; or
- (b) a licensee has breached any condition upon which the license was issued or has failed to comply with any provision of this article; or
- (c) a licensee has obtained a license through a fraud, misrepresentation, a false or misleading statement, evasion or suppression of a material fact in the license application; ~~or has given a bad check or tendered illegal consideration for any license fee; or~~
- (d) has given a bad check or tendered illegal consideration for any license fee;  
or
- ~~(d) a licensee has been convicted of an offense under a law or article regulating or relating to business, a crime involving moral turpitude, or an unlawful sale of merchandise or prohibited goods; or~~
- ~~(e) a licensee has been convicted of engaging in an unlawful activity or nuisance related to the business; or~~
- (e) the business activity for which a license was obtained has proven to be a public nuisance as determined by a court of law per se; or
- (f) the business, ~~regardless of ownership,~~ has proven to be a public nuisance as determined by a court of law; or
- ~~(h) The business owner has proven to be a public nuisance;~~

~~the License Official shall give written notice to the licensee or the person in control of the business within the County by personal service or certified mail that the license is suspended pending a hearing before the Business Service Center Appeals Board for the purpose of determining whether the license should be revoked. The notice shall state the time and place at which the hearing is to be held, which shall be within thirty (30) days from the date of service of the notice, or as soon as reasonably possible. The notice shall contain a brief statement of the reasons for suspension and proposed revocation and a copy of the applicable provisions of this article.~~

the License Official shall give written notice of intent to revoke to the licensee or the person in control of the business within the County by personal service or certified mail stating the License Official's basis for revocation and setting forth a date and time for a hearing before the Business Service Center Appeals Board for the purpose of determining whether the license should be revoked. The hearing shall be held within thirty (30) days from the date of service of the notice. A licensee who received proper notice yet fails to appear or defend at the revocation hearing waives his or her right to contest the revocation.

#### **Section 16-19. Appeals.**

- (1) Any person aggrieved by a final assessment, charge backs from an audit, or a revocation or a denial of a business license by the License Official wishing to appeal may must first file a written appeal with the License Official for decision by the Business Service Center Appeals Board. The License Official is authorized to reject an appeal for failure to comply with the requirements of this subsection. The following requirements for submission of an appeal must be strictly complied with:
  - a. by written request stating the reasons therefore. The appeal must be in writing and state the reasons for the appeal.
  - b. The appeal shall be filed with the License Official within ten calendar (10) days after the payment of all applicable fees and penalties, or within ten calendar days after notification of an assessment, charge-backs of an audit, or notice of denial or revocation is received, payment of the assessment, or or the charge backs of the audit, under protest or notice of revocation or denial is received by the business.
  - c. TheA written notice of appeal must be accompanied by an administrative fee (which shall be determined by the License Official) that will be used to partially defray the costs incurred in connection with the administration of appeals. Payment under protest of all applicable fees and penalties, an assessment, or audit charge backs shall be a condition precedent to appeal. The fee will be refunded in the event of final resolution of the appeal in favor of the appellant.
- (2) An appeal or a hearing on revocation shall be held by the Appeals Board within thirty (30) calendar days, ~~or as soon as reasonably possible,~~ after receipt of a request for appeal or service of notice of suspension. The applicant or licensee shall be given written notice as to the date and time of the meeting. At the meeting, all parties have the right to be represented by counsel ~~and~~ to present testimony and evidence, ~~and to cross-examine witnesses.~~ The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by the Board shall govern the hearing.

The Board shall, by majority vote of members present, render a written decision based upon findings of fact and the application of the standards herein which shall

be served upon all parties or their representatives within fifteen (15) calendar days, ~~or as soon as reasonably possible~~, after the hearing. The decision of the Board shall be final unless appealed to County Council within ten (10) calendar days after service of the Board's decision. County Council shall review the record and without further hearing affirm, modify, or deny the appeal in the event of an error of fact by the Board. The decision of Council shall be final unless appealed to a court of competent jurisdiction within ten (10) calendar days after service of the County Council's decision.

**Section 16-20. Consent, Franchise or Business License Fee Required.**

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The annual fee for use of streets or public places authorized by a consent agreement or franchise agreement shall be set pursuant to the agreement, and shall be consistent with limits set by State law. Existing franchise agreements shall continue in effect until expiration dates in the agreements. Franchise and consent fees shall not be in lieu of or be credited against business license fees unless specifically provided by the franchise or consent agreement.

**Section 16-21. Confidentiality.**

Except in accordance with proper judicial order, pursuant to an appeal, or as otherwise provided by law, it shall be unlawful for any official or employee to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any report or return required under this article. Nothing in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns.

**SECTION VI.** The Richland County Code of Ordinances, Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; is hereby amended as follows:

**Section 16-22. Criminal and Civil Penalties, Injunctive Relief.**

- a. Criminal Penalty. Any person violating any provision of this article shall be deemed guilty of a misdemeanor and upon conviction shall be subject to punishment under the general penalty provisions of Section 1-8 of this Code of Ordinances: that is, shall be subject to a fine of up to \$500.00 or imprisonment for not more than thirty (30) days or both. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent fees, penalties, and costs provided for herein.
- b. Civil Penalty. ~~For non-payment of all or any part of the license fee, the License Official shall levy and collect a penalty of five (5%) percent of the unpaid fee for each month or portion thereof after the due date until paid. Penalties shall not be waived.~~
- c. Injunctive Relief. ~~The County may seek injunctive relief in a court of competent jurisdiction as a means of enforcing the provisions of this article.~~

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

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

**SECTION IX. Effective Date.** All sections of this ordinance shall be effective on and after \_\_\_\_\_, 2008.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Joseph McEachern, Chair

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

OF \_\_\_\_\_, 2008

\_\_\_\_\_  
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: February 4, 2008  
Second Reading: February 19, 2008  
Public Hearing: March 4, 2008  
Third Reading:

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-08HR

**AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE VI, SUPPLEMENTAL USE STANDARDS; SECTION 26-151, PERMITTED USES WITH SPECIAL REQUIREMENTS; SUBSECTION (C), STANDARDS; PARAGRAPH (66), SEXUALLY ORIENTED BUSINESSES; SO AS TO AMEND REQUIREMENTS PERTAINING TO SEXUALLY ORIENTED BUSINESSES.**

WHEREAS, sexually oriented businesses require special supervision from the public safety agencies of the County in order to protect and preserve the health, safety, and welfare of patrons of such businesses as well as citizens of the County; and

WHEREAS, upon review of numerous studies, case law, analyses, and observations, the County concludes that sexually oriented businesses, as a category of business, are associated with a wide variety of negative secondary effects, including but not limited to, personal and property crimes, public safety risks, prostitution, potential spread of disease, lewdness, public indecency, illicit sexual activity, illicit drug use and drug trafficking, adverse impacts on surrounding properties, litter, and sexual assault and exploitation; and

WHEREAS, the Richland County Council has a substantial government interest in minimizing and controlling these adverse effects and thereby protecting the health, safety and welfare of the citizenry; protect the citizens from crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of urban blight; and

WHEREAS, the County's interest in regulating sexually oriented businesses extends to future secondary effects that could occur in the County related to current sexually oriented businesses as well as sexually oriented businesses that may locate in the County in the future; and

WHEREAS, the County recognizes its constitutional duty to interpret, construe, and amend its laws and ordinances to comply with constitutional requirements as they are announced; and

WHEREAS, it is not the intent of this ordinance to suppress any speech activities protected by the United States Constitution or the South Carolina Constitution, but to enact an ordinance to further the content-neutral governmental interests of the County, to wit, the controlling of secondary effects of sexually oriented businesses.

WHEREAS, the secondary effects information discussed herein is in addition to secondary effects information compiled and considered by the Richland County Council when it



adopted Ordinance 1609-87 HR, which became the original Sexually Oriented Business Ordinance, and subsequent amendments thereto; and

WHEREAS, the Richland County Council finds that documents and public comments in that original legislative record for Ordinance 1609-87HR, as well as the secondary effects information identified in this ordinance, provide legislative support for the original Sexually Oriented Business Ordinance.

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 Richland County Code of Ordinances, Chapter 26, Land Development; Article II, Rules of Construction/Definitions; Section 26-22, Definitions; is hereby amended by the deletion of the definition of "Sexually Oriented Business" and the substitution of the following language:

*Sexually Oriented Business.* An adult arcade, adult bookstore, adult video store, adult cabaret, adult motel, adult motion picture theater, ~~escort agency~~, sexual device shop, or sexual encounter center. As used in this chapter, the following definitions shall apply to such businesses:

- (a) *Adult Arcade.* Any place where the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five (5) or fewer persons per machine at any one time, and where the images so displayed are characterized by the depicting or describing of specified sexual activities or specified anatomical areas.
- (b) *Adult Bookstore or Adult Video Store.* A commercial establishment which, as one of its principal business purposes, offers for sale or rental (for any form of consideration) ~~any one (1) or more of the following:~~ adult media.
  - ~~(1) Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations, which depict or describe specified sexual activities or specified anatomical areas; or~~
  - ~~(2) Instruments, devices, or paraphernalia that are designed for use in connection with specified sexual activities. A commercial establishment may have other principal business purposes that do not involve the offering for sale or rental of material depicting or describing specified sexual activities or specified anatomical areas and still be categorized as an adult bookstore or adult video store. Such other business purposes will not serve to exempt such commercial establishment from being categorized as an~~

~~adult bookstore or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the specified materials which depict or describe specified sexual activities or specified anatomical areas.~~

- (1) As used in this definition, “principal business purpose or purposes” means the commercial establishment has a substantial portion of its displayed merchandise which consists of said items; or has a substantial portion of the wholesale value of its displayed merchandise which consists of said items; has a substantial portion of the retail value of its displayed merchandise which consists of said items; or derives a substantial portion of its revenues from the sale or rental, for any form of consideration, of said items; or maintains a substantial section of its interior business space for the sale or rental of said items.
- (2) As used in this definition, “substantial” means twenty-five percent (25%) or more.
- (c) *Adult Cabaret.* A nightclub, bar, restaurant, or similar commercial establishment, which regularly features, regardless of whether alcoholic beverages are served, persons who appear in a state of nudity or semi-nudity.
- (d) *Adult Media.* Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, videocassettes or compact discs, digital video discs, video reproductions, slides, or other visual representations, which are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas.
- (e) *Adult Motel.* A hotel, motel, or similar commercial establishment that:
- (1) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, compact discs, digital video discs, video reproductions or similar photographic reproductions that are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and
- advertises the availability of such material by means of a sign visible from the public right-of-way, or by means of any on or off-premises advertising, including, but not limited to, newspapers, magazines, pamphlets or leaflets, radio or television; or
- (2) Offers a sleeping room for rent for a period of time that is less than ten (10) hours; or

- (3) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten (10) hours.
- (f) *Adult Motion Picture Theater.* A commercial establishment that where, for any form of consideration, exhibits or shows films, motion pictures, videocassettes, slides, compact discs, digital video discs, video reproductions, or similar photographic reproductions that are characterized by their emphasis upon the display of specified sexual activities or specified anatomical areas are regularly shown to more than five (5) persons.
- (g) *Characterized By.* To describe the essential character or quality of an item, activity, or thing. As applied in this ordinance, no business shall be classified as a sexually oriented business by virtue of showing, selling or renting materials rated NC-17 or R by the Motion Picture Association of America.
- (h) *Child Care Facility.* A facility as defined in S.C. Code Ann. § 20-7-2700(b).
- ~~(gf) *Escort.* A person who, for consideration, agrees or offers to act as a companion, guide, or date for another person, or who agrees or offers to privately model lingerie or to privately perform a striptease for another person.~~
- ~~(hg) *Escort agency.* A person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for a fee, tip, or other consideration.~~
- (i) *Establish or Establishment of a Sexually Oriented Business.* Any of the following:
- (1) The opening or commencement of any sexually oriented business as a new business;
  - (2) The conversion of an existing business, whether or not a sexually oriented business, to any sexually oriented business;
  - (3) The addition of another type(s) of sexually oriented business to any other existing sexually oriented business, such as the addition of an adult video store to an existing sexual device shop; or
  - (4) The relocation of any sexually oriented business.
- ~~(j) *Nude Model Studio.* Any place where a person who appears in a state of nudity or displays specified anatomical areas is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration. This definition shall not include a modeling class operated by a proprietary school licensed by the State of South~~

~~Carolina, or by a college, junior college, or university in a structure that has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing and where, in order to participate in a class, a student must enroll at least three (3) days in advance of the class. In these situations, no more than one (1) nude model may be present at any one time.~~

- (j) ~~*Nude or a State of Nudity.* The appearance of a person's genitals, pubic area, vulva, anus, anal cleft or cleavage of the buttocks, including the portion of the buttocks within four (4) inches on either side of a vertical line extending upward from the anus, or any simulation thereof; or any portion of a female breast below a horizontal line across the top of the areola at its highest point, or any simulation thereof. This definition shall include the entire lower portion of the female breast. The showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering; or the showing of bare female breasts, with less than a fully opaque covering of any part of the nipple and areola. This definition shall not include the act of a female breast-feeding a child in a public place; nor to infants or toddlers in a public place, nor to exposure of the human female breasts above a horizontal line across the top of the areola exhibited by a dress, blouse, shirt or other similar wearing apparel; nor to exposure of cleavage of the human female breasts exhibited by a dress, blouse, shirt, or similar wearing apparel.~~
- (l) ~~*Permittee and/or licensee.* A person in whose name a permit and/or license to operate a sexually oriented business has been issued, as well as the individual listed as an applicant on the application for a permit and/or license.~~
- (k) ~~*Person.* An individual, proprietorship, partnership, corporation, association, or other legal entity.~~
- (l) ~~*Premises.* The real property upon which the sexually oriented business is located, and all appurtenances thereto and buildings thereon, including, but not limited to, the sexually oriented business structure, the grounds, private walkways, and parking areas under the ownership, control, or supervision of the sexually oriented business.~~
- (m) ~~*Regularly.* The consistent and repeated doing of the act so described.~~
- (n) ~~*Semi-nude.* A state of dress in which the human male or female genitals, public area, vulva, anus, and anal cleft or cleavage are covered by fully opaque cloth or other material.~~
- (o) ~~*Sex Shop.* A commercial establishment that offers for sale:
  - 1) Any two of the following categories: 1) adult media, 2) lingerie; or 3) sexual devices; and combination thereof constitutes more than ten percent (10%) of its stock in trade or occupies more than ten percent (10%) of its interior business space.
  - 2) More than five percent (5%) of its stock in trade consists of sexual devices; or~~

- 3) More than five percent (5%) of its interior business space is used for the display of sexual devices.
- 4) Nothing in this definition shall be construed to include any pharmacy, drug store, medical clinic, or any establishment primarily dedicated to providing medical or healthcare products or services.

~~(p)~~ Sexual Device. Any three (3) dimensional object designed and marketed for stimulation of the male or female human genital organ or anus, or for sadomasochistic use or abuse of oneself or others, and shall include devices such as dildos, vibrators, penis pumps, and physical representations of the human genital organs. Nothing in this definition shall be construed to include devices primarily intended for protection against sexually transmitted diseases or preventing pregnancy.

~~(nq)~~ Sexual Encounter Center. A business or commercial enterprise that regularly offers, for any form of consideration, physical contact in the form of wrestling or tumbling between persons when one or more of the persons is semi-nude or nude.

- ~~1) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or~~
- ~~2) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.~~

~~(or)~~ Specified Anatomical Areas. The male genitals in a state of sexual arousal and/or the vulva or more intimate parts of the female genitals. The human genitals, pubic region, buttocks; the female breast below a point immediately above the top of the areola; or human male genitals in a discernibly turgid state, even if completely and opaquely covered.

~~(ps)~~ Specified Sexual Activities. Any of the following:

- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
- ~~(2) Sex acts, normal or perverted, Actual or simulated including intercourse, oral copulation, and/or sodomy; intercourse, oral copulation, masturbation or sodomy; or~~
- ~~(3) Masturbation, actual or simulated; or~~
- ~~(34) Excretory functions as part of or in connection with any of the activities set forth in subsection (1) through (23) of this definition above.~~

- (t) Viewing Room. A room, booth, or other enclosed or partially enclosed area where a patron or patrons of a sexually oriented business would ordinarily be positioned while watching adult media or live entertainment.

SECTION II. The Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (c), Standards; Paragraph (66), Sexually Oriented Businesses, is hereby amended by the deletion of the language contained therein and the substitution of the following language:

*(66) Sexually oriented businesses.*

a. *Use districts:* ~~General Commercial, Heavy Industrial~~

b. *Purpose and Findings:*

1. ~~It is the purpose of this subsection to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of Richland County. Furthermore, the purpose of these regulations is and to establish reasonable and uniform regulations to prevent or reduce to any extent the continued deleterious location and concentration secondary effects of sexually oriented businesses within the County.~~ The provisions of this subsection have neither the purpose nor the effect of imposing a limitation or restriction on the content of or reasonable access to any communicative materials, ~~including sexually oriented materials or expression.~~ Similarly, it is ~~not~~ neither the intent nor effect of these regulations to restrict or deny access by adults to sexually oriented materials or expression protected by the First Amendment of the United States Constitution, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this subsection to condone or legitimize the distribution or exhibition of obscenity ~~obscene material~~.
2. Based on evidence of the adverse secondary effects of sexually oriented businesses presented in hearings and reports made available to the Richland County Council, and on the findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, LLC*, 124 S. Ct. 2219 (2003); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *Pap's A.M. v. City of Erie*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *Chesapeake B & M, Inc. v. Harford County*, 58 F.3d 1005 (4<sup>th</sup> Cir. 1995); *Giovani Carandola, Ltd. v. Fox*, 470 F.3d 1074 (4<sup>th</sup> Cir. 2006); *Centaur v. Richland County*, 392 S.E.2d 165 (S.C. 1990); and other cases; and on reports of secondary effects occurring in and around sexually oriented businesses, including, but not

limited to, Phoenix, Arizona (1979); Minneapolis, Minnesota (1980); Houston, Texas (1987); Indianapolis, Indiana (1984); Amarillo, Texas (1977); Garden Grove, California (1991); Los Angeles, California (1977); Whittier, California (1978); Austin, Texas (1986); Seattle, Washington (1989); Oklahoma City, Oklahoma (1986); El Paso, Texas (1986); New York City, New York (1994); Dallas, Texas (1997); Newport News, Virginia (1996); New York Times Square Study (1994); Phoenix, Arizona (1995-1998); Greensboro, North Carolina (2003); Toledo, Ohio (2002); Centralia, Washington (2004); and also from the reports of “Sexually Oriented Businesses: An Insider’s View,” by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, January 12, 2000; “Survey of Appraisers Fort Worth & Dallas, Effects of Land Uses on Surrounding Property Values, by Duncan Associates, September 2004; and the Report of the Attorney General’s Working Group on the Regulation of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the Richland County Council finds:

(a) Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, public safety risks, prostitution, potential spread of disease, lewdness, public indecency, illicit sexual activity, illicit drug use and drug trafficking, negative impacts on surrounding properties, litter, and sexual assault and exploitation.

(b) Each of the foregoing negative secondary effects constitutes a harm which the County has a substantial government interest in preventing and/or abating in the future. This substantial government interest in preventing secondary effects, which is the County’s rationale for this ordinance, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the County’s interest in regulating sexually oriented businesses extends to future secondary effects that could occur in the County related to current sexually oriented businesses in the future as well as sexually oriented businesses that may locate in the County in the future. The County Council finds that the cases

and secondary effects documentation relied on in this ordinance are reasonably believed to be relevant to said secondary effects.

*c. Classification.* Sexually oriented businesses are classified as follows:

1. Adult Arcades;
2. Adult Bookstores or Adult Video Stores;
3. Adult Cabarets;

4. Adult Motels;
5. Adult Motion Picture Theaters;
- ~~6. Adult theaters;~~
6. Sexual Device Shop;
7. Escort agencies; and
- ~~8. Nude model studios; and~~
8. Sexual Encounter Centers.

~~d. Permit and/or license required:~~

- ~~1. A person commits a misdemeanor if he or she operates a sexually oriented business without a valid permit and/or license, issued by the county for the particular type of business.~~
- ~~2. An application for a permit and/or license must be made on a form provided by the Richland County Planning Department. The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.~~
- ~~3. The applicant must be qualified according to the provisions of this section, and the premises must be inspected and found to be in compliance with the law by the health department, fire department, and building official. The health department, fire department, and building official shall complete their inspections and certify same to the zoning administrator within twenty-one (21) days of receipt of the application by said zoning administrator.~~
- ~~4. If a person who wishes to operate a sexually oriented business is an individual, he or she must sign the application for a permit and/or license as applicant. If a person who wishes to operate a sexually oriented business is other than an individual, each individual who has a ten percent (10%) or greater interest in the business must sign the application for a permit and/or license as applicant. If a corporation is listed as owner of a sexually oriented business or as the entity that wishes to operate such a business, each individual having a ten percent (10%) or greater interest in the corporation must sign the application for a permit and/or license as applicant.~~



- ~~5. The fact that a person possesses other types of state or county permits and/or licenses does not exempt him or her from the requirement of obtaining a sexually oriented business permit and/or license.~~
- ~~e. Issuance of permit and/or license. The zoning administrator shall approve the issuance of a permit and/or license to an applicant within thirty (30) days after receipt of an application unless he or she finds one or more of the following to be true:~~
- ~~1. An applicant is under eighteen (18) years of age.~~
  - ~~2. An applicant or applicant's spouse is overdue in his payment to the county of taxes, fees fines, or penalties assessed against him or imposed upon him in relation to a sexually oriented business.~~
  - ~~3. An applicant has failed to provide information reasonably necessary for issuance of the permit and/or license or has falsely answered a question or request for information on the applicant form.~~
  - ~~4. An applicant is residing with a person who has been denied a permit and/or license by the county to operate a sexually oriented business within the preceding twelve (12) months, or residing with a person whose license to operate a sexually oriented business has been revoked within the preceding twelve (12) months.~~
  - ~~5. The premises to be used for the sexually oriented business have not been approved by the health department, fire department, and the building official as being in compliance with applicable laws and ordinances.~~
  - ~~6. The permit and/or license fee required by this ordinance has not been paid.~~
  - ~~7. An applicant of the proposed establishment is in violation of or is not in compliance with any of the provisions of this section.~~
  - ~~8. The permit and/or license, if granted, shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business. The permit and/or license shall be posted in a conspicuous place at or near the entrance to the sexually oriented business so that it may be easily read at any time.~~
- ~~f. Fees. The annual fee for a sexually oriented business permit and/or license is five hundred (\$500.00) dollars.~~

~~g. *Inspection.*~~

- ~~1. An applicant or permittee and/or licensee shall permit representatives of the sheriff's department, health department, fire department, planning department, or other county departments or agencies to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business.~~
- ~~2. A person who operated a sexually oriented business, or his/her agent or employee, commits a misdemeanor if he or she refuses to permit such lawful inspection of the premises at any time it is occupied or open for business.~~

~~h. *Expiration of permit and/or license.*~~

- ~~1. Each permit and/or license shall expire one year from the date of issuance and may be renewed only by making application as provided in subsection e. above. Application for renewal should be made at least thirty (30) days before the expiration date, and when made less than thirty (30) days before the expiration date, the expiration of the permit and/or license will not be affected.~~
- ~~2. When the zoning administrator denies renewal of a license, the applicant shall not be issued a permit and/or license for one (1) year from the date of denial. If, subsequent to denial, the zoning administrator finds that the basis for denial of the renewal permit and/or license has been corrected or abated, the applicant may be granted a permit and/or license, if at least ninety (90) days have elapsed since the date denial became final.~~

~~i. *Suspension.* The zoning administrator shall suspend a permit and/or license for a period not to exceed thirty (30) days if he or she determines that a permittee and/or licensee or an employee of a permittee and/or licensee has:~~

- ~~1. Violated or is not in compliance with any provision of this section;~~
- ~~2. Engaged in excessive use of alcoholic beverages while on the sexually oriented business premises;~~
- ~~3. Refused to allow an inspection of the sexually oriented business premises as authorized by this section; or~~
- ~~4. Knowingly permitted gambling by any person on the sexually oriented business premises.~~

~~j. *Revocation.*~~

- ~~1. The zoning administrator shall revoke a permit and/or license if a cause of suspension in subsection i. above occurs and the permit and/or license has been suspended within the preceding twelve (12) months.~~
- ~~2. The zoning administrator shall revoke a permit and/or license if he or she determines that:
  - ~~(a) A permittee and/or licensee gave false or misleading information in the material submitted to the planning department during the application process;~~
  - ~~(b) A permittee and/or licensee or an employee has knowingly allowed possession, use, or sale of controlled substances on the premises;~~
  - ~~(c) A permittee or licensee or an employee has knowingly allowed prostitution on the premises;~~
  - ~~(d) A permittee and/or licensee or an employee knowingly operated the sexually oriented business during a period of time when the permittee's and/or licensee's permit and/or license was suspended;~~
  - ~~(e) A permittee and/or licensee or an employee has knowingly allowed any act of sexual intercourse, sodomy, oral copulation, masturbation, or other sexual conduct to occur in or on the permitted and/or licensed premises;~~
  - ~~(f) A permittee and/or licensee is delinquent in payment to the county or state for any taxes or fees past due.~~~~
- ~~3. When the zoning administrator revokes a permit and/or license, the revocation shall continue for one (1) year, and the permittee and/or licensee shall not be issued a sexually oriented permit and/or license for one (1) year from the date revocation became effective. If, subsequent to revocation, the zoning administrator finds that the basis for the revocation has been corrected or  
  
abated, the applicant may be granted a permit and/or license if at least ninety (90) days have elapsed since the date the revocation became effective.~~
- ~~k. *Transfer of permit and/or license.* A permittee and/or licensee shall not transfer his/her permit and/or license to another, nor shall a permittee and/or licensee operate a sexually oriented business under the authority of a permit and/or license, at any place other than the address designated in the application.~~

ld. *Location of Sexually Oriented Businesses:*

1. A sexually oriented business currently in operation or established subsequent to the enactment of this Ordinance shall comply with the provisions herein.
2. ~~A person commits a misdemeanor if he or she operates or causes to be operated a sexually oriented business outside of a designated GC General Commercial District. All sexually oriented businesses shall be located within a General Commercial District a General Commercial or Heavy Industrial District.~~
2. ~~A person commits a misdemeanor if he or she operates or causes to be operated a sexually oriented business~~ A sexually oriented business shall not be located within one thousand (1,000) feet of any place of worship, a public or private elementary or secondary school, a child daycare care facility or a pre-school kindergarten, orphanage, a boundary of any residential district, a boundary of a parcel designated and assessed as residential use by the Richland County Assessor's Office; or a public park. ~~adjacent to any residential district, or the property line of a lot devoted to residential use.~~
3. ~~A person commits a misdemeanor if he or she operates or permits the operation, establishment, substantial enlargement, or transfer of ownership or control of a~~ A sexually oriented business shall not be located within one thousand (1,000) feet of another sexually oriented business.
4. ~~A person commits a misdemeanor if he or she operates or permits t~~The operation, establishment, or maintenance of more than one (1) sexually oriented business is prohibited in the same building, structure, or portion thereof, or the increase of floor areas of any sexually oriented business in any building, structure, or portion thereof containing another sexually oriented business.
5. For the purpose of this ~~Section 26-151(e)(66) subparagraph d. 2., above,~~ measurement shall be made in a straight line, without regard to intervening structures or objects, ~~from the nearest portion of the building or structure used as part of the premises where a sexually oriented business is conducted~~ the nearest property line of the premises where a sexually oriented business is conducted, to the nearest property line of the premises of a place of worship,  
  
or public or private elementary or secondary school, a public park, a parcel zoned as a Planned Development District with a residential component, a multi-family residential use, or a residential zoning district, or a residential lot. Presence of a city or other political subdivision boundary shall be irrelevant for purposes of calculating and applying the distance requirements of this section.
6. For the purpose of ~~subsection~~ subparagraph d. 3., above, the distance between any two (2) sexually oriented businesses shall be measured in a straight line,

without regard to intervening structures or objects, from the closest exterior wall of the structure in which the businesses are located nearest property line of the premises where a sexually oriented business is conducted to the nearest property line of another premises where a sexually oriented business is conducted.

7. Any sexually oriented business lawfully operating on August 1, 1987 that is in violation of subsections 1. through 6. above, shall be deemed a nonconforming use. The nonconforming use will be permitted to continue for a period not to exceed two (2) years, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more. Such nonconforming uses shall not be increased, enlarged, extended, or altered except that the use may be changed to a conforming use. If two (2) or more sexually oriented businesses are within one thousand (1,000) feet of one another and otherwise in a permissible location, the sexually oriented business which was first established and continually operating at a particular location is the conforming use and the later established business(es) is nonconforming.

8. A sexually oriented business lawfully operating as a conforming use is not rendered a nonconforming use by the subsequent location, subsequent to the grant or renewal of the sexually oriented business permit and/or license, of a place of worship, a public or private elementary or secondary school, a child care facility or kindergarten, public park, a boundary of any residential district, a multi-family residential use, or a Planned Development District with a residential component or residential lot within one thousand (1,000) feet of the sexually oriented business. This provision applies only to the renewal of a valid permit and/or license, and does not apply when an application for a permit and/or license is submitted after a permit and/or license has expired or has been revoked.

*m. Additional regulations for adult motels:*

1. Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two (2) or more times in a period of time that is less than ten (10) hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this chapter:

2. A person commits a misdemeanor, if, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have a sexually oriented permit and/or license, he/she rents or sub-rents a sleeping room to a person and, within ten (10) hours from the time the room is rented, he/she rents or sub-rents the same sleeping room again.

3. For purposes of subsection 2. above, the terms "rent" or "subrent" mean the act of permitting a room to be occupied for any form of consideration.

em. Regulations pertaining to exhibition of sexually explicit films or videos Sexually Oriented Businesses that offer Viewing Room(s).

4. A person who operates or causes to be operated a sexually oriented business, other than an adult motel, which exhibits on the premises in a viewing room of less than one hundred fifty (150) square feet of floor space, ~~a film, video cassette, or other video reproduction that depicts specified sexual activities or specified anatomical areas, adult media, or live entertainment characterized by emphasis on exposure or display of specified sexual activities or specified anatomical areas,~~ shall comply with the following requirements:

- (a1) ~~Upon application for a sexually oriented permit and/or license, the application shall be accompanied by a A diagram of the premises showing a plan thereof specifying the location of one or more manager's stations and the location of all overhead lighting fixtures and designating any portion of the premises in which patrons will not be permitted must be provided to the Zoning Administrator. A manager's station may not exceed thirty-two (32) square feet of floor area. ~~The diagram shall also designate the place at which the permit will be conspicuously posted, if granted.~~ A professionally prepared diagram in the nature of an engineer's or architect's blueprint shall not be required; however, each diagram should be oriented to the north or to some designated street or object and should be drawn to a designated scale or with marked dimensions sufficient to show the various internal dimensions of all areas of the interior of the premises to an accuracy of plus or minus six (6) inches. ~~The zoning administrator may waive the foregoing diagram for renewal applications if the applicant adopts a diagram that was previously submitted and certifies that the configuration of the premises has not been altered since it was prepared.~~~~
- (b2) The application diagram shall be sworn to be true and correct by the applicant.
- (e3) No alteration in the configuration or location of a manager's station may be made without the prior approval of the zoning administrator.
- (d4) It is the duty of the owner(s) and operator(s) of the premises to ensure that at least one (1) employee is on duty and situated in each manager's station at all times that any patron is present inside the premises.
- (e5) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction

equipment. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one (1) of the manager's stations. The view required in this ~~subsection~~ subparagraph must be by direct line of sight from the manager's station.

- (~~f~~6) It shall be the duty of the owner(s) and operator(s), and it shall also be the duty of any agents and employees present in the premises, to ensure that the view area specified in ~~subsection~~ subparagraph (e) above remains unobstructed by any doors, walls, merchandise, display racks, or other materials at all times and to ensure that no patron is permitted access to any area of the premises that has been designated as an area in which patrons will not be permitted in the ~~application~~ diagram submitted filed pursuant to ~~subsection~~ subparagraph (a) above.
- (~~g~~7) No viewing room may be occupied by more than one (1) patron or customer at any time.
- (~~h~~8) The premises shall be equipped with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one (1) foot-candle as measured at the floor level.
- (~~i~~9) It shall be the duty of the owner(s) and operator(s), and it shall also be the duty of any agents and employees present in the premises, to ensure that the illuminations described above, is maintained at all times that any patron is present in the premises.
- (10) No owner or operator shall allow openings of any kind to exist between viewing rooms.
- (11) The operator or owner shall, during each business day, regularly inspect the walls between the viewing booths to determine if any openings or holes exist.
- (12) The owner or operator shall cause all floor coverings in viewing booths to be nonporous, easily cleanable surfaces with no rugs or carpets.
- (13) The owner or operator shall cause all wall surfaces and ceiling surfaces in viewing booths to be constructed of, or permanently covered by, nonporous, easily cleanable material.

- ~~2. A person having a duty under subsection (a) through (i) of subsection 1, above, commits a misdemeanor if he or she knowingly fails to fulfill that duty.~~

f. Regulations pertaining to adult cabarets and sexual encounter centers. It shall be a violation of this chapter for an employee, independent contractor, or person under a similar arrangement with any owner, operator, manager, agent, shareholder of an adult cabaret or sexual encounter center, while located within an adult cabaret or sexual encounter center, to appear in a manner that does not conform to the definition of semi-nude.

~~eg. Exemptions. It is a defense to prosecution under subsection (a) through (j) of subsection 1 above that a person appearing in a state of nudity did so in a modeling class operated:~~ The following activities or businesses are exempt from the requirements of section 26-151(c)(66):

- ~~1. By a proprietary school licensed by the State of South Carolina; or by a college, junior college, or university supported entirely or partly by taxation;~~ or A business or organization in which a person serves as a model for a drawing, painting, sketching, sculpture or other similar art studio class operated:
  - (a). By a university or college or other institution of higher education; or
  - (b). By a non-profit arts organization, such as a museum, gallery, artist association or arts cooperative.
- ~~2. By a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation; or~~
- ~~3. In a structure:~~
  - ~~(a) Which has no sign visible from the exterior of the structure and no other advertising that indicates a nude person is available for viewing; and~~
  - ~~(b) Where no more than one (1) nude model is present at any one (1) class; and~~
  - ~~(c) Where students participating in the class must enroll at least three (3) days in advance of the class.~~
2. A professional or community theater, or a theater affiliated with an institution of higher education, that produces works of dramatic arts in which actors or actresses occasionally appear on stage in a state of semi-nudity, nudity, or in any state of undress as part of his or her dramatic role.



(h) Administrative Decision-making Process: Appeals.

- (1) Under no circumstances shall staff review and decision-making of an application of a sexually oriented business for a permitted use with special requirements, including determination of completeness, extend beyond fifteen business (15) days from the date of receipt of an application. In the event that a County official is required to take an act or do a thing pursuant to section 26-55 of the Richland County Code of Ordinances and any other section referenced therein, and fails to take such an act or do such a thing within the time prescribed, such failure shall not prevent the exercise of constitutional rights of an applicant. If the County fails to inform an applicant, by any reasonable means, of a decision by the County by the close of business on the fifteenth (15) business day from receipt of application, the application shall be deemed granted and the applicant allowed to commence or continue operation the day after the deadline for action has passed.
  
- (2) Under no circumstances shall an appeal of an administrative decision pursuant to section 26-58 of the Richland County Code of Ordinances concerning an application by a sexually oriented business for a permitted use with special requirements exceed a time period of seventy-five business (75) days from the date of receipt of an appeal to the Board of Zoning Appeals. In the event that a County official, including the Board of Zoning Appeals, is required to take an act or do a thing pursuant to section 26-58 of the Richland County Code of Ordinances and any other section referenced therein, and fails to take such an act or do such a thing within the time prescribed, such failure shall not prevent the exercise of constitutional rights of an applicant. If the County fails to inform an applicant, by any reasonable means, of a decision by the Board of Zoning Appeals by the close of business on the sixtieth (60) business day from receipt of an appeal, the application shall be deemed granted and the applicant allowed to commence or continue operation the day after the deadline for action has passed.

(i) Amortization

- (1) Any sexually oriented business in operation before the effective date of this ordinance that does not comply with the location restrictions found in subsection (d) above is permitted to continue its operation for a period not to exceed three years from the effective date of this ordinance. During this period of non-compliance, such continued operation shall not be increased, enlarged, extended, or altered.

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

Revised June 23, 2008

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

SECTION V. Effective Date. All sections of this ordinance shall be effective on and after \_\_\_\_\_, 2008.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Joseph McEachern, Chair

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

OF \_\_\_\_\_, 2008

\_\_\_\_\_  
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:	February 4, 2008
Public Hearing:	February 26, 2008
Second Reading:	April 15, 2008
Third Reading:	_____, 2008

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

AN ORDINANCE TO LEVY AND IMPOSE A ONE PERCENT (1%) SALES AND USE TAX, SUBJECT TO A REFERENDUM, WITHIN RICHLAND COUNTY PURSUANT TO SECTION 4-37-30 OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED; TO DEFINE THE SPECIFIC PURPOSES AND DESIGNATE THE PROJECTS FOR WHICH THE PROCEEDS OF THE TAX MAY BE USED; TO PROVIDE THE MAXIMUM TIME FOR WHICH SUCH TAX MAY BE IMPOSED; TO PROVIDE THE ESTIMATED COST OF THE PROJECTS FUNDED FROM THE PROCEEDS OF THE TAX; TO PROVIDE FOR A COUNTY-WIDE REFERENDUM ON THE IMPOSITION OF THE SALES AND USE TAX AND THE ISSUANCE OF GENERAL OBLIGATION BONDS AND TO PRESCRIBE THE CONTENTS OF THE BALLOT QUESTIONS IN THE REFERENDUM; TO PROVIDE FOR THE CONDUCT OF THE REFERENDUM BY THE RICHLAND COUNTY ELECTION COMMISSION; TO PROVIDE FOR THE ADMINISTRATION OF THE TAX, IF APPROVED; TO PROVIDE FOR THE PAYMENT OF THE TAX, IF APPROVED; AND TO PROVIDE FOR OTHER MATTERS RELATING THERETO.

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

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

(a) The South Carolina General Assembly has enacted Section 4-37-30 of the Code of Laws of South Carolina 1976, as amended (the "Act"), pursuant to which the county governing body may impose by ordinance a sales and use tax in an amount not to exceed one percent, subject to the favorable results of a referendum, within the county area for a specific purpose or purposes and for a limited amount of time to collect a limited amount of money.

(b) Pursuant to the terms of Section 4-37-10 of the Code of Laws of South Carolina 1976, as amended, the South Carolina General Assembly has authorized county government to finance the costs of acquiring, designing, constructing, equipping and operating highways, roads, streets, bridges, greenways, pedestrian sidewalks, bike paths and lanes, and other transportation-related projects either alone or in partnership with other governmental entities. As a means to furthering the powers granted to the County under the provisions of Section 4-9-30 and Sections 6-21-10, *et. seq* of the Code of Laws of South Carolina 1976, as amended, the County Council is authorized to form a transportation authority or to enter into a partnership, consortium, or other contractual arrangement with one or more other governmental entities pursuant to Title 4, Chapter 37 of the Code of Laws of the South Carolina 1976, as amended. The County Council has decided to provide funding for highways, roads, streets, bridges, mass transit, greenways, pedestrian sidewalks, bike paths and lanes, *inter alia*, without the complexity of a transportation authority or entering into a partnership, consortium, or other contractual arrangements with one or more other governmental entities at this time; provided that nothing herein shall preclude County Council from entering into partnerships, consortiums, or other contractual arrangements in the future. County Council may utilize such provisions in the future as necessary or convenient to promote the public purposes served by funding highways, roads, streets, bridges, mass transit, greenways, pedestrian sidewalks, and bike paths and lanes as provided in this Ordinance.

(c) The County Council finds that a one percent sales and use tax should be levied and imposed within Richland County, for the following projects and purposes:

(i) For financing the costs of highways, roads, streets, bridges, greenways, pedestrian sidewalks, and bike paths and lanes and other transportation-related projects facilities, and drainage facilities related thereto, and mass transit systems operated by Richland County or (jointly) operated by the County, other governmental entities and transportation authorities.

For a period not to exceed eight (8) years from the date of imposition of such tax, to fund the projects at a maximum cost not to exceed \$521,480,000 to be funded from the net proceeds of a sales and use tax imposed in Richland County pursuant to provisions of the Act, subject to approval of the qualified electors of Richland County in referendum to be held on November 4, 2008. The imposition of the sales and use tax and the use of sales and use tax revenue, if approved in the referendum, shall be subject to the conditions precedent and conditions or restrictions on the use and expenditure of sales and use tax revenue established by the Act, the provisions of this Ordinance, and other applicable law. Subject to annual appropriations by County Council, sales and use tax revenues shall be used for the costs of the projects established in this Ordinance, as it may be amended from time to time, including, without limitation, payment of administrative costs of the projects, and such sums as may be required in connection with the issuance of bonds, the proceeds of which are applied to pay costs of the projects. All spending shall be subject to an annual independent audit to be made available to the public.

(d) County Council finds that the imposition of a sales and use tax in Richland County for the projects and purposes defined in this Ordinance for a limited time not to exceed eight (8) years to collect a limited amount of money will serve a public purpose, provide funding for roads and transportation, mass transit, and greenbelts to facilitate economic development, promote public safety, provide needed infrastructure, promote desirable living conditions, enhance the quality of life in Richland County, and prepare Richland County to meet present and future needs of Richland County and its citizens.

## **Section 2. Approval of Sales and Use Tax Subject to Referendum.**

(a) A sales and use tax (the "Sales and Use Tax"), as authorized by the Act, is hereby imposed in Richland County, South Carolina, subject to a favorable vote of a majority of the qualified electors voting in a referendum on the imposition of the tax to be held in Richland County, South Carolina on November 4, 2008.

(b) The Sales and Use Tax shall be imposed for a period not to exceed eight (8) years from the date of imposition.

(c) The maximum cost of the projects to be funded from the proceeds of the Sales and Use Tax shall not exceed, in the aggregate, the sum of ~~\$505~~\$21,8480,000, and the maximum amount of net proceeds to be raised by the tax shall not exceed \$521,480,000, which includes administrative costs and debt service on bonds issued to pay for the projects. The estimated principal amount of initial authorization of bonds to be issued to pay costs of the projects and to be paid by a portion of the Sales and Use Tax is \$100,000,000. The proceeds of these bonds shall be used for the following projects:

Project: 1: Highways, roads, streets, bridges, other transportation-related projects, and drainage projects related thereto including but not limited to resurfacing roads, paving dirt roads, Hardscrabble Road, Assembly Street railroad grade separation, Pineview Road, Clemson Road, Wilson Boulevard, Broad River Road, North Main Street, Shop Road Extension, and Farrow Road. \$312,880,000

Project 2: Mass transit systems operated by the County or jointly operated by the County, other governmental entities and transportation authorities. \$130,370,000.

Project 3: Greenways, including but not limited to Crane Creek, Gills Creek, Smith/Rocky Branch, Three Rivers Greenway and Lincoln Tunnel Greenway; pedestrian sidewalks, pathways and intersection improvements including but not limited to Assembly Street/Shop Road, Clemson Road, Colonial Drive/Farrow Road, Broad River Road, Alpine Road, Leesburg Road, and Two Notch Road; bike paths and lanes including but not limited to Broad River Road, Harden Street, Two Notch Road, Clemson Road, Pickens Street, and Blossom Street. \$78,230,000

(d) The Sales and Use Tax shall be expended for the costs of the following projects, including payment of any sums as may be required for the issuance of and debt service for bonds, the proceeds of which are applied to such projects, for the following purposes:

~~(i) For financing the costs of highways~~Highways, roads, streets, bridges, sidewalks, bike lanes and paths, pedestrian sidewalks, greenbelts and other transportation-related projects facilities, and drainage facilities related thereto, and mass, and drainage projects related thereto including but not limited to resurfacing roads, paving dirt roads, Hardscrabble Road, Assembly Street railroad grade separation, Pineview Road, Clemson Road, Wilson Boulevard, Broad River Road, North Main Street, Shop Road Extension, and Farrow Road. \$312,880,000

~~(ii) Mass transit systems operated by Richland~~the County or (jointly) operated by the County, other governmental entities and transportation authorities. The amount of the maximum total funds to be collected which shall be expended for these projects and purposes shall be no more than \$521,480,000.\$130,370,000.

~~(iii) Greenways, including but not limited to Crane Creek, Gills Creek, Smith/Rocky Branch, Three Rivers Greenway and Lincoln Tunnel Greenway; pedestrian sidewalks, pathways and intersection improvements including but not limited to Assembly Street/Shop Road, Clemson Road, Colonial Drive/Farrow Road, Broad River Road, Alpine Road, Leesburg Road, and Two Notch Road; bike paths and lanes including but not limited to Broad River Road, Harden Street, Two Notch Road, Clemson Road, Pickens Street, and Blossom Street. \$78,230,000~~

(e) If the Sales and Use Tax is approved by a majority of the qualified electors voting in a referendum to be held in Richland County on November 4, 2008, the tax is to be imposed on the first day of May, 2009, provided the Richland County Election Commission (the "Commission") shall certify the results not later than November 30, 2008, to Richland County Council and the South Carolina Department of Revenue. Included in the certification must be the maximum cost of the projects to be funded in whole or in part from the proceeds of the tax, the maximum time specified for the imposition of the Sales and Use Tax, and the principal amount of initial authorization of bonds, if any, to be supported by a portion of the Sales and Use Tax.

(f) The Sales and Use Tax, if approved in the referendum conducted on November 4, 2008, shall terminate on the earlier of:

(i) on April 30, 2017; or

(ii) the end of the calendar month during which the Department of Revenue determines that the tax has raised revenues sufficient to provide the greater of either the costs of the projects as approved in the referendum or the cost to amortize all debts related to the approved projects.

(g) The amounts of Sales and Use Tax collected in excess of the required proceeds must first be applied, if necessary, to complete each project for which the tax was imposed. Any additional revenue collected above the specified amount must be applied to the reduction of debt principal of Richland County on transportation infrastructure debts only.

(h) The Sales and Use Tax must be administered and collected by the South Carolina Department of Revenue in the same manner that other sales and use taxes are collected. The Department may prescribe amounts that may be added to the sales price because of the tax.

(i) The Sales and Use Tax is in addition to all other local sales and use taxes and applies to the gross proceeds of sales in the applicable area that is subject to the tax imposed by Chapter 36 of Title 12 of the Code of Laws of South Carolina, and the enforcement provisions of Chapter 54 of Title 12 of the Code of Laws of South Carolina. The gross proceeds of the sale of items subject to a maximum tax in Chapter 36 of Title 12 of the Code of Laws of South Carolina are exempt from the tax imposed by this Ordinance. The gross proceeds of the sale of food lawfully purchased with United States Department of Agriculture Food Stamps are exempt from the tax imposed by this Ordinance. The tax imposed by this Ordinance also applies to tangible property subject to the use tax in Article 13, Chapter 36 of Title 12 of the Code of Laws of South Carolina.

(j) Taxpayers required to remit taxes under Article 13, Chapter 36 of Title 12 of the Code of Laws of South Carolina must identify the county in which the personal property purchased at retail is stored, used, or consumed in this State.

(k) Utilities are required to report sales in the county in which the consumption of the tangible personal property occurs.

(l) A taxpayer subject to the tax imposed by Section 12-36-920 of the Code of Laws of South Carolina 1976, as amended, who owns or manages rental units in more than one county must report separately in his sales tax return the total gross proceeds from business done in each county.

(m) The gross proceeds of sales of tangible personal property delivered after the imposition date of the Sales and Use Tax, either under the terms of a construction contract executed before the imposition date, or written bid submitted before the imposition date, culminating in a construction contract entered into before or after the imposition date, are exempt from the sales and use tax provided in this ordinance if a verified copy of the contract is filed with Department of Revenue within six months after the imposition date of the sales and use tax provided for in this Ordinance.

(n) Notwithstanding the imposition date of the Sales and Use Tax with respect to services that are billed regularly on a monthly basis, the sales and use tax authorized pursuant to this ordinance is imposed beginning on the first day of the billing period beginning on or after the imposition date.

**Section 3. Remission of Sales and Use Tax; Segregation of Funds; Administration of Funds; Distribution to Counties: Confidentially.**

(a) The revenues of the Sales and Use Tax collected under this Ordinance must be remitted to the State Treasurer and credited to a fund separate and distinct from the general fund of the State. After deducting the amount of any refunds made and costs to the Department of Revenue of administering the tax, not to exceed one percent of such revenues, the State Treasurer shall distribute the revenues quarterly to the Richland County Treasurer and the revenues must be used only for the purposes stated herein. The State Treasurer may correct misallocations by adjusting subsequent distributions, but these distributions

must be made in the same fiscal year as the misallocation. However, allocations made as a result of city or county code errors must be corrected prospectively.

(b) Any outside agencies, political subdivisions or organizations designated to receive funding from the Sales and Use Tax must annually submit requests for funding in accordance with procedures and schedules established by the County Administrator. The County Administrator shall prepare the proposed budget for the Sales and Use Tax and submit it to the County Council at such time as the County Council determines. At the time of submitting the proposed budget, the County Administrator shall submit to the County Council a statement describing the important features of the proposed budget.

County Council shall adopt annually and prior to the beginning of fiscal year a budget for expenditures of Sales and Use Tax revenues. County Council may make supplemental appropriations for the Sales and Use Tax following the same procedures prescribed for the enactment of other budget ordinances. The provisions of this section shall not be construed to prohibit the transfer of funds appropriated in the annual budget for the Sales and Use Tax for purposes other than as specified in the annual budget when such transfers are approved by County Council. In the preparation of the annual budget, County Council may require any reports, estimates, and statistics from any county agency or department as may be necessary to perform its duties as the responsible fiscal body of the County.

Except as specifically authorized by County Council, any outside agency or organization receiving an appropriation of the Sales and Use Tax must provide to County Council an independent annual audit of such agency or organization financial records and transactions and such other and more frequent financial information as required by County Council, all in form satisfactory to County Council.

(c) The Department of Revenue shall furnish data to the State Treasurer and to the Richland County Treasurer for the purpose of calculating distributions and estimating revenues. The information which must be supplied to the County upon request includes, but is not limited to, gross receipts, net taxable sales, and tax liability by taxpayers. Information about a specific taxpayer is considered confidential and is governed by the provisions of S.C. Code Ann. §12-54-240. Any person violating the provisions of this section shall be subject to the penalties provided in S.C. Code Ann. § 12-54-240.

#### **Section 4. Sales and Use Tax Referendum; Ballot Question.**

(a) The Commission shall conduct a referendum on the question of imposing the Sales and Use Tax in the area of Richland County on Tuesday, November 4, 2008, between the hours of 7 a.m. and 7 p.m. under the election laws of the State of South Carolina, mutatis mutandis. The Commission shall publish in a newspaper of general circulation the question that is to appear on the ballot, with the list of projects and purposes as set forth herein, and the cost of projects, and shall publish such election and other notices as are required by law.

(b) The referendum question to be on the ballot of the referendum to be held in Richland County on November 4, 2008, must read substantially as follows:

### **RICHLAND COUNTY SPECIAL SALES AND USE TAX**

#### **QUESTION 1**

I approve a special sales and use tax in the amount of one percent to be imposed in Richland County, South Carolina (the "County") for not more than eight (8) years, or until a total of \$521,480,000 in sales tax revenue has been collected, whichever occurs first. The sales tax revenue will be used to pay the costs of the following projects:

Project 1: Highways, roads, streets, bridges, other transportation-related projects, and drainage projects related thereto including but not limited to resurfacing roads, paving dirt roads, Hardscrabble Road, Assembly Street railroad grade separation, Pineview Road, Clemson Road, Wilson Boulevard, Broad River Road, North Main Street, Shop Road Extension, and Farrow Road. \$312,880,000

Project 2: Mass transit systems operated by the County or jointly operated by the County, other governmental entities and transportation authorities. \$130,370,000.

Project 3: Greenways, including but not limited to Crane Creek, Gills Creek, Smith/Rocky Branch, Three Rivers Greenway and Lincoln Tunnel Greenway; pedestrian sidewalks, pathways and intersection improvements including but not limited to Assembly Street/Shop Road, Clemson Road, Colonial Drive/Farrow Road, Broad River Road, Alpine Road, Leesburg Road, and Two Notch Road; bike paths and lanes including but not limited to Broad River Road, Harden Street, Two Notch Road, Clemson Road, Pickens Street, and Blossom Street. \$78,230,000

YES

NO

TO BE DETERMINED

SEE ATTACHMENT FOR OPTIONS

Instructions to Voters: All qualified electors desiring to vote in favor of levying the special sales and use tax shall vote YES and

All qualified electors opposing to levying the special sales and use tax shall vote NO

## QUESTION 2

I approve the issuance of not exceeding \$100,000,000 of general obligation bonds of Richland County, payable from the special sales and use tax described in Question 1 above, maturing over a period not to exceed eight (8) years, to fund completion of projects from among the categories described in Question 1 above.

YES

NO

Instructions to Voters: All qualified electors desiring to vote in favor of the issuance of bonds for the stated purposes shall vote YES and

All qualified electors opposing to the issuance of bonds for the stated purposes shall vote NO

(c) In the referendum on the imposition of a special sales and use tax in Richland County, all qualified electors desiring to vote in favor of imposing the tax for the stated purposes shall vote "yes" and all qualified electors opposed to levying the tax shall vote "no." If a majority of the electors voting in the



referendum shall vote in favor of imposing the tax, then the tax is imposed as provided in the Act and this Ordinance. Expenses of the referendum must be paid by Richland County government.

(d) In the referendum on the issuance of bonds, all qualified electors desiring to vote in favor of the issuance of bonds for the stated purpose shall vote "yes" and all qualified electors opposed to the issuance of bonds shall vote "no." If a majority of the electors voting in the referendum shall vote in favor of the issuance of bonds, then the issuance of bonds shall be authorized in accordance with S.C. Constitution Article X, Section 14, Paragraph (6). Expenses of the referendum must be paid by Richland County government.

**Section 5. Imposition of Tax Subject to Referendum.**

The imposition of the Sales and Use Tax in Richland County is subject in all respects to the favorable vote of a majority of qualified electors casting votes in a referendum on the question of imposing a sales and use tax in the area of Richland County in a referendum to be conducted by the Board of Elections and Voter Registration of Richland County on November 4, 2008, and the favorable vote of a majority of the qualified electors voting in such referendum shall be a condition precedent to the imposition of a sales and use tax pursuant to the provisions of this Ordinance.

**Section 6. Miscellaneous.**

(a) If any one or more of the provisions or portions hereof are determined by a court of competent jurisdiction to be contrary to law, then that provision or portion shall be deemed severable from the remaining terms or portions hereof and the invalidity thereof shall in no way affect the validity of the other provisions of this Ordinance; if any provisions of this Ordinance shall be held or deemed to be or shall, in fact, be inoperative or unenforceable or invalid as applied to any particular case in any jurisdiction or in all cases because it conflicts with any constitution or statute or rule of public policy, or for any other reason, those circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable or invalid in any other case or circumstance, or of rendering any other provision or provisions herein contained inoperative or unenforceable or invalid to any extent whatever; provided, however, that the Sales and Use Tax may not be imposed without the favorable results of the referendum to be held on November 4, 2008.

(b) This Ordinance shall be construed and interpreted in accordance with the laws of the State of South Carolina.

(c) The headings or titles of the several sections hereof shall be solely for convenience of reference and shall not effect the meaning, construction, interpretation, or effect of this ordinance.

(d) This Ordinance shall take effect immediately upon approval at third reading.

(e) All previous ordinances regarding the same subject matter as this ordinance are hereby repealed.

Enacted this \_\_\_\_ day of \_\_\_\_\_, 2008.

RICHLAND COUNTY, SOUTH CAROLINA

By: \_\_\_\_\_  
Joseph McEachern, Chairman  
Richland County Council

(SEAL)

ATTEST THIS \_\_\_\_\_ DAY OF  
\_\_\_\_\_, 2008:

\_\_\_\_\_  
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

Date of First Reading:

Date of Second Reading:

Date of Third Reading:

Document comparison done by Workshare DeltaView on Wednesday, July 09, 2008  
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Deletions	12
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Moved to	0
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Format changed	0
Total changes	30

**ROADS**

	Planning Area	Special Project	Description	Priority	Bike/Pod	Comments	Projected Cost - 2008 Dollars (1)	Projected Cost - YOE Dollars (2)
n/a	Northwest	Widening	Widening					
n/a	Northwest	Widening	Widening					
n/a	Northwest	Widening	Widening					
n/a	Northwest	Widening	Widening					
n/a	Northwest	Widening	Widening					
n/a	Northwest	Widening	Widening					
1	Northwest	Widening	Hardscrabble Rd. Clemson Rd.	H1	Y		\$31,800,000	\$38,082,000
2	Southwest	Widening	Pineview Rd. Bluff Rd.	H1	N		\$20,100,000	\$23,591,000
3	Northwest	Widening	Clemson Rd. Rhame Rd./North Springs Rd.	H1	Y		\$3,500,000	\$3,861,000
4	Northwest	Widening	Clemson Rd. Rhame Rd./North Springs Rd.	H1	Y		\$3,500,000	\$3,861,000
5	Northwest	Widening	Clemson Rd. Rhame Rd./North Springs Rd.	H1	Y		\$3,500,000	\$3,861,000
6	Northwest	Widening	Clemson Rd. Rhame Rd./North Springs Rd.	H1	Y		\$3,500,000	\$3,861,000
7	Northwest	Widening	Clemson Rd. Rhame Rd./North Springs Rd.	H1	Y		\$3,500,000	\$3,861,000
8	Southwest	Special Project	Shop Rd. Extension	H1	Y	PE & RAW Only	\$11,000,000	\$12,342,000
9	Northwest	Widening	Hardscrabble Rd. Clemson Rd.	H1	Y	PE, RW & Intersection	\$7,500,000	\$8,671,000
10	Northwest	Widening	Shop Rd. Extension	H1	Y		\$3,800,000	\$4,275,000
11	Northwest	Widening	Summit Pkwy	H1	Y		\$500,000	\$552,000
12	Northwest	Widening	Summit Pkwy	H1	Y		\$500,000	\$552,000
13	Northwest	Widening	Summit Pkwy	H1	Y		\$500,000	\$552,000
14	Northwest	Widening	Summit Pkwy	H1	Y		\$500,000	\$552,000
15	Northwest	Widening	Summit Pkwy	H1	Y		\$500,000	\$552,000
16	Northwest	Widening	Summit Pkwy	H1	Y		\$500,000	\$552,000
17	Northwest	Widening	Summit Pkwy	H1	Y		\$500,000	\$552,000
18	Southwest	Widening	Sparkleberry Ln. (to Mallet Hill Rd.)	H1	Y		\$5,400,000	\$5,980,000
19	Southwest	Widening	Rabbit Run Rd. Gamers Ferry Rd.	H1	N		\$5,500,000	\$7,403,000
20	Southwest	Widening	Sparkleberry Ln. (to Mallet Hill Rd.)	H1	Y		\$2,800,000	\$3,035,000
21	Southwest	Widening	Harmon Rd.	H1	N		\$2,800,000	\$3,035,000
22	Northwest	Widening	North Springs Rd.	H1	N		\$1,700,000	\$1,847,000
23	Northwest	Widening	Old Clemson Rd.	H2	Y		\$25,700,000	\$27,225,000
24	Northwest	Widening	Sparkleberry Crossing	H2	Y		\$270,000,000	\$303,500,000

(1) - Includes 20% Contingency to Account for Inflation  
 (2) - Adjusted to Year of Expenditure (YOE), with 15% contingency and limited amount for debt service



# TRANSIT

Description of Improvements	Time in Years →										Total 2008 Dollar	Total YOE Dollar	
	1	2	3	4	5	6	7	8	9	10			
Replace Buses in Current Fleet (Local Share)	\$0.50	\$0.50	\$0.50	\$0.50	\$0.50	\$0.50	\$0.50	\$0.50	\$0.50	\$0.50	\$0.50	\$3.50	\$4.04
Purchase Buses for Service Expansion (Local Share)		\$0.35	\$2.40									\$0.35	\$3.61
Bus Stop Shelters, Benches & Other Amenities		\$0.30	\$0.20	\$0.20								\$0.20	\$0.77
Strengthen Transit Management & Marketing	\$0.20	\$0.20	\$0.20	\$0.20	\$0.20							\$1.60	\$1.89
Perform Comprehensive Operational Analysis	\$0.10											\$0.10	\$0.10
Perform Transit Market Research & Bus Maintenance Review	\$0.20											\$0.20	\$0.27
Expand Coverage Area to Serve 75% of Transit Dependent		\$1.20	\$1.20	\$1.20	\$1.20	\$1.20	\$1.20	\$1.20	\$1.20	\$1.20	\$1.20	\$8.40	\$10.04
Improve Service Span to LOS "C" on Weekdays & LOS "D" on Weekends			\$0.80	\$0.80	\$0.80	\$0.80	\$0.80	\$0.80	\$0.80	\$0.80	\$0.80	\$4.80	\$5.84
Improve Peak Frequency to LOS "C" on Weekdays & LOS "D" on Weekends			\$6.40	\$6.40	\$6.40	\$6.40	\$6.40	\$6.40	\$6.40	\$6.40	\$6.40	\$38.40	\$46.74
Expand Coverage Area to Serve 80% (LOS B) of Transit Supportive Areas											\$1.20	\$1.20	\$1.59
<b>Improvement O&amp;M Costs</b>	\$0.50	\$1.40	\$8.60	\$8.60	\$8.60	\$8.60	\$8.60	\$8.60	\$8.60	\$8.60	\$9.80	\$54.70	\$66.37
<b>Improvement Capital Costs</b>	\$0.50	\$1.15	\$3.10	\$0.70	\$0.50	\$0.50	\$0.50	\$0.50	\$0.50	\$0.50	\$0.35	\$7.30	\$8.32
<b>Improvement Total</b>	\$1.00	\$2.55	\$11.70	\$9.30	\$9.10	\$9.10	\$9.10	\$9.10	\$9.10	\$9.10	\$10.15	\$62.00	\$74.69
Maintenance of Existing System	\$11.72	\$11.72	\$11.72	\$11.72	\$11.72	\$11.72	\$11.72	\$11.72	\$11.72	\$11.72	\$11.72	\$93.76	\$110.25
<b>TOTAL COST</b>	\$12.75	\$14.27	\$23.42	\$21.02	\$20.82	\$20.82	\$20.82	\$20.82	\$20.82	\$20.82	\$21.87	\$155.76	\$184.94
<b>Total Paid from LOTST</b>													\$126,460,000*

\* The total (\$126,460,000) is the amount needed to cover the gap between the total (\$184.94 million) and the existing revenue (\$49.32 million) plus the interest earned (\$9.16 million)



## GREENWAYS

Section	PA	Main Greenway Route	Miles	Cost Est.
2B	BW	Crane Creek	3.0	\$1,335,919
2C	BW	Crane Creek	0.9	\$398,843
2H	NC	Crane Creek	1.5	\$687,888
3A	BW	Gills Creek	4.3	\$1,946,203
3B	SE	Gills Creek	5.4	\$2,413,863
7A	BW	Smith/Rocky Branch	0.8	\$373,602
7B	BW	Smith/Rocky Branch	2.7	\$1,226,312
7D	BW	Smith/Rocky Branch	1.7	\$780,784
8C	BW	Three Rivers Greenway Extension	0.3	\$137,865
8D	BW	Three Rivers Greenway Extension	1.1	\$508,910
8F	BW	Three Rivers Greenway Extension	0.7	\$305,768
9A	BW	Lincoln Tunnel Greenway	1.7	\$773,520
10A	NW	Dutchman Blvd Connector	0.2	\$91,148
11A	BW	Columbia Mall Greenway	1.3	\$561,860
12A	NE	Polo/Windsor Lake Connector	0.7	\$334,058
13A	BW	Gills Creek North Greenway	0.7	\$298,639
15A	SE	Woodbury/Old Leesburg Connector	0.2	\$100,697
		<b>Subtotal</b>	<b>27.4</b>	<b>\$12,275,879</b>



**BICYCLE**

PA	Project Type	Routes	From	To	Mileage	Cost Est.	
1	BW	Bike Lanes	Broad River Rd	Greystone Blvd	Broad River Bridge	0.5	\$320,811
2	BW	Bike Lanes	Harden St	Devine St	Rosewood Dr	1.0	\$696,821
5	BW	Bike Lanes	Senate St	Sumter St	Laurens St	0.7	\$462,572
6	BW	Bike Lanes	Trenholm Rd	South of Dent Middle School	Decker Blvd	0.2	\$123,919
7	BW	Bike Lanes	Two Notch Rd	Beltline Blvd	Parklane Rd	3.5	\$2,435,039
9	BW	Bike Lanes, Restripe	Broad River Rd	Broad River Bridge (West End)	Broad River Bridge (East End)	0.3	\$17,658
10	BW	Bike Lanes, Restripe	Hampton St	Pickens St	Harden St	0.5	\$31,700
12	BW	Bike Lanes, Restripe	Pendleton St	Lincoln St	Marion St	0.5	\$31,680
13	BW	Bike Lanes, Restripe	Pickens St/Washington St/Wayne St	Hampton St (west)	Hampton St (east)	1.1	\$68,391
14*	BW	Bike Lanes, Restripe	Shop Rd	George Rogers Blvd	Northway Rd	0.7	\$0
15	BW	Bike Lanes, Restripe	Sumter St	Washington St	Senate St	0.3	\$19,306
24	BW	Connector	Beltline Blvd/Devine St	Rosewood Dr	Chateau Dr	2.3	\$24,158
25	BW	Connector	Beltline Blvd	Forest Dr	Valley Rd	0.1	\$1,101
26	BW	Connector	Beltline Blvd/Colonial Dr/Farrow Rd	Harden St	Academy St	0.6	\$6,636
29	BW	Connector	Catawba St/Tryon St/Whaley St/Williams St	Church St	Blossom St	0.5	\$5,547
32	BW	Connector	Bonham Rd/Devereaux Rd/Heathwood Cir/Kilbourne Rd/Rickenbaker Rd/Sweetbriar Rd	Blossom St	Fort Jackson Blvd	2.1	\$21,691
35	BW	Connector	Chester St/Elmwood Ave/Wayne St	Hampton St	Park St	1.1	\$12,094
37	BW	Connector	Clement Rd/Duke Ave/River Dr	Main St	Monticello Rd	2.9	\$30,427
39	BW	Connector	College St/Laurens St/Oak St/Taylor St	Greene St	Elmwood Ave	1.5	\$16,331
42	BW	Connector	Edgefield St/Park St	Calhoun St	River Dr	1.6	\$16,464
46	BW	Connector	Gervais St/Gladden St/Hagood Ave/Page St/Senate St/Trenholm Rd/Webster St	Millwood Ave	Beltline Blvd	2.2	\$22,913
50	BW	Connector	Heyward St/Marion St/Superior St	Whaley St	Wiley St	0.9	\$9,748
51	BW	Bike Lanes	Sumter St	Blossom St	Wheat St	0.4	\$276,972
52	BW	Connector	Huger St/Lady St/Park St	Gervais St (east)	Gervais St (west)	0.7	\$7,295
54	BW	Bike Lanes	Lincoln St	Blossom St	Lady St	0.7	\$487,105
57	BW	Connector	Ott Rd	Jim Hamilton Blvd	Blossom St	1.7	\$17,872
60	BW	Connector	Saluda Ave	Wheat St	Greene St	0.4	\$3,934
62	BW	Bike Lanes	Wheat St	Sumter St	Assembly St	0.2	\$133,189
63	BW	Connector	Wheat St	Harden St	King St	0.4	\$4,351
74*	BW	Bike Lanes, Restripe	Bluff Rd	Berea Rd	Beltline Blvd	2.0	\$0
77*	BW	Bike Lanes, Restripe	Shop Rd	Northway Rd	Beltline Blvd	1.6	\$0
78	BW	Sidepaths	Blossom St	Williams St	Huger St	0.1	\$41,564
79	BW	Sidepaths	Gervais St	450' west of Gist St	Gist St	0.0	\$17,276
80	BW	Bike Lanes, Restripe	Assembly St	Blossom St	Rosewood Dr	0.4	\$27,986
86	BW	Bike Lanes, Restripe	Beltline Blvd	Rosewood Dr	Devine St	0.4	\$25,547
87	BW	Bike Lanes, Restripe	Broad River Rd	Bush River Rd	Greystone Blvd	0.6	\$37,908
88	NW	Bike Lanes, Restripe	Broad River Rd	Harbison Blvd	Bush River Rd	5.1	\$321,115
89	BW	Bike Lanes, Restripe	Calhoun St	Wayne St	Harden St	1.4	\$88,282
90	BW	Bike Lanes, Restripe	Decker Blvd/Parklane Rd/Two Notch Rd	Two Notch Rd	Perival Rd	2.0	\$129,698
94	BW	Bike Lanes, Restripe	Fort Jackson Blvd	Devine St	Newell Rd	1.3	\$84,224
95	BW	Bike Lanes, Restripe	Garners Ferry Rd	Rosewood Dr	True St	1.1	\$66,826
96	BW	Bike Lanes, Restripe	Gervais St	Park St	Millwood Ave	1.4	\$91,378
97	BW	Bike Lanes, Restripe	Greene St	Assembly St	350' west of Lincoln St	0.3	\$19,388
98	BW	Bike Lanes, Restripe	Main St	Pendleton St	Whaley St	0.8	\$49,814
100	BW	Bike Lanes, Restripe	Onell Ct	Decker Blvd	Parklane Rd	1.4	\$85,675
102	BW	Bike Lanes, Restripe	Rosewood Dr	Bluff Rd	Garners Ferry Rd	3.3	\$211,179
111*	BW	Bike Lanes, Restripe	Bluff Rd	Rosewood Dr	Berea Rd	0.5	\$0
114	BW	Shoulders	Colonial Dr	Bull St	Silghs Ave	0.6	\$395,430
116	BW	Shoulders	Holt Dr/Superior St	Wiley St	Airport Blvd	0.7	\$453,594
118	SE	Bike Lanes, Restripe	Leesburg Rd	Garners Ferry Rd	Semmes Rd	4.0	\$255,778

119*	NE	Shoulders	Wilson Blvd	I-77	Farrow Rd	1.1	\$0
121	BW	Sidepaths	Gervais St	Gist St	Huger St	0.2	\$84,100
122	BW	Sidepaths	Huger St	Blossom St	Gervais St	0.6	\$256,861
123*	SE	Sidepaths	Shop Rd	Bellline Blvd	Pineview Dr	2.4	\$657,212
125	BW	Sidepaths	Blossom St	Assembly St	Sumter St	0.2	\$96,381
126	BW	Bike Lanes, Restripe	Bull St	Elmwood Ave	Victoria St	0.3	\$20,218
131	BW	Bike Lanes, Restripe	Main St	Elmwood Ave	Sunset Dr	1.2	\$75,646
133	BW	Connector	Elmwood Ave	Wayne St	Proposed Greenway Connector	0.4	\$3,893
134	BW	Connector	Main St	Calhoun St	Elmwood Ave	0.1	\$1,025
142	NW	Bike Lanes	Dutchman Blvd	Broad River Rd	Lake Murray Blvd	0.2	\$115,138
143	NW	Bike Lanes	Columbiana Dr	Lake Murray Blvd	Lexington County Line	1.0	\$713,199
150	NW	Bike Lanes, Restripe	Broad River Rd/Lake Murray Blvd	I-26	Harbison Blvd	1.4	\$14,282
151*	NW	Bike Lanes, Restripe	Dutch Fork Rd	Bickley Rd	Rauch Meetze Rd	1.3	\$0
153*	NW	Shoulders	Broad River Rd	Woodrow St	I-26 (Exit 97)	3.8	\$0
157*	NW	Shoulders	Dutch Fork Rd	Broad River Rd	Bickley Rd	1.4	\$0
188*	NC	Shoulders	Blythewood Rd	Wmnsboro Rd	Main St	4.8	\$402,526
175	NE	Shoulders	Clemson Rd	Longtown Rd	Brook Hollow Dr	1.7	\$1,099,106
176*	NE	Shoulders	Clemson Rd	Summit Pky	Percival Rd	4.6	\$1,641,468
180	NE	Shoulders	Alpine Rd	Two Notch Rd	Percival Rd	2.4	\$1,536,100
183*	NE	Shoulders	Hardscrabble Rd	Farrow Rd	Lee Rd	3.6	\$0
189*	NE	Shoulders	Polo Rd	Two Notch Rd	640' south of Mallet Hill Rd	3.7	\$1,075,853
196	NE	Bike Lanes, Restripe	Clemson Rd	Brook Hollow Dr	Summit Pky	1.8	\$116,481
197	NE	Bike Lanes, Restripe	Two Notch Rd	Alpine Rd	Spears Creek Church Rd	5.7	\$360,804
198*	NE	Shoulders	Hardscrabble Rd	Lee Rd	Lake Carolina Blvd	2.0	\$0
225*	SE	Sidepaths	Pineview Rd	Bluff Rd	Garners Ferry Rd	2.9	\$0
232*	SE	Bike Lanes	Atlas Rd	Bluff Rd	Garners Ferry Rd	2.8	\$0
255	BW	Bike Lanes	Pickens St	Washington St	Rosewood Dr	1.7	\$1,179,744
257	BW	Bike Lanes	College St	Lincoln St	Sumter St	0.4	\$280,735
260	BW	Bike Lanes	Assembly St	Blossom St	Rosewood Dr	1.0	\$689,224
264	BW	Bike Lanes	Greene St	Assembly St	Bull St	0.4	\$273,278
266	BW	Connector	Bull St/Henderson St/Rice St	Wheat St	Heyward St	0.6	\$5,991
273	BW	Shoulders	Greene St	Bull St	Saluda Ave	0.6	\$359,251
274	BW	Shoulders	Catawba St	Sumter St	Lincoln St	0.4	\$250,145
276	BW	Sidepaths	Blossom St	Huger St	Assembly St	0.3	\$137,829
276	BW	Bridge	Blossom St	Huger St	Assembly St	0.3	\$2,481,494
277	BW	Shoulders	Whaley St	Lincoln St	Pickens St	0.7	\$438,198
279	BW	Sidepaths	Whaley St	Lincoln St	Church St	0.3	\$147,587
281	BW	Connector	Craig Rd	Harrison Rd	Covenant Rd	0.6	\$6,884
285*	NW	Shoulders	Broad River Rd	Royal Tower Rd	Woodrow St	0.8	\$0
288*	NW	Bike Lanes	Broad River Rd	Lake Murray Blvd	Westem Ln	1.6	\$0
					<b>Subtotal</b>	<b>119.8</b>	<b>\$22,218,850</b>

\* Project cost included in roadway project.





**PEDESTRIAN**

ID	PA	Project Type	Routes	From	To	Mileage	Cost Est.
1*	BW	Sidewalks - C&G	Assembly St/Shop Rd	Whaley St	Bellline Blvd	3.31	\$1,920,257
2	NE	Sidewalks	Clemson Rd	Longtown Rd	Two Notch Rd	4.98	\$2,364,310
3	BW	Sidewalks - C&G	Colonial Dr/Farrow Rd	Harden St	Academy St	0.55	\$1,012,704
4	NW	Sidewalks	Columbiana Dr	Lexington County Line	Lake Murray Blvd	1.02	\$486,272
6	BW	Sidewalk, One Side	Broad River Rd	Greystone Blvd	Broad River Bridge	0.46	\$109,367
9	BW	Sideways	Blossom St	Williams St	Huger St	0.10	\$41,564
10	BW	Sideway, One Side	Gervais St	450' west of Gist St	Gist St	0.04	\$8,638
11	BW	Sideways	Broad River Rd	Broad River Bridge (West End)	Broad River Bridge (East End)	0.28	\$2,090,250
12	NE	Sideways	Alpine Rd	Two Notch Rd	Percival Rd	2.42	\$1,152,075
15	NC	Sideways	Blythewood Rd	I-77	Main St	0.40	\$191,601
17	NW	Sideways	Broad River Rd	Harbison Blvd	Bush River Rd	5.07	\$2,408,361
21	BW	Sideways	Heyward St/Holt Dr/Manion St/Superior St	Whaley St	Jim Hamilton Blvd	1.64	\$778,863
22	BW	Sideways	Leesburg Rd	Garners Ferry Rd	Sennnes Rd	4.05	\$1,924,227
26*	NE	Sideways	Polo Rd	Two Notch Rd	Mallet Hill Rd	1.97	\$0
32	NE	Sideways	Two Notch Rd	Alpine Rd	Spears Creek Church Rd	5.69	\$2,703,508
33*	BW	Sideways	Bluff Rd	Rosewood Dr	Bellline Blvd	2.51	\$0
34	BW	Sideways	Gervais St	Gist St	Huger St	0.20	\$84,100
35	BW	Sideways	Huger St	Blossom St	Gervais St	0.61	\$256,861
37	NW	Sideways - C&G	Broad River Rd/Lake Murray Blvd	I-26	Harbison Blvd	1.35	\$2,499,420
41	BW	Sideways - C&G	Park St	Gervais St	Senate St	0.09	\$170,570
42	NE	Sideway, One Side	Polo Rd	Mallet Hill Rd	Alpine Rd	1.70	\$403,445
43*	NE	Sideways	Clemson Rd	Two Notch Rd	Percival Rd	3.15	\$564,728
48*	SE	Sideways - C&G	Alias Rd	Fountain Lake Way	Garners Ferry R	0.55	\$0
50	BW	Sideways - C&G	Bratton St	King St	Maple St	0.21	\$386,602
55	BW	Sideway, One Side - C&G	Callhoun St	Gadsden St	Wayne St	0.10	\$91,106
66	BW	Sideway, One Side	Franklin St	Sumter St	Bull St	0.43	\$785,565
65	BW	Sideways - C&G	Fort Jackson Blvd	Wildcat Rd	I-77	0.19	\$343,543
69	BW	Sideways - C&G	Grand St	Shealy St	Hydrick St	0.39	\$714,622
73	BW	Sideways - C&G	Jefferson St	Sumter St	Bull St	0.21	\$381,242
78	BW	Sideways - C&G	Laurel St	Gadsden St	Pulaski St	0.19	\$359,066
80	BW	Sideways - C&G	Lincoln St	Heyward St	Whaley St	0.11	\$198,475
82	BW	Sideway, One Side - C&G	Lyon St	Gervais St	Washington St	0.21	\$194,410
83	BW	Sideways - C&G	Magnolia St	Two Notch Rd	Pinehurst Rd	0.45	\$828,458
85	BW	Sideways - C&G	Maple St	Kirby St	Gervais St	0.07	\$132,502
87	BW	Sideways - C&G	Mildred Ave	Westwood Ave	Duke Ave	0.08	\$151,536
96	BW	Sideways - C&G	Royster St	Mitchell St	Superior St	0.05	\$95,357
98	BW	Sideways - C&G	School House Rd	Two Notch Rd	Ervin St	0.26	\$482,882
101	BW	Sideways - C&G	Senate St	Gladden St	Kings St	0.26	\$476,230
102	BW	Sideways - C&G	Shandon St	Wilmot St	Wheat St	0.10	\$179,071

105	BW	Sidewalks - C&G	Tryon St	Catawba St	Heyward St	0.19	\$354,446
109	BW	Sidewalks - C&G	Wayne St	Calhoun St	Laurel St	0.20	\$366,828
112	BW	Sidewalks - C&G	Wildwood Ave	Monticello Rd	Ridgewood Ave	0.14	\$264,450
113	BW	Sidewalks - C&G	Wiley St	Superior St	Edisto Ave	0.15	\$280,896
114	BW	Sidewalks - C&G	Windover St	Two Notch Rd	Belvedere Dr	0.10	\$187,942
117	BW	Sidewalks - C&G	Shandon St	Rosewood Dr	Heyward St	0.15	\$268,514
119*	NW	Sidewalks	Broad River Rd	Royal Tower Rd	Woodrow St	0.76	\$0
121*	NW	Sidewalks	Broad River Rd	Lake Murray Blvd	Western Ln	1.60	\$0
129	SE	Sidewalks	Lower Richland Blvd	Rabbit Run Rd	Garners Ferry Rd	0.55	\$260,077
					<b>Subtotal</b>	<b>49.27</b>	<b>\$28,954,951</b>

\* Project cost included in roadway project.



## PEDESTRIAN (INTERSECTIONS)

ID	PA	Prioritization	Crossing	Cost Est.
1	BW	Higher	Broad River Rd and Bush River Rd	\$100,000
2	BW	Higher	Huger St and Gervais St	\$100,000
4	BW	Higher	Elmwood Ave and Park St	\$100,000
5	BW	Higher	Main St and Elmwood Ave	\$100,000
6	BW	Higher	Elmwood Ave and Bull St	\$100,000
8	BW	Higher	Gervais St and Millwood Ave	\$100,000
10*	SE	Higher	Garners Ferry Rd and Atlas Rd	\$0
11*	SE	Higher	Garners Ferry Rd and Hallbrook Dr/Pineview Rd	\$0
13	NE	Higher	Two Notch Rd and Alpine Rd	\$100,000
14	NE	Higher	Two Notch Rd and Maingate Dr/Windsor Lake Blvd	\$100,000
15*	NE	Higher	Two Notch Rd and Polo Rd	\$0
16	NE	Higher	Two Notch Rd and Brickyard Rd	\$100,000
17	NE	Higher	Two Notch Rd and Sparkleberry Ln	\$100,000
21	BW	Higher	Blossom St and Saluda Ave	\$100,000
22	BW	Higher	Devine St and Harden St/Santee Ave	\$100,000
23	BW	Higher	Two Notch Rd and Decker Blvd/Parklane Rd	\$100,000
24*	NE	Higher	Polo Rd and Mallet Hill Rd	\$0
25	BW	Higher	Huger St and Blossom St	\$100,000
26	BW	Higher	Huger St and Greene St	\$100,000
27	BW	Higher	Huger St and Lady St	\$100,000
29	BW	Higher	Assembly St and Greene St	\$100,000
30	BW	Higher	Assembly St and Pendleton St	\$100,000
31	BW	Higher	Assembly St and Gervais St	\$100,000
33	BW	Higher	Assembly St and Washington St	\$100,000
37	BW	Higher	Assembly St and Laurel St	\$100,000
39	BW	Higher	Assembly St and Calhoun St	\$100,000
41	BW	Higher	Main St and Taylor St	\$100,000
42	BW	Higher	Main St and Blanding St	\$100,000
43	BW	Higher	Main St and Laurel St	\$100,000
45	BW	Higher	Main St and Calhoun St	\$100,000
49	BW	Higher	Rosewood Dr and Marion St	\$100,000
50	BW	Higher	Rosewood Dr and Pickens St	\$100,000
51	BW	Higher	Rosewood Dr and Harden St	\$100,000
52	BW	Higher	Rosewood Dr and Holly St	\$100,000
53	BW	Higher	Rosewood Dr and Ott Rd	\$100,000
54	BW	Higher	Rosewood Dr and Kilbourne Rd	\$100,000
55	BW	Higher	Rosewood Dr and Beltline Blvd	\$100,000
56	BW	Higher	Garners Ferry Rd and Old Woodlands Rd	\$100,000
57	BW	Higher	Devine St and Fort Jackson Blvd	\$100,000
58	BW	Higher	Harden St and Gervais St	\$100,000
				<b>\$3,600,000</b>

\* Project cost included in roadway project.



**TSC Funding Recommendations**

	Total (2008 Dollars)	Total (YOE Dollars)	Total (With Admin Costs)	
<b>GREENWAYS, BIKE &amp; PED</b>	<b>\$67,049,680</b>	<b>\$75,880,000</b>	<b>\$78,222,000</b>	⇐ Ballot Amount
Bicycle Improvements	\$22,218,850	\$25,145,032	\$25,921,121	
Greenway Improvements	\$12,275,879	\$13,892,590	\$14,321,378	
Pedestrian Improvements	\$28,954,951	\$32,768,265	\$33,779,642	
Pedestrian Intersection Improvements	\$3,600,000	\$4,074,113	\$4,199,859	
<b>ROADS</b>	<b>\$270,000,000</b>	<b>\$303,500,000</b>	<b>\$312,888,000</b>	⇐ Ballot Amount
Widenings	\$142,400,000	\$162,912,000	\$167,951,267	
Intersection Improvements	\$42,800,000	\$46,728,000	\$48,173,412	
Special Projects & Misc. Improvements	\$47,100,000	\$56,160,000	\$57,897,167	
Dirt Road Paving	\$15,000,000	\$15,000,000	\$15,463,987	
Local Road Resurfacing	\$20,200,000	\$20,200,000	\$20,824,836	
Other Countywide Programs	\$37,700,000	\$37,700,000	\$2,577,331	
<b>TRANSIT</b>	<b>\$115,480,000</b>	<b>\$125,960,000</b>	<b>\$130,370,000</b>	⇐ Ballot Amount
Transit Maintenance & Improvements	\$115,480,000	\$126,460,000	\$130,370,000	
<b>GRAND TOTAL</b>	<b>\$452,529,680</b>	<b>\$505,840,000</b>	<b>\$521,480,000</b>	⇐ Total Ballot Amount

**Impact of Grocery Exemption (H 4355) - Failed to pass in the 2007-08 session**

**Net Loss - Total Program**

	Sales Tax Revenues	
Total Projected Collections	\$521,480,000	
Less Groceries (8%)	-\$41,718,400	⇐ Total Net Loss of Grocery Exemption
<b>TOTAL</b>	<b>\$479,761,600</b>	

**Net Loss by Mode (% Unchanged)**

	Sales Tax Revenues (Groceries Included)	Sales Tax Revenues (Groceries Excluded)	Net Loss
Greenway, Bicycle & Pedestrian	\$78,222,000	\$71,964,240	\$6,257,760
Roads	\$312,888,000	\$287,856,960	\$25,031,040
Transit	\$130,370,000	\$119,940,400	\$10,429,600
<b>TOTAL</b>	<b>\$521,480,000</b>	<b>\$479,761,600</b>	<b>\$41,718,400</b>

## Local Option Transportation Sales Tax Projected Revenue

	<b>Roads (60%)</b>	<b>Transit (25%)</b>	<b>G/B/P (15%)</b>	<b>Subtotal</b>	<b>Subtotal</b>	<b>Total</b>
<b>Sales Tax Revenue</b>	\$303.50	\$126.46	\$75.88	\$505.84	\$15.64	\$521.48
<b>Revenue from Interest</b>	-----	\$9.16*	-----	\$9.16	-----	\$9.16
<b>Existing Revenue</b>	-----	\$49.32	-----	\$49.32	-----	\$49.32
<b>Total Revenue</b>	<b>\$303.50</b>	<b>\$184.94</b>	<b>\$75.88</b>	<b>\$564.32</b>	<b>\$15.64</b>	<b>\$579.96</b>
<b>Expenditures</b>	<b>\$303.50</b>	<b>\$184.94</b>	<b>\$75.88</b>	<b>\$564.32</b>	<b>\$15.64</b>	<b>\$579.96</b>
<b>Gap</b>	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0	\$0.0

\*An estimated \$9.16 million in interest will accrue due to the phasing in of projects.

All amounts are shown in millions of dollars.

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL OF RICHLAND COUNTY  
ORDINANCE NO. \_\_\_\_-08HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTIES DESCRIBED AS TMS # 20400-01-01/02/03/04/10/11 & 18 FROM RU (RURAL DISTRICT) TO RS-LD (RESIDENTIAL, SINGLE-FAMILY – LOW DENSITY DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real properties described as TMS # 20400-01-01/02/03/04/10/11 & 18 from RU (Rural District) zoning to RS-LD (Residential, Single-Family – Low Density 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 effective from and after \_\_\_\_\_, 2008.

RICHLAND COUNTY COUNCIL

By: \_\_\_\_\_  
Joseph McEachern, Chair

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2008.

\_\_\_\_\_  
Michielle R. Cannon-Finch  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: June 24, 2008  
First Reading: June 24, 2008  
Second Reading: July 15, 2008 (tentative)  
Third Reading:

**STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-08HR**

**AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 16, LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS; ARTICLE I, IN GENERAL; SO AS TO ADDRESS BUSINESS REVENUES GENERATED BY INTERSTATE COMMERCE.**

**WHEREAS**, the Richland County Council wishes to enhance Richland County’s business environment, and

**WHEREAS**, businesses contribute to the economic and financial health of the Richland County community, and

**WHEREAS**, Richland County in turn provides services to businesses located within Richland County, and

**WHEREAS**, businesses conducting businesses in whole or in part outside South Carolina do not require the same level of services from Richland County on that part of its business operations; and

**WHEREAS**, Richland County Council wishes to provide a discount on business license fees charged to businesses generating revenues from interstate commerce;

**NOW, THEREFORE**, 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 Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Business License Fee Schedule, is hereby amended by the addition of the following language:

**(4) Interstate Commerce Declining Rates**

These declining rates apply in all classes for gross revenues generated by interstate commerce, i.e., the sale of goods across South Carolina state lines, for which a business license was not paid for and obtained in another jurisdiction outside South Carolina.

<u>Interstate Commerce Revenue</u> (in millions)	<u>Discount on the Business</u> <u>License Fee</u>
1.00 – 4.99	5%
5.00 – 9.99	10%



10.00 – 14.99	15%
15.00 – 19.99	20%
20.00 – 24.99	25%
25.00 – 29.99	30%
30.00 – 34.99	35%
35.00 – 39.99	40%
40.00 – 44.99	45%
45.00 or greater	50%

**SECTION II. Severability.** If any section, subsection, or clause of this article 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 amendment shall be effective on and after January 1, 2009.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Joseph McEachern, Chair

ATTEST THIS THE \_\_\_\_ DAY  
OF \_\_\_\_\_, 2008

\_\_\_\_\_  
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:  
Second Reading:  
Public Hearing:  
Third Reading:

**STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-07HR**

**AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 16, LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS; ARTICLE I, IN GENERAL; SO AS TO ADDRESS RATES SET FOR LANDFILLS.**

**WHEREAS**, the Richland County Council has discretion to assign business license rates for businesses, and

**WHEREAS**, Richland County Council wishes to exercise this discretion to address the rates set for landfills;

**NOW, THEREFORE**, 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 Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General, Business License Fee Schedule, Paragraph (5), Rate Class 8.02; is hereby amended by the deletion of the language contained therein and the substitution of the following language:

**Business License Fee Schedule**

(5) **Class 8 Rates**

<b>Rate</b>	<b>NAICS #</b>	<b>Business Type</b>	
8.02	5622	Waste Treatment and Disposal	
		First \$2,000	\$50.00
		Each additional \$1,000	\$2.00

**SECTION II. Severability.** If any section, subsection, or clause of this article 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 amendment shall be effective on and after January 1, 2009.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Joseph McEachern, Chair

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

OF \_\_\_\_\_, 2008

\_\_\_\_\_  
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:  
Second Reading:  
Public Hearing:  
Third Reading:

**RESOLUTION \_\_\_\_\_**

**IN SUPPORT OF THE ISSUANCE BY THE SOUTH CAROLINA JOBS-ECONOMIC DEVELOPMENT AUTHORITY OF ITS NOT EXCEEDING \$35,000,000 INDUSTRIAL REVENUE BONDS (SOUTH CAROLINA ELECTRIC & GAS COMPANY PROJECT), IN ONE OR MORE SERIES, PURSUANT TO THE PROVISIONS OF TITLE 41, CHAPTER 43, OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED.**

**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, of the Code of Laws of South Carolina 1976, as amended (the "Act"), to utilize any of its program funds to establish loan programs for the purpose of reducing the cost of capital to business enterprises which meet the eligibility requirements of Section 41-43-150 of the Act and for other purposes described in Section 41-43-160 of the Act 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 of South Carolina; and

**WHEREAS**, the Authority is further authorized by Section 41-43-110 of the Act to issue revenue bonds (including refunding revenue bonds) payable by the Authority solely from a revenue producing source and secured by a pledge of said revenues in order to provide funds for any purpose authorized by the Act; and

**WHEREAS**, the Authority and South Carolina Electric & Gas Company, a South Carolina corporation (the "Company"), are parties to an Inducement Agreement (the "Inducement Agreement"), pursuant to which and in order to implement the public purposes enumerated in the Act, and in furtherance thereof to comply with the undertakings of the Authority pursuant to the Inducement Agreement, the Authority proposes, subject to such approval of the State Budget and Control Board of South Carolina and Richland County, South Carolina (the "County"), as may be required by law, to issue not exceeding \$35,000,000 aggregate principal amount of its Industrial Revenue Bonds (South Carolina Electric & Gas Company Project), in one or more series (the "Bonds"), under and pursuant to Section 41-43-110 of the Act to finance the acquisition, by construction and purchase, of solid waste disposal facilities at the Company's Wateree Electric Generating Station, including but not limited to, buildings and improvements to land, desulfurization systems, dewatering systems, conveyors and transportation systems, waste handling and disposal equipment, landfill improvements and equipment and other improvements and equipment functionally related and subordinate thereto (the "Project"); and

**WHEREAS**, the Company is projecting that the completed Project will result in providing permanent employment in the County and surrounding areas for approximately five people within 12 months and 17 people within 24 months, when operating at full capacity, with a resulting alleviation of unemployment and a maintenance of payrolls and other public benefits incident to the conduct of such businesses not otherwise provided locally, and the number of jobs resulting from the assistance authorized herein bears a reasonable relationship to the principal amount of the Bonds; and

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

**NOW, THEREFORE, BE IT RESOLVED** by the County Council of the County, as follows:

**SECTION 1.** It is hereby found, determined and declared that the Project is anticipated to subserve the purposes of the Act and to benefit the general public welfare of the County by maintaining services, employment, recreation or other public benefits not otherwise provided locally.

**SECTION 2.** The County Council supports the Authority in its determination to issue the Bonds to undertake the Project.

**SECTION 3.** The amount of Bonds required to undertake the Project is not exceeding \$35,000,000.

**SECTION 4.** The Project will not give rise to a pecuniary liability of the County or a charge against its general credit or taxing power.

**SECTION 5.** All ordinances 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.

Adopted this \_\_\_ day of \_\_\_\_\_, 2008.

**RICHLAND COUNTY, SOUTH CAROLINA**

(SEAL)

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

Its: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Clerk to County Council

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the South Carolina Jobs-Economic Development Authority ("JEDA") and the County Council of Richland County, South Carolina (the "County"), will hold a public hearing with respect to a proposed issuance by JEDA of its Industrial Revenue Bonds (South Carolina Electric & Gas Company Project), in one or more series (the "Bonds"). The proceeds of the Bonds will be made available to South Carolina Electric & Gas Company, a South Carolina corporation (the "Company") to finance the acquisition, by construction and purchase, of solid waste disposal facilities at the Company's Wateree Electric Generating Station, including but not limited to, buildings and improvements to land, desulfurization systems, dewatering systems, conveyors and transportation systems, waste handling and disposal equipment, landfill improvements and equipment and other improvements and equipment functionally related and subordinate thereto located in the County (the "Project"). The Project will be located at 142 Wateree Station Road, Eastover, South Carolina 29044. The maximum aggregate face amount of the Bonds will be \$35,000,000. The Company will be the owner and initial operator of the Project.

The Bonds will be payable by JEDA solely and exclusively out of payments to be made by the Company and are to be secured, *inter alia*, by a pledge of the revenues derived by JEDA from the Company in connection with the Project. The Bonds will not constitute an indebtedness of JEDA, the State of South Carolina or the County within the meaning of any South Carolina constitutional provision or statutory limitation (other than Article X, Section 13(9) of the State Constitution permitting indebtedness payable from a source other than revenues derived from a tax or license) nor give rise to a pecuniary liability of JEDA, the State of South Carolina or the County. The Bonds will not constitute a charge against the general credit of JEDA, the State of South Carolina or the County or the taxing powers of the State of South Carolina or the County. JEDA has no taxing powers.

Any person may appear and be heard at the public hearing relating to the proposed issuance of the Bonds which will be held on Tuesday, July 15, 2008 at 6:00 p.m., in the County Council Chambers, located on the 2<sup>nd</sup> Floor at the Richland County Administration Building, 2020 Hampton Street, Columbia, South Carolina.

SOUTH CAROLINA JOBS-ECONOMIC  
DEVELOPMENT AUTHORITY  
Elliott E. Franks, III, Executive Director and Chief  
Executive Officer

RICHLAND COUNTY, SOUTH CAROLINA  
Michielle Cannon-Finch, Clerk to County Council

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
RESOLUTION NO. \_\_\_-08HR

**A RESOLUTION IDENTIFYING A PROJECT TO SATISFY THE REQUIREMENTS OF SOUTH CAROLINA CODE SECTION 4-29-67(I) OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED; APPROVING THE ASSIGNMENT OF EXISTING FEE-IN-LIEU OF AD VALOREM TAXES ARRANGEMENTS AS CONTEMPLATED UNDER SECTIONS 4-29-67(O)(4); AUTHORIZING THE EXECUTION OF A MEMORANDUM OF UNDERSTANDING WITH PROJECT CAGE; AND OTHER MATTERS THERETO RELATED.**

WHEREAS, RICHLAND County, South Carolina (the "County"), acting by and through its County Council (the "County Council") is authorized and empowered under and pursuant to the provisions of Title 4, Chapter 29; Title 4, Chapter 12, and Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as amended (the "Acts") (i) to enter into agreements with qualifying industry to encourage investment in projects constituting economic development property through which the industrial development of the State of South Carolina will be promoted by inducing new and existing manufacturing and commercial enterprises to locate and remain in the State and thus utilize and employ manpower and other resources of the State; and (ii) to covenant with such industry to accept certain payments in lieu of *ad valorem* taxes ("FILOT") with respect to such investment; and (iii) pursuant to Sections 4-1-175, 4-29-68 and 12-44-70 of the Code of Laws of South Carolina 1976, as amended (the "Infrastructure Credit Act") to provide credits to qualifying companies to offset qualifying infrastructure related expenditures; and

WHEREAS, Siemens Diesel Systems Technology, LLC ("SDST"), a joint venture between Siemens VDO Automotive Corporation ("VDO") and NLP, Inc., and the County entered into a Lease Agreement, dated December 30, 1999, and amended June 4, 2004 (as amended, "SDST FILOT Lease"), pursuant to which the County granted fee in lieu of tax ("FILOT") benefits to SDST with respect to a primarily manufacturing facility established in the County ("Big Siemens Project"); and

WHEREAS, VDO, the County and the Richland County Development Corporation ("RCDC") entered into a Lease Agreement, dated January 29, 2004 ("Siemens VDO FILOT Lease"), pursuant to which the County granted FILOT benefits to VDO with respect to a primarily research and development facility established in the County ("Little Siemens Project"); and

WHEREAS, in 2007, VDO acquired 100% of the membership interests of SDST, and then VDO was acquired indirectly by Continental AG. As a result of this acquisition, the name of SDST was changed to Continental Diesel Systems US, LLC ("CDS-LLC") and the name of VDO was changed to Continental Automotive Systems US, Inc. ("CAS-US," collectively with CDS-LLC referred to herein as "Continental" or "Continental Entities" or "Company"). Accordingly, the SDST FILOT Lease and the Big Siemens Project are now held in the name of CDS-LLC, and the Siemens VDO FILOT Lease and the Little Siemens Project are now held in the name of CAS-US; and

WHEREAS, Continental is considering an investment of an additional \$120,000,000 ("Total Investment") in the County ("Project"). Of the \$120,000,000 Total Investment, \$50,000,000 will be replacing existing assets, with a depreciated value of \$25,000,000, at the Big Siemens Project,



and will be deemed to be "Replacement Property" under the SDST FILOT Lease and the applicable provisions of the Code. Because the County is already receiving FILOT payments on the existing assets (based upon the depreciated value of \$25,000,000), the \$50,000,000 of Replacement Property will add only \$25,000,000 in additional cost basis to the Big Siemens Project. Thus, the net new taxable investment under the SDST FILOT Lease will be \$95,000,000 ("New Taxable Investment"); and

WHEREAS, as a consequence of such acquisitions and name changes and proposed New Taxable Investment, the County and Continental have examined all of the existing agreements relating to the Big Siemens and Little Siemens Projects and desire to make certain amendments thereto in order to (i) simplify the structure, (ii) provide clarification, and (iii) modify the obligations under those prior agreements based on the current status of the those projects. Continental desires that the County execute a Memorandum of Understanding ("MOU"), attached hereto as Exhibit A, that sets forth the agreement between the County and Continental regarding the Total Investment and the amendments to those existing agreements; and

WHEREAS, CDS-LLC desires to have the County's official approval to assume all the rights, title and interest in, to and under the SDST FILOT Lease pursuant to Section 4-29-67(O)(4) of the Code of Laws of South Carolina 1976, as amended ("Code") and in the spirit of Section 9.01 of the SDST FILOT Lease; and

WHEREAS, CAS-US desires to have the County's official approval to assume all the rights, title and interest in, to and under the Siemens VDO FILOT Lease pursuant to Section 4-29-67(O)(1) of the Code and in the spirit of Section 9.01 of the Siemens VDO FILOT Lease; and

WHEREAS, prior to entering any fee agreement, the County is required under the terms of Sections 4-29-67(I) and 4-12-30(I) of the Code to adopt an inducement resolution setting forth the commitment of the County to enter into a fee agreement; and

WHEREAS, in connection with the Project, Continental desires the County to enter into an amended SDST FILOT Lease, to the extent and subject to the conditions provided in that agreement, as provided in the MOU, to (i) incorporate the New Taxable Investment; (ii) grant certain Infrastructure Credits; and (iii) make other amendments thereto as more specifically set forth in the MOU; and

WHEREAS, in connection with the Project, Continental also desires amend the Siemens VDO FILOT Lease to (i) extend the Investment Period for a period of five years from December 31, 2009 to December 31, 2014 and (ii) make other amendments thereto as more specifically set forth in the MOU; and

WHEREAS, the County desires to (i) take action reflecting or identifying the Project, and (ii) express the County's commitment to enter into an amended fee arrangement with the Company; which actions shall satisfy the requirements of Section 4-29-67 of the Code so as to allow the New Taxable Investment incurred by Continental in connection with the Project to qualify as eligible FILOT expenditures under the SDST FILOT Lease and the granting of certain Infrastructure Credits, and (iii) amend the Siemens VDO Lease to extend the Initial Investment Period and make other amendments thereto as set forth in the MOU; and

WHEREAS, in accordance with Section 4-29-67 and Section 4-12-30 of the Code, the County has determined that (i) the Project will benefit the general public welfare of the County by providing services, employment, recreation or other public benefits, not otherwise adequately provided locally; (ii) the Project gives rise to no pecuniary liability of the County or incorporated

municipality and to no charge against the general credit or taxing power of either the County or any incorporated municipality; (iii) the purposes to be accomplished by the Project are proper governmental and public purposes; and (iv) the benefits of the Project to the public are greater than the costs to the public.

NOW, THEREFORE, BE IT RESOLVED by the County Council:

Section 1. The County hereby identifies the Project, which action is intended to satisfy the requirements of Sections 4-29-67 and 4-12-30 of the Code.

Section 2. The County hereby approves the MOU attached hereto as Exhibit A and County Council hereby authorizes the Chair of the Council to execute and deliver the MOU with such modifications as may be suggested by legal counsel to the County.

Section 3. The County shall, in accordance with the MOU, (i) negotiate an amended FILOT arrangement with the Company, the terms of which shall be set forth in an amended and restated fee agreement with the Company, (ii) negotiate amendments to the Siemens VDO FILOT Lease, and (ii) subject to future approvals by Ordinances of the County Council, enter into such fee agreements and amendments with the Company.

Section 4. The County hereby approves the assignment of the SDST FILOT Lease to CDS-LLC and the Siemens VDO FILOT Lease to CAS-LLC.

Section 5. The Council authorizes the Chair of the County Council, the County Administrator, other County staff, and the County Attorney, along with any designees and agents who any of these officials deems necessary and proper, in the name of and on behalf of the County (each an "Authorized Individual"), to take whatever further actions, and enter into whatever further agreements, as any Authorized Individual deems to be reasonably necessary and prudent to effect the intent of this Resolution and induce the Company to locate the Project in the County.

Section 6. All orders, resolutions, or any parts of either, in conflict with this Resolution are, to the extent of that conflict, repealed. This Resolution is effective and remains in effect as of its adoption by the County Council.

This Resolution shall take effect immediately upon its adoption.

[SIGNATURE PAGE TO FOLLOW]

RICHLAND COUNTY COUNCIL

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Joseph McEachern, Chair

*(SEAL)*

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2008.

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Michelle R. Cannon-Finch  
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

**Exhibit A**

**Memorandum of Understanding**

**MEMORANDUM OF UNDERSTANDING**

**BY AND AMONG**

**CONTINENTAL AUTOMOTIVE SYSTEMS US, INC. AND  
CONTINENTAL DIESEL SYSTEMS US, LLC**

**RICHLAND COUNTY, SOUTH CAROLINA**

**AND**

**RICHLAND COUNTY DEVELOPMENT CORPORATION**

**July \_\_, 2008**

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**PREPARED BY:  
PARKER POE ADAMS & BERNSTEIN LLP  
1201 MAIN STREET, SUITE 1450  
POST OFFICE BOX 1509 (29202)  
COLUMBIA, SOUTH CAROLINA 29201  
803.255.8000**

## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (“Memorandum” or “MOU”) is being entered into this \_\_\_ day of July 2008, by and among Continental Automotive Systems US, Inc. (“CAS-US”), formerly known as Siemens VDO Automotive Corporation (“VDO”), Continental Diesel Systems US, LLC (“CDS-LLC” and, collectively with CAS-US, “Continental” or “Continental Entities”), formerly known as Siemens Diesel Systems Technology, LLC (“SDST”), Richland County, South Carolina (“County”), and Richland County Development Corporation (“RCDC” and with Continental and the County, collectively, “Parties”).

### WITNESSETH:

WHEREAS, the County is a political subdivision of the State of South Carolina (“State”) and as such has all powers granted to counties by the Constitution of South Carolina of 1895, as amended (“Constitution”), and the general laws of this State;

WHEREAS, under Section 4-9-30 of the Code of Laws of South Carolina 1976, as amended (“Code”), the County is authorized to make and execute contracts of the type embodied by this Memorandum;

WHEREAS, Continental manufactures high quality diesel fuel injection systems and is engaged in research and development relating to these systems (collectively, the “Project”), with these activities being conducted at two different locations in the County: 121 Research Drive, Columbia, South Carolina and 1410 Northpoint Boulevard, Blythewood, South Carolina (the “Project Locations”);

WHEREAS, SDST, a joint venture between VDO and NLP, Inc., and the County entered into a Lease Agreement, dated December 30, 1999, and amended June 4, 2004 (as amended, “SDST FILOT Lease”), pursuant to which the County granted fee in lieu of tax (“FILOT”) benefits to SDST with respect to a primarily manufacturing facility established in the County (“Big Siemens Project”). SDST also received certain other benefits relating to the Big Siemens Project as discussed herein;

WHEREAS, VDO, the County and RCDC entered into a Lease Agreement, dated January 29, 2004 (“Siemens VDO FILOT Lease”), pursuant to which the County granted FILOT benefits to VDO with respect to a primarily research and development facility established in the County (“Little Siemens Project”). VDO also received certain other benefits relating to the Little Siemens Project as discussed herein;

WHEREAS, in 2007, VDO acquired 100% of the membership interests of SDST, and then VDO was acquired indirectly by Continental AG. As a result of this acquisition, the name of SDST was changed to Continental Diesel Systems US, LLC (“CDS-LLC”) and the name of VDO was changed to Continental Automotive Systems US, Inc. (“CAS-US”). Accordingly, the SDST FILOT Lease and the Big Siemens Project are now held in the name of CDS-LLC, and the Siemens VDO FILOT Lease and the Little Siemens Project are now held in the name of CAS-US;

WHEREAS, Continental is considering an investment of an additional \$120,000,000 (“Total Investment”) in the County. Of the \$120,000,000 Total Investment, \$50,000,000 will be replacing existing assets, with a depreciated value of \$25,000,000, at the Big Siemens Project, and will be deemed to be “Replacement Property” under the SDST FILOT Lease and the applicable provisions of the Code. Because the County is already receiving FILOT payments on the existing assets (based upon the depreciated value of \$25,000,000), the \$50,000,000 of Replacement Property will add only \$25,000,000 in additional cost basis to the Project. Thus, the net new taxable investment under the SDST FILOT Lease will be \$95,000,000 (“New Taxable Investment”) Continental is requesting that the Total Investment be incorporated into the Big Siemens Project and that the SDST FILOT Lease be accordingly amended; and

WHEREAS, as a consequence of such acquisitions and name changes and proposed New Taxable Investment, the County and Continental have examined all of the existing agreements relating to the Projects and desire to make certain amendments thereto in order to (i) simplify the structure, (ii) provide clarification, and (iii) modify the obligations of the Parties based on the current status of the Projects.

NOW, THEREFORE, IN CONSIDERATION FOR THE MUTUAL OBLIGATIONS DESCRIBED HEREIN, THE SUFFICIENCY OF WHICH IS HEREBY ACKNOWLEDGED, THE PARTIES HERETO AGREE AS FOLLOWS:

**ARTICLE I**  
**PROVISION RELATING TO BIG SIEMENS PROJECT**

**Section 1.1. *Incorporation of Total Investment.*** Irrespective of the Continental Entities making the expenditures, the Total Investment shall be incorporated into the Big Siemens Project. The Continental Entities plan to make the \$120,000,000 Total Investment in the following manner: (i) CAS-US plans to invest \$65,000,000 in machinery and equipment; (ii) CDS-LLC plans to invest \$5,000,000 in real estate improvements and fixtures (the investments described in (i) and (ii), totaling \$70,000,000, shall hereinafter be referred to as the “New Investment”); and (iii) CAS-US plans to replace \$50,000,000 (depreciated to \$25,000,000) of existing machinery and equipment located at the Big Siemens Project with \$50,000,000 in new assets that qualify as Replacement Property (“Replacement Investment”), the net result of which shall be \$25,000,000 of new taxable investment in the County.

The annual FILOT payments due in connection with the Replacement Investment (“Replacement Investment Payments”) shall be calculated using the alternative arrangement pursuant to Section 4-29-67(D)(2)(b) of the Code (“Net Present Value Method”) based on the remaining FILOT term of oldest property being replaced, as provided in the Code, and shall be added to any existing annual FILOT payments due under the SDST FILOT Lease with respect to the Big Siemens Project. The County acknowledges and agrees that as a result of the Continental Entities' investment in the Replacement Property, Section 4-29-67(F) of the Code, and after conversion of the SDST FILOT Lease pursuant to Section 3.3 below, Section 12-44-50(b) of the Code, provides that no fee payment shall be due with respect to the machinery and equipment being replaced. Accordingly, beginning with the first tax year after the assets comprising the Replacement Investment are placed in service, the amount of the existing annual FILOT payments due under the SDST FILOT Lease shall increase by an amount equal to the annual Replacement Investment Payments. In addition, beginning with the first tax year after the removal of the assets that are being replaced, the amount of the existing annual FILOT payments due under the SDST FILOT Lease shall decrease to reflect the removal of those assets. Hereafter, any replacement of property under the Act shall be treated in the same manner.

The County and Continental agree that notwithstanding (i) the May 4, 2004 County Council Ordinance No. 24-04HR, (ii) Section 9(a) of the Replacement Inducement Agreement dated June 4, 2004 by and between the County and SDST or (iii) Section 6.3(a) of the Amendment to Lease dated June 4, 2004 by and between the County and SDST, Section 6.03(a) of the SDST FILOT Lease shall be amended by deleting and replacing the second and third full sentences on page 3 of the Amendment to Lease with the following.

“The FILOT Payment for the property tax year 2003 shall be fixed at \$600,000 and for property tax years 2004-2008 at \$1,300,000 per tax year. FILOT Payments for each subsequent year of the Term shall be in equal installments according to the Net Present Value Method based on the FMV of the net investment actually placed in service as a part of such Project, provided, however, that proper adjustments shall be made each year for any additional qualifying property, for any decrease of overall property value by the removal of property according to Section 6.02 hereof, and/or for any extensions or reductions of the



Term, by recalculating equal installments for each remaining payment years under the Term.”

The annual FILOT payments due in connection with the New Investment (“New Investment Payments”) shall be calculated using the alternative arrangement pursuant to Section 4-29-67(D)(2)(b) of the Code (“Net Present Value Method”) and shall be added to any existing annual FILOT payments due under the SDST FILOT Lease with respect to the Big Siemens Project. Accordingly, beginning with the first tax year after the assets comprising the New Taxable Investment are placed in service, the amount of the existing annual FILOT payments due under the SDST FILOT Lease shall also increase by an amount equal to the annual New Investment Payments.

Accordingly, the aggregate annual FILOT payments due under the SDST FILOT Lease shall consist of the following components: (i) a fixed payment for all assets placed in service through December 31, 2007, which reflects removal of the assets being replaced by the Replacement Property; (ii) a fixed payment for the Replacement Property that, pursuant to Section 4-29-67(F)(2) of the Code, runs for a period equal to the number of years of FILOT treatment remaining on the oldest asset being replaced; and (iii) a fixed payment for the New Investment. An illustrative but non-binding amended payment schedule for the SDST FILOT Lease is set forth on Schedule 1.1 attached hereto (“Big Siemens Payment Schedule”).

The SDST FILOT Lease shall be amended to (i) reflect the satisfaction of the prior investment and job commitments therein; (ii) include CAS-US as a Party thereto; (iii) include the Total Investment and redefine the penalties, which shall relate only to a proportional payback of the SSRC as described below, to be imposed should Continental fail to achieve 90% of the Total Investment; and (iv) provide for the calculation and payment of the Replacement Investment Payments and the New Investment Payments as set forth above.

**Section 1.2. Special Source Revenue Credit.** As an inducement for the Total Investment, the County shall grant to a single Continental Entity, to be specified by Continental, a special source revenue credit (“SSRC”) in the amount of up to \$100,000 per year for a five-year period. Continental shall utilize the SSRC to offset qualifying expenditures as provided under the Code. The County reserves the right to proportionally reduce the SSRC in the event and to the extent that the Total Investment falls short of \$108,000,000 (90% of \$120,000,000).

Subject to the restrictions set forth above, the term of the SSRC shall begin upon written request by Continental to the County. Such request shall be directed to the County Administrator, with a copy to the County’s legal counsel identified herein, and must be received by the County no later than September 1 of the year in which Continental desires to start claiming the SSRC. (Thus, if Continental provided such request to the County on August 15, 2009, the SSRC would first apply to Continental’s FILOT payment for property tax year 2009, which payment would be due by January 15, 2010.) In any year in which Continental is entitled to receive an SSRC, the County shall direct the County Auditor to accordingly reduce the amount of the SDST FILOT Payment due in that year, and, if the County’s billing system so permits, to reflect the SSRC amount on the annual FILOT billing statement sent to Continental.

**Section 1.3. *Assignment and Conversion of SDST FILOT Lease.*** The Parties hereby acknowledge that CDS-LLC has all of the rights and obligations of SDST under the SDST FILOT Lease and the Big Siemens Project. In addition, CDS-LLC prefers that the SDST FILOT Lease be converted, as permitted under State law, to a FILOT arrangement that does not require that the County hold legal title to the real and personal property comprising either the Big Siemens Project or the New Taxable Investment. Accordingly, the County commits to work in concert with CDS-LLC to accomplish such assignment and conversion incident to the process of approving the incentives and amendments set forth herein including drafting and execution of such deeds, bills of sale and other transfer instruments within ninety (90) days of the date hereof.

## ARTICLE II PROVISIONS RELATING TO LITTLE SIEMENS PROJECT

**Section 2.1. *Special Source Revenue Bond.*** The Parties hereby acknowledge that the County issued its Special Source Revenue Bond, Series 2004, to support the Little Siemens Project (the "Bond"). The owner of the Bond is Wachovia Bank, N.A. (as owner, "Owner"), which also serves as the Trustee with respect to the Bonds (as trustee, "Trustee"). The proceeds of the Bond were loaned by the County to the RCDC, which in turn made the proceeds available to the Company for purposes of financing the purchase of and improvements to the building at which the Little Siemens Project is located. The repayment of the Bond was secured by the FILOT payments from the Big Siemens Project ("Big Siemens Fee Stream"). However, the Parties intended that the Little Siemens Project would generate sufficient FILOT payments ("Little Siemens Fee Stream") and job development credit ("JDC" and together with the Little Siemens Fee Stream, the "Little Siemens Revenues") monies, which also served as security for the repayment of the Bond, in order to repay the Bond.

To date, the Little Siemens Revenues have not been wholly sufficient to repay the Bond. However, as a result of additional investments by CAS-US through December 31, 2007, and any future investments made from January 1, 2010 to December 31, 2014 ("Future Investments"), all of which the parties agree shall constitute part of the Little Siemens Project, CAS-US shall make an increased annual FILOT payment. Through a combination of increases in the Little Siemens Fee Stream and payment of the "Unconditional Payments" (as defined below, which shall be included in Little Siemens Revenues), it is expected that there will be sufficient future Little Siemens Revenues to both repay the Bond and reimburse the County for any portion of the Big Siemens Fee Stream that has heretofore been utilized to make the Bond payments. A non-binding schedule illustrating the expected Little Siemens Revenues and Unconditional Payments is set forth on Schedule 2.1 attached hereto.

**Section 2.2. *Unconditional Payment Obligation in lieu of JDC Pledge.*** CAS-US agrees to remit to the County an annual payment (in lieu of any JDC assignment or pledge) in the amount of \$70,000 in 2008 (to be paid within 30 days of the final approval by the County of all the matters set forth herein, but in no event later than September 1, 2008) and in the amount of \$115,000 on or before each January 15, 2009 through 2011, \$110,000 on or before January 15, 2012, and \$20,000 on or before January 15, 2013 ("Unconditional Payments"). These payments are reflected in Schedule 2.1, which is attached for purposes of illustration only. The Unconditional Payments shall be remitted directly to the County Administrator, with a copy,

unless otherwise directed by the County Administrator, to the County's legal counsel identified herein..

In return for the Unconditional Payments, CAS-US shall be permitted to keep all JDC monies received from the State. The County and RCDC shall take appropriate steps to amend the documents relating to the Bond to permit the Unconditional Payments and to take appropriate action to cause the Owner to release any lien on the JDC monies and to cause the County and RCDC to release any pledge of the JDC monies ("JDC Funds Release"). CAS-US shall not be obligated to make any of the Unconditional Payments unless and until the JDC Funds Release becomes effective.

**Section 2.3. *Little Siemens Recapture; Treatment of of Excess Payments.*** Continental recognizes that the repayment of the Bond from revenues other than the Big Siemens FILOT Stream and the reimbursement to the County of the portions of the Big Siemens FILOT Stream that it has heretofore used to cover Bond payments are both of paramount importance to the County. As a result of the transactions set forth in this MOU, the revenues that shall be available, except as provided below, to the County for these purposes shall be the Unconditional Payments and the Little Siemens Fee Stream (including FILOT payments generated by Future Investments). Accordingly, the Siemens VDO FILOT Lease shall be amended to reflect the insertion of a recapture mechanism that assures the County it shall have received sufficient funds from Continental to (i) during the period in which payments are due on the Bond, repay the principal of and interest due on the Bond in full, and (ii) not later than the maturity date of the Bond, reimburse the County in full for any portion of the Big Siemens Fee Stream utilized during the repayment period of the Bond to make principal or interest payments due on the Bond (collectively, "Bond Recapture"). Amounts due, if any, with respect to the Bond Recapture shall be payable by Continental (or its successor entities) from any available source. The Bond Recapture shall supersede and replace any other recapture provisions currently applicable to the Little Siemens Project.

Prior to the maturity date of the Bond, to the extent the annual aggregate Unconditional Payments and payments made under the Siemens VDO FILOT Lease exceed the amounts set forth in the "Total Payment Due (Column 7)" column of the attached Schedule 2.1, the County shall utilize such amounts to prepay or defease the Bond. If prepayments are made, the County shall request that the Bond Trustee provide a statement of same to the County and Continental.

**Section 2.4. *Name Change Relating to Siemens VDO FILOT Lease; Extension of Investment Period; Project Locations.*** The Parties acknowledge the name change of VDO to CAS-US and agree to amend the Siemens VDO FILOT Lease to reflect same. The County also agrees to provide a five-year extension of the "Investment Period" under the Siemens VDO FILOT Lease. In addition, the County agrees to amend the Siemens VDO FILOT Lease to include both Project Locations.

### ARTICLE III ADDITIONAL PROVISIONS

**Section 3.1. *Actions Required by County Council, RCDC and Continental.*** The Parties acknowledge that in order to effectuate the agreements set forth herein, the Parties shall enter

into appropriate amendments and conversion documents as described herein, the terms of which shall be mutually agreeable and which must be approved by appropriate action of the Richland County Council, the Board of RCDC and the appropriate entity or person representing Continental. Such agreements shall not be binding until such approvals have been obtained. All Parties hereby commit to diligently pursue said approvals.

**Section 3.2. *Responsibility for Documents.*** The Parties agree that the County's special counsel shall have primary drafting responsibility for all of the documents necessary to effectuate the agreements set forth herein.

**Section 3.3. *2004 Memoranda of Understanding.*** The requirements of this MOU and any Continental payment obligations hereunder replace and supersede any and all requirements and payment obligations of Continental under the 2004 MOU between CAS-US, formerly known as VDO, and the County and the 2004 MOU between CDS-LLC, formerly known as SDST, and the County.

**Section 3.4. *Amendments Relating to Classification of Investment.*** In all cases, irrespective of the Project Location at which investments were made: (i) Investments made by CAS-US or VDO through December 31, 2007, shall constitute part of the Little Siemens Project, (ii) investments made by CDS, LLC or SDST through December 31, 2007, shall constitute part of the Big Siemens Project, (iii) investments made by CAS-US from January 1, 2008 through December 31, 2009 shall constitute part of the Big Siemens Project, and (iv) investments made by CAS-US from January 1, 2010 through December 31, 2014 shall constitute part of the Little Siemens Project. The Parties hereby agree to such classification of investment and shall amend the SDST FILOT Lease and the Siemens VDO FILOT Lease to reflect same.

**Section 3.5. *Exclusive Remedy.*** The recapture provisions set forth in Articles 1 and 2 of this MOU shall be the exclusive remedy available to the County for any failure by Continental to make investments at the levels stated in this Agreement.

#### **ARTICLE IV MISCELLANEOUS**

**Section 4.1. *Applicable Law.*** This MOU has been entered into in the State of South Carolina and shall be governed by and construed in accordance with South Carolina law.

**Section 4.2. *Severability.*** In the event and to the extent (and only to the extent) that any provision or any part of a provision of this Memorandum shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable the remainder of that provision or any other provision or part of a provision of this Memorandum.

**Section 4.3. *Counterpart Execution.*** This Memorandum may be executed in multiple counterparts, by original or electronic means, and when taken together, each counterpart shall be considered one original.

**Section 4.4. *Confidentiality.*** Except as otherwise required to be made available under the South Carolina Freedom of Information Act, the County, RCDC and Continental will keep the

contents of this Memorandum, as well as other communications and discussions with respect to the Continental Projects and the New Taxable Investment, strictly confidential and will consult with and obtain approval of all Parties prior to issuing any press release or otherwise making any public announcement or statement with respect to the transactions contemplated hereby.

**Section 4.5. Administrative Fees.** Continental shall promptly reimburse the County, or pay on the County's behalf, all reasonable costs and fees, including but not limited to the County's legal fees and costs for retention of its Special Counsel, Parker Poe Adams & Bernstein LLP, actually incurred by the County relating to the negotiation, documentation and approval of any and all matters necessary to give the full force and effect of the representations discussed in this Memorandum, as well as any legal fees and costs incurred prior to the date of this Memorandum. The amount of such legal fees shall not exceed \$37,500.

**Section 4.6. Notices.** Any notice, election, demand, request or other communication to be provided under this Memorandum shall be effective when delivered to the party named below or three business days after deposited with the United States Postal Service, certified mail, return receipt requested, postage prepaid, addressed as follows (or addressed to such other address as any party shall have previously furnished in writing to the other party), except where the terms hereof require receipt rather than sending of any notice, in which case such provision shall control:

AS TO THE COUNTY:

Richland County, South Carolina  
J. Milton Pope  
County Administrator  
2020 Hampton Street  
Columbia, South Carolina 29204

AS TO THE COUNTY:

Ray E. Jones  
Parker Poe Adams & Bernstein LLP  
Post Office Box 1509  
Columbia, South Carolina 29202-1509  
Phone: 803-253-8917  
Fax: 803-255-8017  
Email: [rayjones@parkerpoe.com](mailto:rayjones@parkerpoe.com)

AS TO CONTINENTAL AUTOMOTIVE  
SYSTEMS US, INC. AND  
CONTINENTAL DIESEL  
SYSTEMS, LLC

Michael Barann  
121 Research Drive  
Continental Automotive Systems US, Inc.  
Columbia SC 29203  
Email: [michael.barann@continental-corporation.com](mailto:michael.barann@continental-corporation.com)

WITH A COPY TO:

George R. Jurch III  
Continental  
General Counsel - the Americas  
One Continental Drive  
Auburn Hills, MI 48326-1581  
Phone: 248-393-6514  
Fax: 248-393-8722  
Email: george.jurch@us.contiautomotive.com

WITH A COPY TO:

Gary Carl  
Director, Facilities and Services  
Continental Automotive Systems US, Inc.  
2400 Executive Hills Blvd.  
Auburn Hills MI 48326  
Email: gary.carl@continental-corporation.com

WITH A COPY TO:

George B. Wolfe  
Nelson Mullins Riley & Scarborough LLP  
1320 Main Street, 17<sup>th</sup> Floor  
Columbia, South Carolina 29201  
Phone: 803-255-9600  
Fax: 803-256-7500  
Email: george.wolfe@nelsonmullins.com

**Section 4.7. Headings.** The headings of the articles and sections of this MOU are inserted for convenience only and shall not be deemed to constitute a part of this MOU.

**Section 4.8. Further Assurance.** From time to time, and at Continental's expense, the County agrees to execute and deliver to Continental such additional instruments as it may reasonably request to effectuate the purposes of this Memorandum.

As of the date first above written, the Parties hereby agree to the terms and provisions set forth above.

**RICHLAND COUNTY, SOUTH CAROLINA**

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By:  
Its:

**RICHLAND COUNTY DEVELOPMENT CORPORATION**

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By:  
Its:

**CONTINENTAL DIESEL SYSTEMS US, LLC  
(CDS-LLC)**

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By:  
Its:

**CONTINENTAL AUTOMOTIVE SYSTEMS US, INC.  
(CAS-US)**

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By:  
Its:

*Signature Page to Memorandum of Understanding  
Dated July \_\_, 2008*

Schedule 2.1

Property Tax Year	(1) Total Gross Investment per PT-300	(2) Total Taxable Value	(3) Rate	(4) Millage	(5) Amended FILOT Payment*	(6) Additional R&D JDC Payment*	(7) Total Payment Due	County Allocation of Total Payment (8) Bond Payment	County Allocation of Total Payment (9) Supplement	(10) Excess/Shortage
2006	\$8,037,526	\$7,548,848	6%	0.3225	\$146,070		\$146,070			
2007	\$8,316,564	\$7,315,884	6%	0.3225	\$141,562	\$70,000	\$211,562			
2008	\$33,331,142	\$29,073,914	9%	0.3225	\$843,870	\$115,000	\$958,870	\$481,851	\$477,020	\$0
2009	\$33,331,142	\$25,817,366	10.5%	0.3225	\$874,241	\$115,000	\$989,241	\$464,353	\$524,887	\$0
2010	\$33,331,142	\$22,560,817	10.5%	0.3225	\$763,966	\$115,000	\$878,966	\$447,185	\$431,780	\$0
2011	\$33,331,142	\$19,304,269	10.5%	0.3225	\$653,691	\$110,000	\$763,691	\$430,017	\$333,673	\$0
2012	\$33,331,142	\$16,047,720	10.5%	0.3225	\$543,416	\$20,000	\$563,416	\$412,991	\$0	-\$150,425
2013	\$33,331,142	\$12,791,172	10.5%	0.3225	\$433,141		\$433,141	\$395,681	\$0	-\$37,460
2014	\$33,331,142	\$9,902,082	6%	0.3225	\$191,605		\$191,605	\$378,513	\$0	\$186,908
2015	\$33,331,142	\$7,154,134	6%	0.3225	\$138,432		\$138,432			
2016	\$33,331,142	\$6,655,779	6%	0.3225	\$128,789		\$128,789			
2017	\$33,331,142	\$6,655,779	6%	0.3225	\$128,789		\$128,789			
2018	\$33,331,142	\$6,655,779	6%	0.3225	\$128,789		\$128,789			
2019	\$33,331,142	\$6,655,779	6%	0.3225	\$128,789		\$128,789			
2020	\$33,331,142	\$6,655,779	6%	0.3225	\$128,789		\$128,789			
2021	\$33,331,142	\$6,655,779	6%	0.3225	\$128,789		\$128,789			
2022	\$33,331,142	\$6,655,779	6%	0.3225	\$128,789		\$128,789			
2023	\$33,331,142	\$6,655,779	6%	0.3225	\$128,789		\$128,789			
2024	\$33,331,142	\$6,655,779	6%	0.3225	\$128,789		\$128,789			
2025	\$25,293,616	\$2,616,526	6%	0.3225	\$50,630		\$50,630			
2026	\$25,014,578	\$2,588,622	6%	0.3225	\$50,090		\$50,090			
2027										
					Total	\$545,000				
					<b>Total Payment Due</b>		<b>\$6,534,818</b>	<b>\$3,010,592</b>	<b>\$1,767,361</b>	<b>-\$976</b>

DISCLAIMER: The calculations provided herein are for illustration purposes only and are merely estimates. No portion of these calculations should be construed as a commitment to provide incentives or as guaranty of savings. The actual amounts due from any company will depend on the amount invested, the timing of such investment and the final incentive package, if any, approved by the required governmental entities.



## Schedule 1.1

Richland County  
 Fee In Lieu of Property Tax Illustration  
**Project CAGE**

	1999 FILOT Stream \$25mm removed	\$50,000,000 Replacement Investment	New \$70,000,000 Investment	Total All Payments
2000	\$ 225,708			\$ 225,708
2001	\$ 332,974			\$ 332,974
2002	\$ 1,005,205			\$ 1,005,205
2003	\$ 600,000			\$ 600,000
2004	\$ 1,300,000			\$ 1,300,000
2005	\$ 1,300,000			\$ 1,300,000
2006	\$ 1,300,000			\$ 1,300,000
2007	\$ 1,300,000			\$ 1,300,000
2008	\$ 1,300,000			\$ 1,300,000
2009	\$ 736,383	\$ 363,390		\$ 1,455,952
2010	\$ 736,383	\$ 363,390		\$ 1,455,952
2011	\$ 736,383	\$ 363,390		\$ 1,455,952
2012	\$ 736,383	\$ 363,390		\$ 1,455,952
2013	\$ 736,383	\$ 363,390		\$ 1,455,952
2014	\$ 736,383	\$ 363,390	\$ 456,179	\$ 1,555,952
2015	\$ 736,383	\$ 363,390	\$ 456,179	\$ 1,555,952
2016	\$ 736,383	\$ 363,390	\$ 456,179	\$ 1,555,952
2017	\$ 736,383	\$ 363,390	\$ 456,179	\$ 1,555,952
2018	\$ 736,383	\$ 363,390	\$ 456,179	\$ 1,555,952
2019	\$ 736,383	\$ 363,390	\$ 456,179	\$ 1,555,952
2020	\$ 736,383	\$ 363,390	\$ 456,179	\$ 1,555,952
2021	\$ 736,383		\$ 456,179	\$ 1,192,562
2022	\$ 736,383		\$ 456,179	\$ 1,192,562
2023	\$ 736,383		\$ 456,179	\$ 1,192,562
2024	\$ 736,383		\$ 456,179	\$ 1,192,562
2025	\$ 736,383		\$ 456,179	\$ 1,192,562
2026			\$ 456,179	\$ 456,179
2027			\$ 456,179	\$ 456,179
2029			\$ 456,179	\$ 456,179
<b>Totals</b>	<b>\$ 21,182,398</b>	<b>\$ 4,360,681</b>	<b>\$ 8,623,585</b>	<b>\$ 34,166,664</b>
<b>NPV</b>	<b>\$ 8,302,031</b>	<b>\$ 3,220,818</b>	<b>\$ 5,252,054</b>	<b>\$ 17,322,617</b>

**Assumptions:**

Total Millage	0.2913
Discount Rate	5%
Annual Depreciation	11%
Total Max. Depreciation	90%
Assessment Ratio	6.00%

**DISCLAIMER:** The calculations provided herein are for illustration purposes only and are merely estimates. No portion of these calculations should be construed as a commitment to provide incentives or as guaranty of savings. The actual amounts due from any company will depend on the amount invested, the timing of such investment and the final incentive package, if any, approved by the required governmental entities.

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-08HR

AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDED AND RESTATED FEE AGREEMENT BY AND BETWEEN RICHLAND COUNTY AND CONTINENTAL DIESEL SYSTEMS US, LLC ("CDS-LLC"), ITS AFFILIATES AND ASSIGNS, TO PROVIDE FOR AN AMENDMENT TO THE EXISTING FEE IN LIEU OF *AD VALOREM* TAXES INCENTIVE, TO ALLOW ADDITIONAL INVESTMENT EXPENDITURES TO QUALIFY AS ELIGIBLE EXPENDITURES THEREUNDER; TO INCLUDE THE GRANT OF CERTAIN INFRASTRUCTURE CREDITS; TO ADD A SPONSOR AFFILIATE THERETO; TO APPROVE ITS CONVERSION PURSUANT TO SECTION 12-44-170(B) OF THE CODE OF LAWS OF SOUTH CAROLINA 1976, AS AMENDED; AND OTHER MATTERS THERETO RELATED.

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-08HR

**AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDMENT TO A FEE AGREEMENT BY AND BETWEEN RICHLAND COUNTY AND CONTINENTAL AUTOMOTIVE SYSTEMS US, LLC (“CAS-US”), TO EXTEND THE INITIAL INVESTMENT PERIOD OF THE FEE-IN-LIEU OF AD VALOREM TAX INCENTIVE DURING WHICH ELIGIBLE EXPENDITURES MAY QUALIFY; TO CHANGE CERTAIN DEFINITIONS THEREUNDER; TO ADD A SPONSOR AFFILIATE THERETO; AND OTHER MATTERS THERETO RELATED.**

**Historic Properties Ordinance  
"Bailey Bill"**

Former Statute	Amended Statute	Current Ordinance	Staff Recommendations
<b>REVIEW</b>			
Rehabilitation plans are reviewed by the SC Department of Archives and History for compliance with the Secretary of the Interior's Standards.	Gives the option of assigning the review of rehabilitation plans to a local Board of Architectural Review, using guidelines established for the district.	Rehabilitation plans are reviewed by the SC Department of Archives and History.	<p>Work performed on historic properties in the unincorporated areas of the county, and in municipalities without a Board of Architectural Review, would be reviewed by the SC Department of Archives and History.</p> <p>In a municipality that has a Board of Architectural Review, the county would defer the reviewing process to the municipal board.</p>
<b>SPECIAL ASSESSMENT RATE</b>			
A special assessment rate was based on the pre-rehabilitation value or 40% of the new assessed value, whichever was HIGHER.	Upon final certification, the property must be assessed based on the fair market value before rehabilitation. This assessment must remain in place for the remainder of the special assessment period. (Essentially a freeze)	For the first two years after final certification, the special assessment rate is equal to the pre-rehabilitation rate. For the next eight years, the special assessment rate is equal to the pre-rehabilitation rate, or 40% of the new assessed value, whichever is HIGHER.	The new statute requires that the property be assessed based on the pre-rehabilitation value for the entire length of the special assessment period.
<b>MINIMUM INVESTMENT</b>			
The minimum expenditure required to qualify for a special tax assessment was set at 50% of fair market value for owner-occupied buildings and 100% for income-producing buildings.	Lets local government choose the expenditure required to qualify for the special assessment with the minimum being 20% of the fair market value of the building. The value may be different for owner-occupied and income-producing buildings.	Minimum expenditure required to qualify for a special tax assessment: <ul style="list-style-type: none"> <li>• Owner Occupied: 50% of FMV</li> <li>• Income Producing: 100% of FMV</li> </ul>	Staff recommends that the county ordinance continue to use the existing minimum investment levels (50% for owner occupied and 100% for income producing properties).
<b>LENGTH OF SPECIAL ASSESSMENT</b>			
The special assessment period was set at 10 years. The first two years were based on the pre-rehabilitation value, and the following 8 years were based on the pre-rehabilitation value or 40% of the post-rehabilitation value, which ever was higher.	Authorizes local government to set the length of the abatement, but not more than 20 years.	Sets the special assessment period at a total of 10 years: <ul style="list-style-type: none"> <li>• 2 years based on pre-rehabilitation value</li> <li>• 8 years based on pre-rehabilitation value or 40% of post-rehabilitation value, which ever is higher.</li> </ul>	Staff recommends that the county continue to use the existing special assessment period of 10 years; however, the special assessment rate may no longer change after the second year. The special assessment rate would be based on the pre-rehabilitation value for the entire 10-year period.

## Staff Recommendations

Owner-Occupied	
Minimum Investment	Special Assessment
50% of FMV	10 Years

Income-Producing	
Investment	Special Assessment
100% of FMV	10 Years

Compared to the county's current historic property incentives, these recommendations would:

- **Maintain the current minimum investment levels of 50% for owner-occupied properties and 100% for income-producing properties.**
- **Freeze the special assessment rate for a period of 10 years based on the property's pre-rehabilitation assessment.**

## Other Issues

- **Eligible Properties**
  - In order to be eligible for the special assessment, properties must be:
    - Listed on the National Register of Historic Places, or
    - Within the boundaries of a district listed on the National Register of Historic Places and be at least 50 years old.
- **Project Review**
  - The SC Department of Archives and History has stated that it will only review properties in the unincorporated areas of Richland County and within municipalities that do not have a Board of Architectural Review.
    - In municipalities that have a Board of Architectural Review, staff recommends that the county defer to the municipality's board for the review of the work only. All other functions (determining eligibility, verifying investment, etc.) would be done within the county. SCDAH and the municipal ARB would act in an advisory capacity.
- **Differences between City and County Ordinances**
  - Eligibility: Only properties on the National Register of Historic Places will be eligible under the county's ordinance, while the city authorizes special assessments for properties within local historic districts as well as those on the National Register.
  - Minimum Investment: The county's ordinance would maintain the 50% and 100% minimum investment levels, while the city's ordinance will drop the minimum investment to 20% for owner-occupied as well as income-producing properties.
  - Length of Special Assessment: The county's ordinance would provide a 10-year special assessment based on the pre-rehabilitation value, while the city's ordinance extends the length of the special assessment to 20 years.
- Only work that has been reviewed and approved by SCDAH or municipal reviewing authority will count toward the minimum investment.
- Sale or transfer of the property will result in decertification and loss of the special assessment.

STATE OF SOUTH CAROLINA  
COUNTY COUNCIL FOR RICHLAND COUNTY  
ORDINANCE NO. \_\_\_-08

AN ORDINANCE TO REPEAL ORDINANCE NUMBER 025-96HR, ENTITLED "AN ORDINANCE ADOPTING A POLICY WITH RESPECT TO SPECIAL PROPERTY TAX ASSESSMENTS FOR REHABILITATED HISTORIC PROPERTIES", AND TO AMEND THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 23, TAXATION, ARTICLE V, REHABILITATED HISTORIC PROPERTIES, SO AS TO REFLECT THE 2004 AMENDMENTS MADE TO SECTION 4-9-195 OF THE SOUTH CAROLINA CODE OF LAWS, 1976, AS AMENDED.

WHEREAS, pursuant to Section 4-9-195 of the S. C. Code of Laws, 1976, as amended, Richland County Council enacted Ordinance Number 025-96HR, "An Ordinance Adopting a Policy with Respect to Special Property Tax Assessments for Rehabilitated Historic Properties" on May 21, 1996, which was subsequently codified as Article V of Chapter 25 in the Richland County Code of Ordinances; and

WHEREAS, Section 4-9-195 of the S. C. Code of Laws, 1976, as amended, was recently amended by the South Carolina General Assembly through the enactment of Act No. 292, effective August 16, 2004; and

WHEREAS, Richland County Council now desires to repeal Ordinance Number 025-96HR and to amend the Richland County Code of Ordinances, Chapter 23, Taxation, Article V, Rehabilitated Historic Properties, to reflect the 2004 amendments made to Section 4-9-195 of the South Carolina Code of Laws, 1976, as amended;

NOW, THEREFORE, 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. Ordinance Number 025-96HR, entitled "An Ordinance Adopting a Policy with Respect to Special Property Tax Assessments for Rehabilitated Historic Properties", and enacted on May 21, 1996, is hereby repealed in its entirety.

SECTION II. The Richland County Code of Ordinances; Chapter 23, Taxation; Article V, Rehabilitated Historic Properties; is hereby amended by the deletion of the language contained therein and the substitution of the following language:

**ARTICLE V. REHABILITATED HISTORIC PROPERTIES**

**Sec. 23-60. Special tax assessment created.**

A special tax assessment is created for ~~the following two types of~~ eligible rehabilitated historic properties for a period of [REDACTED] equal to the assessed value of the property at the time of Preliminary Certification.

- ~~(1) For owner-occupied property, as assessment for two (2) years, equal to four (4) percent of the appraised value of the property at the time certification is made and for eight (8) years equal to the greater of forty (40) percent of four (4) percent of the appraised value of the property after rehabilitation or the original assessment on the uncertified property.~~
- ~~(2) For income-producing rehabilitated property, as assessment for two (2) years equal to six (6) percent of the appraised value of the property at the time of certification and an assessment for eight (8) years equal to the greater of forty (40) percent of six (6) percent of the appraised value of the property after rehabilitation or the original assessment on the uncertified property.~~

### **Sec. 23-61. Purpose.**

It is the purpose of this Article to:

- (1) Encourage the rehabilitation of historic properties;
- (2) Promote community development and redevelopment;
- (3) Encourage sound community planning; and
- (4) Promote the general health, safety, and welfare of the community.

### **Sec. 23-62. Eligible Properties.**

(a) Certification. In order to be eligible for the special tax assessment, historic properties must receive preliminary and final certification.

(1) Preliminary Certification. To receive Preliminary Certification a property must meet the following conditions:

- a. The property meets the requirements for historic designation as established in this section.
- b. The proposed rehabilitation work receives a recommendation of approval from the appropriate architectural reviewing authority (hereinafter "reviewing authority") and is consistent with the rehabilitation standards as set forth in this article. The reviewing authority shall review all improvements associated with the rehabilitation and make a recommendation to the county regarding the project's eligibility. For the purpose of this article, the reviewing authority shall be defined as follows:
  1. In any municipality that has an architectural review board, the municipal board shall serve as the reviewing authority.

2. In the unincorporated areas of the county, and within any municipality that does not have an architectural review board, the South Carolina Department of Archives and History shall serve as the reviewing authority.

c. Be a project that commenced by or after August 17, 2004 to the date of the adoption of this ordinance and work was permitted to have begun prior to receiving Preliminary Certification, or

d. Be a project that commences on or after the date of the adoption of this ordinance.

(2) Final Certification. To be eligible for Final Certification, a property must have met the following conditions:

a. The property has received Preliminary Certification.

b. The minimum expenditures for rehabilitation as set forth in this article have been incurred and paid.

c. The completed rehabilitation receives a recommendation for approval from the reviewing authority as being consistent with the plans approved by the reviewing authority during Preliminary Certification.

d. All application fees have been paid in full by the applicant.

e. The property has met all other requirements of this article.

[REDACTED]

[REDACTED]

[REDACTED]

~~(a) Certification. Historic properties must be certified by the County Council as eligible to receive the special tax assessment. To receive certification, owners of property must meet all requirements of this article and the regulations of the South Carolina Department of Archives and History. The owner shall receive a certification form indicating all requirements have been met.~~

~~(b) Eligible properties. To be certified as eligible, properties must:~~



- ~~(1) Be listed on the National Register of Historic Places, either individually or as a contributing property in a district, or;~~
- ~~(2) To be fifty (50) or more years old and have been designated as historic by the County Council, either individually or as contributing property in a local historic district.~~

~~(c) *Designation.* The County Council may designate a property or district as historic if it is more than fifty (50) years old and meets one or more of the following criteria:~~

- ~~(1) Has significant inherent character, interest, or value as a part of the development or heritage of the community, state or nation;~~
- ~~(2) Is the site of an event significant in history;~~
- ~~(3) Is associated with a person or persons who contributed significantly to the culture and development of the community, state or nation;~~
- ~~(4) Exemplifies the cultural, political, economic, social, ethnic, or historic heritage of the community, state, or nation;~~
- ~~(5) Individually, or as a collection of resources, embodies distinguishing characteristics of a type, style, period or specimen in architecture or engineering;~~
- ~~(6) Is the work of a designer whose work has influenced significantly the development of the community, state or nation;~~
- ~~(7) Contains elements of design, detail, materials or craftsmanship which represent a significant innovation;~~
- ~~(8) Is part of or related to a square or other distinctive element of community planning;~~
- ~~(9) Represents an established and familiar visual feature of the neighborhood or community;~~
- ~~(10) Has yielded or may be likely to yield information important in history or pre-history.~~

~~(d) *Moved properties.* The moving of historic buildings from their original site is generally discouraged. If such property is moved as part of a rehabilitation project, it may be eligible for the special tax assessment if:~~

- ~~(1) It has been locally designated as historic but will retain on the new site the characteristics that made it eligible for historic designation on the former site;~~

- ~~(2) It has not yet been designated historic but will meet designation criteria on its new site;~~
- ~~(3) It is listed on the National Register of Historic Places and the movement meets all standards and procedures of the United States Department of the Interior and South Carolina Department of Archives and History.~~

~~(e) *Removal of historic designation.* Designated properties may be removed from the list of eligible properties if they no longer possess the qualities that made them eligible for designation, provided that:~~

- ~~(1) The property has been removed from the National Register of Historic Places and has not been designated under the local criteria included in Section 23-62(e) of this article; and~~
- ~~(2) Owners of property proposed for removal of designation shall be given thirty (30) days notice prior to such action and are given opportunity to present evidence why such removal should not be conducted.~~

#### **Sec. 23-63. Eligible rehabilitation.**

(a) *Standards for rehabilitation.* To be eligible for the special tax assessment, historic rehabilitations must be conducted according to the following standards:

- ~~(1) A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.~~
- (21) The historic character of a property shall be retained and preserved. The removal of historic materials or alterations ~~or~~ of features and spaces that characterize each property shall be avoided.
- (32) Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development shall not be undertaken.
- (43) Most properties change over time. Those changes that have acquired historic significance in their own right shall be retained and preserved.
- (54) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property should be preserved.
- (65) Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement ~~or~~ of a distinctive feature, the new should match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.

(76) Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the most gentle means possible.

~~(8) Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.~~

(97) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale and architectural features to protect the historic integrity of the historic property and its environment.

(108) New additions and adjacent new construction shall be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(b) Work to be reviewed. The following work will be reviewed according to the standards set forth above:

(1) Repairs to the exterior of the designated building.

(2) Alterations to the exterior of the designated building.

(3) New construction on the property on which the building is located, [REDACTED]

(4) Alterations to interior primary public spaces, as defined by the reviewing authority.

(5) Any remaining work where the expenditures for such work are being used to satisfy the minimum expenditures for rehabilitation, [REDACTED]

(b) (c) Value of Minimum expenditures for rehabilitation. The rehabilitation work conducted pursuant to this article must have expenditures: To be eligible for the special property tax assessment, the owner or the owner's estate must meet the minimum expenditures for rehabilitation:

(1) For owner-occupied, non-income producing properties, the [REDACTED] of the fair market value of the property.

(2) For income-producing or non-owner occupied properties, the [REDACTED] of the fair market value of the property.

Fair market value means the appraised value as certified to the county by a real estate appraiser licensed by the State of South Carolina, the sales price as delineated in a bona fide contract of sale within twelve months of the time it is submitted, or the most recent appraised value published by the Richland County Tax Assessor.

- ~~(1) Exceeding fifty (50) percent of the appraised value for owner-occupied building; or~~
- ~~(2) Exceeding the appraised value of the building for income-producing property.~~

~~(e)~~ (d) Expenditures for Rehabilitation means the actual cost of rehabilitation relating to one or more of the following:

- (1) Improvements located on or within the historic building as designated.
- (2) Improvements outside of but directly attached to the historic building which are necessary to make the building fully useable (such as vertical circulation) but shall not include rentable/habitable floorspace attributable to new construction.
- (3) Architectural and engineering services attributable to the design of the improvements.
- (4) Costs necessary to maintain the historic character or integrity of the building.

~~(e)~~ (e) Scope. The special tax assessment may apply to the following:

- ~~(1) Property that is Structure(s) rehabilitated;~~
- ~~(2) Real property surrounding the building; or on which the building is located.~~
- ~~(3) Structures which are significant to the rehabilitated property, as determined by the county council.~~

~~(d)~~ (f) Time limits. To be eligible for the special tax assessment, rehabilitations must be completed within two (2) years after approval of submitted plans, pursuant to Section 23-64 of the date of Preliminary Certification. If the project is not complete after two years, but the minimum expenditures for rehabilitation have been incurred, the property continues to receive the special assessment until the project is completed or until the end of the special assessment period, whichever shall occur first.

#### **Sec. 23-64. Process.**

~~(a) Fee required.~~ There is a fee of one hundred dollars (\$100.00) for each application for review of rehabilitation work conducted pursuant to this ordinance. No application shall be processed without payment of this fee. (A cashiers check should be made payable to the county.) There is a fee required for the review of rehabilitation work during the Final Certification process. Final Certification of the property will not be given until the fee has been paid in full by

the applicant. Fees shall be made payable to Richland County. The amount of the fee shall be as follows:

(1) For owner-occupied, non-income producing properties, the fee shall be [REDACTED].

(2) For income-producing or non-owner occupied properties, the fee shall be [REDACTED].

(b) *Plan required.* Owners of property seeking approval of rehabilitation work must ~~complete~~ submit a completed Rehabilitation of Historic Property Application with supporting documentation ~~and application fee~~ prior to beginning work. Rehabilitation work conducted prior to approval of the application is done so at the risk of the property owner.

(c) *Preliminary approval Certification.* Upon receipt of the completed application, the ~~department~~ county shall submit the plan to the reviewing authority ~~determine if for a recommendation as to whether~~ the project is consistent with the standards for rehabilitation. Upon receipt of the reviewing authority's recommendation, the county ~~and~~ shall notify the owner in writing. Upon receipt of this determination, the property owner may:

- (1) If the application is approved, begin rehabilitation;
- (2) If the application is not approved, he/she may revise such application in accordance with comments provided by ~~the department~~ reviewing authority; ~~and,~~
- (3) ~~If the application is not approved, he/she may appeal the decision.~~

(d) *Substantive changes.* Once ~~p~~Preliminary approval Certification is granted to an application, substantive changes must be approved in writing by the ~~department~~ county. ~~Unapproved~~ Any substantive changes made to the property during rehabilitation that are not approved by county, upon review and recommendation of the reviewing authority, are conducted at the risk of the property owner and may disqualify the project from eligibility during the Final Certification process.

~~(e) Final approval. Completed projects may be inspected by the department or its designee to determine if the work is consistent with the standards for rehabilitation. The department shall issue final approval when the completed work meets the standards for rehabilitation and verification is made that expenditures have been made in accordance with Section 23-63(b) of this article.~~

(e) Final Certification. Upon completion of the project, the property must receive Final Certification in order to be eligible for the special assessment. The reviewing authority shall inspect completed projects to determine if the work is consistent with the approval recommended by the reviewing authority and granted by the county during Preliminary Certification. The review process for Final Certification shall be established by the reviewing authority and may include a physical inspection of the property. The reviewing authority shall notify the applicant

in writing of its recommendation. If the applicant wishes to appeal the reviewing authority's recommendation, the appeal must follow the reviewing authority's appeals process. The county may grant Final Certification only if the following conditions have been met:

- (1) The completed work meets the standards for rehabilitation as established in this article;
- (2) Verification is made that the minimum expenditures have been have been incurred in accordance with the provisions of this article; and
- (3) Any fee(s) shall be paid in full.

Upon receiving Final Certification, the property will be assessed for the remainder of the special assessment period on the fair market value of the property at the time the Preliminary Certification was made or the Final Certification was made, whichever occurred earlier.

~~(f) Additional work. After the department's final approval has been issued, For the remainder of the special assessment period after Final Certification, the property owner shall notify the department county of any additional work, other than ordinary maintenance, prior to the work beginning before the ten (10) year expiration of the special property assessment. The department reviewing authority shall review the work and make a recommendation to the county whether the overall project is consistent with the standards for rehabilitation. The county shall notify the property owner in writing if the overall project is consistent with the standards for rehabilitation. If the additional work is found to be inconsistent by the reviewing authority, the department county shall notify the owner in writing within thirty (30) days of its decision to rescind approval. The property owner may withdraw his/her request and cancel or revise the proposed additional work.~~

~~(g) Decertification. The date of any of the following shall be considered the date of the end of the special tax assessment:~~

- ~~(1) Written notice from the owner to the county removal of preferential assessment;~~
- ~~(2) Sale or transfer of ownership during the ten (10) year period, except in the course of probate proceedings;~~
- ~~(3) Removal of the historic property designation by the county council National Register of Historic Places; or~~
- ~~(4) Rescission of the approval of rehabilitation by the Department of Archives and History.~~

~~(h) (g) Notification. The county shall, uUpon Final eCertification of a rehabilitated historic property, as historic, notify the Richland eCounty aAssessor, aAuditor, and tTreasurer shall be notified that such property has been duly certified and is eligible for the special tax assessment.~~

~~(i) (h) *Annual Application.* Owners of properties certified as historic under this ordinance shall make application to the county auditor to begin the special assessment, and shall annually make such application for each year the assessment shall be in effect. Once the Final Certification has been granted, the owner of the property shall make application to the Richland County Auditor for the special assessment provided for herein.~~

~~(j) (i) *Fiscal year Date effective.* To be eligible for the special tax assessment, a property must be certified as historic before the first day of April of the year it intends to receive this treatment. If an application for preliminary or final certification is filed by May first or the Preliminary or Final Certification is approved by August first, the special assessment authorized herein is effective for that year. Otherwise, it is effective beginning with the following year. The special assessment only begins in the current or future tax years as provided for in this section. The special assessment period shall not exceed ten (10) years in length, and in no instance may the special assessment be applied retroactively.~~

~~(j) *Previously certified properties.* A property certified to receive the special property tax assessment under the existing law continues to receive the special assessment in effect at the time certification was made.~~

~~(k) *Decertification.* Once the property has received Final Certification and assessed as rehabilitated historic property, it remains so certified and must be granted the special assessment until the property becomes disqualified by any one of the following:~~

- ~~(1) Written notice from the owner to the Richland County Auditor requesting removal of the special assessment;~~
- ~~(2) Sale or transfer of ownership during the special assessment period, other than in the course of probate proceedings;~~
- ~~(3) Removal of the historic designation by the National Register of Historic Places; or~~
- ~~(4) Recision of the approval of rehabilitation by the county, at the recommendation of the reviewing authority, because of alterations or renovation by the owner or the owner's estate which causes the property to no longer possess the qualities and features which made it eligible for Final Certification. Notification of any change affecting eligibility must be given immediately to the Richland County Assessor, Auditor, and Treasurer.~~

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

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

SECTION V. Effective Date. This ordinance shall be enforced from and after \_\_\_\_\_, 2008.

RICHLAND COUNTY COUNCIL

BY: \_\_\_\_\_  
Joseph McEachern, Chair

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

OF \_\_\_\_\_, 2008

\_\_\_\_\_  
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:
- Second Reading:
- Public Hearing:
- Third Reading:



**Income Producing**

**PRE-REHABILITATION**  
 Appraised Value: \$600,000  
 Assessed Value: \$36,000

**POST-REHABILITATION**  
 Appraised Value: \$6,000,000  
 Assessed Value: \$360,000

Year	FMV	Millage	Scenario #1 No Rehabilitation		Scenario #2 Post Rehab / No Incentives		Scenario #3 Post Rehab / Current Ordinance		Scenario #4 Post Rehab / City Ordinance		Scenario #5 Post Rehab / Proposed Ordinance	
			Assessed Value	Taxes Collected	Assessed Value	Taxes Collected	Assessed Value	Taxes Collected	Assessed Value	Taxes Collected	Assessed Value	Taxes Collected
2009	\$600,000	0.385	\$36,000	\$13,843	\$36,000	\$13,843	\$36,000	\$13,843	\$36,000	\$36,000	\$13,843	\$13,843
2010	\$600,000	0.392	\$36,000	\$14,120	\$36,000	\$14,120	\$36,000	\$14,120	\$36,000	\$36,000	\$14,120	\$14,120
2011	\$600,000	0.399	\$41,400	\$14,403	\$360,000	\$125,241	\$144,000	\$60,086	\$36,000	\$36,000	\$12,524	\$12,524
2012	\$6,000,000	0.355	\$41,400	\$14,691	\$360,000	\$127,746	\$144,000	\$51,098	\$36,000	\$36,000	\$12,775	\$12,775
2013	\$6,000,000	0.362	\$41,400	\$14,985	\$360,000	\$130,301	\$144,000	\$52,120	\$36,000	\$36,000	\$13,030	\$13,030
2014	\$6,000,000	0.369	\$41,400	\$15,284	\$360,000	\$132,907	\$144,000	\$53,163	\$36,000	\$36,000	\$13,291	\$13,291
2015	\$6,000,000	0.377	\$41,400	\$15,590	\$360,000	\$135,565	\$144,000	\$54,226	\$36,000	\$36,000	\$13,556	\$13,556
2016	\$6,000,000	0.385	\$47,610	\$15,902	\$414,000	\$138,276	\$144,000	\$48,098	\$36,000	\$36,000	\$12,024	\$12,024
2017	\$6,900,000	0.341	\$47,610	\$16,220	\$414,000	\$141,042	\$144,000	\$49,053	\$36,000	\$36,000	\$12,284	\$12,284
2018	\$6,900,000	0.347	\$47,610	\$16,544	\$414,000	\$143,883	\$144,000	\$50,039	\$36,000	\$36,000	\$12,510	\$12,510
2019	\$6,900,000	0.354	\$47,610	\$16,875	\$414,000	\$146,740	\$144,000	\$146,740	\$36,000	\$36,000	\$12,760	\$12,760
2020	\$6,900,000	0.362	\$47,610	\$17,213	\$414,000	\$149,675	\$144,000	\$149,675	\$36,000	\$36,000	\$13,015	\$13,015
2021	\$7,835,000	0.327	\$54,752	\$17,557	\$476,100	\$152,668	\$476,100	\$152,668	\$36,000	\$476,100	\$11,544	\$152,668
2022	\$7,935,000	0.327	\$54,752	\$17,908	\$476,100	\$155,721	\$476,100	\$155,721	\$36,000	\$476,100	\$11,775	\$155,721
2023	\$7,935,000	0.334	\$54,752	\$18,268	\$476,100	\$158,836	\$476,100	\$158,836	\$36,000	\$476,100	\$12,010	\$158,836
2024	\$7,935,000	0.340	\$54,752	\$18,631	\$476,100	\$162,013	\$476,100	\$162,013	\$36,000	\$476,100	\$12,250	\$162,013
2025	\$7,935,000	0.347	\$54,752	\$19,004	\$476,100	\$165,253	\$476,100	\$165,253	\$36,000	\$476,100	\$12,495	\$165,253
2026	\$9,125,250	0.314	\$62,964	\$19,384	\$547,515	\$168,558	\$547,515	\$168,558	\$36,000	\$547,515	\$11,083	\$168,558
2027	\$9,125,250	0.314	\$62,964	\$19,772	\$547,515	\$171,929	\$547,515	\$171,929	\$36,000	\$547,515	\$11,305	\$171,929
2028	\$9,125,250	0.320	\$62,964	\$20,167	\$547,515	\$175,368	\$547,515	\$175,368	\$36,000	\$547,515	\$11,531	\$175,368

**10 YEAR TOTALS (2009-2018)** \$151,502 \$1,102,903 \$435,861 \$129,938  
**LOST TAX REVENUE DUE TO INCENTIVES** \$967,043 \$972,965  
**% OF REVENUE LOST DUE TO INCENTIVES** 60.5% 88.2%  
**COMPARISON TO CURRENT INCENTIVE (2+8 YEARS)** 145.9%

**20 YEAR TOTALS (2009-2028)** \$336,359 \$2,709,663 \$249,706 \$2,459,957  
**LOST TAX REVENUE DUE TO INCENTIVES** 90.8%  
**% OF REVENUE LOST DUE TO INCENTIVES** 366.8%

**Assumptions:**  
 Millage increases 2% per year.  
 Property value is increased by 15% in reassessment years.  
 Millage rolls back 11.3% in reassessment years

Owner Occupied

PRE-REHABILITATION  
 Appraised Value: \$100,000  
 Assessed Value: \$4,000

POST-REHABILITATION  
 Appraised Value: \$150,000  
 Assessed Value: \$6,000

INVESTMENT:  
 \$50,000

Year	EAV	Millage	School	Loss	Scenario #1 No Rehabilitation			Scenario #2 Post Rehab / No Incentives			Scenario #3 Post Rehab / Current Ordinance			Scenario #4 Post Rehab / City Ordinance			Scenario #5 Post Rehab / Proposed Ordinance		
					Assessed Value	Taxes Collected	After Credits	Assessed Value	Taxes Collected	After Credits	Assessed Value	Taxes Collected	After Credits	Assessed Value	Taxes Collected	After Credits	Assessed Value	Taxes Collected	After Credits
2009	\$100,000	0.0345	0.2248	0.00725	\$4,000	\$1,638		\$4,000	\$1,638		\$4,000	\$1,638		\$4,000	\$1,638		\$4,000	\$1,638	
2010	\$100,000	0.3845	0.2248	0.00725	\$4,000	\$1,638		\$4,000	\$1,638		\$4,000	\$1,638		\$4,000	\$1,638		\$4,000	\$1,638	
2011	\$100,000	0.3845	0.2248	0.00725	\$4,000	\$1,638		\$4,000	\$1,638		\$4,000	\$1,638		\$4,000	\$1,638		\$4,000	\$1,638	
2012	\$100,000	0.3845	0.2248	0.00725	\$4,000	\$1,638		\$4,000	\$1,638		\$4,000	\$1,638		\$4,000	\$1,638		\$4,000	\$1,638	
2013	\$150,000	0.3845	0.2188	0.00725	\$4,000	\$1,638		\$6,000	\$2,128		\$4,000	\$1,418		\$4,000	\$1,418		\$4,000	\$1,418	
2014	\$150,000	0.3845	0.2188	0.00725	\$4,000	\$1,638		\$6,000	\$2,128		\$4,000	\$1,418		\$4,000	\$1,418		\$4,000	\$1,418	
2015	\$150,000	0.3845	0.2188	0.00725	\$4,000	\$1,638		\$6,000	\$2,128		\$4,000	\$1,418		\$4,000	\$1,418		\$4,000	\$1,418	
2016	\$172,500	0.3407	0.2188	0.00725	\$5,250	\$1,782		\$6,000	\$2,395		\$4,000	\$1,338		\$4,000	\$1,338		\$4,000	\$1,338	
2017	\$172,500	0.3407	0.2188	0.00725	\$5,250	\$1,782		\$6,000	\$2,395		\$4,000	\$1,338		\$4,000	\$1,338		\$4,000	\$1,338	
2018	\$172,500	0.3407	0.2188	0.00725	\$5,250	\$1,782		\$6,000	\$2,395		\$4,000	\$1,338		\$4,000	\$1,338		\$4,000	\$1,338	
2019	\$172,500	0.3407	0.2188	0.00725	\$5,250	\$1,782		\$6,000	\$2,395		\$4,000	\$1,338		\$4,000	\$1,338		\$4,000	\$1,338	
2020	\$172,500	0.3407	0.2188	0.00725	\$5,250	\$1,782		\$6,000	\$2,395		\$4,000	\$1,338		\$4,000	\$1,338		\$4,000	\$1,338	
2021	\$199,375	0.3271	0.2130	0.00725	\$6,064	\$1,991		\$6,000	\$2,446		\$4,000	\$1,418		\$4,000	\$1,418		\$6,000	\$2,446	
2022	\$199,375	0.3271	0.2130	0.00725	\$6,064	\$1,991		\$6,000	\$2,446		\$4,000	\$1,418		\$4,000	\$1,418		\$6,000	\$2,446	
2023	\$199,375	0.3271	0.2130	0.00725	\$6,064	\$1,991		\$6,000	\$2,446		\$4,000	\$1,418		\$4,000	\$1,418		\$6,000	\$2,446	
2024	\$199,375	0.3271	0.2130	0.00725	\$6,064	\$1,991		\$6,000	\$2,446		\$4,000	\$1,418		\$4,000	\$1,418		\$6,000	\$2,446	
2025	\$199,375	0.3271	0.2130	0.00725	\$6,064	\$1,991		\$6,000	\$2,446		\$4,000	\$1,418		\$4,000	\$1,418		\$6,000	\$2,446	
2026	\$228,125	0.3140	0.2132	0.00725	\$6,966	\$2,187		\$9,125	\$2,809		\$4,000	\$1,338		\$4,000	\$1,338		\$9,125	\$2,809	
2027	\$228,125	0.3140	0.2132	0.00725	\$6,966	\$2,187		\$9,125	\$2,809		\$4,000	\$1,338		\$4,000	\$1,338		\$9,125	\$2,809	
2028	\$228,125	0.3140	0.2132	0.00725	\$6,966	\$2,187		\$9,125	\$2,809		\$4,000	\$1,338		\$4,000	\$1,338		\$9,125	\$2,809	

10 YEAR TOTALS (2009-2018)	\$16,842	\$2,232	\$7,755	\$21,432	\$6,685	\$2,149	\$6,003	\$14,432	\$6,685	\$2,149	\$6,003	\$14,432	\$6,685	\$2,149	\$6,003	\$14,432	\$6,685	\$2,149	\$6,003
LOST TAX REVENUE DUE TO INCENTIVES																			
% OF REVENUE LOST DUE TO INCENTIVES																			
COMPARISON TO CURRENT INCENTIVE (0-4 YEARS)																			

20 YEAR TOTALS (2009-2028)	\$37,373	\$3,433	\$47,802	\$44,315	\$47,802	\$4,315	\$47,802	\$47,802	\$4,315	\$47,802	\$4,315	\$47,802	\$47,802	\$4,315	\$47,802	\$4,315	\$47,802	\$4,315	\$47,802
LOST TAX REVENUE DUE TO INCENTIVES																			
% OF REVENUE LOST DUE TO INCENTIVES																			
COMPARISON TO CURRENT INCENTIVE (0-4 YEARS)																			

Assumptions:  
 Total millage increases 2% per year.  
 Property value is increased by 15% in measurement year.  
 Total millage will add 1.13% in measurement year.  
 Total millage will add 1.08% in measurement year.  
 School millage rolls back 10.08% in measurement year.



**AMBASSADORS FOR ECONOMIC DEVELOPMENT  
2008 NOMINATION GUIDELINES**  
*"South Carolina. We mean business."*

**Nomination Criteria (Please read carefully)**

Nominees originate from the field of private sector executives who have made exceptional contributions to community and state development during 2007/2008. Only one individual will be selected per county (no groups or organizations). Public sector employees or employees who receive direct compensation for performing economic development work are not eligible for this award. (Those not eligible include elected officials, public university or technical college employees, and government employees.) Nominees who have previously been selected as an Ambassador will not be accepted. If you are unsure whether a nominee might qualify, please call Chuck Bundy at (803)-737-0440 or email Chuck at [cbundy@sccommerce.com](mailto:cbundy@sccommerce.com). Nominees should have participated in one or more of the following activities during the year:

1. Met with prospects to share positive information about South Carolina in an effort to sell a location in the state, including the recruitment and support of high-tech and international companies;
2. Encouraged decision makers within their corporation to make capital investments at an existing South Carolina site;
3. Assisted with the planning or implementation of infrastructure critical to economic development such as education, health care, water, sewer or other infrastructure;
4. Assisted South Carolina's economic development efforts through supportive services such as engineering or site location; or,
5. Encouraged in international trade, promoting South Carolina products globally.

**Nomination Procedures**

Nominations should be submitted by completing the attached Nomination Form and providing a summary of the work done by the nominee and the resulting impact on the county's economic development efforts. Summary text should be no longer than one page. It would also be helpful in the summary information to also include the nominee's educational background and civic associations. **Please do not notify the person you are nominating as Ambassador until you have received confirmation that the nomination has been approved by South Carolina Department of Commerce staff.**

The nomination forms can be emailed directly to Chuck Bundy at [cbundy@sccommerce.com](mailto:cbundy@sccommerce.com). Please send electronically.

The Marketing and Communications Division of the Department of Commerce will help publicize the event. Please let us know where you want news stories sent.

**Email Nominations To:**

Chuck Bundy  
Telephone: 803-737-0440  
E-mail: [cbundy@sccommerce.com](mailto:cbundy@sccommerce.com)

**Nomination Deadlines and Notification**

Nominations are **due by July 16, 2008**. Letters of notification will be sent to nominees and county developers by August 15, 2008. If you have any questions concerning nominations, please call, Chuck Bundy at 803-737-0440.

<b>County:</b>			
<b>Local Economic Developer:</b>		<b>Phone:</b>	

<b>Name:</b>	
<b>Title:</b>	
<b>Company:</b>	
<b>Address:</b>	
<b>Phone:</b>	


1	As available, general education background, as well as civic associations
2	Any supplemental information, e.g. news articles, which you feel would be of interest

Chuck Bundy  
 Telephone: 803-737-0440  
 Email: [cbundy@secommerce.com](mailto:cbundy@secommerce.com)  
**Nominations are due by July 16, 2008. Please send form electronically.**

# *Richland County Council*

## *Rules and Appointments Committee*



### **RICHLAND COUNTY COUNCIL REGULAR SESSION MEETING JULY 15, 2008**

#### **REPORT OF THE RULES AND APPOINTMENTS COMMITTEE**

*Mike Montgomery*  
*Chair*  
*District Eight*

*Paul Livingston*  
*District Four*

*Bill Malinowski*  
*District One*

*Staffed by:*

*Monique Walters*  
*Assistant to the Clerk of*  
*Council*

#### **I. NOTIFICATION OF VACANCIES ON BOARDS, COMMISSIONS, AND COMMITTEES**

##### **A. Accommodations Tax Committee-1**

There is one vacancy for an un-expired term on this council.

Yolunda Armstrong (Lodging) February 6, 2009 (Resigned)

##### **B. Board of Assessment Control-1**

There is one term expiring on this board in July.

Joseph E. Sharpe July 12, 2008 \*

##### **C. Community Relations Council-1**

There will be one term expiring on the board in July.

Celestine Parker July 12, 2008 \*

##### **D. Employee Grievance Committee-1**

There is one vacancy on this committee for an un-expired term.

Richard Evans July 24, 2010 (Resigned)

#### **II. NOTIFICATION OF APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES**

##### **A. Board of Zoning Adjustments and Appeals-1**

There is one appointment to be made to this board, and two applications were received from the following:

Sheldon L. Cooke, Sr., Divisional Manager, Colonial Life Insurance  
Curran R. Stone, Pres/CEO, Cartoys, Inc.

**B. Building Codes Board of Adjustments and Appeals-1**

There is one appointment to be made to this board, and one application was received.

Victor Snipes, Electrical Contractor, Business Owner \*

**C. Central Midlands Council of Governments-2**

There are two appointments to be made to this committee; one application was received.

Sarah Watson, Insurance and Financial Services \*

**D. East Richland Public Service Commission-1**

There is one appointment to be made to this board; two applications were received from the following:

Phyllis B. Beighley, Retired SC Budget & Control Board Employee  
Insurance Program

William H. Hancock, CPA/PFS, Practicing CPA, Local Gov. Auditor

**E. Internal Audit Committee-1**

There is one appointment to be made to this board. No applications were received at this time.

**F. Midlands Regional Convention Center Authority-1**

There is one appointment to be made to this commission; one application was received from the following:

Tony Tam, Hotel/Restaurant Management/Development - *Reside in Rich Co.*

**III. MOTION PERIOD-RULE CHANGE**

**VI. MOTION PERIOD-REVIEW POLICY OF MOTIONS BEING HELD IN COMMITTEES FOR MORE THAN SIX MONTHS**

\* Eligible for re-appointment

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



APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION

Name: CURRYAN R. STONE
Home Address: 4421 BUNARFIELD ROAD, COLA SC 29206
Telephone: (home) 803 463-5756 (work) 803 691-4615
Office Address: 1225-C HEAD STREET, COLA, SC 29204
Educational Background: AGDC Degree ANDERSON College, BFA USC
Professional Background: PWS 1000 CARTOYS INC, MS PARTNER BICYCLEVIEW devel. GLOUCESTER

Male [x] Female [ ] Age: 18-25 [ ] 26-50 [x] Over 50 [ ]

Name of Committee in which interested: ZONING APPEALS

Reason for interest: AS A COMMERCIAL DEVELOPER I HAVE A EXPERIENCE THAT YOU COULD USE MY HELP.

Your characteristics/qualifications, which would be an asset to Committee/Board/Commission: ASSERTIVE, AGGRESSIVE IN BUS. ASS, OVER 20 YEARS IN BU OWNERS MY OWN BUSINESS'S

Presently serve on any County Board/Commission/Committee? NO

Any other information you wish to give?

Recommended by Council Member(s):

Hours willing to commit each month: AS MANY AS IT TAKES TO GET WHAT NEEDS TO BE DONE, DONE!

CONFLICT OF INTEREST POLICY

It is the policy of Richland County to require disclosure of any personal or financial interest that may be influenced by decisions of the board for which any citizen applies for membership.

Such conflict of interest does not preclude service but shall be disclosed before appointment. The Clerk of Council shall be notified of any change on an annual basis and members of all boards shall be required to abstain from voting or influencing through discussion or debate or any other way, decisions of the board affecting those personal and financial interests.



All statements so filed shall be signed and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his or her knowledge it is true and complete.

Any person who willfully files a false or incomplete statement of disclosure or no change of condition, or who willfully fails to make any filing required by this article, shall be subject to such discipline, including censure and disqualification from the Board or Commission, as the County Council, by majority vote of the council, shall elect.

### STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the board?

Yes \_\_\_\_\_ No

If so, describe: I AM IN THE COMMERCIAL DEVELOPMENT BUSINESS, HOWEVER MY INTEREST IN THIS BOARD IS TO MAKE THE PROCESS OF OTHER DEVELOPMENT EASIER AND FOR COLUMBIA + RICHMOND END TO 6000.

[Signature]  
Applicant's Signature

3-21-2008  
Date

Return to:  
Clerk of Council, Post Office Box 192, Columbia, SC 29202.  
For information, call 576-2060.

One form must be submitted for each committee on which you wish to serve.

Applications are current for one year.

Staff Use Only	
Date Received: _____	Received by: _____
Date Sent to Council: _____	
Status of Application:	<input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file



APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION

Applicant must reside in Richland County.

Name: Sheldon L. Cooke Sr.
Home Address: 16016 Sandera Dr.; Columbia S.C. 29229
Telephone: (home) 803-783-8410 (work) 803-213-7158
Office Address: 1200 Colonial Life Blvd.; Columbia S.C. 29210
Email Address: scooke@coloniallife.com
Educational Background: MA/Management
Professional Background: Divisional Manager
Male [X] Female [ ] Age: 18-25 [ ] 26-50 [X] Over 50 [ ]
Name of Committee in which interested: Zoning Appeal
Reason for interest: See Attachment

Your characteristics/qualifications, which would be an asset to Committee/Board/ Commission: See Attachment

Presently serve on any County Board/Commission/Committee? No
Any other information you wish to give? N/A
Recommended by Council Member(s): N/A
Hours willing to commit each month: 8 hrs

CONFLICT OF INTEREST POLICY

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Such conflict of interest does not preclude service but shall be disclosed before appointment. The Clerk of Council shall be notified of any change on an annual basis and members of all boards shall be required to abstain from voting or influencing through discussion or debate or any other way, decisions of the board affecting those personal and financial interests.



**SHELDON L. COOKE, SR.**  
**SCooke@Coloniallife.com**  
**1606 Sandra Street**  
**Columbia, South Carolina 29209**  
**Home: 803-783-8410 Cell: 803-513-3049**

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May 21, 2008

**Richland County Administrative Building**  
**2020 Hampton Street**  
**Columbia SC 29204**

**Attn: Richland County Council**

I'm interested in joining the Richland County Zoning Appeals Board, in order to serve my county and community as an effective member and citizen. Serving on the board would allow me to utilize my talents and experience learned in the business world to enhance the efficiency and effectiveness of the zoning appeal's process for the county. I believe my education and past work experience would allow me to contribute productively to the achievements of the board.

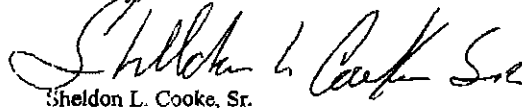
I am a graduate of Benedict College with a Bachelor of Science Degree in Business Administration with a concentration in Management. I am also a graduate of Webster University, where I received my Masters of Arts Degree in Management.

I am currently the Accident and Health Department Divisional Manager with Colonial Life. Through my education and experience I've gained a profound understanding of managerial concepts, leadership skills and diversified team oriented environments.

If appointed to the board I would use my professionalism and analytical skills to be an asset to the board and the people of Richland County. It would be an honor to serve my community as a member of the Richland County Zoning Appeals Board.

Thank you for your consideration and I look forward to your decision.

Sincerely,

  
Sheldon L. Cooke, Sr.

5/3/05 1st Appt.



**APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION**

**Applicant must reside in Richland County.**

Name: Victor Snipes

Home Address: 3044 Forest Dr Columbia SC 29204

Telephone: (home) 803-790-0503 (work) 803-252-4140

Office Address: 906 South Edisto Ave Columbia SC 29205

Educational Background: High School & Tech

Professional Background: Business owner for 20 years

Male  Female  Age: 18-25  26-50  Over 50

Name of Committee in which interested: Building board of adjustments

Reason for interest: \_\_\_\_\_

Your characteristics/qualifications, which would be an asset to Committee/Board/ Commission:

I Have been in the Electrical field for over 25 years and have been a business owner of Electrical Contractor For 20 years

Presently serve on any County Board/Commission/Committee? N

Any other information you wish to give? \_\_\_\_\_

Recommended by Council Member(s): \_\_\_\_\_

Hours willing to commit each month: what ever is needed

**CONFLICT OF INTEREST POLICY**

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All statements so filed shall be signed and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his or her knowledge it is true and complete.

Any person who willfully files a false or incomplete statement of disclosure or no change of condition, or who willfully fails to make any filing required by this article, shall be subject to such discipline, including censure and disqualification from the Board or Commission, as the County Council, by majority vote of the council, shall elect.

**STATEMENT OF FINANCIAL OR PERSONAL INTERESTS**

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the board?

Yes \_\_\_\_\_ No ✓ \_\_\_\_\_

If so, describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Signature]  
Applicant's Signature

4-4-05  
Date

**Return to:**  
**Clerk of Council, Post Office Box 192, Columbia, SC 29202.**  
**For information, call 576-5060.**

**One form must be submitted for each committee on which you wish to serve.**

**Applications are current for one year.**

<b>Staff Use Only</b>	
Date Received: _____	Received by: _____
Date Sent to Council: _____	
Status of Application: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file	



**APPLICATION FOR SERVICE ON RICHLAND COUNTY  
COMMITTEE, BOARD OR COMMISSION**

**Applicant must reside in Richland County.**

Name: Sarah B. Watson

Home Address: 1701 Chadford Rd, Irmo, SC 29063

Telephone: (home) 803-781-0899 (work) 803-269-7351

Office Address: same as home

Email Address: swatson1957@aol.com

Educational Background: graduate- Furman University BA - Sociology

Professional Background: Insurance and financial services

Male  Female  X Age: 18-25  26-50  X Over 50

Name of Committee in which interested: Central Midlands Council of Governments

Reason for interest: I have served on this committee for several years and I wish to continue to represent Richland County. I am also a resident of the town of Irmo.

Your characteristics/qualifications, which would be an asset to Committee/Board/ Commission:  
I have excellent communication skills. I am committed and dedicated as a citizen of Richland County.

Presently serve on any County Board/Commission/Committee? Citizens Advisory Board - SRS

Any other information you wish to give? None

Recommended by Council Member(s): Mr. Joe McEachern, Chairman

Hours willing to commit each month: 2-3hours

**CONFLICT OF INTEREST POLICY**

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### STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the board?

Yes \_\_\_\_\_ No X \_\_\_\_\_

If so, describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Sarah B. Watson (approved e/signature)      July 8, 2008 \_\_\_\_\_  
Applicant's Signature                              Date

**Return to:**  
**Clerk of Council, Post Office Box 192, Columbia, SC 29202.**  
**For information, call 576-2060.**

**One form must be submitted for each committee on which you wish to serve.**

**Applications are current for one year.**

<b>Staff Use Only</b>	
Date Received: _____	Received by: _____
144 of 155	
2 Date Sent to Council: _____	





APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION

Applicant must reside in Richland County.

Name: Phyllis B Beighley
Home Address: 6 Old Mill Court Columbia SC 29206
Telephone: (home) 738-0737 (work) retired
Office Address: Retired

Educational Background: BA Connecticut College; CEBS (Certified Employee Benefits Specialist)
Professional Background: 1972-2003 SC Budget & Control Board Employee Insurance Program
Male [ ] Female [ ] Age: 18-25 [ ] 26-50 [ ] Over 50 [X]

Name of Committee in which interested: East Richland Public Service Commission

Reason for interest: I would like to serve my community and think that my business skills would be valuable to the Commission

Your characteristics/qualifications, which would be an asset to Committee/Board/ Commission:

31 years management experience in employee benefits
Board member Old Mill Properties Owners Association
Personnel Committee Eastminster Presbyterian Church
Presently serve on any County Board/Commission/Committee? NO

Any other information you wish to give? I was on the Board of the YMEA for about 10 years

Recommended by Council Member(s): Mike Murphy Greg Pearce

Hours willing to commit each month: whatever it takes

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**STATEMENT OF FINANCIAL OR PERSONAL INTERESTS**

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the board?

Yes \_\_\_\_\_

No  \_\_\_\_\_

If so, describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Anglio Beahley  
Applicant's Signature

6/18/08  
Date

**Return to:**  
**Clerk of Council, Post Office Box 192, Columbia, SC 29202.**  
**For information, call 576-2060.**

**One form must be submitted for each committee on which you wish to serve.**

**Applications are current for one year.**

Staff Use Only	
Date Received: _____	Received by: _____
Date Sent to Council: _____	
Status of Application: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file	



**APPLICATION FOR SERVICE ON RICHLAND COUNTY  
COMMITTEE, BOARD OR COMMISSION**

**Applicant must reside in Richland County.**

Name: William H. Hancock, CPA/PFS

Home Address: 3746 Rockbridge Road, Columbia, SC 29206

Telephone: (home) 803-787-8413 (work) 803-739-3090

Office Address: 501 State Street, P.O. Box 5949, West Columbia, SC 29171

Email Address: whancock@bbphcpa.com

Educational Background: B.S. Business Administration, Major: Accounting, The Citadel, 1990

Professional Background: Practicing CPA, Local Government Auditor

Male  Female  Age: 18-25  26-50  Over 50

Name of Committee in which interested: East Richland Public Service District

Reason for interest: Community service, responsible governance, ethical leadership

Your characteristics/qualifications, which would be an asset to Committee/Board/ Commission:  
Auditor of local governments, well versed in government finance, fiscally conservative

Presently serve on any County Board/Commission/Committee? No

Any other information you wish to give? \_\_\_\_\_

Recommended by Council Member(s): \_\_\_\_\_

Hours willing to commit each month: As needed

**CONFLICT OF INTEREST POLICY**

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**STATEMENT OF FINANCIAL OR PERSONAL INTERESTS**

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the board?

Yes \_\_\_\_\_ No X \_\_\_\_\_

If so, describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

William H. Idensack  
Applicant's Signature

6/11/2008  
Date

**Return to:**  
**Clerk of Council, Post Office Box 192, Columbia, SC 29202.**  
**For information, call 576-2060.**

**One form must be submitted for each committee on which you wish to serve.**

**Applications are current for one year.**

Staff Use Only	
Date Received: _____	Received by: _____
Date Sent to Council: _____	
Status of Application:	<input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file



**APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION**

**Applicant must reside in Richland County.**

Name: Tony Tam

Home Address: 116 High Bluff Lane, Irmo, SC 29063

Telephone: (home) 803-732-1774 (work) 803-744-7800

Office Address: 924 Senate Street, Columbia, SC 29201

Email Address: tony@hospitalityamerica.com

Educational Background: Bachelor Science-Business Marketing

Professional Background: Hotel / Restaurant Management/development

Male  Female  Age: 18-25  26-50  Over 50

Name of Committee in which interested: Midlands Authority for Conventions, Sports, Tourism

Reason for interest: Bring more groups, visitors, and tourist to Columbia

Your characteristics/qualifications, which would be an asset to Committee/Board/ Commission:

Extensive hotel, restaurant, convention management experience in Columbia and southeast

Presently serve on any County Board/Commission/Committee? none

Any other information you wish to give? Resume attached

Recommended by Council Member(s): \_\_\_\_\_

Hours willing to commit each month: \_\_\_\_\_

**CONFLICT OF INTEREST POLICY**

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Such conflict of interest does not preclude service but shall be disclosed before appointment. The Clerk of Council shall be notified of any change on an annual basis and members of all boards shall be required to abstain from voting or influencing through discussion or debate or any other way, decisions of the board affecting those personal and financial interests.

All statements so filed shall be signed and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his or her knowledge it is true and complete.

Any person who willfully files a false or incomplete statement of disclosure or no change of condition, or who willfully fails to make any filing required by this article, shall be subject to such discipline, including censure and disqualification from the Board or Commission, as the County Council, by majority vote of the council, shall elect.

**STATEMENT OF FINANCIAL OR PERSONAL INTERESTS**

Do you have any financial or personal interest in any business or corporation (profit or not-for-profit) that could be potentially affected by the actions of the board?

Yes \_\_\_\_\_ No   X  

If so, describe: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
Applicant's Signature

6-26-08  
Date

**Return to:**  
**Clerk of Council, Post Office Box 192, Columbia, SC 29202.**  
**For information, call 576-2060.**

**One form must be submitted for each committee on which you wish to serve.**

**Applications are current for one year.**

<b>Staff Use Only</b>	
Date Received: _____	Received by: _____
Date Sent to Council: _____	
Status of Application:	<input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file

**Tony Tam**

116 High Bluff Lane

Irmo, South Carolina 29063

Phone 803-732-1774 Mobile 803-309-5878 E-Mail tony@hospitalityamerica.com

**Biography**

With over fifteen years in the hospitality industry, Mr. Tam is experienced in all facets of hotel management and development and has overseen notable projects across the Southeast. Most recently, Mr. Tam oversaw the development of the City Of Columbia's first new full service hotel in over 20 years, the Hilton Columbia Convention Center. With a direct interest in the tourism and hospitality industries, Mr. Tam has devoted his career to advancing tourism through outstanding hotel projects and unsurpassed client service. His recent hotel projects include:

**Recent Hotel Projects**

**General Manager/City Manager**

November 2005-Present Hilton Columbia Convention Center (HCCC) Columbia, SC

- Responsible for all aspects of operations and assets of a 222 room, 100 employee full-service property.
- During the hotel development, Mr. Tam served as the Management Company Representative with State, City and County leaders related to city funding for this project.
- In addition to serving as the General Manager of HCCC Mr. Tam continues to oversee operations related to the Hampton Inn Historic District (122 rooms)
- Responsible for all community and media relations related to the hotel's grand opening.
- Oversees all guest relations.
- Responsible for meeting all financial and service goals set forth by owners and Management Company.
- Responsible for market research and planning related to future hotel development and management contracts.

**Hotel Highlights/Achievements/Accomplishments during Mr. Tam's Tenure**

- Less than 1 year after opening, HCCC is ranked in the Top 2% out of 283 Full Service Hiltons in terms of service and guest loyalty and is ranked Number 1 of all Hiltons in terms of cleanliness.
- HCCC serves as the host hotel for numerous national and international dignitaries and celebrity clientele including national and international political figures, and renowned entertainers.
- HCCC hosts hundreds of meetings and conventions each year for businesses across the United States and currently holds contracts for conventions as far out as 2015.
- HCCC created over 200 jobs in the City of Columbia's Empowerment Zone in the year 2007.
- HCCC is one of the largest contributors to the hospitality and accommodations taxes in Richland County.
- HCCC works in conjunction with South Carolina Parks, Recreation and Tourism, the South Carolina Association of Counties, and Meeting Planners International to identify and attract convention business to the Columbia area.

**General Manager/Management Company Representative**

December 2001-Present Hampton Inn-Vista Columbia, SC

- Responsible for all aspects of operations and assets of a 122 room focused-service property.
- Responsible for all community and guest relations.
- Responsible for meeting all financial and service goals set forth by owners and Management Company.
- Representing Management Company with City and County leaders related to the development of a full-service, city-subsidized convention center hotel.
- Responsible for market research and planning related to future hotel development and management contracts.

**Hotel Highlights/Achievements/Accomplishments during Mr. Tam's Tenure**

- The Hampton Inn Vista was selected as one of only 15 hotels of the 1400 International Hampton Inns to set test and set brand standards for Bedding, Breakfast and Guest Check In Automation.
- In 2007 the Hampton Inn held the highest occupancy rate in the city of Columbia a position it has held for over 5 years.
- In 2006, the Hampton Inn was chosen as a Light House Awarding winning hotel, an award given to the top 50 hotels of all Hampton Inns.
- Since opening in 2001, the Hampton Inn has continually been ranked in the "Circle of Excellence" awarded to the top 10% of Hampton Inn's in terms of brand standards, guest satisfaction and overall quality in operations.
- 2005 Winner of the Community Service Award given by the South Carolina Hospitality Association.
- 2003 "Job Creation Award" given by the South Carolina Employment Commission.

**General Manager**

March 2001-December 2001 Hampton Inn-Vestavia Birmingham, AL

- Responsible for all aspects of operations and assets of a 123 room focused-service property.
- Oversaw all corporate office reporting.
- Responsible for meeting all financial goals set forth by company-managed hotel.

**Assistant General Manager**

July 1998- March 2001 Hampton Inn Simpsonville Simpsonville SC

- Responsible for day-to-day operations of 84 room property.
- Responsible for all hotel sales, human resources administration, front office staff, housekeeping staff, payroll, and manager on duty responsibilities (84 Rooms).
- Essential member of hotel opening staff.

**Director of Sales**March 1998 -July 1998 Hampton Inn Greenville Greenville SC  
Airport Location

- Hotel senior staff member responsible for all hotel sales functions along with manager on duty responsibilities for company-managed hotel (140 Rooms).

**Sales Coordinator & Guest Services Representative**June 1997-March 1998 Hampton Inn Greenville Greenville SC  
Woodruff Road Location

Tony Tam 2





- 16) Motion period/Announcements: Any Council member may make an announcement or introduce an item (including resolutions and ordinances) for referral to a Committee. However, any Council member wishing to make a motion during the "motion period" must have transmitted a written request to the Clerk's Office by the deadline for posting the agenda of a regularly scheduled meeting of Council in accordance with the South Carolina Freedom of Information Act (i.e., twenty-four hours prior to such meeting) so that the nature of the motion appears on the agenda. Motions for 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.

*Insert: if less than 24 hours notice and requires action it must go to committee*

B. Motion Period-Review Rule regarding motions being held in  
Committees for more than six months

4.6 paragraph 3 of the Council Rules.

*Any item defeated, tabled, or not acted on by committee within 90 days of that item having been placed on the committee's agenda may be placed on the Council agenda when the Clerk's Office has received a written request signed by three members of Council.*