

AMENDED

**RICHLAND COUNTY COUNCIL
REGULAR SESSION
JANUARY 8, 2008
6:00 P.M.**

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

INVOCATION **Honorable Joyce Dickerson**

PLEDGE OF ALLEGIANCE
 Honorable Joyce Dickerson

ELECTION OF CHAIRPERSON [Page 4]

ELECTION OF VICE-CHAIRPERSON [Page 4]

SELECTION OF SEATS [Page 4]

ADOPTION OF AGENDA

CITIZEN'S INPUT

APPROVAL OF MINUTES

Regular Session: December 18, 2007 [Pages 5-13]

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

- a. HBA vs. Richland County**
- b. Offer to Purchase Property**
- c. Riverside Property Funding Recommendation**

REPORT OF THE COUNTY ADMINISTRATOR

- a. Council Retreat**
- b. City of Cayce Annexation**
- c. Employee Grievances (2)**
- d. Farmer's Market**
- e. Incorporation Work Session**
- f. Potential Claim/Court**
- g. Update on Lower Richland Sewer**

REPORT OF THE CLERK OF COUNCIL

- a. Council Retreat - Transportation**
- b. SCAC Institute of Government**
- c. City of Columbia Legislative Reception**
- d. Update on Agenda Software**
- e. 2008 Wall Calendars**

REPORT OF THE CHAIRMAN

OPEN/CLOSE PUBLIC HEARING ITEM

4.

APPROVAL OF CONSENT ITEMS

2.a.

1. THIRD READING ITEMS

- a. An Ordinance amending the Richland County Code of Ordinances, Chapter 23, Taxation; Article VI, Local Hospitality Tax; Section 23-69, Distribution of Funds; and Section 23-71, Oversight and Accountability [Pages 14-19]**

2. SECOND READING ITEMS

- a. Sheriff's Department: Request to approve the rollover and expenditure of \$184,909.60 of Special Duty Administrative fees billed in FY 2006-2007 and collected after July 1, 2007 for the purpose of purchasing non-lethal Taser Equipment and Training [CONSENT] [Pages 20-21]**

3. Ballentine Park Property Lease Agreement [Pages 22-38]

4. South Carolina Jobs-Economic Development Authority Economic Development Revenue Bonds (Waste Management of South Carolina, Inc. Project) [PUBLIC HEARING]

5. CITIZEN'S INPUT

6. EXECUTIVE SESSION

7. MOTION PERIOD

- a. Approval of a Resolution in support of establishing a Post Office for the Pontiac Area [HUTCHINSON]**

8. ADJOURNMENT

2.6 ELECTION OF CHAIR

The Chair shall be elected at the first regular meeting of the Council in January, or as soon as practical, by the members of the Council. The Chair shall serve continuously until the following January unless removed by a two-thirds majority vote of the full Council.

2.7 Election of Vice-Chair

The Vice-Chair shall be elected either at the first regular Council meeting in January or as soon thereafter as may be practical. The Vice-Chair shall preside in the absence of the Chair. In the absence of the Chair, the Vice-Chair or the senior member of Council shall preside.

3.1 SEATING

At the first meeting in January after the election and seating of the Chair and Vice-Chair, Council members shall select their seats based first on seniority in years of continuous service and then in alphabetical order.

**SCOTT
LIVINGSTON
SMITH
MCEACHERN
PEARCE
DICKERSON
HUTCHINSON
JETER
MONTGOMERY
JACKSON
MALINOWSKI**

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, DECEMBER 18, 2007 6:00 p.m.

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

MEMBERS PRESENT:

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

OTHERS PRESENT – Michielle Cannon-Finch, Milton Pope, Tony McDonald, Roxanne Matthews, Joe Cronin, Stephany Snowden, Jennifer Dowden, Tamara King, David Chambers, Larry Smith, Amelia Linder, Joseph Kocy, Anna Almeida, Jennie Sherry-Linder, Teresa Smith, Audrey Shifflett, Jim Wilson, Chief Harrell, David Adams, Barbara Scott, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting was called to order at approximately 6:03 p.m.

INVOCATION

The Invocation was given by the Honorable Joseph McEachern

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Joseph McEachern

PRESENTATION

Mr. Jim Wilson, Environmental Manager, COWASEE Basin Presentation – Mr. Jim Wilson and Mr. Buddy Baker, Department of Natural Resources gave a brief presentation regarding the COWASEE Basin Program.

Mr. Andy Witt, Cultural Council – Mr. Andy Witt gave a brief update on the arts industry in Richland County and the Greater Columbia area.

ADOPTION OF AGENDA

Mr. Malinowski stated that Item 1.d. should not be a consent item.

Mr. Smith stated that the following items needed to be added under the Report of the County Attorney for Executive Session Items: Personnel Matter and Pending Litigation – N. E. Sanitary Landfill Settlement Agreement. There was a discussion as to whether by adding these items Council would be violating FOIA.

Mr. Jeter stated that the Report of the Economic Development Committee needed to be added to the agenda.

Ms. Scott moved, seconded by Mr. Jeter, to approve the agenda as amended.

POINT OF PERSONAL PRIVILEGE – Mr. Pearce recognized that the Treasurer, David Adams and the Clerk of Court, Barbara Scott were in the audience.

Ms. Scott recognized that Tom Elliott was in the audience.

CITIZEN'S INPUT

Mr. Tom Elliott spoke regarding the Farmers' Market.

APPROVAL OF MINUTES

Zoning Public Hearing: November 27, 2007 – Mr. Livingston moved, seconded by Mr. Pearce, to approve the minutes as distributed. The vote in favor was unanimous.

Regular Session: December 4, 2007 – Mr. Malinowski stated that the vote for Item 07-61MA should be in favor and not unanimous.

Mr. Montgomery moved, seconded by Mr. Malinowski, to approve the minutes as corrected. The vote in favor was unanimous.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

The following items were potential Executive Session items:

- a. **Project Y**
- b. **Farmers' Market Update**
- c. **Riverside Property**
- d. **Clerk's Evaluation**
- e. **Personnel Matter**
- f. **N. E. Sanitary Landfill**
- g. **Potential Annexation of Columbia Venture Property by Cayce**
- h. **Offer to Purchase Property**
- i. **Lower Richland Sewer Service Update**

REPORT OF THE COUNTY ADMINISTRATOR

Holiday Drop-in – Mr. Pope thanked Ms. Smith for hosting the drop-in on Council's behalf at her home.

2008 Council Retreat – Mr. Pope stated that staff will be meeting with the Chairman and Vice-Chairman and forwarding information out before Christmas.

Joint Planning Commission Meeting Report – Mr. Pope stated that the Chairman, Mayor and City Manager had met earlier in the week as a follow-up to this meeting.

REPORT OF THE CLERK OF COUNCIL

2008 Council Retreat – Ms. Finch inquired as to which Council members were planning on attending the Retreat. Mr. Malinowski stated that he would not be able to attend due to a scheduling conflict.

NACo Legislative Conference, March 1-5, 2008, Washington Hilton & Towers, Washington, D.C. – Ms. Finch stated that the NACo Conference would be held on March 1-5, 2008 at the Washington Hilton & Towers in Washington, D. C. Ms. Finch requested that all Council members planning to attend inform her immediately so that hotel reservations could be obtained.

Special Called D&S Meeting, December 10th – Ms. Finch stated that Ms. Dickerson had left a message on her voice mail that day stating that she would not be able to attend.

Funeral Arrangements for Officer Lane – Ms. Finch stated that the visitation will be Thursday, December 20th from 6:00-8:00 p.m. at Greenlawn Cemetery. The funeral will be Friday, December 21st at 12:00 noon at Greenlawn Chapel.

REPORT OF THE CHAIRMAN

Recognition of Officer Lane – Mr. McEachern stated that his sons knew Officer Lane's son and thought that Officer Lane was a real good guy.

Holiday Greetings – Mr. McEachern wished everyone a Happy and Safe Holiday Season.

PUBLIC HEARING ITEMS

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

- **Project Y FILOT Ordinance** – No one signed up to speak.
- **Ordinance authorizing the sale of Lot 10 in the Richland Northeast Industrial Park to "The Taylored Window, LLC"** – No one signed up to speak.
- **Amendment to Chapter 23, Taxation; Article VI, Local Hospitality Tax; Sections 23-69 & 23-71** – No one signed up to speak.

The public hearings were closed.

APPROVAL OF CONSENT ITEMS

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

- **07-58MA, Jeff Lanham, RM-HD to NC (2.24 Acres), Neighborhood Commercial, 06016-09-01, 960 Zimalcrest Drive** [Third Reading]
- **Ordinance authorizing Assignment and Assumption of International Truck and Engine Corporation Fee Agreement and Inducement Agreement and Millage Rate Agreement** [Third Reading]
- **Ordinance to include KIRCO property in the I-77 Corridor Regional Industrial Park** [Third Reading]
- **Ordinance authorizing the sale of Lot 10 in the Richland Northeast Industrial Park to "The Taylored Window, LLC"** [Third Reading]
- **A Budget Ordinance for 911 System Upgrades** [Second Reading]

THIRD READING ITEMS

07-52MA, Ashley Oaks Development, Mike Shelley (29.30 Acres), M-1 to RS-LD, Single Family Residential 17700-01-13 – Ms. Dickerson moved, seconded by Ms. Scott, to approve this item. The vote in favor was unanimous.

07-59MA, Bruce Oswald, RS-MD to GC (3.47 Acres), General Commercial, 11708-06-01 & 06, Fairfield Rd. & Prescott Rd. – Mr. Livingston moved, seconded by Mr. Jeter, to approve this item. A discussion took place.

The vote in favor was unanimous.

07-61MA, Peak Holdings, LLC, M-1 to GC (26.64 Acres), General Commercial, 02500-07-05, Peak Exit of I-26 – Mr. Pearce moved, seconded by Mr. Livingston, to approve this item. A discussion took place.

Mr. Malinowski made a substitute motion to defer this item until a response is received from the School District on the impact this zoning could have upon it, seconded by Mr. Jackson. The motion failed.

The vote was in favor of the main motion.

07-43MA, Oak Hills, PDD to Amended PDD, Golf Course w/ Mixed Use Development, 09600-02-13 & 09600-03-01, 02, 03 – Mr. Montgomery moved, seconded by Ms. Scott, to approve this item contingent upon completion of the development agreement. The vote in favor was unanimous.

Project Y FILOT Ordinance – This item was deferred until after Executive Session.

Amendment to Chapter 23, Taxation; Article VI, Local Hospitality Tax; Sections 23-69 & 23-71 – Mr. Malinowski moved, seconded by Mr. Jackson, to defer this item until the January 8th meeting. The vote in favor was unanimous.

Resolution for Farmers' Market – Ms. Scott moved, seconded by Ms. Hutchinson, to approve this item.

Ms. Smith offered the following amendment in the next to the last paragraph of the resolution: ...or at the currently selected Shop Road site.

Ms. Scott accepted the amendment.

The vote in favor was unanimous.

Solid Waste Management Plan Amendment – Mr. Pearce moved, seconded by Ms. Hutchinson, to defer this item until after Executive Session. The vote in favor was unanimous.

After coming out of Executive Session, Ms. Scott moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

REPORT OF THE RULES AND APPOINTMENTS COMMITTEE

- I. NOTIFICATION OF APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES**
 - a. Accommodations Tax Advisory Committee—2** – Mr. Montgomery stated there was one applicant and two vacancies. The committee recommended appointing Ms. Brenda L. Parnell and re-advertising for the remaining vacancy. The vote in favor was unanimous.
 - b. Airport Commission—3** – Mr. Montgomery stated there were three applicants and three vacancies. The committee recommended appointing Mr. J. Russell Goudelock, II; Mr. Merrill Donahoo and Mr. Don Purcell. The vote in favor was unanimous.
 - c. Board of Assessment Appeal—1** – Mr. Montgomery stated there was one applicant and one vacancy. The committee recommended re-appointing Mr. Timothy R. Miles. The vote in favor was unanimous.
 - d. Business Service Center Appeals Board—5** – Mr. Montgomery stated there were no applicants and five vacancies. The committee recommended re-advertising for these vacancies. The vote in favor was unanimous.
 - e. Employee Grievance Committee—2** – Mr. Montgomery stated there were no applicants and two vacancies. The committee recommended re-advertising for these vacancies. The vote in favor was unanimous.
 - f. Internal Audit Committee—1** – Mr. Montgomery stated there were no applicants and one vacancy. The committee recommended re-advertising for this vacancy. The vote in favor was unanimous.
 - g. Lexington/Richland Alcohol and Drug Abuse Council—2** -- Mr. Montgomery stated there were two applicants and two vacancies. The committee recommended re-appointing Mr. Wendell Price and appointing Mr. Chris Brownlee. The vote in favor was unanimous.
 - h. Richland Memorial Hospital Board—4** -- Mr. Montgomery stated there were six applicants and four vacancies. The committee recommended re-appointing Dr. James L. Hudgins and appointing Dr. James C. Reynolds, Ms. Rosalyn Woodson and Mr. Gerald Isreal, Jr. The vote in favor was unanimous.

Policy on Motions During Motion Period – Mr. Montgomery stated that the committee has requested that staff draft a rule to be brought forward regarding this matter.

REPORT OF DEVELOPMENT AND SERVICES SPECIAL CALLED MEETING

Sheriff's Department: Request to approve the rollover and expenditure of \$184,909.60 of Special Duty Administrative fees billed in FY 2006-2007 and collected after July 1, 2007 for the purpose of purchasing non-lethal Taser Equipment and training – Mr. Jackson stated that the committee recommended 1st Reading approval of this item. The vote in favor was unanimous.

Amendments to the Richland County Billboard Ordinance – This item was held in committee.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

Project Newfie – Mr. Jeter stated that the committee recommended approval of this item. The vote in favor was unanimous.

CITIZEN'S INPUT

Mr. Eugene Duvall expressed his gratitude to Council for their continuing endeavors on the road paving in the County.

EXECUTIVE SESSION ITEMS

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

=====
Council went into Executive Session at approximately 7:15 p.m. and came out at approximately 9:39 p.m.
=====

- a. **Project Y** – Ms. Scott moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.
- b. **Farmers' Market Update** – No action was taken.
- c. **Clerk's Evaluation** – Ms. Hutchinson moved, seconded by Ms. Scott, to give the Clerk of Council a 4% salary increase. The vote in favor was unanimous.
- d. **N. E. Sanitary Landfill Settlement** – Ms. Scott moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

- e. **Lower Richland Sewer Service Update** – No action taken.
- f. **Potential Annexation of Columbia Venture Property by Cayce** – Ms. Hutchinson moved, seconded by Ms. Dickerson, to direct staff to perform due diligence on the Cayce annexation. The vote in favor was unanimous.

MOTION PERIOD

Recreation Work Session – Mr. Jeter directed the Clerk's Office to schedule a work session regarding the recreation complex.

Kingston Village Sewer – Mr. Pearce requested the D&S Committee proceed with the deliberations on the Kingston Village Sewer extension agreement and refer the matter to full Council with a recommendation for action.

Mr. Pearce moved, seconded by Ms. Scott, to reconsider all Third Reading items with the exception of Item 1.e.

The motion failed.

ADJOURNMENT

The meeting adjourned at approximately 9:46 p.m.

Joseph McEachern, Chair

Valerie Hutchinson, Vice-Chair

Joyce Dickerson

Norman Jackson

Damon Jeter

Paul Livingston

Bill Malinowski

Regular Session
Tuesday, December 18, 2007
Page Nine

Mike Montgomery

L. Gregory Pearce, Jr.

Bernice G. Scott

Kit Smith

The minutes were transcribed by Michelle M. Onley

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

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

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

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

Sec. 23-69. Distribution of Funds.

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

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

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

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

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

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

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

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

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

Sec. 23-71. Oversight and Accountability.

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

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

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

SECTION V. Effective Date. This ordinance shall be enforced from and after _____, 2007.

RICHLAND COUNTY COUNCIL

By: _____
Joseph McEachern, Chair

Attest this _____ day of
_____, 2007.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading:	November 6, 2007
Second Reading:	November 20, 2007
Public Hearing:	December 18, 2007 (tentative)
Third reading:	December 18, 2007 (tentative)

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

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

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

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

Sec. 23-69. Distribution of Funds.

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

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

- (2) The amounts ~~specified above~~ distributed to the Columbia Museum of Art, Historic Columbia, and EdVenture Museum shall be paid quarterly beginning October 1, 2003. The amount distributed for to organizations receiving County Promotions funding shall be paid annually beginning July 1, 2008 to the organization as a one-time expenditure beginning in fiscal year 2008-09.
- (3) As a condition of receiving its allocation, each Agency must annually present to the County an affirmative marketing plan for the inclusion of all citizens of Richland County and must also annually offer some "free" or discounted services to Richland County citizens. If an Agency fails to comply with these requirements, its portion of the Local Hospitality Tax shall be retained in the Richland County Local Hospitality Tax Revenue Fund and distributed as provided in subsection (d) below.
- (4) In the event Local Hospitality Tax revenues are not adequate to fund the Agencies listed above in the prescribed amounts, each Agency will receive a proportionate share of the actual revenues received, with each Agency's

share to be determined by the percentage of the total revenue it would have received had the revenues allowed for full funding as provided in subsection (a)(1) above.

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

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

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

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

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

Sec. 23-71. Oversight and Accountability.

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

The following organizations: the Columbia Museum of Art, Historic Columbia, and EdVenture Museum must submit a detailed report to the Richland County Administrator on or before March 1 of each year. This report must provide a detailed accounting of all hospitality tax fund expenditures, the impact on tourism for the preceding calendar year, and a plan for the upcoming year.

Any organization receiving County Promotions funding must comply with all application guidelines and annual reporting requirements as established by council, to include a detailed reporting of all grant expenditures.

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

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

SECTION V. Effective Date. This ordinance shall be enforced from and after _____, 2007.

RICHLAND COUNTY COUNCIL

By: _____
Joseph McEachern, Chair

Attest this _____ day of
_____, 2007.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: November 6, 2007
Second Reading: November 20, 2007
Public Hearing: December 18, 2007 (tentative)
Third reading: December 18, 2007 (tentative)

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

AN ORDINANCE AMENDING THE FISCAL YEAR 2007-2008 GENERAL FUND ANNUAL BUDGET TO AMEND SECTION 23 AND APPROPRIATE FUND BALANCE BASED ON SPECIAL DUTY ADMINISTRATIVE FEES COLLECTED IN FY08 OVER THE COST OF THE PROGRAM FROM SERVICES RENDERED IN FY07 IN THE AMOUNT OF ONE HUNDRED EIGHTY-FOUR THOUSAND NINE HUNDRED AND TEN DOLLARS (\$184,910) TO PURCHASE NON-LETHAL TASER EQUIPMENT AND TRAINING FOR THE SHERIFF'S 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. That the amount of one hundred eighty-four thousand nine hundred and ten dollars (\$184,910) be appropriated to the FY 2007-2008 Sheriff Department Budget. Therefore, the Fiscal Year 2007-2008 General Fund Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2007 as amended:	\$ 126,747,449
Appropriation of General Fund undesignated fund balance	<u>184,910</u>
Total General Fund Revenue as Amended:	\$ 126,932,359

EXPENDITURES

Expenditures appropriated July 1, 2007 as amended:	\$ 126,747,449
Increase to Sheriff Department Budget:	<u>184,910</u>
Total General Fund Expenditures as Amended:	\$ 126,932,359

Section 23: Richland County hereby amends the Administrative Service Fee from \$5.00 per hour to \$10.00 per hour effective January 1, 2008, to be collected by the Sheriff from all parties who request special duty services, and which are authorized by the Sheriff for the duration of fiscal year 2007-2008 only. Funds collected by the Sheriff that are derived from the \$10.00 per hour administrative fee for special duty services shall be deposited on a per deposit basis as follows: an amount equal to \$5.00 per hour directly into a Sheriff Administrative Fee revenue account in the General Fund and an amount equal to \$5.00 per hour directly into a like account in the Victim's Assistance Fund. This revenue generated by the \$5.00 per hour remaining in the general fund will be used to offset the cost of the special duty program first to include additional use of petrol oil and lubricants, and for the cost of administrative management of special duty assignments.

The Sheriff and Finance Director will assess the status of fees collected and deposited in the general fund through the Special Duty Program for services provided during fiscal year 2008 on or about August 15, 2008. After considering the cost recovery of the program any excess funds collected and deposited by July 31, 2008 over program cost shall be made available to the sheriff department as a budget increase in FY09 and be reflected as a budgeted use of fund balance. Any funds deposited after July 31, 2008 shall not be available for use until the program evaluation the following fiscal year. In the event program costs are not recovered from current deposits the deficit amount will be recovered from the first deposits of the subsequent fiscal year until all cost are recovered. This automatic re-budgeting shall not require a supplemental budget ordinance. Continuation of the Special Duty Program and associated fees shall be evaluated each year during the budget process.

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

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

SECTION IV. Effective Date. This ordinance shall be enforced from and after _____, 2008.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY
OF _____, 2008

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: December 18, 2007
Second Reading: January 8, 2008 (tentative)
Public Hearing:
Third Reading:

BOARD OF COMMISSIONERS:
Rev. Charles E. Epps, Chair
DeLana R. Boulware, Vice Chair
J. Marie Green, Secretary
James R. Davis
Wilbert Lewis
Lynn E. Roth



"Enriching Lives & Connecting Communities"

Executive Director:
Lewis B. Leopard, CGBA
5819 Shakespeare Road
Columbia, SC 29223
Phone: (803) 734-7275
Fax: (803) 786-2028
Email: info@rcrc.state.sc.us
www.richlandcountyrecreation.com

November 20, 2007

Mr. Milton Pope
Richland County Administrator
2020 Hampton Street
Columbia, SC 29201

Re: Ballentine Park Property Lease Agreement

Dear Mr. Pope: *Milton*

The Richland County Recreation Commission (RCRC) recently applied for a PARD Grant of \$52,800 to fund the placement of a playground system to be located at the Ballentine Community Center Park. We have been notified that we have qualified for the receipt of this grant award except PRT requires that a leased property on which the playground system is to be located must have at least 20 years remaining on its lease agreement.

I have enclosed all of the documentation we have on file regarding the existing lease agreement between Richland County and the Recreation Commission. These documents indicate that we have only 16 years remaining on the current lease agreement (until September 27, 2023). Consequently, we would like to request your assistance in taking steps to extend the current lease agreement through at least December 31, 2027 in order to meet the 20 year requirement; but preferably longer if possible in case we should qualify for additional PARD grants in the near future.

It appears from the enclosed documentation that a similar request was made and granted in 1996 for an additional 25 years so that RCRC could receive reimbursement funds for the construction of a walking trail on the site.

As always your assistance in this matter is greatly appreciated. Please advise at your earliest convenience how we can expedite this request in order to meet a deadline of December 31, 2007.

With sincere regards,

Lewis B. Leopard
Lewis Leopard, CGBA
Executive Director

Enclosures



Cc: Reverend Charles Epps, Chairman, and All RCRC Board Members
Janet Heuer Robert Allen Curt Wilson Ballentine Park File

~ SEAL OF QUALITY ~
Richland County Recreation Commission:
South Carolina's FIRST Nationally Accredited Park & Recreation Agency, 2004

Equal Opportunity Statement: The Richland County Recreation Commission is dedicated to the concept of equal opportunity. The Commission will not discriminate on the basis of race, color, religion, sex, age, disability, national origin, or marital status, in its employment practices or in the participation policies for its facilities.

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

LEASE AGREEMENT

THIS LEASE AGREEMENT made and entered into this the
20 day of September, 1978, by, between and among
the County Council for Richland County, Columbia, South Carolina,
hereinafter known as the LESSOR, and Richland County Recreation
Commission, Columbia, South Carolina, hereinafter known as the
LESSEE.

WITNESSETH:

FOR AND IN CONSIDERATION of the mutual covenants of the
parties hereto, the LESSOR, for itself and its successors and
assigns, does hereby lease and demise unto the LESSEE, its successors
and assigns, the following described premises, to wit:

All that certain piece, parcel or lot of land,
situate, lying and being near Ballentine, in
the County of Richland, State of South Carolina,
and consisting of that 20 $\frac{1}{2}$ acre tract shown on
a plat of property of Herbert L. Amick by James
C. Covington, C.E., dated March 21, 1957, and
recorded in the RMC Office of Richland County in
Plat Book B at Page 3, with the exception of that
portion of the tract contained in that strip of
land along the northern boundary dedicated as a
public road and shown on a plat prepared at the
request of Richland County by Baughman Land Sur-
veyors, Inc., dated November 18, 1974, and re-
corded in the RMC Office of Richland County in
Plat Book Y at Page 1832; together with that
tract identified as Parcel A on a plat prepared
at the request of Margaret C. Hook and Mabel Bird
by Baughman Land Surveyors, Inc., dated July 10,
1972, revised 11/13/74 and recorded in the RMC
Office of Richland County in Plat Book Y at
Page 1833.

These tracts are those conveyed to Richland
County by deeds of Herbert L. Amick recorded in
the RMC Office of Richland County in Deed Book
D205 at Page 50 and Margaret C. Hook and Mabel
Bird recorded in the RMC Office of Richland County
in Deed Book D406 at Page 958.

TO HAVE AND TO HOLD unto the LESSEE, its successors and
assigns, the above leased and demised premises, subject to the
following terms and conditions:

I. The term of the said Lease shall be twenty (20) years,
commencing on the 27 day of September, 1978, and
ending on the 27 day of September, 1998.

II. The LESSEE shall pay as rental for the said premises the sum of One and No/100 (\$1.00) Dollar.

III. The LESSEE shall have the right and privilege to make repairs, renovations and improvements to the leased and demised premises, and shall have the right of ingress and egress in, to and upon the premises for the purposes of using the said premises, and the further right to clear from the premises trees and buildings or other obstacles, to construct roads, or pathways.

IV. The LESSEE has the option of renewing this lease for a term of 20 years at the expiration of this agreement on giving _____ thirty (30) days notice before expiration of original lease.

V. At the end of the term, the LESSEE shall deliver up to the LESSOR the said premises in as good conditions at the inception thereof, normal uses excepted. The LESSEE shall have the right to remove from the said premises any fences or other fixed assets attached to the property, if such can be done without defacing the property.

WITNESSETH its hand and seal this the 27 day of September, 1978.

WITNESSES AS TO THE LESSOR:

THE COUNTY COUNCIL FOR RICHLAND COUNTY:

M. Louis Barber

By: [Signature]
Chairman

Dell J. Markendoff

Attest: [Signature]
Acting Clerk

WITNESSES AS TO THE LESSEE:

RICHLAND COUNTY RECREATION COMMISSION:

Barbara L. Haynes

By: [Signature]

Ann E. Maullis

Attest: [Signature]

Richland County Government

County Administration Building
2020 Hampton Street
P.O. Box 192
Columbia, SC 29202



Phone (803) 748-4616
Fax (803) 748-4844
TDD (803) 748-4999

Office of the County Administrator

April 24, 1996

Mr. Patrick Connolly
Executive Director
Richland County Recreation Commission
5819 Shakespeare Road
Columbia, S.C. 29223

RE: **Ballentine Park Lease**

Dear Mr. Connolly:

Thank you for the material on the lease. The legal department searched our records for the extension and found only an unexecuted copy. I have enclosed two originals of the lease extension. Please execute both copies. I will return an original copy to you after the legal department has obtained the proper execution for Richland County.

Execution by the Richland County Recreation Commission requires an authorized signature at the bottom right-hand side after "BY" and two witnesses signatures at the bottom left-hand side.

Very truly yours,

A handwritten signature in cursive script that reads "David Chambers".

David Chambers
Risk Manager

Richland County Recreation Commission

5819 SHAKESPEARE ROAD
COLUMBIA, SOUTH CAROLINA 29223
(803) 754-PARK FAX (803) 786-2028

Commissioners

JAMES R. DAVIS, Chairman
RICHARD F. DOZIER, Secretary
THOMAS S. LINTON
RHUJINE W. ROBINSON
WILLIAM R. BALLOU
LARRY WINGATE
WILLIAM V. GRANGER

Director of Parks & Recreation
J. PATRICK CONNOLLY

Assistant Director of Parks & Recreation
MARY ANNE GRANT

MEMORANDUM

TO: Pat
FROM: Mary Anne *MA*
DATE: November 7, 1994
RE: 1994 P.A.R.D. Projects Status

Lease Agreements

Ballentine - See attached document - County Council - Third Reading approval.

Meadowlake - See attached document - lease extension granted.

Ronnie will report to you on the construction progress of the 1994 P.A.R.D. projects.

cc: Ronnie Kinnett

COUNTY COUNCIL ACTIONS

October 4, 1994

Page two

- b. Contractual Matter; Solid Waste Collection Services - Approved renewal of contracts, at the same cost, for all service areas except service area no. 1, with the new contracts to contain a provision for recycling and more effective quality control measures. The Council voted to rebid service area no. 1. Action: PROCUREMENT/SOLID WASTE.
 - c. Contractual Matter; Engineering Services, Knollwood Drainage Project - Authorized negotiation and award of a contract under the terms discussed in Executive Session and recommended by the Development & Services Committee. Action: PROCUREMENT/PUBLIC WORKS.
 - d. Contractual Matter; Engineering Services - Approved award of contracts to primary and secondary engineering firms for a one-year term. Action: PROCUREMENT/PUBLIC WORKS.
 - e. Contractual Matter; HVAC System Upgrade, Judicial Center - Authorized negotiation and award of a contract for upgrade of the Judicial Center heating and air conditioning system under the terms discussed in Executive Session and recommended by the Development & Services Committee. Action: PROCUREMENT/CONSTRUCTION & FACILITIES MAINTENANCE.
 - f. Legal Briefing/Contractual Matter; Waste Capacity Limit Increase, Chambers Corporation - Referred to the Solid Waste Advisory Committee for review. The Council asked that the Advisory Committee hold a public hearing on this issue in addition to the hearing that the Council must hold to approve any ordinance amendments that may be required. The Advisory Committee was also asked to make its recommendation to the Council upon completion of its review. The Council also directed the County Administrator to obtain whatever information from Chambers Corporation that may be necessary to thoroughly evaluate this issue. Action: COUNTY ADMINISTRATOR/SOLID WASTE.
 - g. Economic Development Matter; Proposed Access Road Donation - Approved acceptance of road, with the understanding that the County's "C" fund allotment will not be utilized for road improvements. Action: GRANDS ADMINISTRATOR/PUBLIC WORKS.
3. THIRD READING
- a. Ordinance Authorizing Lease between Richland County and Richland County Recreation Commission - Third reading approval. Action: ADMINISTRATION.
 - b. Ordinance Establishing Fee for Marriage License - Third reading approval. Action: PROBATE COURT.
 - c. Ordinance Authorizing Easement to South Carolina Electric and Gas Company - Third reading approval. Action: ADMINISTRATION, LEGAL.
 - d. Zoning Map Amendment 94-00/MA, Sparkleberry Lane - Third reading approval. Action: PLANNING.

File: A-DIBP



5819 SHAKESPEARE ROAD
COLUMBIA, SOUTH CAROLINA 29223

J. PATRICK CONNOLLY, EXEC. DIRECTOR
PHONE: 803-754-7275 FAX: 803-786-2028

RICHLAND COUNTY
Recreation
COMMISSION

May 21, 1999

Mr. T. Cary McSwain
Richland County Administrator
Richland County Government
County Administration Building
2020 Hampton Street
P. O. Box 192
Columbia, SC 29202

Re: **Richland County Recreation Commission Lease Agreement**
Extension: Ballentine Park

Dear Cary:

While reviewing our lease agreement for Ballentine Park I discovered the enclosed letter concerning the extension.

Apparently the lease was extended for an additional twenty five years on October 4, 1994. This extension will allow the Commission to use the park until September 27, 2023.

However, I do not have any additional information from your legal department. Would you please forward me a copy of the documents for the lease.

Thanks and I look forward to hearing from you.

Sincerely,

Patrick Connolly
Executive Director

PC/ssc

Enclosure

James R. Davis, Chairman	William Ballou, Vice Chairman	Marvin B. Gooch, Secretary
W. Vaughn Grainger	Walter Robbitt Robinson	Larry Wingate
	Helen D. Taylor	

Richland County Government

County Administration Building
2020 Hampton Street
P.O. Box 192
Columbia, SC 29202



Phone (803) 748-4616
Fax (803) 748-4644
TDD (803) 748-4999

Office of the County Administrator

November 7, 1994

Mr. Pat Connolly
Richland County Recreation Commission
5819 Shakespeare Road
Columbia, SC 29223

**RE: Richland County Recreation Commission Lease Agreement
Extension; Ballentine Park**

Dear Mr. Connolly:

On Tuesday, October 4, 1994, Richland County Council gave third and final reading to an ordinance allowing for the extension of the lease agreement for the Ballentine Park for twenty five years.

The previous agreement which was to expire in September 1998 has been extended. Our legal department is currently drawing up the necessary documents for the lease and identical financial arrangements as were in the previous lease, \$1.00 for the term of the lease. The extension is for twenty five years over the current lease agreement signed in 1978. The extension will allow for use of the park until September 27, 2023.

Should you have any questions on this matter, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "T. Cary McSwain".

T. Cary McSwain
Richland County Administrator

Richland County Recreation Commission

5818 SHAKESPEARE ROAD
COLUMBIA, SOUTH CAROLINA 29223
(803) 784-PARK FAX (803) 786-2028

Commissioners

JAMES R. DAVIS, Chairman
WILLIAM R. BALLOU, Vice Chairman
RICHARD R. DOZIER, Secretary
THOMAS S. LINTON
RHUDDIE W. ROBINSON
LARRY WINGATE
WILLIAM V. GRANGER

Executive Director
J. PATRICK CONNOLLY

May 23, 1996

Mr. David Chambers, Risk Manager
Richland County Government
County Administration Building
2020 Hampton Street
P. O. Box 192
Columbia, S.C. 29202

Dear Mr. Chambers:

Please find enclosed two original copies of the addendum to the lease for Ballentine Park.

The Richland County Recreation Commission, at its Board meeting on May 20, 1996 voted unanimously to extend the lease.

Please send me an original when completed.

Sincerely,



Patrick Connolly
Executive Director

PC/ssc

Enclosure: Addendum

Richland County Government

County Administration Building
2020 Hampton Street
P.O. Box 182
Columbia, SC 29202



Phone (803) 748-4816
Fax (803) 748-4844
TDD (803) 748-4868

Office of the County Administrator

April 1, 1996

Mr. Pat Connolly

Richland County Recreation Commission

5819 Shakespeare Road

Columbia, S.C. 29223

RE: Ballentine Lease

Dear Mr. Connolly:

Per our telephone conversation today please send me a copy of the 1978 lease of the property at 1007 Bickley Rd. in Ballentine. Thank you for the information that the lease was renewed for twenty-five years by the County Council on October 4, 1994. As I indicated to you, I am trying to obtain the leases and other information on the County's properties. I started this past December as Richland County's first Risk Manager. No one has put together the information before, and the old records are quite a problem to obtain. I appreciate your help in this matter.

Very truly yours,

A handwritten signature in cursive script that reads "David Chambers".

David Chambers

Risk Manager

Richland County Recreation Commission

5819 SHAKESPEARE ROAD
COLUMBIA, SOUTH CAROLINA 29223
(803) 754-PARK FAX (803) 786-2028

Commissioners

JAMES R. DAVIS, Chairman
WILLIAM R. BALLOU, Vice Chairman
RICHARD F. DOZIER, Secretary
THOMAS S. LINTON
RHODINE W. ROBINSON
LARRY WINGATE
WILLIAM V. GRANGER

Executive Director
J. PATRICK CONNOLLY

April 19, 1996

Mr. David Chambers, Risk Manager
Richland County Government
2020 Hampton Street
P. O. Box 192
Columbia, S. C. 29202

Dear Mr. Chambers:

Please find enclosed a copy of the 1978 lease at Ballentine Park.

I have also enclosed a copy of the letter from Mr. McSwain concerning the extension. I do not have any additional documentation concerning the extension.

Please let me know if can be of further assistance.

Sincerely,



Patrick Connolly
Executive Director

PC/ssc

Enclosure

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

ADDENDUM

THIS ADDENDUM entered into this _____ day of _____,
_____, by and between Richland County, South Carolina,
(hereinafter referred to as the Lessor) and the Richland County
Recreation Commission, (hereinafter referred to as the Lessee).

WHEREAS, the Lessor and the Lessee entered into a Lease
Agreement dated September 20, 1978, which provided for the leasing
of a parcel of property located near Ballentine, South Carolina,
to be used as a park; and

WHEREAS, the Lease expires on September 27, 1998; however, the
Lessee has requested that the Lessor agree to extend the Lease for
an additional twenty-five year period so that the Lessee may
receive reimbursement funds for the construction of a walking
trail.

NOW, THEREFORE, upon the mutual agreement of the parties;

1. The Lessor hereby agrees to extend the Lease for an
additional twenty-five year from and after September 27, 1998, the
date of the original Lease;

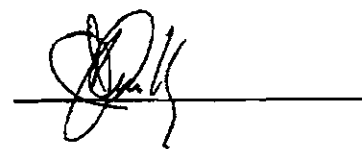
2. The Lessee hereby agrees to pay to the Lessor the sum of
One Dollar (\$1.00) for the additional twenty-five year period.

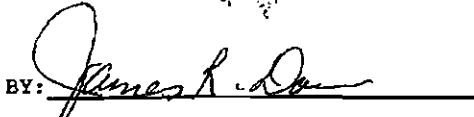
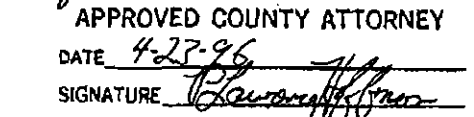
SIGNED AND SEALED by the parties hereto on the date first
above written.

WITNESSES: RICHLAND COUNTY, SOUTH CAROLINA

BY: _____
Chair, Richland County Council

WITNESSES: _____
RICHLAND COUNTY RECREATION COMMISSION



BY: 
APPROVED COUNTY ATTORNEY
DATE 4-27-96
SIGNATURE 

STATE OF SOUTH CAROLINA)
COUNTY OF RICHLAND)

ADDENDUM

THIS ADDENDUM entered into this ____ day of _____,
_____, by and between Richland County, South Carolina,
(hereinafter referred to as the Lessor) and the Richland County
Recreation Commission, (hereinafter referred to as the Lessee).

WHEREAS, the Lessor and the Lessee entered into a Lease
Agreement dated September 20, 1978, which provided for the leasing
of a parcel of property located near Ballentine, South Carolina,
to be used as a park; and

WHEREAS, the Lease expires on September 27, 1998; however, the
Lessee has requested that the Lessor agree to extend the Lease for
an additional twenty-five year period so that the Lessee may
receive reimbursement funds for the construction of a walking
trail.

NOW, THEREFORE, upon the mutual agreement of the parties;

1. The Lessor hereby agrees to extend the Lease for an
additional twenty-five year from and after September 27, 1998, the
date of the original Lease;

2. The Lessee hereby agrees to pay to the Lessor the sum of
One Dollar (\$1.00) for the additional twenty-five year period.

SIGNED AND SEALED by the parties hereto on the date first
above written.

WITNESSES:

RICHLAND COUNTY, SOUTH CAROLINA

BY: _____
Chair, Richland County Council

WITNESSES:

RICHLAND COUNTY RECREATION COMMISSION

Robert Allen

[Signature]

BY: James R. Dain

APPROVED COUNTY ATTORNEY

DATE 4-23-96

SIGNATURE [Signature]

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

AN ORDINANCE AUTHORIZING AN EXTENSION OF THE LEASE BETWEEN RICHLAND COUNTY AND THE RICHLAND COUNTY RECREATION COMMISSION FOR BALLENTINE PARK.

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. There is hereby authorized the extension of the Lease between Richland County and the Richland County Recreation Commission, dated September 20, 1978 and the Addendum authorized by Ordinance No. 070-94HR, dated October 4, 1994, providing for the leasing of certain property lying and being near Ballentine, South Carolina, for use as a park. Said extension shall be for an additional Twenty-five (25) years from and after September 27, 2023, the date of the expiration of the Addendum to the original Lease.

SECTION II. The consideration for the leasing of the property shall be the sum of One dollar (\$1.00) for the additional Twenty-five year period.

SECTION III. A copy of the Addendum to the Lease, setting forth the terms and conditions of the extension, is attached hereto and incorporated herein.

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

SECTION VI. Effective Date. This ordinance shall be enforced from and after _____, 2008.

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST this the ____ day of _____, 2008.

Michelle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

4

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

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

Second Addendum

THIS SECOND ADDENDUM entered into this ____ day of _____, 2008, by and between Richland County, South Carolina, (hereinafter referred to as Lessor) and the Richland County Recreation Commission (hereinafter referred to as Lessee).

WHEREAS, the Lessor and the Lessee entered into a Lease, dated September 20, 1978 and an Addendum authorized by Ordinance No. 070-94HR, dated October 4, 1994, providing for the leasing of certain property lying and being near Ballentine, South Carolina, to be used as a park; and

WHEREAS, the Lease expires on September 27, 2023; however, the Lessee has requested that the Lessor agree to extend the Lease and Addendum for an additional twenty-five (25) year period so that the Lessee may receive grants for the placement of playground equipment at the park.

NOW, THEREFORE, upon mutual agreement of the parties:

1. The Lessor hereby agrees to extend the Lease and Addendum for an additional twenty-five (25) years from and after September 27, 2023, the date of the expiration of the Addendum to the original Lease.
2. The Lessee hereby agrees to pay Lessor the sum of One (\$1.00) Dollar for the additional twenty-five (25) year period.

SIGNED AND SEALED by the parties hereto on the date first above written.

{Signature Page Follows}

WITNESSES:

RICHLAND COUNTY, SOUTH
CAROLINA

By: _____
Chair, Richland County Council

RICHLAND COUNTY RECREATION
COMMISSION

By: _____
Its: _____