

**RICHLAND COUNTY COUNCIL
REGULAR SESSION
COUNCIL CHAMBERS
JUNE 7, 2005
6:00 P.M.**

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

INVOCATION Honorable L. Gregory Pearce, Jr.

**PLEDGE OF ALLEGIANCE
 Honorable L. Gregory Pearce, Jr.**

ADOPTION OF AGENDA

PRESENTATION OF RESOLUTION:

**Mr. Mike McGee, Former Athletics Director of
The University of South Carolina**

CITIZEN'S INPUT

APPROVAL OF MINUTES

Regular Session: May 17, 2005 [Pages 1-7]

Budget Public Hearing: May 19, 2005 [Pages 8-9]

Zoning Public Hearing: May 24, 2005 [Pages 10-15]

REPORT OF COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS

REPORT OF THE COUNTY ADMINISTRATOR

REPORT OF THE CLERK OF COUNCIL

- a. **Community Relations Council Annual Luncheon**

OPEN/CLOSE PUBLIC HEARINGS NONE

APPROVAL OF CONSENT ITEMS

- 1.a., 2.a., 2.b., 2.c., 2.e., 2.f., 2.g., 2.h., 2.i., 3.a., 3.b.1., 3.b.2., 3.c., 3.d., 3.e., 3.f., 3.f.1., 3.f.2., 3.h., 4.a.1., 4.a.2., 4.a.3., 7.

1. THIRD READING ITEMS

- a. **Ordinance authorizing the funding of a site for a new Farmer's Market through the issuance of not to exceed \$5,000,000, Richland County [CONSENT] [Pages 16-21]**
- b. **05-52MA
NKD, Inc. River Shoals
TMS 04300-04-10 O'Sheal Road
RU to PUD-1R [Pages 22-27]**

2. SECOND READING ITEMS

- a. **05-60MA
Randy Mosteller
RU to C-3
Retail Commercial
01511-01-04/05/06/08
Dutch Fork Road near
The Lowman Home [CONSENT] [Pages 28-30]**
- b. **05-61MA
David Lucas
D-1 to C-3
General Commercial
04003-02-16
Broad River Road & Sease Road [CONSENT] [Pages 31-33]**

- c. 05-62MA
Karen McMillan
RS-3 to C-1
Boarding House
09311-06-05
5752 Kinghter Road near Monticello Rd.
[CONSENT] [Pages 34-36]**
- d. 05-63MA
Christina Middleton
D-1 to RS-2
Single Family Detached
Subdivision
22015-04-40/63
Lower Richland Boulevard [Pages 37-39]**
- e. 05-64MA
Carroll Investment Properties
C-3 & D-1 to RG-2
Construct multi-family development
19100-04-20
North Side Garner's Ferry Road at
Mill Creek [CONSENT] [Pages 40-42]**
- f. 05-68MA
RSL Simon, LLC
Jeff Freeman
PUD-2 to amended PUD-2
MH to O
Office Park
23000-03-19
Summit Terrace Court [CONSENT] [Pages 43-47]**
- g. 05-70MA
Village of Hope, CDC
RG-2 to PUD-1R
Mixed Residential densities & commercial
09104-01/06/20
McRae and Gibson Streets [CONSENT] [Pages 48-54]**

2. Fiscal Year 2005 Budget Amendment Request

- h. Planning and Development Services: Organization Ordinance
[CONSENT] [Pages 85-89]**

**4. REPORT OF DEVELOPMENT AND SERVICES COMMITTEE
[Page 90]**

A. Department of Public Works

- 1. Purchase of replacement clamshell truck [CONSENT]**
- 2. 2005 Roadway Resurfacing Project [CONSENT]**
- 3. Traffic calming standard [CONSENT] [Pages 91-92]**

**5. REPORT OF RULES AND APPOINTMENTS COMMITTEE
[Page 93]**

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

- a. Board of Assessment Control-1**
- b. Central Midlands Council of Governments-2**
- c. Community Relations Council-3**
- d. East Richland Public Service Commission-1**
- e. Employee Grievance Committee-1**
- f. Library Board of Trustees-6**

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

- g. Building Codes Board of Adjustments and Appeals-1
[Pages 94-95]**

h. Internal Audit Committee-1

III. ITEM FOR DISCUSSION

g. Including Sponsor's Names on Resolutions

6. Application for locating a community residential care facility in an unincorporated area of Richland County [Page 96-98]

**LaVerne M. Hickson
300 Charring Cross Road
Irmo, South Carolina 29063**

7. A Resolution to appoint and commission James W. Bouknight, Clarence E. Hudgins, Albert R. Little, and Stephanie P. Obley as Code Enforcement Officers for the property security, general welfare, and convenience of Richland County [CONSENT] [Page99]

8. FIRST READING ITEMS

a. Recreation Commission Bond

1. Petition to approve 26,000,000 Recreation Bonds [Pages 100-104]

2. Ordinance to give first reading approval to the issuance of Bonds [Pages 105-112]

3. Resolution to establish a public hearing regarding the Recreation Bonds [Pages 113-120]

9. CITIZEN'S INPUT

10. MOTION PERIOD

11. ADJOURNMENT

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

MEMBERS PRESENT: Anthony G. Mizzell, Chair; L. Gregory Pearce Jr., Vice-Chair; Jr.; Mike Montgomery, Paul Livingston; Joe McEachern, Val Hutchinson, Bernice G. Scott; Damon Jeter; Kit Smith; Joyce Dickerson

OTHERS PRESENT: T. Cary McSwain, Michelle Cannon-Finch, Larry Smith, Anna Almeida, Amelia Linder, Milton Pope, Roxanne Matthews, Joe Cronin, Tony McDonald, Marsheika Martin, Stephany Snowden, Michael Criss

CALL TO ORDER

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

INVOCATION

The Invocation was given by the Honorable Joseph McEachern.

PLEDGE OF ALLEGIANCE

Mr. McEachern asked for the Boy Scouts in audience to come and lead in the Pledge of Allegiance.

PRESENTATION – Mr. Dave Zunker: Convention & Visitor’s Bureau – Mr. Zunker, Vice-President of the Columbia Metropolitan Convention & Visitor’s Bureau, thanked Council for their continued support and gave a report of the progress in the metropolitan area.

Council members were given a bag full of goodies and a packet of information.

ADOPTION OF AGENDA

Mr. Mizzell requested to move the Adoption of the Agenda before the next presentation in order to add the presentation of resolutions. There were no objections.

Ms. Dickerson moved, seconded by Mr. McEachern, to add resolutions honoring students in her district. The vote in favor was unanimous.

Mr. Pearce moved, seconded by Ms. Scott, to add a Personnel Matter to the agenda to be discussed in Executive Session at the end of the agenda. The vote in favor was unanimous.

Mr. McEachern moved, seconded by Mr. Montgomery, to adopt the agenda as amended. The vote in favor was unanimous.

PRESENTATION OF PROCLAMATION – Honoring Public Works Week - On behalf of Council, Ms. Scott presented the proclamation to the Public Works Department.

Mr. Chris Eversman, Director, thanked Council for their support and he thanked the Public Works staff for their hard work. Mr. Eversman invited Council to attend a reception on Thursday, May 19th.

RESOLUTION - Honoring High School Students from Ridgeview and Columbia High Schools.

On behalf of Council, Ms. Dickerson and Ms. Hutchinson presented resolutions to Ms. Kara Kopf and Allison Matthews from Ridgeview High School and Ms. Julia Peay (Mr. Rogers accepted on her behalf) and Ms. Donvie'r LaBrew from Columbia High School.

CITIZEN'S INPUT

No one spoke at this time.

APPROVAL OF MINUTES

Zoning Public Hearing – April 26, 2005 - Ms. Scott moved, seconded by Mr. Pearce, to approve as submitted. The vote in favor was unanimous.

Regular Session – May 3, 2005 – Mr. Livingston moved, seconded by Ms. Scott, to approve as submitted. The vote in favor was unanimous.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS

Mr. Larry Smith stated the following three items need to be discussed in executive session:

- **Purchase of Property – EMS (proposed contract – terms of agreement)**
- **Employee Grievance – if any questions**
- **Personnel Matter**

Mr. McEachern stated he had a question about the employee grievance item.

REPORT OF THE COUNTY ADMINISTRATOR

No report given at this time.

REPORT OF THE CLERK OF COUNCIL

Central Midlands Council of Governments - On May 26th at 7:00 p.m., there will be a First Central Midlands Regional Leadership Award Dinner at the Columbia Convention Center. She stated Mr. Butch Spires will be honored during the dinner.

Ms. Finch reminded Council of Second Reading of the budget which is scheduled on the 26th at 6:00 p.m.

A discussion took place regarding the schedule conflict.

Mr. Mizzell stated a motion could be made during Motion Period to amend the date and/or time of Second Reading of the budget.

Mr. David Adams, Treasurer – Mr. Adams is the proud father of a baby boy weighing in at 6 lbs and 8 oz.

OPEN/CLOSE PUBLIC HEARING ITEMS

No items at this time.

APPROVAL OF CONSENT ITEMS

Ms. Scott moved, seconded by Mr. Pearce, to adopt the following consent items:

- **05-42MA, Charles Warrington, RU to C-3, Retail Sales and Office Space, 15000-04-01/02 & 17700-01-12(p), Intersection of Wilson Blvd & Farrow Road [Third Reading]**
- **05-40MA, Agnew Lake Services c/o Gerald Steele, RU to PDD Office Space, Retail, Storage, Repair 02407-01-37(p) Intersection of Shadowood Dr. and Dutch Fork[Third Reading]**
- **05-53MA, Albert Ray Smoot, RS-1 to RU, Single family residence, 03400-01-14(p), Intersection of Shady Grove & Old Tamah [Third Reading]**
- **05-54MA, Gloria Bulluck, D-1 to C-3, Commercial use, 05000-04-32/33/34, 7131 Broad River Road near Kennerly Road [Third Reading]**
- **05-57MA, Stadium Village Lofts c/o Boyce Haigler, M-2 to C-3, Residential condominiums, 11206-04-02/03, 1046 &1047 Berea Road near USC [Third Reading]**
- **Treasurer's Office Budget Ordinance authorizing new full-time position request [Second Reading]**
- **Ordinance authorizing the funding of a site for a new Farmer's Market through the issuance of not to exceed \$5,000,000, Richland County [Second Reading]**
- **Approval of Resolution: Resolution to appoint and commission James H. Massey as a Code Enforcement Officer for the Proper Security, General Welfare and Convenience of Richland County**

The vote in favor was unanimous.

THIRD READING ITEMS

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

Mr. McEachern moved, seconded by Ms. Scott, to approve the rezoning item for Third Reading approval.

A discussion took place.

The vote was in favor.

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

Mr. McEachern moved, seconded by Ms. Scott, to approve for Third Reading approval. The vote was in favor.

05-52MA, NKD, Inc. River Shoals, TMS 04300-04-10 O'Sheal Rd, RU to PUD-1R

Ms. Scott moved, seconded by Mr. Livingston, to approve the rezoning request for Third Reading approval.

A discussion took place.

Mr. Mizzell made a substitute motion, seconded by Ms. Hutchinson, to defer Second Reading until after the recommendation is received from the Planning Commission.

The vote was as follows:

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

The motion to defer passed.

Purchase of Property – EMS - Mr. Mizzell moved, seconded by Mr. Livingston, to move this item to the end of the agenda to be discussed in Executive Session. The vote in favor was unanimous.

Official Approval of Change of Date for Budget Public Hearing to May 19, 2005 at 6:00 p.m. Mr. Pearce moved, seconded by Ms. Corley, to approve. The vote in favor was unanimous.

REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

Blythewood Intergovernmental Agreement

Mr. Jeter stated the item was deferred from the May 3rd meeting; and after speaking with Ms. Dickerson, he stated that staff had provided her with information that she would like to review.

Mr. Jeter moved, seconded by Ms. Dickerson, to defer this item until Ms. Dickerson has time to review the information received. The vote in favor was unanimous.

Employee Grievance - This item was moved to the end of the agenda to be discussed in Executive Session.

CITIZEN'S INPUT – Mr. Bobby Blackwell spoke regarding high taxes.

EXECUTIVE SESSION ITEMS

Employee Grievance

Mr. McEachern moved, seconded by Mr. Livingston/Ms. Corley, to uphold the Administrator's recommendation. The vote in favor unanimous.

Council went into Executive Session at approximately 7:03 p.m. and came out at approximately 8:12 p.m.

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

Purchase of Property – EMS

Mr. Montgomery moved, seconded by Ms. Scott, to approve the purchase as recommended. The vote in favor was unanimous.

Personnel Matter

Ms. Smith stated the Council is charged with the responsibility of evaluating the Administrator and the Clerk of Council on an annual basis. She stated the process was discussed in Executive Session.

Ms. Smith moved, seconded by Ms. Scott, to direct Mr. Pearce to continue working on the process and periodically report back to Council and will initiate that process July 1st after the budget. The vote in favor was unanimous.

MOTION PERIOD

Resolution for Deputy Keith Cannon

Mr. McEachern moved, seconded by Ms. Corley, to prepare a resolution for the late Deputy Keith Cannon. The vote in favor was unanimous.

Resolution for Brigadier General Larry Knightner

Mr. McEachern moved, seconded by Ms. Dickerson, recognizing Brigadier General Larry Knightner on his promotion. The vote in favor was unanimous.

Management Audit Letter

Mr. McEachern moved, seconded by Ms. Scott, to refer the Management Audit Letter on the Administration and Finance Committee's agenda next week for discussion. The vote in favor was unanimous.

Second Reading of the Budget

Mr. Livingston stated he was concerned about trying to attend the function on the 26th during Second Reading of the budget.

A discussion took place regarding changing the date and/or time of Second Reading of the budget.

Mr. Livingston moved to reschedule Second Reading of the budget for May 31st at 6:00 p.m. The vote in favor was unanimous.

Letter to Legislative Delegation

Mr. Mizzell stated a member of the legislative delegation contacted him about Council's regarding the legislative issue and authority with the Recreation Commission. He stated they are looking for a letter from Council regarding making the Recreation Commission an agency of the County or do the County just want authority to appoint the Commission members and leave the Commission as its' own millage agency. He stated the process needs to get started.

A discussion took place.

Mr. Livingston moved, seconded by Ms. Scott, to forward a letter allowing the County to appoint the Commissioners.

A discussion took place.

Mr. Mizzell stated the letter would state that the County Council supports the Recreation Commission remaining a millage agency as it is now and the authority for appointing the Recreation Commission members would come to County Council.

Ms. Smith suggested the following: "This would not preclude consolidation or further changes in the future."

The vote in favor was unanimous of Mr. Mizzell forwarding the letter.

Ms. Scott requested a copy of the letter to all Council members before it goes out.

ADJOURNMENT – Mr. Montgomery moved, seconded by Ms. Corley, to adjourn the meeting at approximately 8:25 p.m. The vote in favor was unanimous.

Anthony G. Mizzell, Chair

L. Gregory Pearce, Jr. Vice-Chair

Doris M. Corley

Joyce Dickerson

Valerie Hutchinson

Damon Jeter

Paul Livingston

Joseph McEachern

Mike Montgomery

Bernice G. Scott

Kit Smith

The minutes were transcribed by Marsheika G. Martin

**RICHLAND COUNTY COUNCIL
BUDGET PUBLIC HEARING
MAY 19, 2005
6:00 P.M.**

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

OTHERS PRESENT: T. Cary McSwain, Cary Neal, Monique Walters, Marsheika Martin

CALL TO ORDER

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

1. 2005/2006 Budget Public Hearing

The floor to the public hearing was opened.

The following persons signed up to speak:

- Robert Dozier
- Marta Scott Smith
- Lisa P Maes
- Cedric Brown
- Aaliyah Al-karim
- Terry Linder
- Zolea Massey
- Karen Alexander
- Ann Jessup
- Lonnie L. Shealy
- Wilbert Lewis
- Laurie Sikkema
- Deborah Bower
- Dianne Palmer-Quay
- David Quay
- Evelyn Bush
- Lee G. Edens
- Stephanie Stockard
- Herb Cooper

The floor to the public hearing was closed.

ADJOURNMENT

Mr. Perce moved, seconded by Ms. Corley, to adjourn the meeting at approximately 7:30 p.m. The vote in favor was unanimous.

Anthony G. Mizzell, Chair

L. Gregory Pearce, Jr., Vice-Chair

Doris M. Corley

Joyce Dickerson

Valerie Hutchinson

Damon Jeter

Paul Livingston

Joseph McEachern

Mike Montgomery

Bernice G. Scott

Kit Smith

The minutes were transcribed by Marsheika G. Martin

MINUTES OF



RICHLAND COUNTY COUNCIL ZONING PUBLIC HEARING TUESDAY, MAY 24, 2005 7:00 p.m.

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

MEMBERS PRESENT:

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

MEMBER ABSENT: Anthony Mizzell

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

CALL TO ORDER

The meeting was called to order at approximately 7:01 p.m.

ADDITIONS/DELETIONS – Mr. Michael Criss, Planning Director, stated 05-65MA has been administratively deferred by the applicant.

05-59MA, Otis Smith, RS-3 to C-3, Tire Repair Shop, 11808-02-03, East Side of Fairfield Rd near Webber Rd

Mr. Pearce stated that the Planning Commission recommended denial. He stated two persons signed up to speak "in favor" and no one signed up to speak against.

Mr. Pearce opened the floor to the public hearing.

The following persons spoke:

- Ralph Garris representing Otis Smith
- Rev. William McCants

The floor to the public hearing was closed.

Mr. McEachern moved, seconded by Ms. Hutchinson, to uphold the Planning Commission's recommendation for denial. The vote in favor was unanimous.

05-60MA, Randy Mosteller, RU to C-3, Retail Commercial, 01511-01-04/05/06/08, Dutch Fork Rd near the Lowman Home

Mr. Pearce stated that the Planning Commission recommended approval. He stated the applicant signed up to speak.

Mr. Pearce opened the floor to the public hearing.

The applicant waived his right to speak.

The floor to the public hearing was closed.

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

05-61MA, David Lucas, D-1 to C-3, General Commercial, 04003-02-16, Broad River Rd & Sease Rd

Mr. Pearce stated that the Planning Commission recommended approval. He stated the applicant signed up to speak.

Mr. Pearce opened the floor to the public hearing.

The applicant waived his right to speak.

The floor to the public hearing was closed.

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

05-62MA, Karen McMillan, RS-3 to C-1, Boarding House, 09311-06-05, 5752 Knightner Road near Monticello Rd

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

Mr. Pearce opened the floor to the public hearing.

The applicant waived their right to speak.

The floor to the public hearing was closed.

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

05-63MA, Christina Middleton, D-1 to RS-2, Single Family Detached Subdivision, 22015,-03-40/63, Lower Richland Blvd

Mr. Pearce stated that the Planning Commission recommended approval. He stated one signed up to speak.

Mr. Pearce opened the floor to the public hearing.

The applicant waived his right to speak.

The floor to the public hearing was closed.

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

05-64MA, Carroll Investment Properties, C-3 & D-1 to RG-2, Construct multi-family development, 19100-04-20, North Side Garner's Ferry Rd @ Mill Creek

Mr. Pearce stated that the Planning Commission recommended approval. He stated several persons signed up to speak in favor.

Mr. Pearce opened the floor to the public hearing.

The applicants waived their right to speak.

The floor to the public hearing was closed.

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

05-67MA, South Capital Group, Inc., D-1 to RG-2, Construct 87 Townhomes, 17016-03-03, I-77 Frontage Rd @ Windsor Lake Blvd

Mr. Pearce stated that the Planning Commission recommended denial. He stated several persons signed up to speak "for" and "against" this item.

Mr. Pearce opened the floor to the public hearing.

The following persons signed up to speak at this time:

- Rosser Baxter
- George Delk
- Warren J. Griffith
- Linda Brenison

Mr. Montgomery moved, seconded by Ms. Scott, to defer for one month to give the neighbors and the Planning Commission an opportunity to revisit the issue. The vote in favor was unanimous.

05-68MA, RSL Simon, LLC (Jeff Freeman), PUD-2 to amended PUD-2 (3.0 acres) [MH to O], Office Park, 23000-03-19, Summit Terrace Court

Mr. Pearce stated that the Planning Commission recommended approval. He stated one person signed up to speak in favor.

Mr. Pearce opened the floor to the public hearing.

The applicant waived their right to speak.

The floor to the public hearing was closed.

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

05-70MA, Village of Hope, CDC, RG-2 to PUD-1R (24.5 acres), mixed residential densities & commercial, 09104-01-06/20, McRae and Gibson Streets

Mr. Pearce stated that the Planning Commission recommended approval. He stated one person signed up to speak in favor.

Mr. Pearce opened the floor to the public hearing.

The applicant waived their right to speak.

The floor to the public hearing was closed.

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

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

Mr. Pearce stated the Planning Commission had recommended approval of this rezoning request. He stated the item was deferred from the April 26th Zoning Public Hearing. Mr. Pearce stated there is one person signed up to speak "in favor" and several persons signed up to speak "against" the item.

The following persons spoke:

- Tom Milliken
- Janet Robinson
- Glen Hollis
- Janice Davis
- Terry Roberts
- Patrick Malloy

Mr. McEachern moved, seconded by Ms. Scott, to defer this item for the following reasons: continued discussions regarding residents' concerns, drainage issues, 30 ft turning lane, landscaping upgrade and 10% reduction in density.

Ms. Smith offered an amendment requesting a general site plan by Second Reading or Third Reading showing how water quality would be protected and provide some play area for the residents and consideration given regarding future connectivity to help with future transportation. Mr. McEachern accepted the amendment.

Ms. Hutchinson requested to know how wide the buffer would be to protect the watershed.

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

Ms. Linder stated this item will be going back to the Planning Commission.

TEXT AMENDMENT

Land Development Code – vested rights

Mr. Pearce stated the Planning Commission recommended approval. He stated that one person signed up to speak.

Mr. Pearce opened the floor to the public hearing.

- Ms. Evelyn Bush spoke of concerns of this item.

The public hearing was closed.

A discussion took place.

Ms. Smith moved, seconded by Ms. Corley, to approve this item for First Reading. The vote in favor was unanimous.

ADJOURNMENT – Mr. Livingston moved, seconded by Mr. McEachern, to adjourn at approximately 7:52 p.m.

Anthony G. Mizzell, Chair

L. Gregory Pearce, Jr. Vice-Chair

Doris M. Corley

Joyce Dickerson

Valerie Hutchinson

Damon Jeter

Paul Livingston

Joseph McEachern

Mike Montgomery

Bernice G. Scott

Kit Smith

The minutes were transcribed by Marsheika G. Martin

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

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

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

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

"County" means Richland County, South Carolina.

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

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

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

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

"Ordinance" means this Ordinance of the County.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

[Signature page to follow]

Enacted this ____ day of June, 2005.

RICHLAND COUNTY, SOUTH CAROLINA

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

(SEAL)

ATTEST THIS ____ DAY OF

_____, 2005:

Michielle R. Cannon-Finch
Clerk of County Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

FORM OF HOSPITALITY TAX SPECIAL OBLIGATION BOND ANTICIPATION NOTE

[TO BE PROVIDED]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

RICHLAND COUNTY COUNCIL

BY: _____
Anthony G. Mizzell, Chair

Attest this _____ day of _____, 2005

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

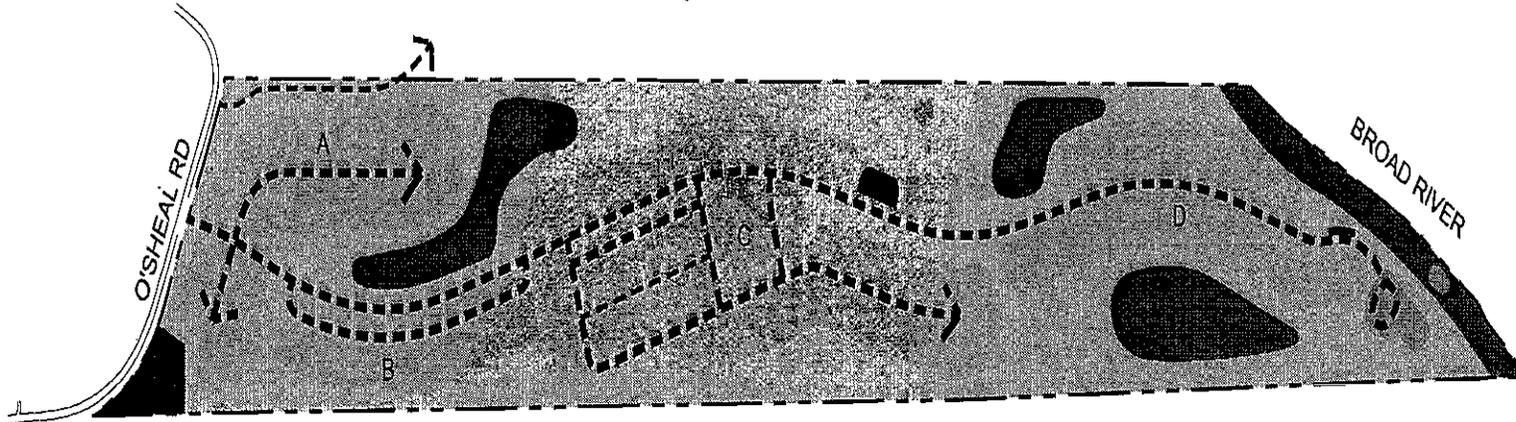
Approved As To LEGAL Form Only
No Opinion Rendered As To Content

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

Exhibit A Legal Description

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

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



LEGEND & SITE DATA

<ul style="list-style-type: none">  RIGHT OF WAY AREA & PARKING..... 12.366 acre  PROPOSED HARRY DERRICK RIGHT OF WAY AREA..... 1.131 acre  RESIDENTIAL AREA..... 33.923 acre  "PARK AVENUE" COMMONS..... 1.645 acre  PROPOSED FIRE STATION SITE..... 1.060 acre  OPEN SPACE..... 44.671 acre  COMMUNITY AMENITY AREA (PART OF OPEN SPACE)..... (0.832 acre) 	<ul style="list-style-type: none">  STORMWATER MANAGEMENT AREA (PART OF OPEN SPACE)..... (7.539 acre)  RIVER BUFFER (PART OF OPEN SPACE)..... (3.040 acre) TOTAL SITE AREA..... 94.804 acre A 8.385 acre B 2.980 acre C 15.848 acre D 10.558 acre
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**Exhibit B
Site Plan**

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

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, AS DEFINED IN SECTION 26-31 OF THE RICHLAND COUNTY CODE OF ORDINANCES, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED HEREIN (TMS # 01511-01-04/05/06/08) FROM RU (RURAL DISTRICT) TO C-3 (GENERAL COMMERCIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

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

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

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

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

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

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

Section I. The Richland County Code of Ordinances, Chapter 26, Zoning; Article 3, Establishment of Districts and Zoning Maps; is hereby amended to change the property (TMS # 01511-01-04/05/06/08) described in Exhibit A, which is attached hereto, from RU Rural District zoning to C-3 General Commercial District zoning.

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

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

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

RICHLAND COUNTY COUNCIL

By: _____
Anthony G. Mizzell, Chair

Attest this _____ day of
_____, 2005.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: May 24, 2005
First Reading: May 24, 2005
Second Reading: June 7, 2005 (tentative)
Third Reading:

Exhibit A
Property Description

METES AND BOUNDS DESCRIPTION

Richland County TMS 01511-01-04 / 05 / 06 / 08 Totaling 2.95 Acres in White Rock

TMS 01511-01-04: Beginning at a 1" pipe on the northern ROW of US 76 463.86' from it's intersection with S 40-234 in White Rock, thence continuing along US 76 ROW S 77°14'23" W for 163.86' to a RR spike, thence N 17°24'13" W for 155.67' to a 3/4" rebar, thence N 69°29'15" E 110.82' to a 3/4" rebar, thence N 10°57'47" W 104.83' to a 5/8" rebar on CN & L RR ROW, thence N 77°08'51" E for 75.0' to a 5/8" rebar. Thence S10°20'22" E for 173.69' to a RR spike, thence continuing S 10°20'22" E for 101.56' to point of beginning.

TMS 01511-01-05: Beginning at a 3/4" rebar on the western ROW of S 40-234 in White Rock, thence with the ROW of S 40-234 at a bearing of S 07°50'32" E for 142.73' to a 5/8" rebar, thence S 77°05'32" W for 290.20' to a RR spike, thence N 10°20'22" W for 173.69' to a 3/4" rebar, thence along CN & L RR ROW along a curve, thence N 83°09'28" E, for 296.68', Delta = 9°15'58", Radius = 1836.52' and Arc = 297.01' to point of beginning.

TMS 01511-01-06: Beginning at a 5/8" rebar on the western ROW of S 40-234 in White Rock, thence along the ROW of S 40-234 for 101.50' to a RR spike at the intersection with US76, thence along US 76 ROW for 300' to a 1" pipe, thence N 10°20'22" W for 101.56' to a RR spike, thence N 77°05'32" E for 290.20' to point of beginning.

TMS 01511-01-08: Beginning at a point on the northern ROW of US 76, 463.86' from the intersection with the western ROW of S 40-234, thence along US 76 ROW for 106.0' to a RR spike in the pavement, thence N 09°58'00" W for 143.4' along the line of Hugh Vann's property to an iron pin, thence along CN & L RR property N 69°29'16" E for 89.7' to a 3/4" rebar, thence S 17°24'13" E for 155.67' to point of beginning.

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

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, AS DEFINED IN SECTION 26-31 OF THE RICHLAND COUNTY CODE OF ORDINANCES, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED HEREIN (TMS # 04003-02-16) FROM D-1 (DEVELOPMENT DISTRICT) TO C-3 (GENERAL COMMERCIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

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

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

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

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

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

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

Section I. The Richland County Code of Ordinances, Chapter 26, Zoning; Article 3, Establishment of Districts and Zoning Maps; is hereby amended to change the property (TMS # 04003-02-16) described in Exhibit A, which is attached hereto, from D-1 Development District zoning to C-3 General Commercial District zoning.

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

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

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

RICHLAND COUNTY COUNCIL

By: _____
Anthony G. Mizzell, Chair

Attest this _____ day of
_____, 2005.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: May 24, 2005
First Reading: May 24, 2005
Second Reading: June 7, 2005 (tentative)
Third Reading:

Exhibit A
Property Description

All that certain piece, parcel or lot of land lying and being in the County of Richland, State of South Carolina, being shown as Parcel R-1 containing .727 acres on a survey prepared for Bob Rocks, LLC by Dennis G. Johns dated November 17, 2004, revised January 11, 2005, recorded in the office of the Register of Deeds for Richland County in Book 1022 at Page 1158 and having the following metes and bounds:

Beginning at a corner in the Southeastern portion of the property bordering on Broad River Road the property runs S75° 22' 05"W for 145.03 feet, thence turning and running S75° 09' 30"W for 145.15 feet; thence turning and running N15° 48' 15"W for 79.35 feet; thence turning and running N63° 11' 40"E for 275.05 feet; thence turning and running S67° 00' 30"E for 24.21 feet; thence turning and running S16° 23' 30"E for 122.08 feet to the point of beginning. All measurements being a little more or less.

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

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, AS DEFINED IN SECTION 26-31 OF THE RICHLAND COUNTY CODE OF ORDINANCES, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED HEREIN (TMS # 09311-06-05) FROM RS-3 (SINGLE-FAMILY RESIDENTIAL DISTRICT) TO C-1 (OFFICE AND INSTITUTIONAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

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

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

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

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

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

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

Section I. The Richland County Code of Ordinances, Chapter 26, Zoning; Article 3, Establishment of Districts and Zoning Maps; is hereby amended to change the property (TMS # 09311-06-05) described in Exhibit A, which is attached hereto, from RS-3 Single-Family Residential District zoning to C-1 Office and Institutional District zoning.

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

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

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

RICHLAND COUNTY COUNCIL

By: _____
Anthony G. Mizzell, Chair

Attest this _____ day of
_____, 2005.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: May 24, 2005
First Reading: May 24, 2005
Second Reading: June 7, 2005 (tentative)
Third Reading:

Exhibit A
Property Description

Richland County TMS 09311-06-05 on Knightner Road:

All that certain place, parcel or lot of land situate, lying and being on the Southwestern side of an unnamed street just Northwest of Monticello Road, North of the Town of Eau Claire, in the County of Richland, State of South Carolina and being shown and designated as Lot 66 upon a plat of Laurel Park prepared by Jas. C. Covington, CE, July 18, 1946 and recorded in the Richland County Clerk of Court's Office in Plat Book L at page 88. Said Plat is incorporated herein by reference for a more complete and accurate description.

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

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, AS DEFINED IN SECTION 26-31 OF THE RICHLAND COUNTY CODE OF ORDINANCES, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED HEREIN (TMS # 22015-03-40/63) FROM D-1 (DEVELOPMENT DISTRICT) TO RS-2 (SINGLE-FAMILY RESIDENTIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

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

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

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

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

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

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

Section I. The Richland County Code of Ordinances, Chapter 26, Zoning; Article 3, Establishment of Districts and Zoning Maps; is hereby amended to change the property (TMS # 22015-03-40/63) described in Exhibit A, which is attached hereto, from D-1 Development District zoning to RS-2 Single-Family Residential District zoning.

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

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

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

RICHLAND COUNTY COUNCIL

By: _____
Anthony G. Mizzell, Chair

Attest this _____ day of
_____, 2005.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: May 24, 2005
First Reading: May 24, 2005
Second Reading: June 7, 2005 (tentative)
Third Reading:

Exhibit A
Property Description

TMS Number 22015-03-63:

All that certain piece, parcel or lot of land, with the improvements thereon, situate, lying and being near the Town of Hopkins, County of Richland, State of South Carolina, the same being on the Western side of Lower Richland Boulevard, containing 1.10 Acres, more or less, and being shown on that plat prepared for James Melvin Mitchell and Geneva F. Mitchell, by Cox & Dinkins, Inc., dated March 28, 1990, and recorded in the RMC Office for Richland County in Plat Book 53 at page 154; reference being made to said plat for a more complete description.

This being the same property conveyed to the Grantor herein by Deed of Master in Equity for Richland County, dated February 20, 2001, and recorded in the RMC Office for Richland County in Book B-R-490 at page 60.

TMS Number 22015-03-40:

BEING about fifteen (15) miles southeast of the City of Columbia, in the County of Richland, in the State of South Carolina, on Highway Number Thirty-Seven (37), said Highway being a highway connecting United States Highway Number Seventy-Six (76) and the Leesburg Road. Said tract of land being located on the northwestern side of said Highway Number Thirty-Seven (37) and having the following metes and bounds, to wit: Beginning at an iron peg about two and 1/10 miles northeast of said Highway Number Seventy-Six (76) on said South Carolina Road Number Thirty-Seven (37) and running back therefrom northward eighty-five degrees, fifteen minutes West in a straight line for the distance of three hundred and fifty-three (353) feet to an iron peg; thence turning and running northward fourteen degrees, forty-five minutes East for a distance of two hundred and fifty-two and 3/10 (252.3) feet to an iron peg; thence turning and running southward eighty-eight degrees fifty-five minutes East for a distance of four hundred and eighteen and 3/10 (418.3) feet to an iron peg; thence turning and running in a southwesterly direction along right of way of said Highway Number Thirty-Seven for a distance of two hundred and ninety-two and 5/10 (292.5) feet to the point of Beginning. Said property being bounded as follows, to-wit: Bounded on the South by lands now or formerly of Adam Hampton; on the West by lands now or formerly of Joseph Hampton; on the North by lands now or formerly of Lee D. Hampton, and on the East by said South Carolina Road Number Thirty-Seven (37), whereon it fronts for a distance of two hundred and ninety-two and 5/10 (292.5) feet. LESS and EXCEPT: 1.10 acres conveyed to James Melvin Mitchell and Geneva F. Mitchell by Cox and Dinkins, Inc. dated March 28, 1990 and recorded in Book 53; Page 154 in the Office of the Clerk of Courts for Richland County.

This being the same property conveyed to James Mitchell individually and as Trustee of the Arlee Mitchell Testamentary Trust by Deed of Distribution dated April 18, 2002 and recorded April 19, 2002 in the Clerk of Court's Office for Richland County in Deed Book 652 at Page 1362.

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

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, AS DEFINED IN SECTION 26-31 OF THE RICHLAND COUNTY CODE OF ORDINANCES, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED HEREIN (TMS # 19100-04-20) FROM C-3 (GENERAL COMMERCIAL DISTRICT) AND D-1 (DEVELOPMENT DISTRICT) TO RG-2 (GENERAL RESIDENTIAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

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

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

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

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

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

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

Section I. The Richland County Code of Ordinances, Chapter 26, Zoning; Article 3, Establishment of Districts and Zoning Maps; is hereby amended to change the property (TMS # 19100-04-20) described in Exhibit A, which is attached hereto, from C-3 General Commercial

District zoning and D-1 Development District zoning to RG-2 General Residential District zoning.

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

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

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

RICHLAND COUNTY COUNCIL

By: _____
Anthony G. Mizzell, Chair

Attest this _____ day of
_____, 2005.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: May 24, 2005
First Reading: May 24, 2005
Second Reading: June 7, 2005 (tentative)
Third Reading:

Exhibit A
Property Description

All that certain piece, parcel or lot of land with improvements thereon, situate, lying and being in the State of South Carolina, County of Richland, near the City of Columbia, said parcel being shown on a plat entitled, "Boundary Survey" for C.I.P. Construction by B. P. Barber & Associates, Inc. (BPB File No. 32,795-B75), said plat having the following metes & bounds to wit:

Beginning at a pinched top pipe on the Northern right-of-way of Garners Ferry Road (US Hwy 76 & 378), being 1145'+/- from the intersection of Universal Drive and Garners Ferry Road, thence turning and proceeding along the properties of Marion Jr. & Harriet Burnside/Burnrich Partnership the following courses and distances: in a direction of N°49'00"E for a distance of 1210.50' to a 1" pipe, thence in a direction of N27°23'00"E for a distance of 98.90' to a 1-1/4" pipe, thence in a direction of S72°15'00"E for a distance of 543.42' to a 5/8" rebar; thence turning and proceeding along the property of Robert H. Burnside in a direction of S29°43'33"W for a distance of 884.20' to a 5/8" rebar; thence turning and proceeding along the property of Monte A. Lemmon in a direction of N57°45'00"W for a distance of 120.00' to a 1" pipe; thence turning and proceeding along the property of R. Kirk Woodlief, Jr. the following courses and distances: in a direction of N57°45'00"W for a distance of 85.25' to a 5/8" rebar, and then in a direction of S29°42'00"W for a distance of 510.91' to a 1-1/4" pipe; thence turning and proceeding along the Northern right-of-way of Garners Ferry Road in a direction of N57°45'00"W for a distance of 723.00' to a pinched top pipe, this being the point of beginning. Said parcel contains 19.000 acres (827,640 square feet).

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

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, AS DEFINED IN SECTION 26-31 OF THE RICHLAND COUNTY CODE OF ORDINANCES, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED HEREIN (TMS # 23000-03-19) FROM PUD-2 (PLANNED UNIT DEVELOPMENT-2 DISTRICT) TO AN AMENDED PUD-2 (PLANNED UNIT DEVELOPMENT-2 DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

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

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

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

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

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

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

Section I. The Richland County Code of Ordinances, Chapter 26, Zoning; Article 3, Establishment of Districts and Zoning Maps; is hereby amended to change the property (TMS # 23000-03-19) described in Exhibit A, which is attached hereto, from PUD-2 Planned Unit

Development-2 District zoning to an amended PUD-2 Planned Unit Development-2 District zoning.

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

- a) The Planning Commission approved the applicant's General Development Plan, except as otherwise amended herein, required by Section 26.70-15, which is on file in the Richland County Planning & Development Services Department (hereinafter referred to as "PDSD") and is incorporated herein by reference; and
- b) The site development consists of 2.99 acres; and
- c) The applicant shall provide a phasing plan to the PDSD prior to the department's review of any construction plans or site plans; and
- d) Unless otherwise provided herein, all development shall conform to all relevant land development regulations in effect at the time a permit application is received by the PDSD; and
- e) The provisions of Sections 26-70.7, 26-70.8, 26-70.10, and 26-70.11 of the Richland County Code of Ordinances shall not apply to this project; and
- f) The site's permitted land uses shall be limited to the following:
 - 1) General offices,
 - 2) Medical, dental, and related medical offices and services,
 - 3) Nursing homes, assisted care facilities, long-term facilities,
 - 4) Day nurseries/kindergartens, subject to Section 26-84 of the Richland County Code of Ordinances, or its relevant successor regulations,
 - 5) Parallel zero lot line dwelling units and developments, subject to the provisions of Section 26-90 of the Richland County Code of Ordinances, or its relevant successor regulations, with density not to exceed 9 units per acre,
 - 6) Common zero lot line dwelling units and developments, subject to the provisions of Section 26-90 of the Richland County Code of Ordinances, or its relevant successor regulations, with density not to exceed 9 units per acre, and
 - 7) Cluster housing development containing only single-family detached dwellings, subject to the provisions of Section 26-87 of the Richland County Code of Ordinances, or its relevant successor regulations; provided, however, that modular building units shall not be permitted, and
 - 8) Rehabilitation centers with lot area of at least 10,000 square feet, and
 - 9) Accessory uses to the permitted uses and structures of subsection (f), above; and
- g) No Special Exceptions shall be permitted under Section 26-602 of the Richland County Code of Ordinances, or its relevant successor regulations; and
- h) Pursuant to the requirements of Section 26-70.17 of the Richland County Code of Ordinances, the following changes shall require a review and recommendation by the Planning Commission and a new ordinance by the County Council:
 - 1) Any increase in the number of access points to the external road network;
 - 2) Any decrease in the amount of open space/common areas;
 - 3) Any increase in the gross project density (measured in DU/acre); and/or
 - 4) Any change in traffic flow; and

- i) The Planning Commission is hereby authorized to make minor amendments to the site plan, which is attached hereto as Exhibit B, or as otherwise allowed by Section 26-70.17 of the Richland County Code of Ordinances, or its relevant successor regulations; and
- j) The PDSO is authorized to make minor adjustments to the phasing schedule as may become necessary during the project's construction; and
- k) No site clearing activity shall begin until the Richland County Public Works Department issues a Grading Permit and the PDSO issues a Controlled Clearing letter; and
- l) Richland County shall not be responsible for the enforcement of any deed restrictions imposed by the applicant, the developer, or their successors in interest.

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

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

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

RICHLAND COUNTY COUNCIL

BY: _____
Anthony G. Mizzell, Chair

Attest this _____ day of _____, 2005

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

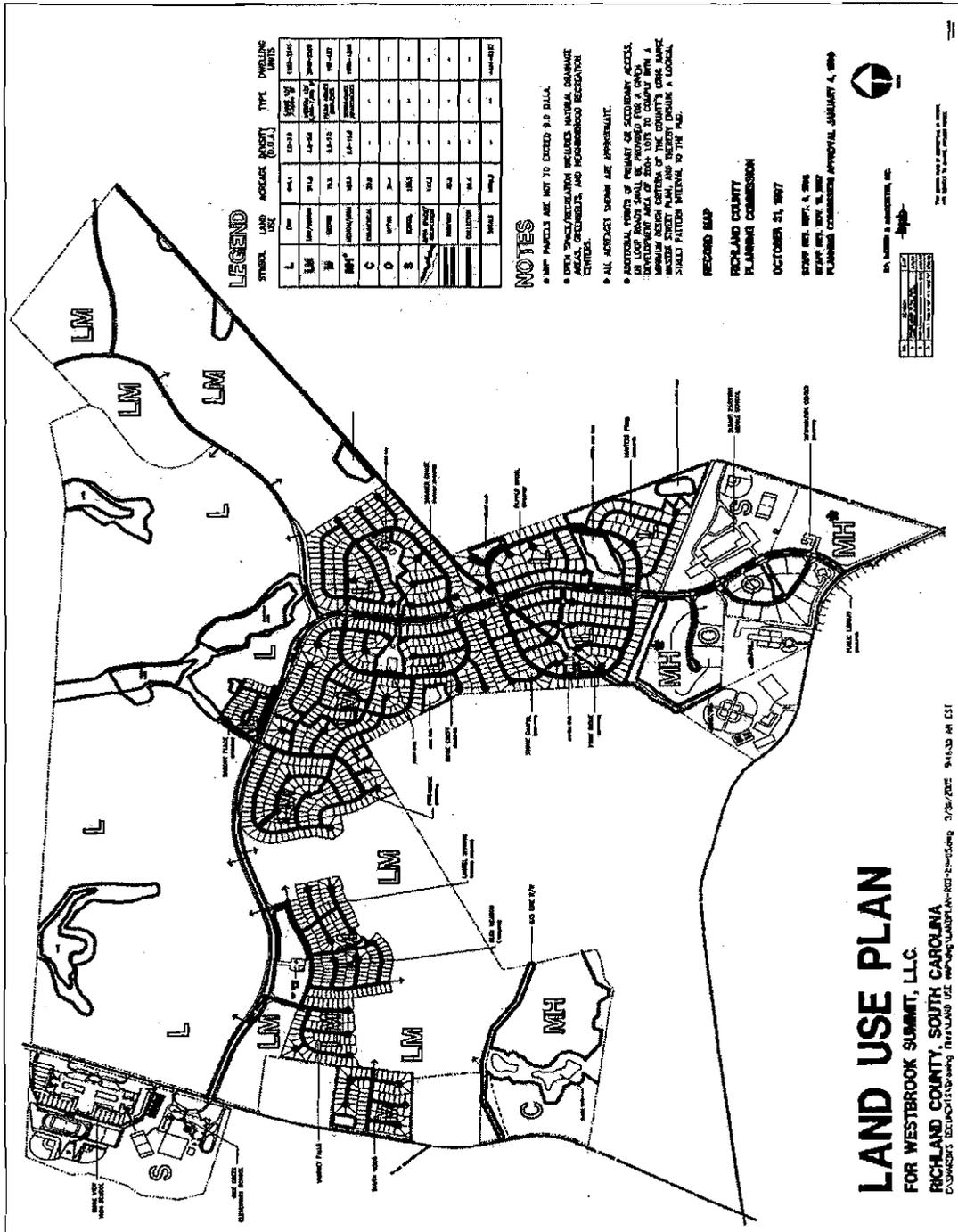
Approved As To LEGAL Form Only
No Opinion Rendered As To Content

Public Hearing: May 24, 2005
First Reading: May 24, 2005
Second Reading: June 7, 2005 (tentative)
Third Reading:

Exhibit A
Legal Description

Beginning at a ½" rebar (o), located on the southern r/w of Summit Terrace road, 769' west of the intersection of Summit Parkway and Summit Terrace, near the City of Columbia; thence continuing along the southern right-of-way of Summit Terrace along the arc of a curve to the right having a radius of 434.00', a length of 233.69', a delta angle of 30°51'06", a chord of 230.88' and a chord bearing of S79°27'01"E to a ½" rebar (o), thence continuing along the southern right-of-way of Summit Terrace along the arc of a curve to the left having a radius of 566.00', a chord of 118.42' and a chord bearing of S70°01'45"E to a ½" rebar (o), thence turning and running along property of now or formerly The Havens S25°00'01"W for a distance of 74.22' to a ½" rebar (o), thence continuing along property of now or formerly Columbia/Summit/RSL/Haven, LLC S07°23'37"W for a distance of 282.10' to a ½" rebar (o), thence turning and running along property of now or formerly Richland County School District Two N87°27'43"W for a distance of 323.94' to a ½" rebar (o), thence turning and running along property of now or formerly Westbrook Summit, LLC N07°16'21"E for a distance of 418.77' to a ½" rebar (o), the point of beginning.

Exhibit B Site Plan



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

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, AS DEFINED IN SECTION 26-31 OF THE RICHLAND COUNTY CODE OF ORDINANCES, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTY DESCRIBED HEREIN (TMS # 09104-01-06/20) FROM RG-2 (GENERAL RESIDENTIAL DISTRICT) TO PUD-1R (RESIDENTIAL PLANNED UNIT DEVELOPMENT-1 DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

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

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

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

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

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

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

Section I. The Richland County Code of Ordinances, Chapter 26, Zoning; Article 3, Establishment of Districts and Zoning Maps; is hereby amended to change the property (TMS # 09104-01-06/20) described in Exhibit A, which is attached hereto, from RG-2 General Residential District zoning to PUD-1R Residential Planned Unit Development-1 District zoning.

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

- a) The Planning Commission approved the General Development Plan prepared for Village of Hope by Companion Associates, Inc., Charleston, South Carolina, dated March 31, 2005, except as otherwise amended herein, required by Section 26.70-15, which is on file in the Richland County Planning & Development Services Department (hereinafter referred to as "PDSD") and is incorporated herein by reference; and
- b) The site development shall be limited to 130 apartment units, 38 townhouse units, 38 senior citizen units, 20 single-family units, and a maximum of 6,000 square feet of neighborhood retail space, all as depicted in the site plan that is attached hereto as Exhibit B; and
- c) If applicable, the applicant shall provide a phasing plan to the PDSD prior to the department's review of any construction plans or site plans; and
- d) Unless otherwise provided herein, all development shall conform to all relevant land development regulations in effect at the time a permit application is received by the PDSD; and
- e) Exhibit B constitutes the applicant's Sketch Plan for subdivision purposes, and is hereby approved for such purposes; and
- f) The provisions of Sections 26-70.7, 26-70.8, 26-70.10, and 26-70.11 of the Richland County Code of Ordinances shall not apply to this project; and
- g) No Special Exceptions shall be permitted under Section 26-602 of the Richland County Code of Ordinances, or its relevant successor regulations; and
- h) Pursuant to the requirements of Section 26-70.17 of the Richland County Code of Ordinances, the following changes shall require a review and recommendation by the Planning Commission and a new ordinance by the County Council:
 - 1) Any increase in the number of access points to the external road network;
 - 2) Any decrease in the amount of open space/common areas;
 - 3) Any increase in the gross project density (measured in DU/acre); and/or
 - 4) Any change in traffic flow; and
- i) The Planning Commission is hereby authorized to make minor amendments to Exhibit B or as otherwise allowed by Section 26-70.17 of the Richland County Code of Ordinances, or its relevant successor regulations; and
- j) The PDSD is authorized to make minor adjustments to the phasing schedule as may become necessary during the project's construction; and
- k) All internal streets shall be publicly owned and maintained by Richland County.

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

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

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

RICHLAND COUNTY COUNCIL

BY: _____
Anthony G. Mizzell, Chair

Attest this _____ day of
_____, 2005

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: May 24, 2005
First Reading: May 24, 2005
Second Reading: June 7, 2005 (tentative)
Third Reading:

Exhibit A
Property Description

Tax Map Sheet Number 09104-01-06:

All that certain piece or parcel of land with improvements lying in the County of Richland, located approximately 0.5 miles northwest of Columbia, State of South Carolina; containing 6.76 acres and shown as Block "S" on a plat prepared for Village of Hope Community Development Corporation by American Engineering Consultants, Inc., dated November 13, 2003. The said parcel having the following metes and bounds: beginning at a point shown as an "X" in the concrete at the northeast corner of the intersection of McRae Street (S40-329) and McQueen Street then running along the eastern right-of-way of McQueen Street (a fifty feet right-of-way street) N 13°40'17" W for a distance of two hundred, sixty-seven and twenty-nine hundredths (267.29') feet to an "X" in the concrete; then running around a curve with the chord of N 42°27'51" W and a length of one hundred, forty-four and forty-nine hundredths (144.49') feet, and a radius of one hundred and fifty (150.00') feet to an iron; then turning and running N 71°15'25" W for a distance of two-hundred, seventy-seven and seventy-six hundredths (277.76') feet to an iron; then running around a curve with the chord bearing of N 88°05'15" W with a length of one hundred, forty-four and seventy-seven hundredths (144.77') feet, and a radius of two hundred and fifty (250.00') feet to an iron; then turning and being bounded on the west by other lands of Village of Hope Community Development Corporation, running N 09°36'00" W for a distance of two-hundred, twelve and zero hundredths (212.00') feet to an iron; then turning and being bounded on the north by Riverview Terrace Subdivision, Lot 20 running N 37°11'59" E for a distance of fifty-seven and sixty-three hundredths (57.63) feet to an iron; then being bounded on the north by Lots 19, 18, and 17 running N 36°52'16" E for a distance of one hundred, eighty-three and eighty-three hundredths (183.83') feet to an iron; then being bounded on the east by Lot 15 running S 43°37'15" E for a distance of sixty-two and seventy-nine hundredths (62.79') feet to an iron; then being bounded on the east by Lot 14 running S 43°37'15" E for a distance of forty-one and fifty-six hundredths (41.56') feet to an iron; then continuing along Lot 14 running S 57°32'04" E for a distance of twenty-nine and thirty-seven hundredths (29.37') feet to an iron; then being bounded on the east by Lot 13 running S 57°26'03" E for a distance of seventy and four hundredths (70.04') feet to an iron; then being bounded on the east by Lot 12 running S 57°28'01" E for a distance of seventy and one hundredths (70.01') feet to an iron; then being bounded on the east by Lot 11 running S 57°28'03" E for a distance of sixty-nine and ninety-one hundredths (69.91') feet to an iron; then being bounded on the east by Lots 10 and 9 running S 57°31'14" E for a distance of one hundred, sixty and ten hundredths (160.10') feet to an iron; then being bounded on the east by Lots 8 and 7 running S 57°28'20" E for a distance of one hundred, twenty-four and eighty-eight hundredths (124.88') feet to an iron; then being bounded on the east by Lot 6 running S 57°23'31" E for a distance of seventy-five and four hundredths (75.04') feet to an iron; then being bounded on the east by Lot 5 running S 57°20'39" E for a distance of eighty-one and eighteen hundredths (81.18') feet to an iron; then turning and being bounded on the east by Lot 4 running S 23°47'04" E for a distance of fifty-four and sixty-four hundredths (54.64') feet to an iron; then being bounded on the east by Lot 3 running S 23°43'25" E for a distance of eighty-five and two hundredths (85.02') feet to an iron; then being bounded on the east by Lot 2 running S 23°43'26" E for a distance of eighty-four and ninety-seven hundredths (84.97')

feet to an iron; then being bounded on the east by Lot 1 running S 23°45'47" E for a distance of eighty-five and two hundredths (85.02') feet to an iron; then turning and running along the northern right-of-way of McRae Street S 66°13'18" W for a distance of three hundred, forty and sixty-one hundredths (340.61') feet to an "X" in the concrete, which is the beginning point.

Tax Map Sheet Number 9104-01-20:

All that certain piece or parcel of land with improvements lying in the County of Richland, located approximately 0.5 miles northwest of Columbia, State of South Carolina; containing 9.28 acres and shown as Block "W" on a plat prepared for Village of Hope Community Development Corporation by American Engineering Consultants, Inc., dated November 13, 2003. The said parcel having the following metes and bounds: beginning at a point shown as an IN (iron new) at the northwest corner of the intersection of McRae Street (S40-329) and McQueen Street then running along the northern right-of-way of McRae Street (a fifty feet right-of-way street) S 66°13'18" W for a distance of six hundred, forty-eight and sixty hundredths (648.60') feet to an iron; then turning and running along the western right-of-way of McRae Street S 23°57'18" E for a distance of four hundred, thirty and zero hundredths (430.00') feet to an iron; then turning and being bounded on the south by Roosevelt Village, Lot 8 running S 65°44'52" W for a distance of one hundred, fifty-seven and seventy-one hundredths (157.71') feet to an iron; then turning and being bounded on the west by other lands of Village of Hope Community Development Corporation running N 24°08'08" W for a distance of six hundred, fifty-four and zero hundredths (654.00') feet to an iron: then turning and being bounded on the north by other lands of Village of Hope Community Development Corporation running along the centerline of an existing creek N 55°05'38" E for a distance of fifty-five and five hundredths (55.05') feet to a point; then running N 03°54'30" W for a distance of thirty and eighty-four hundredths (30.84') feet to a point; then running N 21°58'36" E for a distance of twenty and eight hundredths (20.08') feet to a point; then running N 09°36'59" E for a distance of forty-six and four hundredths (46.04') feet to a point; then running N 63°28'52" E for a distance of sixty-four and thirty-five hundredths (64.35') feet to a point; then running N 31°06'50" E for a distance of fifty and zero hundredths (50.00') feet to a point; then running N 42°25'12" E for a distance of seventy-six and forty-nine hundredths (76.49') feet to a point; then running N 84°44'59" E for a distance of one hundred, seventy-two and two hundredths (172.02') feet to an iron; then turning and being bounded on the west by other lands of Village of Hope Community Development Corporation running N 09°36'00" W for a distance of two hundred, eighty-seven and seventy-three hundredths (287.73') feet to an iron; then turning and being bounded on the north by the southern right-of-way of McQueen Street running around a curve with a chord of S 88°45'18" E and a length of one hundred, twenty and twenty-seven hundredths (127.20') feet, and a radius of two hundred (200.00') feet to an iron; then running S 71°15'25" E for a distance of two hundred, seventy-seven and seventy-six hundredths (277.76') feet to an iron; then running around a curve with a chord of S 42°27'51" E and a length of ninety-six and thirty-three hundredths (96.33') feet, and a radius of one hundred (100.00') feet to an iron; then running S 13°40'17" E for a distance of two hundred, seventy-six and twenty hundredths (276.20') feet to an iron that is the beginning point.

Said property is subject to a fifteen (15') feet City of Columbia Sewer Easement centered on the existing sewerage line running across the property and shown on the above-referenced plat.

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STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ___05HR

AN ORDINANCE AMENDING ORDINANCE NO. 074-04HR (THE RICHLAND COUNTY LAND DEVELOPMENT CODE); ARTICLE IV, AMENDMENTS AND PROCEDURES; SECTION 26-53, LAND DEVELOPMENT PERMITS; SO AS TO CLARIFY THE VESTED RIGHTS THAT LANDOWNERS HAVE IN THEIR PROPERTY.

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. Article IV (Amendments and Procedures), Section 26-53 (Land Development Permits), of Ordinance No. 074-05HR, which was adopted by the Richland County Council on November 9, 2004, is hereby amended to read as follows:

Sec. 26-53. Land development permits.

- (a) *General.* No building or other structure shall be erected, moved, added to, or structurally altered without a land development permit being issued by the county. In addition to building or structural change, a land development permit shall also be required for expansions of existing uses as well as for a change of use. A land development permit shall not be issued by the planning department except in conformity with the provisions of this chapter, unless the planning department receives a written order from the Richland County Board of Zoning Appeals in the form of an interpretation involving error (Section 26-58) or a special exception (Section 26-56) or variance (Section 26-57). If the permit is denied, reasons for the denial shall be stated.
- (b) *Processes.* There are three types of land development permit processes: land development compliance review, minor land development review, and major land development review. The type of process to be applied to a particular development application depends on the nature of the development proposed.
 - (1) *Land development compliance review.*
 - a. *Applicability.* Construction of detached single-family dwelling units and two-family dwellings on individual lots of record are subject only to land development compliance review in order to obtain a land development permit. In addition, changes of use not involving new construction are subject only to land development compliance review in order to obtain a land development permit.
 - b. *Pre-application procedure.* No pre-application conference is required prior to applying for a land development permit subject to

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land development compliance review. Applicants are encouraged to call or visit the planning department prior to requesting a land development permit to determine what information is required for the application.

- c. *Plan submittal.*
 - 1. *Filing of application.* An application for a land development permit subject to land development compliance review may be filed by the owner of the property or by an authorized agent. The application for a land development permit shall be filed with the planning department on a form provided by the department.
 - 2. *Fees.* A permit fee, as established by the Richland County Council, shall be submitted with the application.
- d. *Staff review.* The planning department shall review the application and determine if it is complete. If the application is incomplete, the planning department shall notify the applicant of the deficiencies. Provided the application is complete, the planning department, for projects not involving some other form of review, shall approve, approve conditionally, or deny the approval of the application within ten (10) days of receipt. Failure to act on those applications not involving some other form of review within ten (10) days shall result in the reimbursement of any application fee submitted to the county. Failure to act within sixty (60) days, unless extended by mutual agreement, shall be considered to constitute approval. In most situations, land development compliance review and the issuance of a land development permit can be handled at the time of application submittal. A record of all actions will be maintained as a public record and the applicant must be notified in writing of any actions taken.
- e. *Public notification.* No public notification is required for land development permit issuance subject to land development compliance review.
- f. *Formal review.* No formal review is required for land development permit issuance subject to land development compliance review.
- g. *Variances.* Requests for variances, unless otherwise specified, shall be heard by the board of zoning appeals under the procedures set forth in Section 26-57 of this chapter.

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- h. *Appeals.* Appeals of the decisions of the planning department regarding land development permit applications, which must be filed within thirty (30) days after actual notice of the decision, shall be heard by the planning commission under the procedures set forth at Section 26-58 of this chapter. Such appeals shall encompass all issues for appeal. An appeal from the decision of the planning commission by a person who may have a substantial interest in the decision must be taken to the circuit court within thirty (30) days after actual notice of the decision. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.
- ~~i. *Permit validity.* Upon the issuance of a land development permit, the applicant shall have nine (9) months from the date of issuance to begin work as described on the permit. Failure to begin work within this time shall render the permit void. The planning department may grant an extension of this time period of up to an additional six (6) months upon submittal by the applicant of sufficient justification for the extension. The land development permit shall remain valid so long as a valid building permit and/or business license exists for the project. Any change from the approved plans that has not been reviewed and approved shall render the permit invalid.~~
- i. *Permit validity.* In accordance with Section 6-29-1510, et seq. of the South Carolina Code of Laws 1976, as amended, upon the issuance of a land development permit, the applicant shall have a vested right for two (2) years from the date of issuance to undertake and complete the corresponding development of property under the terms and conditions of the approved site specific development plan. Failure to complete work within this time shall render the permit void. However, the applicant may apply to the planning department for a one (1) year extension of this time period no later than 30 days and no earlier than 60 days prior to the expiration of the permit. The request for an extension must be approved unless otherwise prohibited by an intervening amendment to this chapter, such amendment having become effective prior to the expiration of the permit. Likewise, and in the same manner, the applicant may apply for four (4) more one (1) year extensions. Any change from the approved site specific development plan that has not first been reviewed and approved by

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the planning department shall render the land development permit invalid.

(2) *Minor land development review.*

- a. *Applicability.* Minor land developments are those developments (exclusive of residential or commercial subdivisions) that do not meet the standards for applicability for “land development compliance review” or “major land development” review. If a phased project would reach the thresholds for a major land development within a five (5) year period, then the project shall be treated as a major land development, regardless of the size of the individual phases. To be considered a minor land development, the subdividing of property or the dedication of land to the county for open space or other public purposes shall not be part of the development. Minor land developments are subject to the review process outlined in subparagraphs b. through f. below in order to obtain a land development permit.
- b. *Pre-application procedure.* No pre-application conference is required prior to applying for a land development permit subject to minor land development review. Applicants are encouraged to call or visit the planning department prior to requesting a land development permit to determine what information is required for the application.
- c. *Plan submittal.*
 1. *Filing of application.* An application for a land development permit subject to minor land development review may be filed by the owner of the property or by an authorized agent. The application for a land development permit shall be filed with the planning department on a form provided by the department and shall be accompanied by plans drawn to scale of the development. The application and plans shall include all information requested by the department.
 2. *Fees.* A permit fee, as established by the Richland County Council, shall be submitted with the application.
- d. *Staff review.* The planning department shall review the application and determine if it is complete. If the application is incomplete, the planning department shall notify the applicant of the deficiencies within thirty (30) days of the most recent submission date. Provided the application is complete, the following shall occur.

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1. *Planning staff review.* Plans for development requiring minor land development review shall be reviewed by the planning department for compliance with the requirements of this chapter.
2. *Development review team.* As needed, plans for development requiring minor land development review shall be reviewed by members of the county's development review team for compliance with the requirements of this chapter and other applicable county codes. No formal team review shall be required.

The planning department shall approve, approve conditionally, or deny the approval of the application within sixty (60) days of receipt. Failure to act on an application with sixty (60) days shall be considered to constitute approval. A record of all actions will be maintained as a public record and the applicant must be notified of any actions taken.

- e. *Public notification.* No public notification is required for land development permit issuance subject to minor land development review.
- f. *Formal review.* No formal review is required for land development permit issuance subject to minor land development review.
- g. *Variances.* Requests for variances, unless otherwise specified, shall be heard by the board of zoning appeals under the procedures set forth in Section 26-57 of this chapter. However, requests for variances from the requirements set forth in Article IX. shall be heard by the planning commission.
- h. *Appeals.* Appeals of the decisions of the planning department regarding land development permit applications (subject to minor land development review), which must be filed within thirty (30) days after actual notice of the decision, shall be heard by the planning commission under the procedures set forth in Section 26-58 of this chapter. Such appeals shall encompass all issues for appeal. An appeal of the decision of the planning commission by a person who may have a substantial interest in the decision must be taken to the circuit court within thirty (30) days after actual notice of the decision. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with

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the circuit court, accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.

~~i. *Permit validity.* Upon the issuance of a land development permit, the applicant shall have nine (9) months from the date of issuance to begin work as described on the permit. Failure to begin work within this time shall render the permit void. The planning department may grant an extension of this time period of up to an additional six (6) months upon submittal by the applicant of sufficient justification for the extension. The land development permit shall remain valid so long as a valid building permit and/or business license exists for the project. Any change from the approved plans that has not been reviewed and approved shall render the permit invalid.~~

i. *Permit validity.* In accordance with Section 6-29-1510, et seq. of the South Carolina Code of Laws 1976, as amended, upon the issuance of a land development permit, the applicant shall have a vested right for two (2) years from the date of issuance to undertake and complete the corresponding development of property under the terms and conditions of the approved site specific development plan. Failure to complete work within this time shall render the permit void. However, the applicant may apply to the planning department for a one (1) year extension of this time period no later than 30 days and no earlier than 60 days prior to the expiration of the permit. The request for an extension must be approved unless otherwise prohibited by an intervening amendment to this chapter, such amendment having become effective prior to the expiration of the permit. Likewise, and in the same manner, the applicant may apply for four (4) more one (1) year extensions. Any change from the approved site specific development plan that has not first been reviewed and approved by the planning department shall render the land development permit invalid.

(3) *Major land development review.*

a. *Applicability.* Major land developments are those developments, exclusive of residential or commercial subdivisions, which:

1. Involve one hundred thousand (100,000) or more square feet of nonresidential floor space;

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2. Involve one hundred and fifty (150) or more multi-family residential dwelling units, lots or manufactured home spaces in a manufactured home district; and/or
3. Involve the dedication of land to the county for open space or other public purposes.

Due to the size of these projects, a more formal review process is required. This review process is established to ensure the safety of the public and to assure that adequate services and facilities can be provided for these developments and to assure that they do not negatively impact the area in which they are proposed to be located or the county as a whole.

- b. *Pre-application procedure.* All applicants for a land development permit that is subject to major plan development approval are required to schedule a pre-application conference with the planning director prior to the preparation of development plans. This conference allows the applicant and planning staff an opportunity to discuss the review process, the requirements for completing the review schedule, contact persons for services and permits, and information regarding site plan requirements. The staff can also determine if any special reviews will be required. It is also highly recommended that the developer, as appropriate, meet with representatives of the neighborhood in which the proposed project is located. This meeting, which can be held at the pre-application stage, will allow the developer an opportunity to explain the proposed project and to be informed of the concerns of the neighborhood.
- c. *Plan submittal.*
 1. *Filing of application.* Applications for land development permits subject to major land development review may be filed by the owner of the property or an authorized agent. The application shall be filed with the planning department on a form provide by the department and shall be accompanied by the required number of site plans. The application and plans shall include all information requested by the department. The schedule for submittal of applications in order to have them reviewed at established technical review team and planning commission meetings shall be maintained in the planning department.
 2. *Preparation of plans.* Site plans for developments requiring major land development review shall be prepared

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by a registered architect, engineer, landscape architect, or licensed surveyor. Plans shall include a traffic management plan.

3. *Fees.* A permit fee, as established by the Richland County Council, shall be submitted with the application.
- d. *Staff review.* The planning department shall review the application and determine if it is complete. If the application is incomplete, the planning department shall notify the applicant of the deficiencies within thirty (30) days of the most recent submission date. Provided the application is complete, the following shall occur:
1. *Planning staff review.* Plans for development requiring major land development review shall be reviewed by the planning department for compliance with the requirements of this chapter.
 2. *Development review team.* The planning department shall present site plans for developments requiring major land development review to the development review team. Within thirty (30) days of receipt of a site plan from the planning department, the development review team shall review the site plans for compliance with existing federal, state and local laws and regulations, as well as for compatibility with the county's comprehensive plan. The development review team shall take one of the following three (3) actions on the application within fifteen (15) days of reviewing the site plan.
 - [a] *Approval by development review team.* If the site plan is approved by the development review team, the planning department shall notify the applicant and transmit the site plan to the planning commission for their information.
 - [b] *Conditional approval by development review team.* If the site plan receives conditional approval, the applicant shall revise the plan based upon the conditions of the approval and resubmit it. The revised plan shall be reviewed by the planning department and if it meets all of the review team conditions, the site plan shall be transmitted to the Richland County Planning Commission for their information. Conditional approval may also be appealed to the Richland County Planning

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Commission, subject to the procedures for a public hearing set forth in subsections e. and f. below.

- [c] *Denial by development review team.* If the site plan is denied, the reasons for denial shall be provided to the applicant. The site plan may be revised to address the reasons for denial and resubmitted in accordance with the provisions of this chapter. The denial may also be appealed to the Richland County Planning Commission, subject to the procedures for a public hearing set forth in subsections e. and f. below and the payment of any fees established by the Richland County Council.

Appeals must be filed within fifteen (15) days of the date the decision is received by the applicant for a land development permit.

- e. *Public notification.* No public notification is required for land development permit issuance subject to major land development review where a report of approval is being made by the development review team. However, when an appeal is made to the planning commission, notice of said appeal shall be published in a newspaper of general circulation in the county fifteen (15) days in advance of the hearing. Such notice shall contain the date, time, and place of the public hearing, and the nature and character of the proposed action. The notice shall also inform the public where information may be examined and when and how written comment may be submitted on the proposed matter.
- f. *Formal review.*
 - 1. *Public hearing or report before planning commission.* Following receipt of a report or appeal on a proposed major land development plan, the matter shall be scheduled for report or hearing by the Richland County Planning Commission. The planning commission shall consider this request at the next available meeting. There shall be no public hearing held in conjunction with a report on a development project approved by the development review team. In these cases, the commission shall receive a report on the decision of the development review team for their information. In case of an appeal, the planning commission shall conduct a public hearing on said appeal. Failure by the planning commission to act within sixty (60) days of the original complete submittal (minus any time taken for

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making changes as set forth by the development review team) shall constitute approval, unless this time period is extended by mutual agreement.

2. *Decision by planning commission.* Where an appeal has been made to them on a major land development, the Richland County Planning Commission, after conducting the public hearing, may: deny approval, table the application pending submittal of additional information, or approve the application for a land development permit. The decision on the land development permit application shall be by a majority vote of the commission as set forth in the bylaws of the commission.
- g. *Variances.* Requests for variances, unless otherwise specified, shall be heard by the board of zoning appeals under the procedures set forth in Section 26-57 of this chapter.
- h. *Appeals.* Appeals of the decisions of the planning commission by a person who may have a substantial interest in the decision must be taken to the circuit court within thirty (30) days after actual notice of the decision and must encompass all issues for appeal. In the alternative, also within thirty (30) days, a property owner whose land is the subject of a decision by the planning commission may appeal by filing a notice of appeal with the circuit court accompanied by a request for pre-litigation mediation in accordance with Section 6-29-1150 and Section 6-29-1155 of the South Carolina Code of Laws.
- ~~i. *Permit validity.* Upon the issuance of a land development permit, the applicant shall have nine (9) months from the date of issuance to begin work as described on the permit. Failure to begin work within this time shall render the permit void. The planning department may grant an extension of this time period of up to an additional six (6) months upon submittal by the applicant of sufficient justification for the extension. The land development permit shall remain valid so long as a valid building permit and/or business license exists for the project. Any change in the approved plans that has not been reviewed and approved shall render the permit invalid.~~
- i. *Permit validity.* In accordance with Section 6-29-1510, et seq. of the South Carolina Code of Laws 1976, as amended, upon the issuance of a land development permit, the applicant shall have a vested right for two (2) years from the date of issuance to undertake and complete the corresponding development of

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property under the terms and conditions of the approved site specific development plan. Failure to complete work within this time shall render the permit void. However, the applicant may apply to the planning department for a one (1) year extension of this time period no later than 30 days and no earlier than 60 days prior to the expiration of the permit. The request for an extension must be approved unless otherwise prohibited by an intervening amendment to this chapter, such amendment having become effective prior to the expiration of the permit. Likewise, and in the same manner, the applicant may apply for four (4) more one (1) year extensions. Any change from the approved site specific development plan that has not first been reviewed and approved by the planning department shall render the land development permit invalid.

SECTION II. All remaining provisions of Ordinance No. 074-04HR shall remain in full force and effect.

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

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

SECTION V. This ordinance shall be effective from and after July 1, 2005.

RICHLAND COUNTY COUNCIL

BY: _____
Anthony G. Mizzell, Chair

Attest this the _____ day of
_____, 2005

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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Public Hearing: May 24, 2005
First Reading: May 24, 2005
Second Reading: June 7, 2005 (tentative)
Third Reading:

RICHLAND COUNTY COUNCIL ADMINISTRATION AND FINANCE COMMITTEE

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

*Tuesday, April 26, 2005
6:00 pm*

Recommendations

- Consent** **A. Planning and Development Services: Adoption of the 2003 Editions of the International Residential Code, International Fuel Gas Code, and International Property Maintenance Code** – The committee recommended that Council adopt the 2003 editions of the International Residential Code, International Fuel Gas Code, and International Property Maintenance Code.
- B. Emergency Services:**
- Consent** **1. Purchase Orders for 2005-2006** – The committee recommended approval of purchase orders for Diesel & Gasoline, EMS Radio Service, and FIRE Radio Service in fiscal year 2005-06.
- Consent** **2. Ballentine Fire Station Roof Installation** – The committee recommended approval of the change order in the amount of \$36,450.00 to MAR Construction Company for the removal and installation of a new metal roof over the existing roof structure at the Ballentine Fire Station.
- Consent** **C. Ordinance Repealing Deed in Richland Northeast Industrial Park** – The committee recommended that Council adopt the ordinance repealing a deed previously authorized to Max Denberg for lot 27 in the Richland Northeast Industrial Park.
- Consent** **D. Information Technology: Countywide Microsoft Licensing** – The committee recommended that Council approve the purchase of 200 additional Microsoft licenses in order to comply with federal copyright law.
- Consent** **E. U.S. Economic Development Administration – Comprehensive Economic Development Strategy (CEDS)** – The committee recommended that Council approve the Comprehensive Economic Development Strategy (CEDS) for the Central Midlands Region.

F. Private Investigator Business License Applications

- Consent** 1. **Brooks Professional Investigative & Consultant Services (Israel Brooks)** – The committee recommended approval of the business license application from Brooks Professional Investigative & Consultant Services.
- Consent** 2. **Gordon Agencies Inc. (James Gordon, Jr.)** - The committee recommended approval of the business license application from Gordon Agencies, Inc.
- Consent** 3. **PSI (Brian Jennings)** - The committee recommended approval of the business license application from PSI.

G. Department of Public Works:

1. **Utilities Ordinance Amendment** – The committee recommended that Council approve the ordinance to establish Utilities as a separate department from Public Works.
2. **Fiscal Year 2005 Budget Amendment Request** - The committee recommended that Council approve the budget amendment to reassign two full-time Engineering Technician positions from the Road Maintenance budget to the Stormwater budget.

- Consent** **H. Planning and Development Services: Organization Ordinance** – The Committee recommended approval of the ordinance to delete references to the division structure in the Department of Planning and Development Services in the Richland County Code of Ordinances.

Staffed by Joe Cronin

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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION; ARTICLE V, COUNTY DEPARTMENTS; DIVISION 4. PLANNING AND DEVELOPMENT SERVICES.

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

SECTION I. The Richland County Code of Ordinances, Chapter 2, Administration; Article V, County Departments; Division 4. Planning and Development Services; is hereby amended to read as follows:

DIVISION 4. PLANNING AND DEVELOPMENT SERVICES

Sec. 2-216. Creation; director.

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

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

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

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

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

Sec. 2-219. Staff; personnel.

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

Sec. 2-220. Departmental divisions.

~~—The department of Planning and Development Services shall be divided into the following functional divisions and each such functional division shall have a division manager:~~

- ~~(1) *Zoning division.*—The zoning division shall administer and enforce the provisions of ordinances relating to zoning permits and certificates of compliance. The division shall be responsible for administering applications for special exceptions, variances, appeals from administrative decisions and other actions before the board of zoning appeals. Additionally, the division will maintain the official copy of the county zoning map and other such records and official materials as may relate to the adoption, amendment, enforcement or administration of the applicable ordinances. The division manager will serve as the zoning administrator and perform such duties that properly relate to the zoning ordinance and other general zoning activities. This division shall be responsible for the enforcement of the county's zoning, subdivision, flood, and landscape ordinances.~~
- ~~(2) *Building inspections division.*—The building inspections division shall be responsible for the administration of the county's building regulations. The division manager shall serve as the Chief Building Official. This division shall be responsible for enforcing building codes applicable to the construction, alteration, repair, use and occupancy, location, and maintenance of every building and structure, and for the installation of any appurtenances. This division shall be responsible for issuing licenses and permits as required by the codes and/or other regulatory provisions of the county government, and for manufactured home inspections. This division shall review drawings, specifications, and accompanying data when required for conformity to building codes and regulations.~~
- ~~(3) *Long and short range planning division.*—The long and short range planning division shall be responsible for the review of subdivision applications and site plans for compliance with the comprehensive plan and land development regulations. The division shall be responsible for transportation planning in coordination with the Central Midlands Council of Governments (CMCOG) and shall recommend revisions to the comprehensive plan.~~
- ~~(4) *Technical services division.*—The technical services division shall consist of geographic information systems, flood determination, and enhanced 9-1-1 coordination. The division shall be responsible for administering and enforcing the addressing and flood damage prevention regulations. The division shall be responsible for the collection and manipulations of tabular and geographic data for~~

~~the creation of a variety of maps and calculations, statistical and spatial analysis of relevant county data, flood determination, assignment of all street addressing, technical and graphic support for planning and development services operations.~~

Sec. 2-~~220~~221. Uniform addressing system.

(1) General provisions.

- (a) A uniform system of naming roads and numbering properties and principal buildings, called "Guidelines for Road Naming and Addressing in Richland County", will be maintained by the ~~technical services division of the~~ Planning and Development Services Department.
- (b) An address shall be available for all principal dwellings and buildings within the unincorporated area of Richland County. Addresses will be provided only on those roads that have been assigned a name in accordance with the guidelines set forth by the department ~~technical services division~~.
- (c) The department ~~technical services division~~, in conjunction with the requirements set forth in section 6-29-1200 of the Code of Laws of South Carolina 1976, as amended, will be responsible for naming all roads in the unincorporated areas of the County. New road names will not be allowed if they duplicate existing county road names, including road names within zip code areas that cross county boundaries into neighboring counties. Existing duplicate road names shall be changed as necessary to ensure efficiency of the emergency response system.

(2) Assignment of numbers.

- (a) The department ~~technical services division~~, in coordination with the county assessor's office, shall assign all numbers on the basis of one (1) number for each fifty (50) feet of frontage along the road. All buildings north of the east-west roads and east of north-south roads shall bear even numbers, and likewise, all buildings south of east-west roads and west of north-south roads shall bear odd numbers. All roads running more nearly north-south shall be numbered as north-south roads, and all roads running more nearly east-west shall be numbered as east-west roads.
- (b) No building shall be assigned more than one (1) number. If multiple buildings have frontage within one or more assigned forty-foot frontage areas so that sufficient numbers are not available to give each building a separate number designation, then all such buildings at that location will be assigned the same number and each one of such buildings will carry a sub-designation in addition to the assigned number.

- (3) Location of numbers. When each dwelling or building has been assigned its respective number or numbers, the owner, occupant, or agent shall be required to immediately attach the assigned number or numbers in accordance with the following provisions. The cost of the numbers shall be paid for by the property owner:
- (a) Residential numbers shall be not less than three (3) inches in height, and business numbers shall not be less than four (4) inches in height. Numbers shall be made of a durable and clearly visible material that is in a contrasting color to the building.
 - (b) The numbers shall be conspicuously placed immediately above, on, or at the side of the proper door of each building so that the number can be seen plainly from the road line. Whenever the building is more than fifty (50) feet from the road line, the numbers must be placed near the walk, driveway, or common entrance to the building, and upon a mailbox, gate post, fence, or other appropriate place so as to be easily read from the road line.
 - (c) The number or numbers assigned to each dwelling or building shall not exceed five (5) digits.
- (4) Administration.
- (a) Whenever any principal dwelling or building is erected or located in Richland County, it will be the duty of the owner or owners to obtain the correct address for the property as designated by the Planning and Development Services Department ~~technical services division~~, and to immediately attach the number or numbers to the building as provided by this Section. No building permit will be issued for any dwelling or building until the owner has obtained the official address from the ~~technical services~~ department.
 - (b) Final approval of any major structure erected, altered, repaired, or modified shall be withheld by the building inspections division until the address is posted on said structure as outlined in this Section.
 - (c) No correctly assigned address shall be changed unless necessary to the functionality of the addressing system.
- (5) Penalties.

Violation of the provisions of this Section or failure to comply with any of its requirements shall constitute a misdemeanor. Nothing herein contained shall prevent Richland County from taking such other lawful action as is necessary to prevent or remedy any violation.

Sec. 2-~~221~~ ~~222~~ – 2-226. **Reserved.**

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

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

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

RICHLAND COUNTY COUNCIL

BY: _____
Anthony G. Mizzell, Chair

ATTEST THIS THE _____ DAY

OF _____, 2005.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: June 7, 2005 (tentative)
Second Reading:
Public Hearing:
Third Reading:

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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS; SECTION 6-82(A) OF ARTICLE III, BUILDING CODES; SECTION 6-139 OF ARTICLE VII, MECHANICAL CODE; SECTION 6-153 OF ARTICLE VIII, PLUMBING CODE; SECTIONS 6-168 AND 6-169 OF ARTICLE IX, SWIMMING POOL CODE; SECTION 6-182 OF ARTICLE X, PROPERTY MAINTENANCE; SO AS TO ADOPT THE 2003 EDITIONS OF THE INTERNATIONAL RESIDENTIAL CODE (INCLUDING APPENDIX G), INTERNATIONAL FUEL GAS CODE, AND INTERNATIONAL PROPERTY MAINTENANCE CODE.

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

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

Sec. 6-82. Adopted.

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

SECTION II. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Section 6-96 of Article IV, Electrical Code; is hereby amended to read as follows:

Sec. 6-96. Purpose.

The purpose of this article is to provide for regulating the installation, alteration, and maintenance of all electrical installations that are not regulated by the 2003 International Residential Code.

SECTION III. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Section 6-125 of Article VI, Gas Code; is hereby amended to read as follows:

Sec. 6-125. Purpose.

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

SECTION IV. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Section 6-126 of Article VI, Gas Code; is hereby amended to read as follows:

Sec. 6-126. Adopted.

There is hereby adopted by the county council the 2003 edition of the International Fuel/Gas Code, and all amendments thereto, as published by the International Code Council, Inc. The

installation, workmanship, construction, maintenance, or repair of all gas work shall conform to the requirements of this Code.

SECTION V. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Section 6-139 of Article VII, Mechanical Code; is hereby amended to read as follows:

Sec. 6-139. Purpose.

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

SECTION VI. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Section 6-153 of Article VIII, Plumbing Code; is hereby amended to read as follows:

Sec. 6-153. Purpose.

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

SECTION VII. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Section 6-168 of Article IX, Swimming Pool Code; is hereby amended to read as follows:

Sec. 6-168. Adopted.

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

SECTION VIII. The Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Section 6-169 of Article IX, Swimming Pool Code; is hereby amended to read as follows:

Sec. 6-169. Additional requirements.

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

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

Sec. 6-170 to 6-181. Reserved.

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

Sec. 6-182. Adopted.

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

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

SECTION XII. Effective Date. This ordinance shall be effective from and after July 1, 2005.

RICHLAND COUNTY COUNCIL

BY: _____
Anthony G. Mizzell, Chair

ATTEST THIS THE ____ DAY

OF _____, 2005

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: June 7, 2005 (tentative)
Public Hearing:
Second Reading:
Third Reading:

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

AN ORDINANCE REPEALING ORDINANCE NO. 003-05HR, WHICH AUTHORIZED A DEED TO MAX DENBERG FOR A CERTAIN PARCEL OF LAND KNOWN AS LOT 27 (APPROXIMATELY 2.699 ACRES) IN THE RICHLAND NORTHEAST INDUSTRIAL PARK.

WHEREAS, Richland County Council enacted Ordinance No. 003-05HR on January 18, 2005 for the purpose of granting a deed to Max Denberg for certain real property known as Lot 27 (approximately 2.699 acres) in the Richland Northeast Industrial Park, a portion of Richland County TMS # 25800-04-01; and

WHEREAS, a deed has not yet been executed that would convey Lot 27 to Max Denburg; and

WHEREAS, by mutual consent Richland County agrees not to sell and Max Denberg agrees not to purchase Lot 27 in the Richland Northeast Industrial Park;

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

SECTION I. Ordinance No. 003-05HR, an ordinance authorizing the granting of a deed to Max Denberg for a certain parcel of land known as Lot 27 (approximately 2.699 acres) in the Richland Northeast Industrial Park, a portion of Richland County TMS # 25800-04-01, is hereby repealed in its entirety.

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

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

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

RICHLAND COUNTY COUNCIL

By: _____
Anthony G. Mizzell, Chair

Attest this _____ day of
_____, 2005.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: June 7, 2005 (tentative)
Second Reading:
Public Hearing:
Third reading:

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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION; ARTICLE V, COUNTY DEPARTMENTS; DIVISION 1. GENERAL, AND DIVISION 2. PUBLIC WORKS AND UTILITIES; SO THAT UTILITIES WILL BE A SEPARATE DEPARTMENT.

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

SECTION I. The Richland County Code of Ordinances, Chapter 2, Administration; Article V, County Departments; Division 1. General is hereby amended to read as follows:

DIVISION 1. UTILITIES

Sec. 2-185. Creation; director.

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

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

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

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

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

Sec. 2-188. Departmental divisions.

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

- (1) Administration division. This division shall coordinate all department-level administrative support, including personnel management, standardization, finance, budget, payroll, material management and procurement.
- (2) Engineering division. This division shall provide engineering services in support of County utility operations and infrastructure development, including the management and coordination of capital improvement projects funded by both public and private sources. Also develops and maintains the department mapping and geographic information system.

- (3) Maintenance division. This division shall manage, maintain, and improve all County utility systems, including facilities, grounds, water and sewer lines and associated apparatus.
- (4) Operations division. This division shall provide professional operation of County water and wastewater treatment facilities, laboratory facilities and shall administer provisions of the County's pre-treatment program.
- (5) Special project division. This division shall provide administrative functions relating to the design and construction of utility system improvements in various communities as determined by County Council. This division administers the safety and training programs for the department.

Sec. 2-189 – 2-191. Reserved.

SECTION II. The Richland County Code of Ordinances, Chapter 2, Administration; Article V, County Departments; Division 2. Public Works and Utilities is hereby amended to read as follows:

DIVISION 2. PUBLIC WORKS

Sec. 2-192. Creation; director.

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

Sec. 2-193. Qualifications.

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

Sec. 2-194. Responsibilities; powers; duties.

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

Sec. 2-195. Staff; personnel.

The staff and assistants of the director of public works ~~and utilities~~ shall be subject to the county personnel system and their compensation determined accordingly.

Sec. 2-196. Departmental divisions.

The department of public works and utilities shall be divided under the director of public works and utilities into the following functional divisions:

- (1) Administration division. This division shall coordinate all department-level administrative support, including personnel management, safety, training, standardization, finance, budget, payroll, material management, procurement, and geographic information services (GIS).
- (12) Engineering division. The engineering division shall be the primary support unit for the physical activities and functions of the public works department. The engineering division shall be headed by an engineer. The division shall be responsible for construction inspection, subdivision review, right of way acquisition and negotiation, drainage inspection, street names, housing, drafting, surveying, road design where appropriate, and other general engineering activities. This division, which shall be headed by a registered professional engineer, shall provide engineering services in support of County operations and infrastructure development, including the management and coordination of capital improvement projects.
- (2) ~~Reserved.~~
- (3) ~~Utilities and services division.~~ The utilities management division shall be responsible for the administration and operation of the county's utilities systems; coordination with developers and private utility companies; administration of the county's solid waste collection, disposal and regulatory programs; monitoring and regulating the activities of private solid waste collection contractors; and administration and operation of the county's animal, litter and refuse control programs.
- (43) Facilities maintenance and grounds division. The facilities maintenance division shall be responsible for administration of the county's exterior building and grounds preventive maintenance program for all county owned/leased facilities utilized in support of county operations. This division shall manage, maintain, and improve all County real property, including facilities and grounds; and shall manage facility related capital improvement projects and coordinate utilities usage on behalf of the County.
- (54) Roads construction and drainage maintenance division. The road construction and maintenance division shall be responsible for road maintenance, county farm to market construction, and storm drainage. This division shall maintain and improve the County road maintenance network and drainage infrastructure.
- (65) Solid waste and recycling division. The solid waste division shall carry out the county's solid waste plan, a copy of which is attached hereto and incorporated herein. This division shall provide residential collection of municipal solid waste (MSW) and recyclable materials within the unincorporated County, provide limited construction & demolition (C&D) landfill services, manage the Solid Waste stream within the County, and promote cost-effective recycling.

(6) Central garage division. This division shall provide fleet management and maintenance services, and manage fueling sites to support the County vehicle and equipment fleet.

(7) Stormwater management division. This division shall provide stormwater management services in support of positive public drainage and "receiving water" quality.

(8) General support division. This division shall effectively manage a labor pool of community service and inmate labor personnel in support of County operations.

Sec. 2-197. Work performed for public agencies.

~~The work performed by the department of public works and utilities for any public agency shall be done on a cost plus basis with the costs to be charged against the budget of any such agency that is a political subdivision of the county. Public agencies which are not subdivisions of the county shall be billed for such costs. In no event shall work performed for public agencies interfere with normal maintenance work.~~

Sec. 2-198. Use of county equipment by private parties and during public emergencies.

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

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

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

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

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

Sec. 2-199. Disposal of dumps on private property.

~~An easement shall be obtained from the land owner by the utilities and services division of the public works and utilities department prior to the burying of dump on the owner's land.~~

Sec. 2-200. Towing.

~~(a) The public works and utilities wrecker may be used for towing vehicles upon which the county has a tax lien when such towing is requested by the tax collector and/or treasurer for the county.~~

~~(b) No such vehicle shall be towed until levy has been made upon such vehicle by the tax collector for the county pursuant to lawful authority.~~

~~(c) Subsequent to the levy by the tax collector, as specified in (b), the department of public works and utilities may tow such vehicle; provided, however, that a work order or request for towing has been submitted by the office of the treasurer or tax collector, over the authorized signature of the responsible official in that office.~~

~~(d) The department of public works and utilities shall charge against the vehicle, and the treasurer and/or tax collector shall collect as a cost in any public sale of such vehicle or out of redemption of such vehicle, a reasonable wrecker fee which shall be established by the department of public works and utilities, and one dollar (\$1.00) per day charge for storage of such vehicle during the time it is stored on county property.~~

~~(e) For purposes of implementation of this section, the department of public works and utilities may establish a storage area, properly secured, at the county maintenance shop; provided, however, that, such storage area does not in any way interfere with the operation of the maintenance shop.~~

Sec. 2-201198. Burial of paupers and cremains.

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

Secs. 2-202199--2-204. Reserved.

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 _____, 2005.

RICHLAND COUNTY COUNCIL

BY: _____
Anthony G. Mizzell, Chair

ATTEST THIS THE ____ DAY

OF _____, 2005

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: June 7, 2005 (tentative)
Second Reading:
Public Hearing:
Third Reading:

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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION; ARTICLE V, COUNTY DEPARTMENTS; DIVISION 4. PLANNING AND DEVELOPMENT SERVICES.

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

SECTION I. The Richland County Code of Ordinances, Chapter 2, Administration; Article V, County Departments; Division 4. Planning and Development Services; is hereby amended to read as follows:

DIVISION 4. PLANNING AND DEVELOPMENT SERVICES

Sec. 2-216. Creation; director.

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

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

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

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

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

Sec. 2-219. Staff; personnel.

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

Sec. 2-220. Departmental divisions.

~~The department of Planning and Development Services shall be divided into the following functional divisions and each such functional division shall have a division manager:~~

- ~~(1) *Zoning division.* The zoning division shall administer and enforce the provisions of ordinances relating to zoning permits and certificates of compliance. The division shall be responsible for administering applications for special exceptions, variances, appeals from administrative decisions and other actions before the board of zoning appeals. Additionally, the division will maintain the official copy of the county zoning map and other such records and official materials as may relate to the adoption, amendment, enforcement or administration of the applicable ordinances. The division manager will serve as the zoning administrator and perform such duties that properly relate to the zoning ordinance and other general zoning activities. This division shall be responsible for the enforcement of the county's zoning, subdivision, flood, and landscape ordinances.~~
- ~~(2) *Building inspections division.* The building inspections division shall be responsible for the administration of the county's building regulations. The division manager shall serve as the Chief Building Official. This division shall be responsible for enforcing building codes applicable to the construction, alteration, repair, use and occupancy, location, and maintenance of every building and structure, and for the installation of any appurtenances. This division shall be responsible for issuing licenses and permits as required by the codes and/or other regulatory provisions of the county government, and for manufactured home inspections. This division shall review drawings, specifications, and accompanying data when required for conformity to building codes and regulations.~~
- ~~(3) *Long and short range planning division.* The long and short range planning division shall be responsible for the review of subdivision applications and site plans for compliance with the comprehensive plan and land development regulations. The division shall be responsible for transportation planning in coordination with the Central Midlands Council of Governments (CMCOG) and shall recommend revisions to the comprehensive plan.~~
- ~~(4) *Technical services division.* The technical services division shall consist of geographic information systems, flood determination, and enhanced 9-1-1 coordination. The division shall be responsible for administering and enforcing the addressing and flood damage prevention regulations. The division shall be responsible for the collection and manipulations of tabular and geographic data for~~

~~the creation of a variety of maps and calculations, statistical and spatial analysis of relevant county data, flood determination, assignment of all street addressing, technical and graphic support for planning and development services operations.~~

Sec. 2-~~220~~221. Uniform addressing system.

(1) General provisions.

- (a) A uniform system of naming roads and numbering properties and principal buildings, called "Guidelines for Road Naming and Addressing in Richland County", will be maintained by the ~~technical services division~~ of the Planning and Development Services Department.
- (b) An address shall be available for all principal dwellings and buildings within the unincorporated area of Richland County. Addresses will be provided only on those roads that have been assigned a name in accordance with the guidelines set forth by the department ~~technical services division~~.
- (c) The department ~~technical services division~~, in conjunction with the requirements set forth in section 6-29-1200 of the Code of Laws of South Carolina 1976, as amended, will be responsible for naming all roads in the unincorporated areas of the County. New road names will not be allowed if they duplicate existing county road names, including road names within zip code areas that cross county boundaries into neighboring counties. Existing duplicate road names shall be changed as necessary to ensure efficiency of the emergency response system.

(2) Assignment of numbers.

- (a) The department ~~technical services division~~, in coordination with the county assessor's office, shall assign all numbers on the basis of one (1) number for each fifty (50) feet of frontage along the road. All buildings north of the east-west roads and east of north-south roads shall bear even numbers, and likewise, all buildings south of east-west roads and west of north-south roads shall bear odd numbers. All roads running more nearly north-south shall be numbered as north-south roads, and all roads running more nearly east-west shall be numbered as east-west roads.
- (b) No building shall be assigned more than one (1) number. If multiple buildings have frontage within one or more assigned forty-foot frontage areas so that sufficient numbers are not available to give each building a separate number designation, then all such buildings at that location will be assigned the same number and each one of such buildings will carry a sub-designation in addition to the assigned number.

- (3) Location of numbers. When each dwelling or building has been assigned its respective number or numbers, the owner, occupant, or agent shall be required to immediately attach the assigned number or numbers in accordance with the following provisions. The cost of the numbers shall be paid for by the property owner:
- (a) Residential numbers shall be not less than three (3) inches in height, and business numbers shall not be less than four (4) inches in height. Numbers shall be made of a durable and clearly visible material that is in a contrasting color to the building.
 - (b) The numbers shall be conspicuously placed immediately above, on, or at the side of the proper door of each building so that the number can be seen plainly from the road line. Whenever the building is more than fifty (50) feet from the road line, the numbers must be placed near the walk, driveway, or common entrance to the building, and upon a mailbox, gate post, fence, or other appropriate place so as to be easily read from the road line.
 - (c) The number or numbers assigned to each dwelling or building shall not exceed five (5) digits.
- (4) Administration.
- (a) Whenever any principal dwelling or building is erected or located in Richland County, it will be the duty of the owner or owners to obtain the correct address for the property as designated by the Planning and Development Services Department ~~technical services division~~, and to immediately attach the number or numbers to the building as provided by this Section. No building permit will be issued for any dwelling or building until the owner has obtained the official address from the ~~technical services~~ department.
 - (b) Final approval of any major structure erected, altered, repaired, or modified shall be withheld by the building inspections division until the address is posted on said structure as outlined in this Section.
 - (c) No correctly assigned address shall be changed unless necessary to the functionality of the addressing system.
- (5) Penalties.

Violation of the provisions of this Section or failure to comply with any of its requirements shall constitute a misdemeanor. Nothing herein contained shall prevent Richland County from taking such other lawful action as is necessary to prevent or remedy any violation.

Sec. 2-~~221~~ ~~222~~ – 2-226. Reserved.

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

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

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

RICHLAND COUNTY COUNCIL

BY: _____
Anthony G. Mizzell, Chair

ATTEST THIS THE _____ DAY
OF _____, 2005.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: June 7, 2005 (tentative)
Second Reading:
Public Hearing:
Third Reading:

RICHLAND COUNTY COUNCIL DEVELOPMENT AND SERVICES COMMITTEE

Doris Corley
District 1

Joyce Dickerson
District 2

Damon Jeter, Chair
District 3

Greg Pearce
District 6

Bernice G. Scott
District 10

*Tuesday, May 24, 2005
5:00 PM*

Recommendations

A. Department of Public Works

- Consent** 1. **Purchase of Replacement Clamshell Truck** – The committee recommended that Council approve the request to purchase a replacement clamshell truck in the amount of \$125,370.00 for use by the Solid Waste and Recycling Division.
- Consent** 2. **2005 Roadway Resurfacing Project** – The committee recommended that Council approve the award of a construction contract to Sloan Construction Company, Inc. in the amount of \$1,460,183.55 (base bid plus additive bid) for the resurfacing of approximately nine miles of paved roadway throughout Richland County.
3. **Traffic Calming Standard** – The committee sent the Traffic Calming Standard to the full Council without recommendation.

Staffed by Joe Cronin

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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 21, ROADS, HIGHWAYS AND BRIDGES; ARTICLE I, IN GENERAL; SECTION 21-11, TRAFFIC ENGINEERING; BY THE DELETION OF SUBSECTION (D) IN ITS ENTIRETY; SO AS TO REMOVE THE PROHIBITION OF SPEED HUMPS ON COUNTY MAINTAINED HIGHWAYS, STREETS, OR ROADS.

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 21, Roads, Highways and Bridges; Article I, In general; Section 21-11, Traffic Engineering; by the deletion of subsection (d) in its entirety.

~~(d) Speed bumps, humps or tables are not recognized in the *South Carolina Manual on Uniform Traffic Control Devices* as devices for controlling speed and will, therefore, not be installed or permitted on County maintained highways, streets or roads.~~

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

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

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

RICHLAND COUNTY COUNCIL

BY: _____
Anthony G. Mizzell, Chair

ATTEST THIS THE ____ DAY

OF _____, 2005

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: June 7, 2005 (tentative)
Second Reading:
Public Hearing:
Third Reading:

Richland County Council

Rules and Appointments Committee



Joseph McEachern
Chairman
District Seven

Paul Livingston
District Four

Mike Montgomery
District Eight

Staffed by:

Monique Walters
Assistant to the Clerk of
Council

RICHLAND COUNTY COUNCIL
REGULAR SESSION MEETING
JUNE 7, 2005

REPORT OF THE RULES AND APPOINTMENTS COMMITTEE

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

A. Board of Assessment Control-1

There will be one vacancy on this board for a term expiring in July.

Thomas P. Davis, Jr. July 16, 2005*

B. Central Midlands Council of Governments-2

There will be two terms expiring to this board in July.

Bruce Carter July 31, 2005

Joel Marshall Hoefler July 31, 2005

C. Community Relations Council-3

There will be three terms expiring on this council in July.

George Jackson July 16, 2005*

Donald R. Martin, Sr. July 16, 2005*

Walter Powell, Jr. July 16, 2005*

D. East Richland Public Service Commission-1

One term will expire on this commission in July.

O. Stanley "Chip" Smith, III July 11, 2005*

E. Employee Grievance Committee-1

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

William Blocker May 6, 2006



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

Applicant must reside in Richland County.

Name: Stevie Nelson
Home Address: 4507 N. Main St. Columbia, SC 29203
Telephone: (home) 691-0336 (work) 735-8030, 348-4562 (cell)
Office Address: Same as home
Educational Background: _____
Professional Background: U.S. Army, SC General Contractor, Several Senior Military Schools
Male Female Age: 18-25 26-50 Over 50
Name of Committee in which interested: Building Code Adjustment + Appeals Brd.
Reason for interest: _____

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

Presently serve on any County Board/Commission/Committee? Building Codes Board

Any other information you wish to give? _____

Recommended by Council Member(s): _____

Hours willing to commit 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: _____

Applicant's Signature

Date

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

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

Applications are current for one year.

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 LOCATING A COMMUNITY
RESIDENTIAL CARE FACILITY IN AN
UNINCORPORATED AREA OF RICHLAND COUNTY**

To the Chairperson of Richland County Council:

The undersigned hereby respectfully requests that the Richland County Council approve the location of a community care home in Richland County, South Carolina, pursuant to Chapter 7 of Title 44 of the 1976 State Code of Laws, as described below. (Be advised that final approval of all community care homes rests with licensing by the State Department of Health and Human Services.)

Applicant must be the director of the proposed facility.

1. Applicant's Name: Laverne M. Hickson

2. Applicant's Address: 300 Charring Cross Road
Irmo, SC 29063

3. Applicant's Telephone: Home: 803-781-8956 Office: _____

4. Location of proposed community care home:

Street address: 300 Charring Cross Road

City, Zip: Irmo SC. Tax Map Number: 04005-03-08-

5. Do you own the building that will house the proposed community care home?

YES NO

If "NO," do you have an option to buy the property or, if renting, do you have a lease agreement with the owner? Please state which arrangement you currently have, and also list the name, address, and phone number of the current owner and/or lessor.

6. If you are leasing the property, has the lessor granted authority to establish a community care home on the property? YES NO

7. Will the proposed community care home be established in your current permanent residence? YES NO

8. How many bedrooms and bathrooms does the proposed community care home have? Bedrooms 3 Bathrooms 2

9. How many resident clients will be housed in this proposed community care home? Nine or less Ten or more

10. Describe the type of resident clients to be housed in this proposed facility (senior citizens or children, physically or mentally disabled, etc.)

Senior citizens! Physically or mentally disabled
Veteran and or children (???)

11. How many full-time and part-time staff will care for the resident clients of the proposed community care home? Full-Time 1 Part-Time 1

12. How many total persons will occupy the proposed community care home during the night? (Include resident clients, staff, staff family, applicant, applicant's family, etc. as applicable.) Total Persons 4

13. Do you currently operate any other community care facilities in Richland County? YES NO

If you do, list the location, year licensed, and number of resident clients for each facility:

Street Address	Year Licensed	# of Residents
Street Address	Year Licensed	# of Residents

14. Have you ever had a license revoked for any type of residential health care facility located in South Carolina? YES NO

I hereby certify that if granted approval from Richland County Council to locate a community care home as described above, I will fully comply with all regulations of the appropriate state licensing and regulatory agency or agencies, the State Fire Marshal's Office, and Health Department Officials which apply to community care facilities in establishing and obtaining licensing for my community care home.

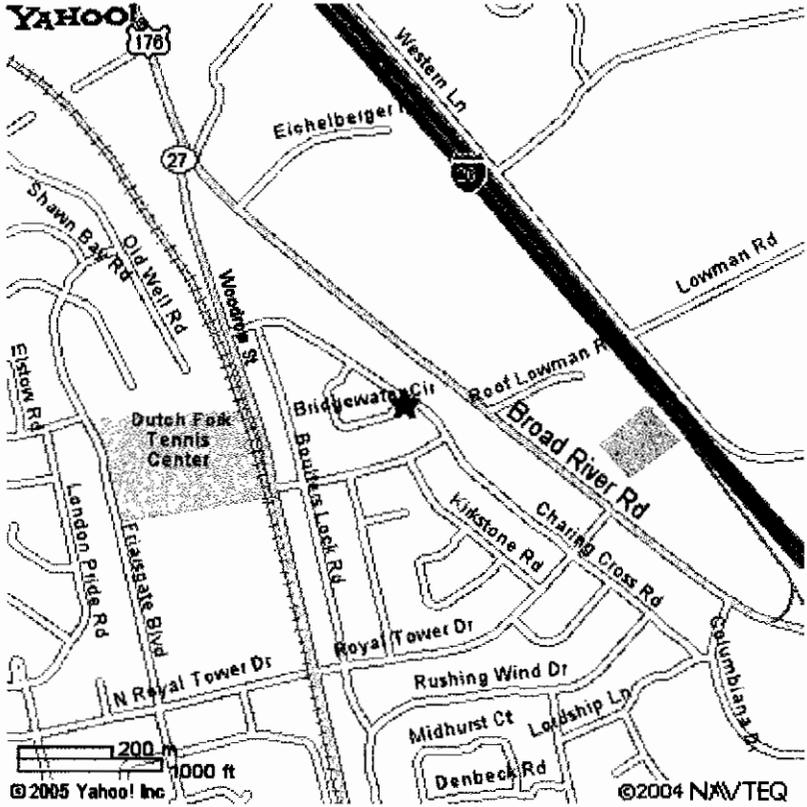
I also certify that all of the above information is correct to the best of my knowledge.

Shirley M. Hickson
Signature of Applicant

5/19/05
Date

Proposed Community Residential Care Facility

300 Charing Cross Road
Irmo, SC 29063



STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

PETITION OF RICHLAND COUNTY RECREATION COMMISSION TO THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, FOR A PUBLIC HEARING PURSUANT TO ARTICLE 5, CHAPTER 11, TITLE 6, CODE OF LAWS OF SOUTH CAROLINA, 1976.

1. The Recreation District of Richland County, South Carolina (the "District") was created and established as a body politic and corporate pursuant to Act No. 873 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina for the year 1960, as amended. The District is located wholly in Richland County and was established for the purpose of providing recreational facilities throughout the District.

2. In carrying out its functions and duties, the Richland County Recreation Commission (the "Commission"), which is the governing body of the District, has determined that the need exists to undertake certain improvements as shown on Appendix 1 attached hereto. It is presently estimated that the cost of the foregoing improvements (collectively, the "Improvements") will amount to approximately \$26,000,000. The Commission has determined to finance the cost of the Improvements through the issuance of general obligation bonds.

3. The County Council (the "Council") of Richland County (the "County"), as the governing body of the County, is empowered by Article 5, Chapter 11, Title 6 of the Code of Laws of South Carolina, 1976, as amended (the "Enabling Act"), to authorize the issuance of general obligation bonds pursuant to the provisions of the Enabling Act.

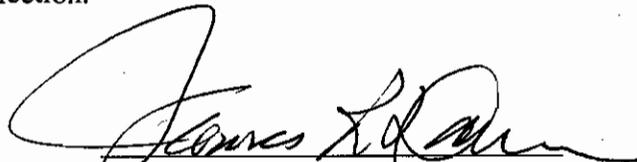
4. Pursuant to the Enabling Act, if the Council, upon petition of the Commission, determines that it is in the best interest of the District to raise moneys for the furtherance of any

power and function of the District, the Council may order a public hearing to be held upon the question of the issuance of general obligation bonds of the District.

5. In order to finance the cost of the Improvements, the Commission has determined that it is necessary to issue not exceeding \$26,000,000 of general obligation bonds of the District and adopts this Resolution to evidence such approval and to authorize a petition to the Council praying that said Council order a public hearing to be held on the question of the issuance of not exceeding \$26,000,000 of general obligation bonds of the District.

Wherefore, the District prays that the Council order a public hearing to be held in the County on the question of authorizing the issuance of not exceeding \$26,000,000 of general obligation bonds of the District without an election.

(SEAL)


Chairman, Recreation Commission
of Richland County


Secretary, Recreation Commission
of Richland County

May 23, 2005

RECREATION DISTRICT OF
RICHLAND COUNTY

LIST OF IMPROVEMENTS

- 1 Install lighting for football field and replace Bluff Road Park building at present or new site, including cost, if any, of land acquisition.
- 2 Replace building at St. Andrews Park.
- 3 Replace building at Tennis Center on Parklane Rd.
- 4a Install lighting at Blythewood Park #1 Little League field.
- 4b Install lighting at Blythewood Park for #2 Pony League softball field.
- 4c Install lighting at Blythewood Park for #3 Little League field.
- 4d Install improvements to lighting at Cross Roads Park baseball field.
- 4e Install lighting at Cross Roads Park basketball court.
- 4f Install improvements to lighting at Eastover Park basketball court.
- 4g Install lighting at Hopkins Park Youth Baseball field.
- 4h Install improvements to lighting for existing facilities at Killian Park.
- 5 Construct bike and walking trails along with tracks and track expansions at various facilities of the District.
- 6a Construct outdoor restroom at Caughman Road Park with sewer.
- 6b Upgrade outdoor restrooms at Eastover Park.
- 6c Construct outdoor restroom at St. Andrews Park with sewer.
- 6d Construct outdoor restroom at Polo Road Park.
- 7 Upgrade playground systems at various facilities of the District.
- 8a Replace fencing at Bluff Road Park.
- 8b Replace fencing at Blythewood Park.
- 8c Replace fencing at Eastover Park.
- 8d Replace fencing at Caughman Road Park.
- 8e Replace fencing at Cross Roads Park.
- 8f Replace fencing at Hopkins Park.
- 8g Replace fencing at Killian Park.
- 8h Replace fencing at Polo Road Park.

RECREATION DISTRICT OF
RICHLAND COUNTY

LIST OF IMPROVEMENTS

- 8i Replace fencing at Trenholm Park.
- 9 Acquire land for, construct and equip a neighborhood park in vicinity of Royal Pines subdivision.
- 10 Renovate and expand Gadsden Community Center.
- 11 Replace existing Hopkins Senior Center.
- 12 Construct picnic facilities at Hopkins Park.
- 13 Add 2 sets of stairs at Polo Road Park.
- 14 Construct water-related recreation facilities at various parks of the District.
- 15 Construct skateboarding facilities at various parks of the District.
- 16 Construct community center on site of present Perrin Thomas school.
- 17 Renovate Crane Creek school for use as a community center.
- 18 Acquisition of property for future courts and fields.
- 19 Construct Adult Activity Center at Garners Ferry Road Sports Complex.
- 20a Construct press box at Meadowlake Park.
- 20b Construct press box at Friarsgate Park.
- 20c Construct press box at North Springs Park.
- 21a Construct canteen at Caughman Road Park.
- 21b Construct canteen at Hopkins Park.
- 22 Paving for parking at Polo Road Park.
- 23 Construct community center on site of former Cross Roads school on McCords Ferry Rd.
- 24 Enlarge swimming pool at Hopkins Park.

RECREATION DISTRICT OF
RICHLAND COUNTY

LIST OF IMPROVEMENTS

- 25 Construct Disc Golf courses at various facilities of the District.
- 26 Acquire land for, construct and equip a new District Headquarters building.
- 27a Construct racquetball court at Hopkins Park.
- 27b Upgrade racquetball courts at Friarsgate, Meadowlake, North Springs and Caughman Road Parks.
- 28 Construct community center in Ridgewood.
- 29 Construct expansion and alterations at District Adult Activity Center on Parklane Rd.
- 30 Construct New Maintenance Substation.
- 31 Acquire Project Construction and Turf/ Grounds Equipment.

AN ORDINANCE

FINDING THAT THE RECREATION DISTRICT OF RICHLAND COUNTY MAY ISSUE NOT EXCEEDING \$26,000,000 GENERAL OBLIGATION BONDS; TO AUTHORIZE THE RECREATION COMMISSION OF RICHLAND COUNTY, THE GOVERNING BODY OF THE RECREATION DISTRICT OF RICHLAND COUNTY, TO ISSUE SUCH BONDS AND TO PROVIDE FOR THE PUBLICATION OF NOTICE OF THE SAID FINDING AND AUTHORIZATION.

WHEREAS, by action previously taken, the County Council of Richland County, which is the governing body of Richland County (hereinafter called the "County Council"), ordered that a public hearing on the question of the issuance of not exceeding \$26,000,000 general obligation bonds of the Recreation District of Richland County be held in the Richland County Council Chambers, at ___ p.m. on _____, 2005, and notice of such hearing has been duly published once a week for three successive weeks in *The State*, a newspaper of general circulation in Richland County; and

WHEREAS, the said hearing has been duly held at the above time, date and place and said public hearing was conducted publicly and both proponents and opponents of the proposed action were given full opportunity to be heard and it is now in order for the County Council to proceed, after due deliberation, in accordance with the provisions of Act No. 1189, enacted at the 1974 Session of the South Carolina General Assembly and approved July 9, 1974, now codified as Article 5 of Chapter II of Title (Sections 6-11-810 through 6-11-1040, inclusive) (hereinafter called the "Enabling Act") to make a finding as to whether or not a principal amount not exceeding \$26,000,000 general obligation bonds of the Recreation District of Richland County (the "District") should be issued.

NOW THEREFORE, BE IT ORDAINED, by the County Council of Richland County in meeting duly assembled:

Section 1. It is found and determined that each statement of fact set forth in the preambles of this Ordinance is in all respects true and correct.

Section 2. On the basis of the facts adduced at the public hearing held on _____, 2005, it is found and determined that the Recreation Commission of Richland County (the "Commission"),

the governing body of the District, should be authorized to issue not exceeding \$26,000,000 general obligation bonds of the District.

Section 3. The County Council hereby authorizes the Commission to issue general obligation bonds of the District in the aggregate principal amount of not exceeding \$26,000,000 as a single issue or from time to time as several separate issues, as the Commission shall determine, for the purpose of defraying the cost of the "Improvements" as set forth in Exhibit A attached hereto. For the payment of the principal of and interest on such bonds as they respectively mature, and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of the District shall be irrevocably pledged, and there shall be levied annually a tax without limit on all taxable property within the area of the District sufficient to pay such principal of and interest on the said bonds as they respectively mature, and to create such sinking fund.

Section 4. Pursuant to Section 6-11-870 of the Enabling Act, notice of the action herewith taken shall be given in the form substantially as set forth in Exhibit A. Such notice shall be published once a week for three successive weeks in *The State*, a newspaper of general circulation in Richland County.

Section 5. The Chairperson and other officers of the County Council are herewith authorized and empowered to take such further action as may be necessary to fully implement the action taken by this Ordinance.

Section 6. A certified copy of this Ordinance shall forthwith be transmitted to the Commission to advise it of the action taken by the County Council, whereby the Commission has been authorized to issue, pursuant to the provisions of the Enabling Act, its general obligation bonds in the aggregate principal amount of not exceeding \$26,000,000.

DONE AT COLUMBIA, SOUTH CAROLINA, this ___ day of _____, 2005.

Chairman, County Council of
Richland County, South Carolina

Attest:

Clerk, County Council of
Richland County

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

COUNTY OF RICHLAND

NOTICE PURSUANT TO SECTION 6-11-870
CODE OF LAWS OF SOUTH CAROLINA, 1976

Notice is hereby given pursuant to the provisions of Section 6-11-870 Code of Laws of South Carolina, 1976 and following a public hearing held on June 17, 2005 that the County Council of Richland County has found that:

1. The Recreation Commission of Richland County, the governing body of the Recreation District of Richland County, created by Act No. 873 of the Acts and Joint Resolutions of the General Assembly of the State of South Carolina for the year 1960, as amended, has been authorized to issue \$26,000,000 general obligation bonds of the Recreation District of Richland County either as a single issue, or as several separate issues, for the purpose of defraying the cost of the following:

- 1 Install lighting for football field and replace Bluff Road Park building at present or new site, including cost, if any, of land acquisition.
- 2 Replace building at St. Andrews Park.
- 3 Replace building at Tennis Center on Parklane Rd.
- 4a Install lighting at Blythewood Park #1 Little League field.
- 4b Install lighting at Blythewood Park for #2 Pony League softball field.
- 4c Install lighting at Blythewood Park for #3 Little League field.
- 4d Install improvements to lighting at Cross Roads Park baseball field.
- 4e Install lighting at Cross Roads Park basketball court.
- 4f Install improvements to lighting at Eastover Park basketball court.
- 4g Install lighting at Hopkins Park Youth Baseball field.
- 4h Install improvements to lighting for existing facilities at Killian Park.
- 5 Construct bike and walking trails along with tracks and track expansions

at various facilities of the District.

- 6a Construct outdoor restroom at Caughman Road Park with sewer.
- 6b Upgrade outdoor restrooms at Eastover Park.
- 6c Construct outdoor restroom at St. Andrews Park with sewer.
- 6d Construct outdoor restroom at Polo Road Park.

- 7 Upgrade playground systems at various facilities of the District.

- 8a Replace fencing at Bluff Road Park.
- 8b Replace fencing at Blythewood Park.
- 8c Replace fencing at Eastover Park.
- 8d Replace fencing at Caughman Road Park.
- 8e Replace fencing at Cross Roads Park.
- 8f Replace fencing at Hopkins Park.
- 8g Replace fencing at Killian Park.
- 8h Replace fencing at Polo Road Park.
- 8i Replace fencing at Trenholm Park.

- 9 Acquire land for, construct and equip a neighborhood park in vicinity of Royal Pines subdivision.

- 10 Renovate and expand Gadsden Community Center.

- 11 Replace existing Hopkins Senior Center.

- 12 Construct picnic facilities at Hopkins Park.

- 13 Add 2 sets of stairs at Polo Road Park.

- 14 Construct water-related recreation facilities at various parks of the District.

- 15 Construct skateboarding facilities at various parks of the District.

- 16 Construct community center on site of present Perrin Thomas school.

- 17 Renovate Crane Creek school for use as a community center.

- 18 Acquisition of property for future courts and fields.

- 19 Construct Adult Activity Center at Garners Ferry Road Sports Complex.

- 20a Construct press box at Meadowlake Park.
- 20b Construct press box at Friarsgate Park.
- 20c Construct press box at North Springs Park.

- 21a Construct canteen at Caughman Road Park.
- 21b Construct canteen at Hopkins Park.

- 22 Paving for parking at Polo Road Park.

- 23 Construct community center on site of former Cross Roads school on McCords Ferry Rd.

- 24 Enlarge swimming pool at Hopkins Park.

- 25 Construct Disc Golf courses at various facilities of the District.

- 26 Acquire land for, construct and equip a new District Headquarters building.

- 27a Construct racquetball court at Hopkins Park.
- 27b Upgrade racquetball courts at Friarsgate, Meadowlake, North Springs and Caughman Road Parks.

- 28 Construct community center in Ridgewood.

- 29 Construct expansion and alterations at District Adult Activity Center on Parklane Rd.

- 30 Construct New Maintenance Substation.

- 31 Acquire Project Construction and Turf / Grounds Equipment

(collectively, the "Improvements"). For the payment of the principal of and interest on such bonds as they respectively mature and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of the Recreation District of Richland County shall be irrevocably pledged, and there shall be levied annually a tax without limit on all taxable property within the Recreation District of Richland County sufficient to pay such principal and interest and to create such sinking fund. The

Recreation District of Richland County includes all areas of Richland County not situated within the city limits of the City of Columbia.

2. No election has been ordered in the Recreation District of Richland County upon the question of the issuance of the aforesaid bonds.

Any person affected by the action aforesaid of the County Council of Richland County may by action de novo instituted in the Court of Common Pleas for Richland County within twenty (20) days following the last publication of this Notice but not afterwards challenge the action of the County Council of Richland County.

COUNTY COUNCIL OF RICHLAND COUNTY

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

I, the undersigned, Clerk of the County Council of Richland County, Richland, South Carolina, do hereby certify that the foregoing is a true, correct and verbatim copy of an Ordinance duly adopted by the County Council of Richland County, South Carolina, on _____, 2005, at which a majority of the members were present. It was first introduced on the ___ day of _____, 2005 and was given a first reading by majority vote of County Council. Afterwards, at the meeting of County Council held on the ___ day of _____, 2005, it was given its second reading by majority vote of County Council. Afterwards, at the meeting of the County Council held on the ___ day of _____, 2005, it was given its third and final reading by majority vote of the County Council. At each of said meetings, a quorum of County Council was present at all times during the proceedings pursuant to which the aforesaid Ordinance was adopted. The original minutes of the aforesaid meetings of the County Council are in my custody as said Clerk of the County Council.

IN WITNESS WHEREOF, I have hereunto set my Hand and the Seal of Richland County, South Carolina, this ___ day of _____, 2005.

(SEAL)

Clerk of the County Council of
Richland County, South Carolina

A RESOLUTION

CALLING FOR A PUBLIC HEARING TO BE HELD UPON THE QUESTION OF THE ISSUANCE OF NOT EXCEEDING \$26,000,000 OF GENERAL OBLIGATION BONDS OF THE RECREATION DISTRICT OF RICHLAND COUNTY AND TO PROVIDE FOR THE PUBLICATION OF THE NOTICE OF SUCH HEARING.

BE IT RESOLVED, by the Richland County Council (the "County Council"), which is the governing body of Richland County, South Carolina (the "County"):

WHEREAS, the County Council is empowered by Act No. 1189 enacted at the 1974 Session of the South Carolina General Assembly entitled:

AN ACT TO AUTHORIZE THE GOVERNING BODIES OF ALL COUNTIES OF THE STATE WHEREIN EXIST SPECIAL PURPOSE DISTRICTS CREATED PRIOR TO MARCH 7, 1973, TO ISSUE BONDS OF SUCH DISTRICTS IN FURTHERANCE OF POWERS EXISTING IN SUCH DISTRICTS AS OF MARCH 7, 1973; TO PROVIDE THE PROCEDURES PURSUANT TO WHICH SUCH BONDS MAY BE ISSUED; TO PRESCRIBE THE TERMS AND CONDITIONS UNDER WHICH BONDS MAY BE ISSUED AND THEIR PROCEEDS EXPENDED; TO MAKE PROVISION FOR THE PAYMENT OF SUCH BONDS AND TO VALIDATE ALL BONDS OF SUCH DISTRICTS ISSUED OR SOLD PRIOR TO THE EFFECTIVE DATE OF THIS ACT.

approved July 9, 1974, as amended, (hereinafter called the "Enabling Act") to authorize the governing body of any special purpose district created prior to March 7, 1973 and located in whole or in part within the County, to issue general obligation bonds of such special purpose district and to provide funds to be used in the furtherance of any power or function committed to such special purpose district and in effect on March 7, 1973; and

WHEREAS, the Recreation District of Richland County (hereinafter called the District), a special purpose district created prior to March 7, 1973 (having been created by Act No. 873 of the Acts of the General Assembly of the State of South Carolina for the year 1960, as amended) and located within Richland County with the function of providing recreational facilities for the residents of the District, has petitioned the County Council to authorize the issuance of not exceeding \$26,000,000 of general obligation bonds of the District in order to raise moneys to defray the cost of the improvements listed in Exhibit A attached hereto; and

WHEREAS, the County Council is now minded to proceed in accordance with the provisions of the Enabling Act with respect to the issuance of such bonds.

SECTION 1 The County Council finds that it may be in the interest of the District to raise moneys for the purpose of providing for the Improvements, and in that connection hereby orders a public hearing to be held upon the question of the issuance of not exceeding \$26,000,000 general obligation bonds of the District.

SECTION 2 A public hearing shall be held on the question of the issuance of \$26,000,000 of general obligation bonds of the District in the Richland County Council Chambers located at the Richland County Administrative Office Building, 2020 Hampton Street, Columbia, South Carolina, on the ___ day of ___, 2005, and the notice of such hearing in form substantially similar to that attached hereto as Exhibit A shall be published once a week for three (3) successive weeks in *The State*, which is a newspaper of general circulation in the County. The first such publication shall not be less than sixteen (16) days prior to the hearing date.

SECTION 3 The aforesaid hearing shall be conducted publicly at the time and place above stated and both proponents and opponents of the proposed bond issue shall be given a full opportunity to be heard in person or by counsel.

SECTION 4 Following the above aforesaid public hearing, the County Council determine whether and to what extent the proposed bonds should be issued.

SECTION 5 The Chairman of the County Council is hereby authorized and empowered to take all necessary action to provide for the holding of the aforesaid public hearing in accordance with the provisions of the Enabling Act.

DONE AT COLUMBIA, SOUTH CAROLINA, this ___ day of _____, 2005.

Chairman, County Council of
Richland County, South Carolina

Attest:

Clerk to Council, Richland County Council

EXHIBIT A

NOTICE OF PUBLIC HEARING ON THE PROPOSED ISSUE OF NOT EXCEEDING
\$26,000,000 OF GENERAL OBLIGATION BONDS OF THE RECREATION DISTRICT
OF RICHLAND COUNTY

The Richland County Council (hereinafter called the "County Council"), which is the governing body of Richland County, South Carolina, has determined that it may be in the interest of the Recreation District of Richland County (hereinafter called the "District") to raise moneys through the issuance of general obligation bonds of the District in the amount of not exceeding \$26,000,000 for the purpose of defraying the cost of improvements to the facilities of the District as follows:

- 1 Install lighting for football field and replace Bluff Road Park building at present or new site, including cost, if any, of land acquisition.
- 2 Replace building at St. Andrews Park.
- 3 Replace building at Tennis Center on Parklane Rd.
- 4a Install lighting at Blythewood Park #1 Little League field.
- 4b Install lighting at Blythewood Park for #2 Pony League softball field.
- 4c Install lighting at Blythewood Park for #3 Little League field.
- 4d Install improvements to lighting at Cross Roads Park baseball field.
- 4e Install lighting at Cross Roads Park basketball court.
- 4f Install improvements to lighting at Eastover Park basketball court.
- 4g Install lighting at Hopkins Park Youth Baseball field.
- 4h Install improvements to lighting for existing facilities at Killian Park.
- 5 Construct bike and walking trails along with tracks and track expansions at various facilities of the District.
- 6a Construct outdoor restroom at Caughman Road Park with sewer.
- 6b Upgrade outdoor restrooms at Eastover Park.
- 6c Construct outdoor restroom at St. Andrews Park with sewer.
- 6d Construct outdoor restroom at Polo Road Park.
- 7 Upgrade playground systems at various facilities of the District.

- 8a Replace fencing at Bluff Road Park.
- 8b Replace fencing at Blythewood Park.
- 8c Replace fencing at Eastover Park.
- 8d Replace fencing at Caughman Road Park.
- 8e Replace fencing at Cross Roads Park.
- 8f Replace fencing at Hopkins Park.
- 8g Replace fencing at Killian Park.
- 8h Replace fencing at Polo Road Park.
- 8i Replace fencing at Trenholm Park.

- 9 Acquire land for, construct and equip a neighborhood park in vicinity of Royal Pines subdivision.

- 10 Renovate and expand Gadsden Community Center.

- 11 Replace existing Hopkins Senior Center.

- 12 Construct picnic facilities at Hopkins Park.

- 13 Add 2 sets of stairs at Polo Road Park.

- 14 Construct water-related recreation facilities at various parks of the District.

- 15 Construct skateboarding facilities at various parks of the District.

- 16 Construct community center on site of present Perrin Thomas school.

- 17 Renovate Crane Creek school for use as a community center.

- 18 Acquisition of property for future courts and fields.

- 19 Construct Adult Activity Center at Garners Ferry Road Sports Complex.

- 20a Construct press box at Meadowlake Park.
- 20b Construct press box at Friarsgate Park.
- 20c Construct press box at North Springs Park.

- 21a Construct canteen at Caughman Road Park.
- 21b Construct canteen at Hopkins Park.

- 22 Paving for parking at Polo Road Park.

- 23 Construct community center on site of former Cross Roads school on McCords Ferry Rd.
- 24 Enlarge swimming pool at Hopkins Park.
- 25 Construct Disc Golf courses at various facilities of the District.
- 26 Acquire land for, construct and equip a new District Headquarters building.
- 27a Construct racquetball court at Hopkins Park.
- 27b Upgrade racquetball courts at Friarsgate, Meadowlake, North Springs and Caughman Road Parks.
- 28 Construct community center in Ridgewood.
- 29 Construct expansion and alterations at District Adult Activity Center on Parklane Rd.
- 30 Construct New Maintenance Substation.
- 31 Acquire Project Construction and Turf / Grounds Equipment.

(collectively, the "Improvements") and has ordered a public hearing to be held upon the question of the issuance of such bonds in accordance with the provisions of Act No. 1189 enacted at the 1974 Session of the South Carolina General Assembly, as amended (hereinafter called the "Enabling Act").

Accordingly, notice is hereby given that a public hearing will be held in the Richland County Council Chambers, Richland County Administrative Office Building, 2020 Hampton Street, Columbia, South Carolina, beginning at 6:00 p.m. on the ___ day of _____, 2005, on the question of the issuance of not exceeding \$26,000,000 of general obligation bonds of the District, the proceeds of which will be expended to defray the cost of the Improvements as described above.

For the payment of principal and interest of such bonds as they respectively mature and for the creation of such sinking fund as may be necessary therefor, the full faith, credit and taxing power of the District shall be irrevocably pledged, and there shall be levied on all taxable property in the District ad valorem taxes sufficient in amount to pay said principal and interest on the bonds.

The District proposes the issuance of such bonds to defray the cost of the Improvements as described above.

The aforesaid hearing shall be conducted publicly and both proponents and opponents of the proposed action shall be given full opportunity to be heard in person or by counsel. Following the hearing, the County Council shall, by ordinance, make a finding as to whether and to what extent the proposed bonds should be issued and may thereupon authorize the governing body of the District to issue such bonds to the extent it shall be found necessary.

The District is located within Richland County, and includes all portions of Richland County not situated within the city limits of the City of Columbia. The Enabling Act provides that bonds issued thereunder must be authorized by the governing body of the County wherein the District is located.

RICHLAND COUNTY COUNCIL

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

I, the undersigned Clerk of the Richland County Council, Richland County, DO HEREBY CERTIFY:

That the foregoing constitutes a true, correct and verbatim copy of a Resolution duly adopted by said Council at a meeting duly called and held on the ____ day of _____, 2005 at which meeting, the following, constituting all of the membership of said Council were present, and voted unanimously in favor of the adoption thereof: _____

That said Resolution was offered by _____, seconded by _____, and unanimously adopted by those present. That the original of said Resolution is duly entered in the permanent records of said Council, in my custody as such Clerk of County Council.

IN WITNESS WHEREOF, I have hereunto set my Hand and the Seal of this County, this __ day of _____, 2005.

(SEAL)

Clerk, Richland County Council