

**RICHLAND COUNTY COUNCIL  
REGULAR SESSION  
NOVEMBER 20, 2007  
6:00 P.M.**

**CALL TO ORDER**                    **Honorable Joseph McEachern,  
Chairman**

**INVOCATION**                    **Honorable Bernice G. Scott**

**PLEDGE OF ALLEGIANCE**  
**Honorable Bernice G. Scott**

**PRESENTATION:**                **Dr. Caroline Whitson, Chair  
Transportation Study Commission  
Update**

**CITIZEN'S INPUT**

**ADOPTION OF AGENDA**

**APPROVAL OF MINUTES**

**Regular Session:**                **November 6, 2007**

**Special Called Meeting:**        **November 12, 2007**

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

- a. Columbia Venture vs. FEMA**
- b. Northeast Sanitary Landfill Settlement Negotiations**
- c. Legal Advice: Tourism Development**

**REPORT OF THE COUNTY ADMINISTRATOR**

- a. TIF Update**
- b. Riverside Property Contract**

**REPORT OF THE CLERK OF COUNCIL**

**REPORT OF THE CHAIRMAN**

- a. **Joint Planning Commission**
- b. **Legislative Delegation Meeting**
- c. **Business Summit**

**APPROVAL OF PUBLIC HEARING ITEMS**

**APPROVAL OF CONSENT ITEMS**

**1.a., 1.b., 1.c., 1.d.,**

**1. THIRD READING ITEMS**

- a. **07-43MA  
Oak Hills  
PDD to amended PDD  
Golf Course w/ Mixed Use Development  
09600-02-13 & 09600-03-01, 02, 03  
U.S. Hwy. 321 & Oak Hills Drive  
[CONSENT] [Pages**
  
- b. **07-44MA  
Garden Valley Subdivision  
M-1 to PDD (7.33 acres)  
Single Family Residential  
22906-03-48 & 49  
North Springs Road  
[CONSENT] [Pages**
  
- c. **07-53MA  
Church Properties, LLC  
Viji Sashikant  
NC to GC (.46 acres)  
Home Cleaning Service  
16415-07-03  
1518 Leesburg Road  
[CONSENT] [Page**
  
- d. **07-56MA  
Saluda Dam, LLC  
Mark Richardson  
HI to GC (20.68 acres)  
Residential Multi-Family Use  
07315-01-01 & 02**

- e. **Ordinance amending Floodplain Overlay District; Subsection (d), Standards in the Floodplain; Paragraph (2), Specific Standards; Subparagraph (j) Fill; so as to allow the use of fill in the floodplain.**

**2. SECOND READING ITEMS**

- a. **07-52MA  
Ashley Oaks Development  
Mike Shelley (29.30 acres)  
M-1 to RS-LD  
Single Family Residential  
17700-01-13  
Wilson Blvd. & Farrow Road**
- b. **Ordinance authorizing the sale of Lot 10 in the Richland Northeast Industrial Park to “The Taylored Window, LLC”**
- c. **Ordinance authorizing fee agreement, including payment of a fee-in-lieu of taxes, to Staples**
- d. **Amendment to Chapter 23, Taxation; Article VI, Local Hospitality Tax; Sections 23-69 & 23-71**

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

- 1. **Ordinance authorizing International Truck and Engine Corporation FILOT Assignment**
- 2. **KIRCO (Deferred from 11-06-07 EDC Council Agenda)**
  - a. **Ordinance to include KIRCO property in the I-77 Corridor Regional Industrial Park**
  - b. **Infrastructure Credit Agreement**
- 3. **Project Y**
  - a. **Inducement Resolution**
  - b. **FILOT Ordinance**

4. **REPORT OF THE RULES AND APPOINTMENTS COMMITTEE**
  - I. **NOTIFICATION OF VACANCIES ON BOARDS, COMMISSIONS, AND COMMITTEES**
    - A. **Employee Grievance Committee-1**
    - B. **Lexington/Richland Alcohol and Drug Abuse Council-2**
    - C. **Richland Memorial Hospital Board-4**
  - II. **NOTIFICATION OF APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES**
    - A. **Accommodations Tax Advisory Committee-2**
    - B. **Board of Assessment Appeals-1**
    - C. **Building Codes Board of Adjustments and Appeals-1**
    - D. **Business Service Center Appeals Board-5**
    - E. **Employee Grievance Committee-1**
    - F. **Township Auditorium Board-1**
5. **CITIZEN'S INPUT**
6. **EXECUTIVE SESSION**
7. **MOTION PERIOD**
8. **ADJOURNMENT**

# MINUTES OF



## RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, NOVEMBER 6, 2007 6:00 p.m.

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

---

### MEMBERS PRESENT:

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

**OTHERS PRESENT** – Michelle Cannon-Finch, Milton Pope, Tony McDonald, Roxanne Matthews, Joe Cronin, Stephany Snowden, Jennifer Dowden, Tamara King, Larry Smith, Amelia Linder, Joseph Kocy, Michael Criss, Anna Almeida, Audrey Shifflett, Daniel Driggers, Chief Harrell, Jim Wilson, Monique Walters, Michelle Onley

### CALL TO ORDER

The meeting was called to order at approximately 6:00 p.m.

### INVOCATION

The Invocation was given by the Honorable Joseph McEachern

### **PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was led by the Honorable Joseph McEachern and the guest Boy Scout Troops

### **RICHLAND 101 GRADUATION**

Ms. Jennifer Dowden presented the Fall Richland 101 graduates. Ms. Jill Uzzio, a Richland 101 graduate, gave a brief speech.

**POINT OF PERSONAL PRIVILEGE** – Ms. Dickerson recognized that her neighbor and her children were in the audience.

### **BOYS & GIRLS CLUB OF AMERICA**

Mr. Carter Clark, Chief Executive Officer, gave a brief update on the Boys & Girls Club of America Program.

### **CITIZEN'S INPUT**

No one signed up to speak.

### **ADOPTION OF AGENDA**

Mr. Smith requested that a Personnel Matter be added under the Report of the County Attorney for Executive Session.

Ms. Finch stated that Item 4.g. should be added to the Approval of Consent Items list and an Adjournment needed to be added as Item 11.

Ms. Smith moved, seconded by Ms. Hutchinson, to approve the agenda as amended.

### **APPROVAL OF MINUTES**

**Regular Session: October 16, 2007** – Ms. Hutchinson moved, seconded by Ms. Scott, to reconsider the portion of the minutes dealing with the N. E. Sanitary Landfill. A discussion took place.

**POINT OF ORDER** – Mr. Montgomery stated he did not understand the purpose of reconsidering this matter.

Ms. Hutchinson withdrew her motion.

Mr. Malinowski called the Clerk's attention to grammatical corrections on pages 2, 5 and 7.

Ms. Smith moved, seconded by Ms. Hutchinson, to approve the minutes as corrected. The vote in favor was unanimous.

**Zoning Public Hearing: October 23, 2007** – Mr. Montgomery moved, seconded by Ms. Smith, to approve the minutes as submitted. The vote in favor was unanimous.

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

The following items were potential Executive Session items:

- a. **Riverside Contract**
- b. **TIF Update**
- c. **Farmers' Market Update**
- d. **NE Sanitary Landfill**
- e. **Internal Audit Committee**
- f. **Personnel Matter**

#### **REPORT OF THE COUNTY ADMINISTRATOR**

**PIO Telly Award** – Mr. Pope presented the Public Information Office employees with the 2007 Bronze Telly Award.

**Demolition of Unsafe Mobile Homes on Percival Road** – Mr. Pope recognized Mr. Phipps and his department for their work regarding this matter.

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

**IT Training** – Ms. Finch stated that the IT training was successful and training for those Council members not able to attend was being rescheduled.

**American Recycles Day Celebration** – Ms. Finch stated that an American Recycles Day Celebration will be held on Saturday, November 17<sup>th</sup> from 10:00 a.m.-4:30 p.m.

**Councilwomen Dickerson Recognition** – Ms. Finch congratulated Ms. Dickerson on being named the State Director for the National Foundation of Women Legislators.

**December Council Schedule** – Ms. Finch stated that she needed guidance on the dates for meetings in December. *(This matter was taken up during the motion period.)*

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

**Joint Planning Commission Work Session** – Mr. McEachern requested that the Clerk's Office schedule a work session with County Council and the City Council to work on the Joint Planning Commission.

**Business Summit** – Mr. McEachern requested that the Clerk's Office work on scheduling a Business Summit.

### **PUBLIC HEARING ITEMS**

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

- **An Ordinance Establishing Policies and Procedures to be followed in Connection with Conduit Financings** – No one signed up to speak.
- **An Ordinance Authorizing the Issuance of not to exceed (\$5,000,000) General Obligation Bonds to be used for the following purposes: Purchase of Land and Constructing a Public Safety Facility (\$1,600,000); Purchase of Vehicles for use by the Sheriff's Department for fiscal year 2007-2008 (\$2,000,000); and for the Expansion of the City's Animal Shelter (\$1,400,000)** – No one signed up to speak
- **An Ordinance Authorizing the Issuance of not to exceed (\$6,975,000) General Obligation Bonds for the payment of the outstanding Bond Anticipation Note issued for the Innovista Project** – No one signed up to speak.

The public hearing was closed.

### **APPROVAL OF CONSENT ITEMS**

Ms. Scott moved, seconded by Ms. Dickerson, to approve the following consent items:

- **An Ordinance Establishing Policies and Procedures to be followed in Connection with Conduit Financings** [Third Reading]
- **An Ordinance Authorizing the Issuance of not to exceed (\$5,000,000) General Obligation Bonds to be used for the following purposes: Purchase of Land and Constructing a Public Safety Facility (\$1,600,000); Purchase of Vehicles for use by the Sheriff's Department for fiscal year 2007-2008 (\$2,000,000); and for the Expansion of the City's Animal Shelter (\$1,400,000)** [Third Reading]
- **An Ordinance Authorizing the Issuance of not to exceed (\$6,975,000) General Obligation Bonds for the payment of the outstanding Bond Anticipation Note issued for the Innovista Project** [Third Reading]
- **07-43MA, Oak Hills, PDD to Amended PDD, Golf Course w/ Mixed Use Development, 09600-02-13 & 09600-03-01, 02, 03** [Second Reading]
- **07-44MA, Garden Valley Subdivision, M-1 to PDD (7.33 Acres), Single Family Residential, 22906-03-48 & 49, North Springs Road** [Second Reading]
- **07-53MA, Church Properties, LLC, Viji Sashikant, NC to GC (.46 Acres), Home Cleaning Service, 16415-07-03, 1518 Leesburg Road** [Second Reading]



- **07-56MA, Saluda Dam, LLC, Mark Richardson, HI to GC (20.68 Acres), Residential Multi-Family Use, 07315-01-01 & 02, 4120 River Drive [Second Reading]**
- **Request from Aramark, LLC to permit soil and groundwater monitoring at Owens Downtown Airport**
- **Request to accept a conservation easement from Mr. John Eleazer for 62 acres of property in Northwest Richland County**
- **A Resolution in support of the Central Midlands Council of Governments conducting a Joint Land Study (JLUS) of Fort Jackson, McCrady Training City of Columbia and other surrounding communities, as a means of sustaining the long-term viability of these installations and their military missions**
- **A Resolution in support of the Midlands Area Joint Installations Consortium (MAJIC)**
- **Request to approve a contract from property insurance**
- **Request to negotiate a contract with Siemens for the development of an energy proficiency, solutions, development and implementation plan**
- **Request to negotiate and award a contract with First Vehicle Services for fleet maintenance and management services**

#### **SECOND READING ITEMS**

**07-52MA, Ashley Oaks Development, Mikey Shelley (29.30 Acres), M-1 to RS-LD, Single Family Residential, 17700-01-13, Wilson Blvd. & Farrow Road – Ms.**

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

#### **REPORT OF THE ADMINISTRATION AND FINANCE COMMITTEE**

**Amendments to an agreement between Richland County and the Historic Columbia Foundation for the management of the Woodrow Wilson Home and Hampton Preston Mansion – Ms. Hutchinson moved, seconded by Ms. Smith, to**

**approve this item contingent upon the recording of deeds. The vote in favor was unanimous.**

**Ordinance amending the fiscal year 2007-2008 budget ordinance to unappropriate undesignated hospitality tax funds in the budget ordinance to reflect a decrease in available funds – Ms. Smith stated that the committee's recommendation was for approval. A discussion took place.**

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

The motion failed.

**An Ordinance amending the Richland County Code of Ordinances; Chapter 23, Taxation; Article VI, Local Hospitality Tax; Section 23-69, Distribution of Funds; and Section 23-71, Oversight and Accountability** – Ms. Smith stated that the committee’s recommendation was for approval. A discussion took place.

Ms. Smith moved, seconded by Ms. Hutchinson, to give First Reading approval to an ordinance amendment that continues quarterly distribution for the Museum of Art, Historic Columbia and EdVenture and gives annual distribution for County Promotions and that the amended ordinance be available to Council before Second Reading.

Mr. Malinowski moved, seconded by Ms. Hutchinson, to amend Section 23-69(d) so that the first line shall read: ...each agency named above shall be considered for an increase based on revenue growth. A discussion took place.

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

The vote was in favor of Mr. Malinowski’s amendment.

The vote was in favor of the main motion.

**Sheriff Department: Request to approve a Financial Crimes Victim Assistance Program grant (Personnel Required, no match)** – Ms. Smith stated that the committee’s recommendation was for approval. A discussion took place.

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

**SC State Military Department Funding Request** – Ms. Smith stated that the committee recommended appropriating \$2,000 from the Administrator’s operating fund. A discussion took place.

Mr. Jackson, Ms. Hutchinson, and Ms. Scott stated that they would also appropriate an additional \$250.00 from their accounts to fund this request.

The vote in favor was unanimous.

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

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

- a. **Accommodations Tax Advisory Committee—1** – Mr. Montgomery stated that the committee recommended that staff advertise for this vacancy. The vote in favor was unanimous.
- b. **Internal Audit Committee—1** – Mr. Montgomery stated that the committee recommended that staff advertise for this vacancy. The vote in favor was unanimous.

#### **REPORT OF ECONOMIC DEVELOPMENT COMMITTEE**

**Ordinance Authorizing Sale of Lot 10 in the Richland Northeast Industrial Park to the “Taylored Window, LLC”** – Mr. Jeter stated that the committee recommended approval of this item. A discussion took place.

The vote in favor was unanimous.

**KIRCO** – Mr. Jeter moved, seconded by Mr. Malinowski, to defer this item. The vote in favor was unanimous.

- a. **Ordinance to Include KIRCO property in the I-77 Corridor Regional Industrial Park**
- b. **Infrastructure Credit Agreement**

#### **Staples**

- a. **Ordinance Authorizing Fee Agreement, including payment of a fee-in-lieu of taxes** – Mr. Jeter stated that the committee recommended approval of this item. The vote in favor was unanimous.
- b. **FILOT Agreement** – Mr. Jeter stated that the committee recommended approval of this item. The vote in favor was unanimous.

**APPROVAL OF RESOLUTIONS TO APPOINT AND COMMISSION CODE  
ENFORCEMENT OFFICERS FOR THE PROPER SECURITY, GENERAL WELFARE  
AND CONVENIENCE OF RICHLAND COUNTY**

- a. **Marquis Leonard Gantt (Animal Care)** – Mr. Montgomery moved, seconded by Mr. Malinowski, to approve this item. The vote in favor was unanimous.
- b. **Thomas Pierce Paige (Animal Care)** – Mr. Montgomery moved, seconded by Mr. Malinowski, to approve this item. The vote in favor was unanimous.
- c. **Bradley Craig Rogers (Business Service Center)** – Mr. Montgomery moved, seconded by Mr. Malinowski, to approve this item. The vote in favor was unanimous.

**CITIZEN'S INPUT**

No one signed up to speak.

**EXECUTIVE SESSION ITEMS**

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

=====  
**Council went into Executive Session at approximately 7:18 p.m. and came out at approximately 8:52 p.m.**  
=====

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

- a. **Riverside Contract** – No action taken.
- b. **TIF Update** – Mr. Jeter moved, seconded by Ms. Scott, to authorize the attorneys and a delegation of Council members appointed by the Chairman to engage in mediation discussions with the City of Columbia. The vote in favor was unanimous.
- c. **N. E. Sanitary Landfill** – No action was taken.
- d. **Internal Audit Committee** – No action taken.
- e. **Personnel Matter** – No action taken.

## MOTION PERIOD

**Transportation Commission Contract Review** – Mr. Jackson moved, seconded by Mr. Malinowski, to direct staff to review the Transportation Commission contract and report back to Council at the November 20<sup>th</sup> meeting.

**Road Maintenance Fee** – Mr. Jackson referred to the D&S Committee a request to re-visit and revise the Road Maintenance Fee.

**Distribution of Grant Funds** – Mr. Jackson requested that the Clerk's Office research this item and report back to Council at the November 20<sup>th</sup> meeting.

**Council Member Pay Increases** – Mr. Jeter requested an update on the request for increases in the Council member pay.

**Farmers' Market Property** – Ms. Scott moved, seconded by Mr. Jackson, to direct the County Administrator to negotiate with the Department of Agriculture and the Budget and Control Board to enforce the terms of the MOU with the Department of Agriculture in regard to the Farmers' Market property and also request that the Council Chairman establish a committee of Council members to meet with the Recreation Commission. The vote in favor was unanimous

Mr. Jackson proposed that the committee consider placing a golf course in the Lower Richland area.

Ms. Scott accepted the amendment to her original motion.

**American Recycles Day** – Ms. Hutchinson moved, seconded by Ms. Scott, that Richland County Council declare November 15<sup>th</sup> American Recycles Day and that the County will be sponsoring an event on Saturday, November 17<sup>th</sup> from 10:00 a.m. to 4:30 p.m. The vote in favor was unanimous.

**December Meeting Schedule** – The consensus of Council was to schedule the December meetings on December 4<sup>th</sup> and 18<sup>th</sup>.

**Holiday Drop-in for Elected Officials** – Ms. Smith stated that Council had hosting a holiday drop-in for elected officials in the region.

**Legislative Delegation Meeting** – Mr. McEachern directed the Clerk's Office to schedule a meeting with the Legislative Delegation.

**POINT OF PERSONAL PRIVILEGE** – Ms. Scott recognized that Mr. McEachern's son was in the audience.

**ADJOURNMENT**

The meeting adjourned at approximately 9:02 p.m.

---

Joseph McEachern, Chair

---

Valerie Hutchinson, Vice-Chair

---

Joyce Dickerson

---

Norman Jackson

---

Damon Jeter

---

Paul Livingston

---

Bill Malinowski

---

Mike Montgomery

---

L. Gregory Pearce, Jr.

---

Bernice G. Scott

---

Kit Smith

The minutes were transcribed by Michelle M. Onley

# MINUTES OF



## RICHLAND COUNTY COUNCIL SPECIAL CALLED MEETING TUESDAY, NOVEMBER 12, 2007 2:00 P.M.

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

---

### MEMBERS PRESENT:

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

**OTHERS PRESENT** – Michelle Cannon-Finch, Milton Pope, Tony McDonald, Larry Smith

### CALL TO ORDER

The meeting was called to order at approximately 2:00 p.m.

**Richland County and City of Columbia Settlement** – Mr. Montgomery moved, seconded by Ms. Dickerson, to go into Executive Session. The vote in favor was unanimous.

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

Mr. Montgomery moved, seconded by Ms. Hutchinson, to approve the settlement agreement presented by Council to resolve the issue with the City of Columbia regarding the two TIFs and allow Council the latitude to include in that settlement agreement, if necessary, the language or something similar to what has been proposed as County Alternative #6. The vote in favor was unanimous.

**ADJOURNMENT**

The meeting adjourned at approximately 2:20 p.m.

\_\_\_\_\_  
Joseph McEachern, Chair

\_\_\_\_\_  
Valerie Hutchinson, Vice-Chair

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

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

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

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

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

\_\_\_\_\_  
Mike Montgomery

\_\_\_\_\_  
L. Gregory Pearce, Jr.

\_\_\_\_\_  
Bernice G. Scott

\_\_\_\_\_  
Kit Smith

The minutes were transcribed by Michelle M. Onley



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

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 # 09600-02-13 AND TMS # 09600-03-01/02/03 FROM PDD (PLANNED DEVELOPMENT DISTRICT) TO AN AMENDED PDD (PLANNED DEVELOPMENT 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 properties described as TMS # 09600-02-13 and a TMS # 09600-03-01/02/03 (described in Exhibit A, which is attached hereto), from PDD (Planned Development District) zoning to an amended PDD (Planned Development District) zoning, as described herein.

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

- a) The applicant shall comply with the Master Plan (dated June 29, 2007 and revised through August 23, 2007) prepared for Columbia View LLC by The Landplan Group South, which was submitted to, and is on file in, the Richland County Planning & Development Services Department (hereinafter referred to as "PDSD"), and is incorporated herein by reference, except as otherwise amended herein; and
- b) The site development shall be limited to:
  1. Eight hundred four (804) single-family units, with a minimum lot size of 6,050 square feet; and
  2. Seven hundred four (704) multi-family units, with a maximum density of eight (8) units per acre and a maximum of two hundred four (204) townhouse units; and
  3. Twenty-eight (28) acres of retirement campus, to include assisted living and skilled nursing facilities, with a maximum density of twelve (12) units per acre; and
  4. Three (3) acres reserved for county services and thirty (30) acres reserved for commercial uses; and
  5. Two hundred seventy-six (276) acres reserved and dedicated as open space, to include the existing golf course and the fifty-one (51) acre lake, stream wetlands, bicycle and walking trails, detention/retention areas, tree preservation areas, outdoor recreation and field sports, and landscaped islands; and
- c) Unless otherwise provided herein, all development shall conform to all current relevant land development regulations; and
- d) Proposed changes to the Master Plan shall be subject to the requirements of Section 26-59(j)(1) of the Richland County Land Development Code; and

- e) The applicant shall provide sidewalks, a minimum of five (5) feet in width, along all internal and external roads of the site; and
- f) Mitigation of traffic concerns shall be address through the submission of a Development Agreement; and
- g) Access to the subject site shall be limited to a total of four (4) curb cuts – one (1) on Boyle-Dubard Road, one (1) on Fairfield Road (aka U.S. Highway 321, and two (2) on Crane Church Road (as depicted on Exhibit B, which is attached hereto and incorporated herein); and
- h) The applicant, South Carolina Department of Transportation (SCDOT) staff, and PDS staff shall meet and a Development Agreement shall be provided to address the implementation of a “Traffic Management Plan”; and
- i) The applicant shall meet all minimum standards of Chapter 26 of the Richland County Code of Ordinances for parking, sidewalks and pedestrian amenities, signs, recreation/open space design, and operational standards to promote connectivity; and there shall be pedestrian access from all areas to recreation and commercial sections, which shall include sidewalks along external roadways; and
- j) If applicable, prior to approval of the preliminary subdivision plans, the applicant shall submit to the PDS written evidence of:
  - a. The U.S. Army Corps of Engineers’ approval of the wetlands delineation and/or encroachment permit, and
  - b. FEMA’s approval of the 100 year flood elevation statement; and
- k) Richland County shall not be responsible for the enforcement of any deed restrictions imposed by the applicant, the developer, or their successors in interest; and
- l) All site development requirements described above shall apply to the applicant, the developer, and/or their successors in interest; and

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 effective from and after \_\_\_\_\_, 2007.

RICHLAND COUNTY COUNCIL

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

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2007.

---

Michielle R. Cannon-Finch  
Clerk of Council

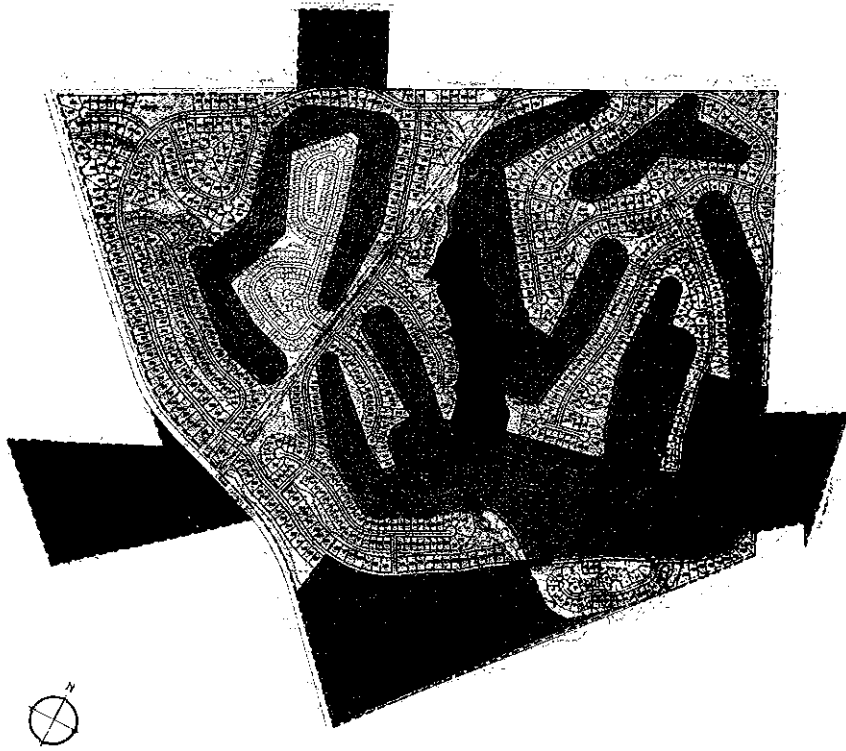
RICHLAND COUNTY ATTORNEY'S OFFICE

---

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

Public Hearing:        October 23, 2007  
First Reading:        October 23, 2007  
Second Reading:      November 6, 2007  
Third Reading:        November 20, 2007 (tentative)

# Exhibit A



## PARCELS SITE DIAGRAM

- RETIREMENT CAMPUS**  
 28.4 DU/AC.
- MULTI-FAMILY**  
 613 Units @ 12 DU./51.1 Ac  
 91 Units @ 8 DU./11.4 Ac
- TOWNHOMES**  
 204 Units (35x100)
- MIXED USE**  
 30 Acres
- GOLF COURSE**  
 +/- 200 ac.
- COMMERCIAL**  
 6.4 Acres
- LAND FOR COUNTY USE**  
 +/- 3 Acres
- SINGLE FAMILY**  
 378 Units (60x135)  
 386 Units (60x120)  
 40 Units (55x110)

1,712 TOTAL DWELLING UNITS

TOTAL DENSITY: \_\_\_\_\_



**LandPlan Group South, Inc.**  
 Landscape Architecture • Engineering • Planning  
 columbia • charlotte

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

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 # 22906-03-48/49 FROM M-1 (LIGHT INDUSTRIAL DISTRICT) TO A PDD (PLANNED DEVELOPMENT 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 properties described as TMS # 22906-03-48/49 from M-1 (Light Industrial District) zoning to a PDD (Planned Development District) zoning, as described herein.

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

- a) The applicant shall comply with the Master Plan (dated May 29, 2007 and revised through September 12, 2007) prepared for PB & E, LLC c/o Mr. Elias Dib by W.K. Dickson & Co., Inc., which was submitted to, and is on file in, the Richland County Planning & Development Services Department (hereinafter referred to as "PDSD"), and is incorporated herein by reference, except as otherwise amended herein; and
- b) The site development shall be limited to:
  1. Thirty-one (31) single-family units, with a minimum lot size of 4,000 square feet; and
  2. Twenty-three and seven tenths percent (23.7%) or one and seventy-four hundredths (1.74) acres of open space/common area, inclusive of the proposed detention basin, shall be provided as depicted in Exhibit A, which is attached hereto and incorporated herein; and
- c) Unless otherwise provided herein, all development shall conform to all current relevant land development regulations; and
- d) Proposed changes to the Master Plan shall be subject to the requirements of Section 26-59(j)(1) of the Richland County Land Development Code; and
- e) The applicant shall provide sidewalks internally and along the site frontage of North Springs Road; and
- f) A berm or brick pier shall be provided along North Springs Road; and
- g) There shall be a minimum twenty (20) foot augmented buffer, with a specific planting schedule, along the outer perimeter of the property; and
- h) Access onto North Springs Road must be provided with a stop sign and controlled left and right turn lanes; and
- i) The applicant shall meet all minimum standards of Chapter 26 of the Richland County Code of Ordinances for parking, sidewalks and pedestrian amenities, signs,

recreation/open space design, and operational standards to promote connectivity; and there shall be pedestrian access from all areas to recreation and commercial sections, which shall include sidewalks along external roadways; and

- j) If applicable, prior to approval of the preliminary subdivision plans, the applicant shall submit to the PDSD written evidence of:
  - a. The U.S. Army Corps of Engineers' approval of the wetlands delineation and/or encroachment permit, and
  - b. FEMA's approval of the 100 year flood elevation statement; and
- k) Richland County shall not be responsible for the enforcement of any deed restrictions imposed by the applicant, the developer, or their successors in interest; and
- l) All site development requirements described above shall apply to the applicant, the developer, and/or their successors in interest; and

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 effective from and after \_\_\_\_\_, 2007.

RICHLAND COUNTY COUNCIL

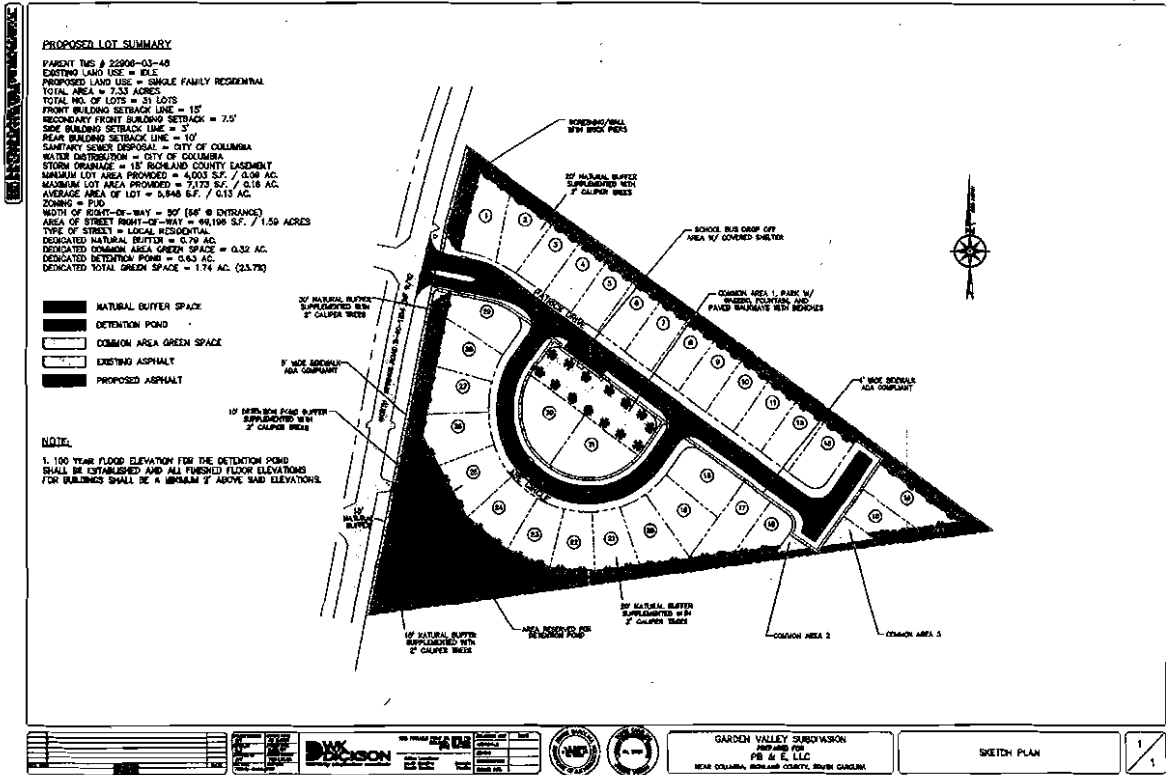
By: \_\_\_\_\_  
Joseph McEachern, Chair

Attest this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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

Public Hearing:       October 23, 2007  
First Reading:       October 23, 2007  
Second Reading:     November 6, 2007  
Third Reading:       November 20, 2007 (tentative)

# Exhibit A



**GARDEN VALLEY SUBDIVISION**

**LAND USE SUMMARY/ZONING INFORMATION**

Garden Valley Subdivision is proposing to have building setbacks as the following:

Front: 15'  
Secondary Front: 7.5'  
Side: 3'  
Rear: 10'

These setbacks will enable residents to be closer to pedestrian access and will create a stronger sense of community.

Land Use	Single family (1 single family detached dwelling per 1 lot)
Total Acreage	7.33 Acres
Tax Map Number	TMS# 22906-03-48
Tax Map Number	TMS# 22906-03-49
Total number of Single Family Units	31 Lots
Minimum Lot Size	4,000 square feet
Density	5 units per acre
Dedicated Open Space Areas	
Dedicated Natural Buffers	0.79 Acres
Dedicated Parks and Open Space	0.32 Acres
Dedicated Detention Pond	0.63 Acres
Total Dedicated Open Space	1.74 Acres
Land Use Percentages	
Single Family Units	4.00 Acres (54.6%)
Streets and Right of Way	1.59 Acres (21.7%)
Open Space	1.74 Acres (23.7%)
Building Height Maximum	45'
Maximum Impervious Area	60%

Note: All land uses and/or zoning not contained in the Planned Development documents, would fall to the current land development regulations of Richland County.



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

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 # 16415-07-03 FROM NC (NEIGHBORHOOD COMMERCIAL 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 # 16415-07-03 from NC (Neighborhood Commercial District) zoning to GC (General Commercial District) zoning.

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

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

Section IV. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2007.

RICHLAND COUNTY COUNCIL

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

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2007.

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

Public Hearing:      October 23, 2007  
First Reading:      October 23, 2007  
Second Reading:    November 6, 2007  
Third Reading:      November 20, 2007 (tentative)

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

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 # 07315-01-01/02 FROM HI (HEAVY INDUSTRIAL DISTRICT) TO GC (GENERAL COMMERCIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real properties described as TMS # 07315-01-01/02 from HI (Heavy Industrial District) zoning to GC (General Commercial District) zoning.

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

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

Section IV. This ordinance shall be effective from and after \_\_\_\_\_, 2007.

RICHLAND COUNTY COUNCIL

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

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2007.

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

Public Hearing:       October 23, 2007  
First Reading:       October 23, 2007  
Second Reading:     November 6, 2007  
Third Reading:       November 20, 2007 (tentative)



## DEPARTMENT OF PLANNING & DEVELOPMENT SERVICES

Post Office Box 192 • 2020 Hampton Street • Columbia, S.C. 29204  
Planning (803) 576-2140 • Zoning & Land Development (803) 576-2180  
Addressing (803) 576-2147 • Floodplain Management (803) 576-2150  
Planning Fax: (803) 576-2181 • Zoning Fax: (803) 576-2182

---

### Memorandum

To: Richland County Council Members  
J. Milton Pope, County Administrator

From: Joseph Kocy, AICP  
Director, Planning and Development Services

Date: November 13, 2007

Re: Proposed Floodplain recommendations

Planning Staff researched floodplain regulations, seeking regulations offering the best protection for safety and welfare of citizens, and protection of natural resources. FEMA and the Maryland Department of Planning collaborated creating Model Floodplain Regulations.

#### **Planning Staff Recommendation – Model Floodplain Regulations**

Planning Staff supports adoption of the Model Regulations as the County's floodplain regulations. Model Floodplain regulations are concise and provide clear guidance on the use of fill. Main details of these regulations are:

- Fill creates problems in floodplains and should be avoided by using alternatives.
- Fill is the floodway is prohibited
- Fill is permitted in the floodplain, but limited to structures only (e.g., not for yards, parking lots or driveways)
- Fill shall be the minimum necessary
- Fill shall not affect storage capacity of the floodplain.
- Flooding shall not be increased on neighboring properties, drainage problems shall not be caused on neighboring properties
- Fill shall not increase flood elevation. Compensation for storage capacity must be provided on site.
- Detailed standards are provided for the type of fill, compaction and slopes.
- A South Carolina registered professional engineer must certify to all the regulatory requirements.
- The County engineer must review application and inspect fill activity
- Any change in flood flow must be approved by FEMA.

The FEMA-approved Model Floodplain regulations should result in lower floodplain insurance premiums for the county.

### **Planning Commission Recommendation**

The Planning Commission recommends an alternative set of floodplain regulations. Main details of the Planning Commission recommendations are:

- Fill is allowed in the floodplain and floodway
- No limits on amount of fill in the floodplain or floodway
- No standards for the type of fill, compaction or slopes
- Compensation for storage capacity is not required.
- Effect of neighboring properties shall not be **significant**, as determined by the applicant's engineer
- No review of application by the County engineer

The Planning Commission recommendation eliminates floodplain regulations, removing safeguards for the community and the environment.

# Staff Recommendation

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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; SECTION 26-104, FP FLOODPLAIN OVERLAY DISTRICT; SUBSECTION (D), STANDARDS IN THE FLOODPLAIN; PARAGRAPH (2), SPECIFIC STANDARDS; SUBPARAGRAPH (J), FILL; SO AS TO ALLOW THE USE OF FILL IN THE FLOODPLAIN.

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 26-104, FP Floodplain Overlay District; Subsection (d), Standards in the Floodplain; Paragraph (2), Specific Standards; Subparagraph (j), Fill; is hereby amended to read as follows:

- j. Fill. Fill is discouraged because storage capacity is removed from floodplains, natural drainage patterns are adversely altered and erosion problems can develop and wildlife habitat can be diminished. The use of fill shall be limited to the elevation of individual structures, essential utilities, necessary infrastructure and public road crossings. Other methods of elevating structures should be considered first.
  1. To allow the elevation of individual structures, the amount of fill used shall be the minimum necessary. Floodplain authorization for fill shall be based on findings by the county engineer that the minimum fill being used for raising the structure is the most feasible alternative.
  2. Fill, if approved, shall meet the following conditions:
    - [a] The flood storage capacity of the floodplain shall not be affected and flood heights shall not be increased (0.00 feet) unless compensatory storage is provided on the same parcel. The space occupied by the authorized fill below Base Flood Elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the Base Flood Elevation. All such excavations shall be constructed to drain freely to the watercourse.
    - [b] Flooding from any source shall not be increased for neighboring properties. Neighboring and adjacent properties shall not be adversely affected in any way nor shall drainage problems be caused or aggravated as a result of fill.
    - [c] Fill shall not be placed in the floodway except for essential utilities and necessary infrastructure.

# Staff Recommendation

- [d] Fill shall not be placed in tidal or nontidal wetlands without the required state and federal permits.
- 3. In the event buildings on adjacent properties are known or determined to be subject to flooding under current conditions, the county engineer may require submission of hydrologic and hydraulic analyses to adequately demonstrate that the effects of the proposed fill will not increase flooding on neighboring properties. Additional fill for landscaping purposes is not permitted.
- 4. Where allowed, fill material shall meet the following additional requirements:
  - [a] Fill shall consist of soil or rock materials only. Landfills, dumps and sanitary soil fills shall not be permitted. Dredged material may be used as fill only upon certification of suitability by a registered professional engineer.
  - [b] Fill material shall be compacted to 95% of the maximum density. Obtainable with the standard proctor test method issued by The American Society For Testing And Materials (ASTM standard D-698) to provide the necessary stability and resistance to erosion, scouring or settling.
  - [c] Fill slopes shall be no steeper than one vertical to two horizontal, unless substantiating data justifying steeper slopes are submitted to and approved by the county engineer.
  - [d] Fill shall be performed in such manner as to maintain or increase flood storage and conveyance capacity, and to not increase FEMA base flood elevations.
  - [e] Fill shall not cause an increase in the base flood elevation. Applicants shall further demonstrate that the cumulative effect of the proposed development, when combined with all other existing development, will not increase the base flood elevation at any point within the county.
  - [f] All fill placed at or below the flood elevation in the floodplain shall be balanced with at least an equal amount of soil material removal from the same parcel(s). Compensatory storage required to offset floodplain fill must be created before the project begins and should be available throughout the construction period. The required volume of compensatory storage must be provided within the property limits. The applicant shall demonstrate, using a South Carolina registered professional engineer, no net loss of floodplain storage for 10, 50, and 100 year storm events.
  - [g] Excavation shall not be counted as compensating for fill if such areas will be filled with water in non-storm conditions.

# Staff Recommendation

- [h] Fill shall be performed in a manner to maintain or increase slope stability and maintain or decrease erosive velocities. Fill slopes shall be no greater than two (2) horizontal to one (1) vertical. Flatter slopes may be required where velocities may result in erosion.
  - [i] Applicants must submit an as-built survey certification by a South Carolina registered professional engineer that demonstrates that the required volume of storage has been created on site in order to ensure no net loss as outlined and demonstrated per the approved plans.
  - [j]. The use of fill shall not have an adverse impact on neighboring properties
  - [k] Filling of floodway areas in any manner is prohibited.
5. The county engineer shall inspect the fill activity. A certification sealed by a professional engineer registered in South Carolina shall be submitted prior to approval of a building permit for compliance with this section. The engineer must provide calculations and complete the county's engineering No Impact Certification form. Any change in the flood flow within a regulatory floodplain through fill must be submitted and approved through the FEMA Letter of Map Revision process in addition to review by the flood coordinator and county engineer. The county engineer shall provide a copy of the letter of approval, approved site plans and signed No Impact Certification for to the floodplain coordinator.
6. A South Carolina registered professional engineer shall certify that all of the above standards and requirements within this section, § 26-104 (j), have been 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 \_\_\_\_\_, 2007.

RICHLAND COUNTY COUNCIL

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

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

OF \_\_\_\_\_, 2007

# Staff Recommendation

---

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 5, 2007  
Public Hearing: July 24, 2007  
Second Reading: July 24, 2007  
Third Reading: November 20, 2007 (tentative)



# Planning Commission (10-29-07)

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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; SECTION 26-104, FP FLOODPLAIN OVERLAY DISTRICT; SUBSECTION (D), STANDARDS IN THE FLOODPLAIN; PARAGRAPH (2), SPECIFIC STANDARDS; SUBPARAGRAPH (J), FILL; SO AS TO ALLOW THE USE OF FILL IN THE FLOODPLAIN.

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 26-104, FP Floodplain Overlay District; Subsection (d), Standards in the Floodplain; Paragraph (2), Specific Standards; Subparagraph (j), Fill; is hereby amended to read as follows:

Lands to which article applies.

This article shall apply to all areas of special flood hazard within the jurisdiction of the county.

Basis for establishing areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency in its flood insurance study for the county, and any other supporting data, and any revisions thereto, are adopted by reference and declared to be a part of this article.

Development permit required.

A development permit shall be required in conformance with the provisions of this article prior to the commencement of any development activities.

Compliance with applicable regulations.

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this article and other applicable regulations.

j. *Fill.* Fill is discouraged because its use removes storage capacity from floodplains. Elevating buildings by other methods must be considered, such as constructing a foundation wall with flood vents or by using piers and pilings.

1. Standards for use of fill. For all floodplain property on which fill is proposed, a plan must be submitted that demonstrates conformance to the following standards:

[a] Fill must be properly designed and compacted (ASTM D-698 or equivalent) and extend beyond the building walls before dropping below

# Planning Commission (10-29-07)

the base flood elevation and have appropriate protection from erosion and scour.

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

[c] Dredged material may be used as fill only upon certification of suitability by a land surveyor, engineer, or architect authorized by law to certify such information. Landfills, rubble fills, dumps, and sanitary fills are not permitted in the floodplain as authorized by state law.

- ~~12.~~ *Floodway.* Filling of floodway areas, dumping of salvaged or scrap material, or the placing of material, storage of materials or any obstruction within a floodway area ~~in such a manner as to impede free flow of water during a time of flood or in such a manner that the elevation of flood waters will be increased~~ is prohibited.
- ~~23.~~ *Nontidal wetlands or waters.* Fill activities may not take place in nontidal wetlands or waters without the required state and federal permits.
- ~~3.~~ ~~*Dredged material.* Dredged material may be used as fill only upon certification of suitability by a land surveyor, engineer or architect authorized by law to certify such information. Landfills, rubble fills, dumps, and sanitary fills are not permitted in the floodplain.~~
- ~~4.~~ ~~*Standards.* Fill used to support structures must comply with ASTM Standard D-698, and its suitability to support structures certified by a land surveyor, engineer, or architect authorized by law to certify such information.~~
- ~~5.~~ ~~*Fill slopes.* Fill slopes shall be no greater than two (2) horizontal to one (1) vertical. Flatter slopes may be required where velocities may result in erosion.~~
- ~~64.~~ *Effect on neighboring properties.* The use of fill shall be designed such that it will not have a significant adverse impact ~~increase flooding or cause drainage problems~~ on neighboring properties as determined by a South Carolina Professional Engineer.
- ~~7.~~ ~~*Compensating excavations.* The volume of space occupied by any authorized fill below the base flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood elevation. All such excavations shall be constructed to drain freely to the watercourse. No area below the waterline of a pond or other body of water can be credited as a compensating excavation.~~

# Planning Commission (10-29-07)

5. A South Carolina registered professional engineer shall certify that all of the above standards and requirements within this section, § 26-104 (j), have been met.

**Warning and disclaimer of liability.**

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This article does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the county or by any officer or employee thereof for flood damages that result from reliance on this article or any administrative decision made there under.

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 \_\_\_\_\_, 2007.

RICHLAND COUNTY COUNCIL

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

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

OF \_\_\_\_\_, 2007

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

RICHLAND COUNTY ATTORNEY'S OFFICE

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

# Planning Commission (10-29-07)

First Reading: June 5, 2007  
Public Hearing: July 24, 2007  
Second Reading: July 24, 2007  
Third Reading: November 20, 2007 (tentative)

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

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 # 17700-01-13 FROM M-1 (LIGHT INDUSTRIAL 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 property described as TMS # 17700-01-13 from M-1 (Light Industrial District) zoning to RS-LD (Residential, Single-Family – Low Density District) zoning.

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

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

Section IV. Effective Date. This ordinance shall be effective from and after \_\_\_\_\_, 2007.

RICHLAND COUNTY COUNCIL

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

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2007.

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

Public Hearing: September 25, 2007  
First Reading: October 23, 2007  
Second Reading: November 20, 2007 (tentative)  
Third Reading:

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

AN ORDINANCE AUTHORIZING DEED TO "THE TAYLORED WINDOW, LLC", OR ITS ASSIGNEE(S), FOR A CERTAIN PARCEL OF LAND KNOWN AS LOT 10 (APPROXIMATELY 2.713 ACRES TOTAL) IN THE RICHLAND NORTHEAST INDUSTRIAL PARK, A PORTION OF RICHLAND COUNTY TMS # 25800-04-01.

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

SECTION I. The County of Richland and its employees and agents are hereby authorized to grant a deed to "The Taylored Window, LLC, or it assignee(s), for certain real property, as specifically described in the attached Deed, Lot 10 (approximately 2.713 acres) in the Richland Northeast Industrial Park, a portion of Richland County TMS # 25800-04-01, which is attached hereto and incorporated herein.

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

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

SECTION IV. Effective Date. This ordinance shall be enforced from and after \_\_\_\_\_, 2007.

RICHLAND COUNTY COUNCIL

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

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2007.

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

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: November 6, 2007  
Second Reading: November 20, 2007 (tentative)  
Public Hearing:  
Third reading:

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

**AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY  
OF A FEE AGREEMENT BETWEEN RICHLAND COUNTY AND  
STAPLES SHARED SERVICE CENTER, LLC, AND OTHER MATTERS  
RELATING THERETO INCLUDING, WITHOUT LIMITATION,  
PAYMENT OF A FEE-IN-LIEU OF TAXES**

**WHEREAS**, Richland County, South Carolina (hereinafter referred to as the “County”), acting by and through its County Council (the “County Council”), is empowered under and pursuant to the provisions of the Fee in Lieu of Tax Simplification Act, Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as amended (the “Act”), to enter into fee agreements with industries in connection with the acquisition, enlargement or improvement of industrial and commercial enterprises within the State of South Carolina (the “State”); and

**WHEREAS**, under the terms of the Act, the County may enter into an arrangement which provides for a fee in lieu of taxes for a qualifying project as provided in Sections 12-44-40 and 12-44-50 of the Act; and

**WHEREAS**, as evidenced by a Resolution adopted by the County Council on March 13, 2007 (the “Inducement Resolution”) and the related Inducement and Millage Rate Agreement (the “Inducement Agreement”) between the County and Staples Contract and Commercial, Inc., a Delaware corporation (“Staples”), Staples, by and through its subsidiary Staples Shared Service Center, LLC, a Delaware limited liability company (the “Company”) is considering and making preliminary plans for the expansion of its corporate office facilities and the acquisition, installation and/or construction of improvements to its corporate office facilities in the County (the “Project”); and

**WHEREAS**, Staples has assigned all of its right, title and interest in and to the Inducement Agreement to the Company; and

**WHEREAS**, in connection with the Project, the Company has agreed that the aggregate capital investment in the Project for the period referred to in the hereinafter defined Fee Agreement will equal or exceed a minimum of \$2,500,000.00; and

**WHEREAS**, the County desires to provide assistance to the Company in the form of the fee-in-lieu-of-tax provided for in the Act, and in connection therewith to make the Project available to the Company under and pursuant to the terms of an agreement in the form of a fee agreement to be entered into between the County and the Company and to be dated as of the date of its delivery (the “Fee Agreement”); and

**WHEREAS**, the County Council has caused to be prepared and presented to the County Council the form of the Fee Agreement which the County proposes to execute and deliver, and

the same are in appropriate form and are appropriate instruments to be executed and delivered by the County for the purposes intended.

**NOW THEREFORE, BE IT ORDAINED** by the County Council of Richland County, South Carolina, as follows:

Section 1. It is hereby found, determined and declared by the County Council, as follows:

- (a) The Project will constitute a “project” as said term is referred to and defined in Section 12-44-30(16) of the Act, and the Fee Agreement will promote the purposes enumerated in the Act, and in all respects conform to the provisions and requirements of the Act;
- (b) It is anticipated that the Project will benefit the general public welfare of the County by providing or maintaining employment and other public benefits not otherwise provided locally;
- (c) Neither the Project, the Fee Agreement, nor any documents or agreements entered into by the County in connection therewith will constitute or give rise to any pecuniary liability of the County or a charge against its general credit or taxing power;
- (d) The purposes of the Project are proper governmental and public purposes;
- (e) The inducement of the expansion of the Project within the County and State is of paramount importance, and the benefits of the Project to the public will be greater than the costs;
- (f) The Fee Agreement obligates the Company to pay all amounts payable as fees in lieu of taxes with respect to the Project; and
- (g) The County hereby consents to and approves the assignment of all of Staples’ right, title and interest in and to the Inducement Agreement to the Company.

Section 2. The form, terms and provisions of the Fee Agreement presented to this meeting and filed with the Clerk to County Council are hereby approved and all of the terms, provisions and conditions thereof are hereby incorporated herein by reference as if the same were set out in this Ordinance in their entirety. The Chairman of County Council (or in the absence of the Chairman, for any reason, the Vice Chairman or acting Chairman), is hereby authorized, empowered and directed to execute, acknowledge and deliver the Fee Agreement in the name and on behalf of the County, and thereupon to cause the same to be delivered to the Company. The Fee Agreement is to be in substantially the form now before this meeting and hereby approved, or with such changes therein as may be required or deemed appropriate by the officials of the County executing the same, with the advice of counsel, provided in no event may any changes be materially adverse to the County, in order to accomplish the purposes of the transactions authorized by this Ordinance, their execution thereof to constitute conclusive



evidence of their approval of any and all changes or revisions therein from the form of the Fee Agreement now before this meeting.

Section 3. The above-referenced official of the County is authorized to execute and deliver such other closing and related instruments, documents, certificates and other papers as are necessary to effect the delivery of the Fee Agreement and as are customary in financing arrangements of this type.

Section 4. The provisions of this Ordinance are hereby declared to be separable and if any section, phrase or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases and provisions hereof.

Section 5. All orders, resolutions, ordinances and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed and this Ordinance shall take effect and be in full force from and after its passage.

Section 6. Effective Date of Ordinance. This Ordinance shall take effect immediately upon third reading of the County Council.

RICHLAND COUNTY COUNCIL

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

(SEAL)

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2007.

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

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: November 6, 2007  
Second Reading: November 20, 2007 (tentative)  
Public Hearing: December 4, 2007 (tentative)  
Third Reading: December 4, 2007 (tentative)

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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 23, TAXATION; ARTICLE VI, LOCAL HOSPITALITY TAX; SECTION 23-69, DISTRIBUTION OF FUNDS; AND SECTION 23-71, OVERSIGHT AND ACCOUNTABILITY.

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

SECTION I. The Richland County Code of Ordinances: Chapter 23, Taxation; Article VI, Local Hospitality Tax; Section 23-69, Distribution of Funds; is hereby amended to read as follows:

**Sec. 23-69. Distribution of Funds.**

- (a) (1) The County shall distribute the Local Hospitality Tax collected and placed in the "Richland County Local Hospitality Tax Revenue Fund" to each of the following agencies and purposes ("Agency") in the following amounts during fiscal year 2003-2004:

Columbia Museum of Art	\$650,000
Historic Columbia	250,000
EdVenture Museum	100,000
County Promotions	200,000

- (2) The amounts ~~specified above~~ distributed to the Columbia Museum of Art, Historic Columbia, and EdVenture Museum shall be paid quarterly beginning October 1, 2003. The amount distributed for County Promotions shall be paid annually beginning July 1, 2008.
- (3) As a condition of receiving its allocation, each Agency must annually present to the County an affirmative marketing plan for the inclusion of all citizens of Richland County and must also annually offer some "free" or discounted services to Richland County citizens. If an Agency fails to comply with these requirements, its portion of the Local Hospitality Tax shall be retained in the Richland County Local Hospitality Tax Revenue Fund and distributed as provided in subsection (d) below.
- (4) In the event Local Hospitality Tax revenues are not adequate to fund the Agencies listed above in the prescribed amounts, each Agency will receive a proportionate share of the actual revenues received, with each Agency's share to be determined by the percentage of the total revenue it would

have received had the revenues allowed for full funding as provided in subsection (a)(1) above.

(b) In each of fiscal years 2004-2005 and 2005-2006, the Local Hospitality Tax shall be distributed to each Agency named above in the same amounts and on the same terms and conditions, together with a three percent (3%) increase in each of fiscal year 2004-2005 and 2005-2006.

(c) In fiscal year 2006-2007, the amount of Local Hospitality Tax to be distributed annually to each Agency named above shall be established in the County's FY 2006-2007 Budget Ordinance.

(d) Beginning in fiscal year 2007-2008 and continuing thereafter, the amount of Local Hospitality Tax to be distributed annually to each Agency named above shall be considered for an increased based on the revenue growth rate as determined by trend analysis of the past three years, but in any event not more than 3%.

(e) All Local Hospitality Tax revenue not distributed pursuant to subsections (a) through (c) above shall be retained in the Richland County Local Hospitality Tax Revenue Fund and distributed as directed by County Council for projects related to tourism development, including, but not limited to, the planning, development, construction, promotion, marketing, operations, and financing (including debt service) of the State Farmer's Market (in lower Richland County), Township Auditorium, a new recreation complex (in northern Richland County), recreation capital improvements, Riverbanks Zoo, and other expenditures as provided in Article 7, Chapter 1, Title 6, Code of Laws of South Carolina 1976 as amended.

SECTION II. The Richland County Code of Ordinances: Chapter 23, Taxation; Article VI, Local Hospitality Tax; Section 23-71, Oversight and Accountability; is hereby amended to read as follows:

**Sec. 23-71. Oversight and Accountability.**

Any organization or agency receiving Hospitality Tax funds in the amount of \$10,000 or greater must submit a report of expenditures and the impact on tourism for the preceding calendar year and a plan for the upcoming year to the Richland County Administrator on or before March 1 for July disbursements, and September 1 for January disbursements of each year. Such report shall be on a form provided by the County.

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 \_\_\_\_\_, 2007.

RICHLAND COUNTY COUNCIL

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

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2007.

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

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading:           November 6, 2007  
Second Reading:       November 20, 2007 (tentative)  
Public Hearing:  
Third reading:

STATE OF SOUTH CAROLINA	)	ASSIGNMENT AND ASSUMPTION OF
	)	FEE AGREEMENT AND
	)	INDUCEMENT AGREEMENT AND
	)	MILLAGE RATE AGREEMENT
COUNTY OF RICHLAND	)	
_____	)	

THIS ASSIGNMENT AND ASSUMPTION OF FEE AGREEMENT AND INDUCEMENT AGREEMENT AND MILLAGE RATE AGREEMENT is made as of this \_\_\_ day of December, 2007, by and between International Truck and Engine Corporation (“International”), a Delaware corporation, and Siemens Diesel Systems Technology, LLC (“SDST”), a Delaware limited liability company.

WHEREAS, International entered into that certain Fee Agreement (the “Fee Agreement”) with Richland County, South Carolina (the “County”), dated as of October 31, 2006, for the purchase of machinery and equipment to be located at the diesel fuel injector manufacturing facility owned by SDST and located within the County; and

WHEREAS, International also entered into that certain Inducement Agreement and Millage Rate Agreement (the “Inducement Agreement”) with the County dated as of July 28, 2006; and

WHEREAS, International now desires to assign to SDST, and SDST desires to accept, all of International’s right, title, and interest in, to, and under the Fee Agreement and the Inducement Agreement.

NOW THEREFORE, in consideration for five dollars and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, International has, without representation or warranty, except as expressly set forth herein, assigned, contributed, granted, conveyed, transferred and by these presents does hereby assign, grant, contribute, convey, and transfer to SDST, its representatives, successors, and assigns, all of International’s right, title and interest in, to and under the Fee Agreement and the Inducement Agreement (collectively, the “Agreements”).

TO HAVE AND TO HOLD the same unto the SDST, its successors and assigns forever, from and after the date hereof, subject to the terms, covenants and provisions of the Agreements.

No representations and warranties, or indemnification agreements with respect to them, are made in this Assignment, but rather are expressly disclaimed.

SDST hereby accepts the foregoing assignment of the Agreements and agrees to assume, pay and perform all of International’s obligations under the Agreements which arise or relate to the period after the date hereof and agrees to be bound thereby. International warrants to SDST that the Agreements are valid and in full force and effect. The Agreements are not in default, and International knows of no condition, event or act which, with the passage of time, would result in a default under the Agreements.

This Assignment will be binding on and inure to the benefit of the parties herein, their heirs, executors, administrators, successors-in-interest and assigns.

This Assignment may only be amended by a writing signed by both International and SDST with prior approval by the County.

This Assignment shall be governed by and construed in accordance with the laws of the State of South Carolina.

A determination that any provision of this Assignment is unenforceable or invalid shall not affect the enforceability or validity of any other provision and any determination that the application of any provision of this Assignment to any person or circumstance is illegal or unenforceable shall not affect the enforceability or validity of such provision as it may apply to any other persons or circumstances.

This Assignment may be executed in two or more counterparts, each of which will be deemed to be an original, but all of which together will constitute one and the same instrument.

**(Remainder of page left blank intentionally)**







### **Approval of Assignment**

For good and valuable consideration, the receipt of which the County acknowledges, the County approves and ratifies the Assignment and Assumption of Fee Agreement and Inducement Agreement and Millage Rate Agreement, date December \_\_, 2007, and the substitution of International Truck and Engine Corporation (“Assignor”) by Siemens Diesel Systems Technology, LLC (“Assignee”), as a party to the Agreements, as that term is defined in the County’s approving Ordinance, approved December 18, 2007, and based on representations of the, the County affirms, as of the date of its approving Ordinance, to the best of its knowledge, no default exists under the Agreements, and the County is unaware of any condition, event or act which, with the passage of time, would result in any default under the Agreements, including, specifically, any default caused by (a) the assignment and assumption of the Fee Agreement to Assignee; (b) the failure by Assignor to timely file property tax returns and to pay any associated ad valorem or fee-in-lieu of property taxes; (c) any untrue material misrepresentation or warranty made by Assignor in connection with the Fee Agreement, including any statement or certificate delivered in connection with the execution and delivery of the Fee Agreement; (d) any knowing violation or breach of the Fee Agreement by Assignor; (e) the abandonment of the Project by Assignor; and/or (e) the filing of a petition in bankruptcy against Assignor or Assignor’s insolvency; provided, however, that nothing prevents the County from filing, and continuing to pursue payment of, a claim against Assignor in a bankruptcy case for any unpaid ad valorem or fee-in-lieu-of property tax payments.

**(Remainder of page left blank intentionally)**



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

AN ORDINANCE AUTHORIZING THE TRANSFER OF ALL RIGHT, TITLE AND INTEREST IN, AND ALL RIGHTS AND OBLIGATIONS UNDER THE INDUCEMENT AGREEMENT AND MILLAGE RATE AGREEMENT AND THE FEE AGREEMENT BETWEEN RICHLAND COUNTY, SOUTH CAROLINA, AND INTERNATIONAL TRUCK AND ENGINE CORPORATION AUTHORIZING AMONG OTHER MATTERS, THE PAYMENT OF A FEE IN LIEU OF TAX TO RICHLAND COUNTY.

WHEREAS, Richland County, South Carolina (the "County"), acting by and through its County Council (the "County Council"), is empowered by the provisions of the South Carolina Constitution (the "Constitution"), the South Carolina Code of Laws, as amended (the "Code"), and the case law of the courts of the State of South Carolina to offer and provide certain privileges, benefits, and incentives to prospective industries as inducements for economic development within the County; and

WHEREAS, the County is authorized and empowered by the provisions of Title 12, Chapter 44 of the Code (the "Act") to acquire or cause to be acquired properties constituting a "project" as defined in the Act; and

WHEREAS, the County is empowered by the Act and the Code to enter into agreements with any industry to construct, operate, maintain, and improve such project, to enter into or allow financing agreements for such project, and to accept any grants for such project; and

WHEREAS, through employment of the powers granted by the Act, the County will promote the economic and industrial development of the State of South Carolina (the "State") and develop its trade by inducing manufacturing and commercial enterprises to locate and remain in the State, where they will use and employ the manpower, agricultural products, and natural resources of the State and, further, will benefit the general public welfare of the County by providing services, employment, recreation, or other public benefits not otherwise provided locally; and

WHEREAS, the County is authorized by the Act to execute a fee agreement with respect to such project; and

WHEREAS, in the exercise of the foregoing powers, the County and International Truck and Engine Corporation ("Assignor"), a Delaware corporation, entered into a Fee Agreement dated as of October 31, 2006, and into an Inducement Agreement and Millage Rate Agreement, dated as of July 28, 2006 (collectively, the "Agreements"), providing for certain incentives, including, without limitation, payment of a fee in lieu of taxes, for the purchase of machinery and equipment to be located at the diesel fuel injector manufacturing facility owned by Siemens Diesel Systems Technology, LLC, a limited liability company organized and existing under the laws of the State of Delaware ("Assignee"), and located within the County (the "Project"); and

WHEREAS, certain assets of Assignor and its affiliates, including all its right, title, and interest in, and all its rights, responsibilities and obligations under the Agreements shall now be

assigned to Assignee, and Assignee will assume all such rights, responsibilities and obligations (the "Transfer"); and

WHEREAS, Assignor and Assignee have requested the consent of the County to the Transfer; and

WHEREAS, the County has determined that the Project will continue to directly and substantially benefit the general public welfare of Richland County by increasing the ad valorem tax base and by providing services, employment, recreation, or other public benefits not otherwise provided locally; and

WHEREAS, the County has determined, on the basis of the information supplied to it by the companies, that the Project will continue to be a "project" as that term is defined in the Act and that the Project will continue to subserve the purposes of the Act; and

WHEREAS, Section 2(c) of Ordinance No. 093-06HR enacted on October 19, 2006 authorizes County approval for transfers of this nature to be given on behalf of the County by the County officials executing the Fee Agreement after consultations with the County Attorney with respect to such approval.

NOW, THEREFORE, BE IT ORDAINED by the County Council of Richland County, South Carolina, as follows:

Section 1. Approval of Transfer. The County approves the transfer of all assets and liabilities relating to the Project, as that term is defined in the Fee Agreement, including the assignment of all right, title, and interest in, and all rights and obligations under, the Agreements from Assignor to Assignee.

Section 2. Waiver of Default. Based on representations of the Assignor and Assignee, the County affirms, as of the date of this approving Ordinance, to the best of its knowledge, no default exists under the Agreements, and the County is unaware of any condition, event or act which, with the passage of time, would result in any default under the Agreements, including, specifically, any default caused by (a) the assignment and assumption of the Fee Agreement to Assignee; (b) the failure by Assignor to timely file property tax returns and to pay any associated ad valorem or fee-in-lieu of property taxes; (c) any untrue material misrepresentation or warranty made by Assignor in connection with the Fee Agreement, including any statement or certificate delivered in connection with the execution and delivery of the Fee Agreement; (d) any knowing violation or breach of the Fee Agreement by Assignor; (e) the abandonment of the Project by Assignor; and/or (e) the filing of a petition in bankruptcy against Assignor or Assignor's insolvency; provided, however, that nothing prevents the County from filing, and continuing to pursue payment of, a claim against Assignor in a bankruptcy case for any unpaid ad valorem or fee-in-lieu-of property tax payments.

Section 3. Execution of Documents. The Chairman of the County Council is authorized and directed to execute and deliver to Assignor and to Assignee written evidence of the approval, release, and waiver contained herein after consultation with the County Attorney and after they and the County Attorney have verified the satisfaction of the statements contained in Section 2 hereof. Before the execution and delivery of any documents, said documents shall be approved

by the County Attorney as to their form, provided however, that the execution and delivery by the Chairman of the County Council shall constitute conclusive evidence as to the satisfaction of condition and as to the approval by the County Attorney.

Section 4. Severability. The provisions of this Ordinance are declared to be separable. If any section, phrase, or provision shall be declared by a court of competent jurisdiction to be invalid or unenforceable for any reason, the remaining sections, phrases, and provisions of the Ordinance shall remain valid.

Section 5. Repeal of Conflicting Ordinances. All orders, resolutions, and other ordinances in conflict with this Ordinance are repealed to the extent of such conflict.

Section 6. Effective Date. This Ordinance shall take effect upon the date of enactment.

RICHLAND COUNTY COUNCIL

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

(SEAL)

Attest this \_\_\_\_\_ day of  
\_\_\_\_\_, 2007.

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

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: November 20, 2007 (tentative)  
Second Reading:  
Public Hearing:  
Third Reading:

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

AN ORDINANCE AUTHORIZING (I) AN AMENDMENT TO THE MASTER AGREEMENT GOVERNING THE I-77 CORRIDOR REGIONAL INDUSTRIAL PARK BY AND BETWEEN RICHLAND COUNTY, SOUTH CAROLINA AND FAIRFIELD COUNTY, SOUTH CAROLINA, IN ORDER TO EXPAND THE BOUNDARIES OF THE PARK TO INCLUDE CERTAIN PROPERTY OWNED BY KIRCO CAROLINA PINES, LLC (THE "COMPANY"); (II) THE EXECUTION OF AN INFRASTRUCTURE CREDIT AGREEMENT WITH THE COMPANY; AND (III) OTHER MATTERS RELATED THERETO.

WHEREAS, Richland County, South Carolina ("Richland") and Fairfield County, South Carolina ("Fairfield") (collectively, the "Counties"), as authorized under Article VIII, Section 13(D) of the South Carolina Constitution and Section 4-1-170 of the Code of Laws of South Carolina, 1976, as amended (the "MCP Act"), have jointly developed the I-77 Corridor Regional Industrial Park (the "Park"); and

WHEREAS, pursuant to Section 4-1-175 of the Code of Laws of South Carolina, 1976, as amended (the "SSRC Act" and together with the MCP Act, the "Act"), upon inclusion of qualifying industries within the Park, such companies will pay a fee-in-lieu of taxes (pursuant to Article VIII, Section 13(d) of the Constitution of the State of South Carolina), and thereafter certain companies may qualify for certain credits against the fees in lieu of taxes to offset infrastructure investments; and

WHEREAS, in response to requests from companies seeking to invest in either Richland or Fairfield, the Counties have heretofore expanded the boundaries of the Park to include additional property, which inclusion has afforded the requesting companies additional tax benefits under South Carolina law, including without limitation the provision of credits against the fees-in-lieu of taxes paid by Companies located in the Park in order to offset infrastructure investments of qualifying industries; and

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

WHEREAS, the Counties entered into an agreement entitled "Master Agreement Governing the I-77 Corridor Regional Industrial Park" dated as of April 15, 2003 and amended December 30, 2005 (as amended from time to time, the "Master Agreement"), the provisions of which replaced all existing Phase Agreements and now govern the operation of the Park (a copy of which is attached hereto as **Exhibit A**); and

WHEREAS, Kirco Carolina Pines, LLC, its corporate affiliates and assigns (collectively referred to as the "Company") is seeking to invest approximately \$100,000,000 in Richland to

acquire certain tracts of land in Richland located in the Carolina Pines Industrial Park (collectively, the "Site") and build certain commercial facilities at such Site (the "Project"); and

WHEREAS, the Company estimates that the infrastructure costs associated with the Project will approximate \$3.5 million with approximately \$2.4 million of such infrastructure costs being deemed "public use" (the "Public Infrastructure"); and

WHEREAS, the Company has requested that the Counties expand the boundaries of the Park to include the Site, which is more particularly described in the attached **Exhibit B**; and

WHEREAS, the Company has not requested a reduction in assessment ratio, but rather upon its inclusion in the Park it will pay fees-in-lieu of taxes at the normal assessment ratios applicable to the classes of property owned by the Company at the Site; and

WHEREAS, the Company, in lieu of any other property tax related incentives, has asked Richland to grant the Company an infrastructure credit (the "Infrastructure Credit") under the terms of the Act in the maximum amount of 20% of the annual fees-in-lieu of taxes paid by the Company, one of its affiliates, or a third-party tenant or purchaser of all or part of the Project and received by Richland at the Site (the "Site Payments") for as many years as necessary (but in any event not to exceed twenty (20) years) until such Infrastructure Credit equals the costs expended by the Company on the Public Infrastructure, which amount, in any case, shall not exceed \$2,400,000; and

WHEREAS, Richland has determined that the utilization of an infrastructure credit as provided for under the Act is a suitable mechanism to provide the Company with an incentive to purchase and develop the Site and required infrastructure in Richland.

WHEREAS, the Counties now desire to expand the boundaries to include the Site, and Richland desires to enter into an infrastructure credit agreement with the Company to provide the Infrastructure Credit to the Company.

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

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

**Section 2. Removal of Property from Park.** The Company may request that a portion of the property at the Site be removed from the Park. In such case, the Counties hereby authorize removal of such portion of the property at the Site upon receipt of a written request from the Company. No further action by either the Richland County Council or the Fairfield County

Council shall be required. The County Council Chair, or the Vice Chair in the event the Chair is absent, the County Administrator and the Clerk to the County Council are hereby authorized to execute such documents and take such further actions as may be necessary to complete removal of a portion of the property at the Site from the Park. The public hearing requirement set forth in Section 1.03 of the Master Agreement is hereby waived.

**Section 3. Authorization of the Infrastructure Credit.** There is hereby authorized the execution of an Infrastructure Credit Agreement (the "Agreement"), a form of which is attached hereto as **Exhibit C**. The form, terms, and provisions of the Agreement are hereby approved, with any minor revisions as are not materially adverse to Richland and approved by the Richland County Attorney, and all of the terms, provisions, and conditions thereof are hereby incorporated herein by reference as if the Agreement was set forth herein in its entirety. The County Council Chair, or the Vice Chair in the event the Chair is absent, the Richland County Administrator and the Clerk to the Richland County Council are hereby authorized to execute such documents and take such further actions as may be necessary to document the granting of the Infrastructure Credit to the Company.

**Section 4. Savings Clause.** If any portion of this Ordinance shall be deemed unlawful, unconstitutional or otherwise invalid, the validity and binding effect of the remaining portions shall not be affected thereby.

**Section 5. General Repealer.** Any prior Ordinance, the terms of which are in conflict herewith, is, only to the extent of such conflict, hereby repealed.

**Section 6. Effectiveness.** This Ordinance shall be effective after third and final reading.

[END OF ORDINANCE, SIGNATURE PAGE(S) TO FOLLOW]



RICHLAND COUNTY, SOUTH CAROLINA

---

Joseph McEachern., Chairman of County Council  
Richland County, South Carolina

*(SEAL)*

ATTEST:

---

Michielle Cannon-Finch, Clerk to County Council  
Richland County, South Carolina

RICHLAND COUNTY ATTORNEY'S OFFICE

---

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

First Reading: November 20, 2007 (tentative)  
Second Reading: December 4, 2007 (tentative)  
Third Reading: December 18, 2007 (tentative)

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

**EXHIBIT B**

**LEGAL DESCRIPTION OF PROPERTY**

All that certain piece, parcel or tract of land situate in Richland County, South Carolina bounded and described as follows:

TMS number:

DERIVATION:

**EXHIBIT C**  
**INFRASTRUCTURE CREDIT AGREEMENT**

---

**INFRASTRUCTURE CREDIT AGREEMENT**

**BETWEEN**

**KIRCO CAROLINA PINES, LLC**

**AND**

**RICHLAND COUNTY, SOUTH CAROLINA**

**DATED AS OF DECEMBER 1, 2007**

## INFRASTRUCTURE CREDIT AGREEMENT

THIS INFRASTRUCTURE CREDIT AGREEMENT (this "Agreement") is made and entered into as of December 1, 2007, by and between RICHLAND COUNTY, SOUTH CAROLINA (the "County"), a body politic and corporate and a political subdivision of the State of South Carolina (the "State"), acting by and through the Richland County Council (the "County Council") as the governing body of the County, and KIRCO CAROLINA PINES, LLC (collectively, the "Company").

### WITNESSETH:

(a) The County is authorized by Title 4, Chapter 1, Section 170 and Title 4, Chapter 1, Section 175 and Title 4, Chapter 29, Section 68 of the Code of Laws of South Carolina, 1976, as amended (collectively, the "Act") to (i) create multi-county industrial parks in partnership with contiguous counties; (ii) include the property of eligible companies within such parks as an inducement to locate within the County, which inclusion under the terms of Section 13 of Article VIII of the Constitution of the State of South Carolina makes such property exempt from *ad valorem* property taxes, therefore changing the character of the annual receipts from such properties from *ad valorem* property taxes to fees-in-lieu of *ad valorem* property taxes; and (iii) grant an annual credit against such fee-in-lieu of tax receipts (an "Infrastructure Credit") in order to assist a company in paying the cost of designing, acquiring, constructing, improving, or expanding the infrastructure serving the company or for improved or unimproved real estate used in the operation of a manufacturing or commercial enterprise in order to enhance the economic development of the County.

(b) Pursuant to an agreement entitled "Master Agreement Governing the I-77 Corridor Regional Industrial Park" dated as of April 15, 2003 and amended December 30, 2005 (as amended from time to time, the "Master Agreement"), the County and Fairfield County, South Carolina created a multi-county industrial park pursuant to the terms of the Act. The County has committed to take sufficient steps to amend such park to include the Company's property.

(c) The Company is seeking to invest approximately \$100,000,000 in the County to acquire certain tracts of land in located in the Carolina Pines Industrial Park (collectively, the "Site") and build certain commercial facilities at such Site (the "Project"), and estimates that the infrastructure costs associated with the Project will approximate \$3.5 million with approximately \$2.4 million of such infrastructure costs being deemed "public use" (the "Public Infrastructure").

(d) The County has determined to induce the Company's investment through the granting of an Infrastructure Credit in the annual amount not to exceed 20% of the annual fees-in-lieu of taxes paid by the Company, one of its affiliates, or a third-party tenant or purchaser of all or part of the Project and received by the County at the Site (the "Site Payments") for as many years as necessary (but in any event not to exceed twenty (20) years) until such Infrastructure Credit equals the costs expended by the Company on the Public Infrastructure, which amount, in any case, shall not exceed \$2,400,000.

NOW, THEREFORE, AND IN CONSIDERATION of the respective representations and agreements hereinafter contained, the parties hereto agree as follows, with the understanding that no obligation of the County described herein shall create a pecuniary liability or charge upon its general credit or taxing powers, but shall be payable solely out of the sources of payment described herein and shall not under any circumstances be deemed to constitute a general obligation to the County.

**Section 1. *Infrastructure Credit.*** The County hereby grants the Company an Infrastructure Credit in the amount not to exceed 20% of the Site Payments for as many years as necessary (but in any event not to exceed twenty (20) years) until such Infrastructure Credit equals the costs expended by the Company on the Public Infrastructure, which amount, in any case, shall not exceed \$2,400,000. Upon the County's written request, the Company shall provide the County Auditor with documentation, such as invoices, purchase orders, contractor statements or agreements, or other similar documentation, that supports the Company's request for reimbursement of the Public Infrastructure expenditures. Upon its review of the foregoing documentation (when and if such documentation is requested), the County Auditor is hereby directed to apply the credit amount to reduce the annual fee-in-lieu of tax liability at the Site. The Infrastructure Credit amount shall be shown on the bill sent by the County to the Company or other applicable taxpayer at the Site. The Company shall be required to use the Infrastructure Credit to pay for or reimburse itself for eligible Public Infrastructure expenditures, which shall include the cost of designing, acquiring, constructing, improving, or expanding the Public Infrastructure.

**Section 2. *Binding Effect.*** This Agreement shall be binding, in accordance with its terms, upon and inure to the benefit of the Company and the County, and their respective successors and assigns. In the event of the dissolution of the County or the consolidation of any part of the County with any other political subdivision or the transfer of any rights of the County to any other such political subdivision, all of the covenants, stipulations, promises and agreements of this Agreement shall bind and inure to the benefit of the Company and successors of the County from time to time and any entity, officer, board, commission, agency or instrumentality to whom or to which any power or duty of the County has been transferred.

**Section 3. *Counterparts.*** This Agreement may be executed in any number of counterparts, and all of the counterparts taken together shall be deemed to constitute one and the same instrument.

**Section 4. *Governing Law.*** This Agreement and all documents executed in connection herewith shall be construed in accordance with and governed by the laws of the State. To the extent of any conflict between the provisions of this Agreement and the Act, the Act controls.

**Section 5. *Amendments.*** The provisions of this Agreement may only be modified or amended in writing by an agreement or agreements entered into between the parties.

**Section 6. *Further Assurance.*** From time to time the County agrees to execute and deliver to the Company such additional instruments as either may reasonably request to effectuate the purposes of this Agreement.

**Section 7. Severability.** If any provision of this Agreement is declared illegal, invalid or unenforceable for any reason, the remaining provisions hereof shall be unimpaired and such illegal, invalid or unenforceable provision shall be reformed so as to most closely effectuate the legal, valid and enforceable intent thereof and so as to afford the Company with the maximum benefits to be derived herefrom, it being the intention of the County to offer the Company the strongest inducement possible to locate the Project in the County.

**Section 8. Limited Obligation.** ANY OBLIGATION OF THE COUNTY CREATED BY OR ARISING OUT OF THIS AGREEMENT SHALL BE A LIMITED OBLIGATION OF THE COUNTY, PAYABLE BY THE COUNTY SOLELY FROM THE PROCEEDS DERIVED UNDER THIS AGREEMENT AND SHALL NOT UNDER ANY CIRCUMSTANCES BE DEEMED TO CONSTITUTE A GENERAL OBLIGATION OF THE COUNTY WITHIN THE MEANING OF ANY CONSTITUTIONAL OR STATUTORY LIMITATION.

**Section 9. Execution Disclaimer.** Notwithstanding any other provisions, the County is executing as statutory accommodation to assist the Company in achieving the intended benefits and purposes of the Act. The County has made no independent legal or factual investigation regarding the particulars of this transaction and it executes in reliance upon representations by the Company that this document complies with all laws and regulations, particularly those pertinent to industrial development projects in South Carolina.

IN WITNESS WHEREOF, the County, acting by and through the County Council, has caused this Agreement to be executed in its name and behalf by the Chairman of County Council and to be attested by the Clerk to County Council; and the Company has caused this Agreement to be executed by its duly authorized officers, all as of the day and year first above written.

RICHLAND COUNTY, SOUTH CAROLINA

\_\_\_\_\_  
Chairman of County Council  
Richland County, South Carolina

ATTEST:

\_\_\_\_\_  
Clerk to County Council  
Richland County, South Carolina

KIRCO CAROLINA PINES, LLC

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



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

**LEGAL Description – KIRCO Carolina Pines –SPVEF Industrial Park**

All That certain piece, remnant, parcel, tract, lot and portion of land lying, being, and situate in the county of Richland, state of South Carolina containing 125.22 Acres located just northeast of Interstate highway 77, south of Jenkins Brothers Road, West of Farrow Road, north of the Bose plant, north and east of the CK Belk distribution center, and east of Carolina Pines Drive. The same being more particularly described as follows: Beginning at an Iron Pin #5 Rebar Found (IPF5) with observed SC North American Datum (NAD) 1983 Grid Coordinates of North 849,832.85, East 2,012,912.58 on the western margin of the Right of Way of SC Highway 555 (Farrow Road), at the northeastern corner of the H.G. Moore, Jr. property, southeast of a power pole and located S69°36'34"W - 59.00' from an IPF-3/4" pinchpipe, the Point of Beginning (POB); thence bearing S 69-37-20 W along a meandering fence on the northern boundary of Moore a distance of 1064.10 feet to a point a in GUM Tree which is witnessed by an IPF5 at N2°42'35"E-0.77' from the corner, thence turning and running with the eastern boundary line of PCO Carolina Pines, LP N20-22-05W a distance of 845.04 feet to an IPF5 on the southern boundary of CK/Belk Holdings and the northeastern corner of PCO Carolina Pines LP, thence turning and running with the southern boundary of CK/Belk Holdings bearing N69-37-27E - 101.77 feet to an IPF5, thence continuing with the CK/Belk property N69-37-27E - 430.05 feet to an IPF5, the southeastern corner of the CK/Belk property, thence turning and running with the eastern boundary of the CK/Belk property, N20-22-53W - 1189.57 feet to an IPF5, thence turning with the boundary of CK/Belk property S81-27-32W a distance of 439.32 feet to an IPF5 in a 10"hole, the common boundary with CK/Belk Holdings and Congaree Land Trust, thence running with the boundary of the Congaree Land Trust - Wetland A and upland Buffer in the following courses and distances, with Iron Pins (#5 Rebar) Set at all corners unless otherwise noted:

- [1] N20-22-31W for 190.47 feet;
- [2] S80-37-02E for 40.28 feet;
- [3] N06-34-17E for 101.58 feet;
- [4] N53-29-38E for 3.78 feet;
- [5] N42-02-26E for 55.94 feet;
- [6] N18-23-59E for 7.80 feet;
- [7] N82-39-32E for 30.21 feet;
- [8] N09-08-13W for 75.04 feet;
- [9] N01-12-21W for 39.44 feet;
- [10] N05-17-29W for 33.12 feet;
- [11] N65-01-16W for 37.45 ft;
- [12] N07-40-50W for 66.74 ft (8" Birch);
- [13] N05-11-36W for 49.63 feet (10" Pine Tree);
- [14] N88-34-11W for 10.62 feet;
- [15] S05-45-37E for 54.66 feet;
- [16] S07-07-30E for 63.51 feet;
- [17] S84-37-16W for 44.65 feet;
- [18] S80-33-10W for 75.00 feet;
- [19] S03-43-46E for 33.69 feet;
- [20] S09-1-59E for 21.93 feet;
- S04-42-31E for 3.94 feet to point in pond;
- [21] S06-31-16W for 4.57 feet;
- [22] S76-33-45W for 12.59 feet;
- [23] S73-12-10W for 142.48 feet;
- [24] N83-26-56W for 74.12 feet;

- [25] S85-28-04W for 29.48 feet;
- [26] N84-07-5W for 23.31 feet;
- [27] N70-51-12W for 28.32 feet;
- [28] S87-09-33W for 25.92 feet;
- [29] N74-58-34W for 53.45 feet;
- [30] S89-40-56W for 35.52 feet;
- [31] N64-27-51W for 37.00 feet;
- [32] N85-00-23W for 71.87 feet;
- [33] S66-07-53W for 58.65 feet;
- [34] S49-08-12W for a distance of 28.57 feet (6" Pine Tree);
- [35] S89-31-43W for 37.77 feet;
- [36] S80-48-00W for 53.68 feet;
- [37] S64-16-25W for 63.86 feet;
- [38] S55-12-37W for 67.87 feet;
- [39] S57-08-05W for 33.09 feet;
- [40] S72-59-15W for 33.42 feet;
- [41] S74-13-36W for 54.60 feet;
- [42] S69-27-58W for 30.21 feet;
- [43] N83-10-16W for 10.35 feet;
- [44] N79-14-12W for 44.60 feet;
- [45] N66-14-05W for 12.34 feet;
- [46] N01-56-42W for 17.96 feet;
- [47] N43-09-58W for 60.73 feet;
- [48] N70-27-40W for 68.79 feet;
- [49] S82-14-37W for 49.08 feet;
- [50] S52-50-51W for 73.63 feet;
- [51] S23-50-22W for 28.13 feet;
- [52] S38-38-46W for 43.35 feet;
- [53] N72-09-45W for 23.31 feet;
- [54] S47-40-06W for 98.06 feet;
- [55] S47-40-06W for 102.55 feet;
- [56] S12-17-19W for 33.31 feet;
- [57] S24-44-53W for 28.57 feet;
- [58] S32-52-35W for 23.20 feet;
- [59] S33-3-18W for 26.34 feet;
- [60] S40-43-21W for 40.83 feet;
- [61] S40-40-28 W for a distance of 14.89 feet to an IPS#5 Rebar on the Eastern Right of way of Carolina Pines Drive located N 04-20-34 E - 11.39' from an IPF5 on the Right of way of Carolina Pines Drive, thence turning and running with Eastern Right of Way as described on plat of W.K. Dickson dated February 8, 2000 which is unrecorded, yet performed for Sony Corporation bearing N 04-20-34 E - 1205.15 feet to an IPF5 on the southwestern corner of Patterson Logistics Services, Inc., thence turning and leaving the right of way along the southern boundary of Patterson N 76-06-25 E - 992.68 feet to an IPF5 at the southeastern corner of Patterson and southwestern corner of Jenkins Brothers Road, L.P, thence through a railway easement and along the southern boundary of Jenkins Brothers Road, LP bearing N 76-06-25 E a distance of 314.04 feet to an IPF5 located on the southeastern corner of Jenkins Brothers Road LP at its intersection with the southwestern corner of Richland County property within the railway easement, thence continuing along the southern boundary of Richland County Property and leaving the railway easement and along the southern edge of the 50.00' railway easement bearing N 76-06-25 E a distance of 1470.11 feet to an IPF5 on the southeastern corner of the Richland County property and the western right of way of SC Highway 555 - Farrow Road, thence with the western right of

way of SC Highway 555 bearing S 05-47-53 E a distance of 1118.53 feet to an IPF5; continuing with the western right of way of SC Highway 555 along a curve to the LEFT, having a radius of 13618.67 feet, a delta angle of 3.67, and whose long chord bears S07-37-50 E a distance of 872.63 feet and an arc length of 872.78'; thence continuing along the western right of way of SC Highway 555 bearing S09-28-33E a distance of 1532.92 feet to an IPF5, the POINT OF BEGINNING.



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 as follows:

**Section 1.** It is the intention of the County Council that this Resolution shall constitute an official action on the part of the County Council relating to identifying and inducing the Project under the Act. It is furthermore the intention of the County Council that this Resolution shall constitute an “inducement resolution” under the Act.

**Section 2.** The County shall, pursuant to the Act, (i) negotiate in good faith a fee-in-lieu of tax arrangement with the Company, the terms of which shall be set forth in a fee-in-lieu of tax agreement (a “Fee Agreement”), and shall be mutually agreeable to the County and the Company and (ii) enter into a Fee Agreement with the Company, both of which shall be subject to the future approval by one or more Ordinances of the County Council.

**Section 3.** The County Council and its duly elected officers shall take any and all further action as may become necessary to effectuate the action herewith taken and the Fee Agreement herein authorized.

**Section 4.** All undertakings of the County contemplated hereunder and authorized hereby shall be limited by Section 12-44-40(I)(2) of the Act, to the effect that the County shall incur no pecuniary liability and no charge against its general credit or taxing powers as a result of such undertakings.

**Section 5.** All orders, resolutions and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed. This Resolution shall take effect immediately.

Done in meeting duly assembled this 20<sup>th</sup> day of November 2007.

**RICHLAND COUNTY, SOUTH CAROLINA**

\_\_\_\_\_  
Joseph McEachern, Chairman of County Council  
Richland County, South Carolina

(SEAL)  
ATTEST:

\_\_\_\_\_  
Michielle Cannon-Finch, Clerk to County Council  
Richland County, South Carolina

**RICHLAND COUNTY ATTORNEY’S OFFICE**

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

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

**AN ORDINANCE AUTHORIZING THE EXECUTION AND DELIVERY  
OF A FEE AGREEMENT BETWEEN RICHLAND COUNTY AND A  
COMPANY KNOWN AS PROJECT Y AND OTHER MATTERS  
RELATING THERETO INCLUDING, WITHOUT LIMITATION,  
PAYMENT OF A FEE-IN-LIEU OF TAXES**





- B. Board of Assessment Appeals-1**  
There is one appointment to be made to this board for an expired term; no applications were received.
- C. Building Codes Board of Adjustments and Appeals-1**  
There is one appointment to be made to this board for the position of plumber. One application was received from the following:  
  
David A. Cook, Master Plumber since 1994
- D. Business Service Center Appeals Board-5**  
There are five appointments to be made to this newly created board. No applications have been received at the present time.
- E. Employee Grievance Committee-1**  
There is one appointment to be made to this committee. No applications have been received at this time.
- F. Township Auditorium Board-1**  
There is one appointment to be made to this board; one application was received from the following:  
  
Andrew (Drew) Nick Theodore, Certified Insurance Counselor  
Patricia Daphne Williams, Registered Nurse, 21 years

\* 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**

**Applicant must reside in Richland County.**

Name: David A. Cook

Home Address: 6079 Crabtree Road, Columbia, SC 29206

Telephone: (home) (803) 600-6244 (work) (803) 782-6422

Office Address: 130 Corporate Lane, Columbia, SC 29223

Educational Background: High School and Midland Tech. Graduate

Professional Background: Master Plumber since 1994

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

Name of Committee in which interested: Board of Adjustments

Reason for interest: Public safety and health issues concerning the  
building codes

Your characteristics/qualifications, which would be an asset to Committee/Board/ Commission:  
(Please see attached sheet)

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

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

Recommended by Council Member(s): Greg Mackie

Hours willing to commit each month: I am willing to commit to however  
many hours needed each month.

**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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Signature]  
Applicant's Signature

6/13/07  
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: Andrew Nick Theodore (Drew)  
Home Address: 90 Avian Trail, Columbia SC 29206  
Telephone: (home) 803 782 8282 (work) 803 7999979  
Office Address: 1700 Laurel St, Columbia SC 29201  
Email Address: dtheodore@TheodoreInsurance.com  
Educational Background: AA Lees M. Hae, BA USC  
Professional Background: Certified Insurance Counselor  
Male  Female  Age: 18-25  26-50  Over 50   
Name of Committee in which interested: Township Board  
Reason for interest: Want to be involved and help expand the auditoriums service to Richland County  
Your characteristics/qualifications, which would be an asset to Committee/Board/ Commission:  
Business owner in Columbia, politically involved in South Carolina  
Presently serve on any County Board/Commission/Committee? no  
Any other information you wish to give?  
Recommended by Council Member(s): Kit Smith, Mike Montgomery  
Hours willing to commit each month: 10

**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: \_\_\_\_\_

\_\_\_\_\_

  
Applicant's Signature

11/2/07  
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: Patricia Daphne Williams

Home Address: 11628 Congress Road, 29044

Telephone: (home) (803) 783-9766 (work) (803) 296-5166

Office Address: 1300 Taylor Street Columbia SC 29204

Educational Background: Attended the College of Charleston for 2 yrs 1981-1983

Professional Background: Registered Nurse for 21 yrs. Graduated from Central

Male  Female  Age: 18-25  26-50  Over 50  Carolina Tech. Coll

Name of Committee in which interested: Township Auditorium Board

Reason for interest: I have very fond memories of going to events at the Township Auditorium as a child. I believe that the Township is a vital thread in the fabric of Columbia. I would like to be a part of keeping  
Your characteristics/qualifications, which would be an asset to Committee/Board/ Commission: it so.

My skills as a nurse have afforded me the ability to think critically and objectively. I would like the experience to serve the community in this capacity.  
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 needed

**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: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
Applicant's Signature

5/8/07  
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