



RICHLAND COUNTY COUNCIL REGULAR SESSION AGENDA

**MARCH 3, 2009
6:00 PM**

CALL TO ORDER

HONORABLE PAUL LIVINGSTON, CHAIR

INVOCATION

HONORABLE BILL MALINOWSKI

PLEDGE OF ALLEGIANCE

HONORABLE BILL MALINOWSKI

Citizen's Input

1. For Items on the Agenda Not Requiring a Public Hearing

Approval Of Minutes

2. Regular Session: February 17, 2009 [**PAGES 10-24**]
3. Zoning Public Hearing: February 24, 2009 [**PAGES 26-28**]

Adoption Of The Agenda

Report Of The Attorney For Executive Session Items

4.
 - Jim Hamilton-L. B. Owens Airport Manager Update
 - Lower Richland Property Purchase
 - Northeast Landfill Settlement
 - CMRTA Intergovernmental Agreement
 - Watts vs. Richland County

Report Of The County Administrator

5.
 - Update on CUB Assessment
 - NaCO Prescription Card Update
 - Foreclosure Map
 - CMRTA Intergovernmental Agreement
 - Strategic Plan
 - State Budget Cut Update

Report Of The Clerk Of Council

6.
 - Agenda Software Update
 - City Year's "Welcome Home!" Party, City Year Columbia Headquarters for Idealism, 1919 Hampton Street, March 4th, 4:30-8:00 p.m.

Report Of The Chairman

Open/Close Public Hearings

7.
 - An Ordinance authorizing a quit-claim deed to Community Assistance Provider, Inc. for a certain parcel of land on the south side of Sugar Hill Lane
 - An Ordinance amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article I, in general; and Article II, Administration
 - An Ordinance amending the Richland County Code of Ordinances, Chapter 1, General Provisions, so as to add a new section regulating the naming of buildings
 - A budget amendment (\$84,877) to cover a deficit for overtime, part-time employment, and operating expenses in the Board of Voter Registration Department

Approval Of Consent Items

8. 08-39MA
Martha Crawford
RU to OI (3 Acres)
Child Care Facility
17800-03-30 & 31
1235 Trading Post Rd. **[THIRD READING] [PAGE 34]**
9. An Ordinance Authorizing a quit-claim deed to Community Assistance Provider, Inc. for a certain parcel of land on the south side of Sugar Hill Lane **[THIRD READING] [PAGE 36-39]**
10. Budget Amendment (\$84,877) to cover a deficit for overtime, part-time employment, and operating expenses in the Board of Voter Registration Department **[THIRD READING] [PAGES 41-42]**
11. An Ordinance Amending the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, in general; Section 16-19, Appeals; and Section 16-22, Penalties; so as to amend the appeals process **[SECOND READING][PAGES 44-60]**
12. An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site, and Performance Standards; Section 26-171, General; so as to protect buffers, common areas, open space, recreation areas, and planted and/or vegetative areas on all approved plans **[SECOND READING] [PAGES 62-63]**
13. An Ordinance Amending the Fiscal Year 2008-2009 Road Maintenance and Mass Transit Budget Ordinance, so as to reinstate the Mass Transit portion of the Road Maintenance fee and appropriate such increase in funds for Mass Transit**[SECOND READING] [PAGES 65-66]**
14. An Ordinance Amending the Richland County Code of Ordinances; Chapter 23, Taxation; Article

- VI, Local Hospitality Tax; so as to temporarily reduce the Hospitality Tax to one percent (1%) in the unincorporated areas of the County [**SECOND READING**] [**PAGES 68-69**]
15. An Ordinance amending the Fiscal Year 2008-2009 Conservation Commission budget to appropriate ninety-two thousand five hundred fifty eight dollars (\$92,558) to provide funding for operational expenses [**FIRST READING**] [**PAGES 71-72**]
 16. Request to approve the awarding of a construction services contract to Rea Contracting LLC for the FY 2008 Resurfacing and Full Depth Patching Project in the amount of \$820,440.74 [**PAGES 74-76**]
 17. 2007 Road Resurfacing Project [**PAGES 78-99**]
 18. Request to approve the awarding of a construction services contract to the most responsive bidder for completion of Phase I of the Lake Elizabeth capital improvement project [**PAGES 101-103**]
 19. An Ordinance Amending the Fiscal Year 2008-09 Hopkins Utility System budget to appropriate thirteen thousand dollars (\$13,000) for operational costs through the end of the fiscal year [**FIRST READING**] [**PAGES 105-106**]
 20. Energy Audit Update [**PAGES 108-111**]
 21. Amendments to the December 17, 2008 settlement agreement between Richland County and Northeast Landfill, LLC
 22. An Ordinance amending the Fiscal Year 2008-09 Industrial Park budget to appropriate fifty thousand dollars (\$50,000) for expenses related to economic development projects [**FIRST READING**] [**PAGES 114-115**]
 23. An Ordinance repealing sections of the Richland County Code of Ordinances, specifically the provisions of Article VIII, entitled "Personnel Regulations," of Chapter 2, entitled "Administration" [**FIRST READING**] [**PAGES 117-127**]
 24. Request to approve the amended Employee Handbook and Human Resources Guidelines
 25. An Ordinance repealing sections of the Richland County Code of Ordinances, specifically the provisions of Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General [**DENIAL**] [**PAGE 130**]
 26. Pioneer Bowl/Harambee Festival Funding Request [**DENIAL**]

Third Reading Items

27. An Ordinance Amending the Richland County Code of Ordinances, Chapter 1, General Provisions, so as to add a new section regulating the naming of buildings [**PAGES 133-134**]

28. An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article I, in general; and Article II, Administration [**PAGES 136-157**]

Report Of Development And Services Committee

29. Request to purchase property in Lower Richland with Hospitality Tax funds for tourism-related activities [**PAGES 159-160**]

Report Of Rules And Appointments Committee

1. NOTIFICATION OF VACANCIES

30.
 - Historic Columbia Foundation-1
 - Internal Audit Committee-1

2. Notification Of Appointments

31. Accommodations Tax Committee-4 [**PAGES 163-166**]

32. Airport Commission-1 [**PAGES 168-173**]

33. Board of Assessment Control-1 [**PAGES 175-176**]

34. Employee Grievance Committee-2 [**PAGES 178-179**]

35. Hospitality Tax Committee-2 [**PAGES 181-184**]

36. Richland Memorial Hospital Board-1 [PAGES 186-191]

3. Rule Changes

37. Electronic Participation [PAGE 193]

4. Discussion From Rules And Appointment Committee

38. Review Composition of County Committees, Boards and Commissions

39. Council Individual Discretionary Accounts

40. Revised Application Form

Other Items

41. REPORT OF THE BOND REVIEW COMMITTEE

a. Financial Policies [PAGES 195-204]

42. Strategic Plan [PAGES 206-216]

Old Business

Citizen's Input

43. Must Pertain to Items Not on the Agenda

Executive Session

44.

Adjournment



Richland County Council Request of Action

Subject

For Items on the Agenda Not Requiring a Public Hearing

Purpose

Committee Recommendation

Council Action (First Reading)

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item

No

On Agenda For Public Hearing

No

Richland County Council Request of Action

Subject

Regular Session: February 17, 2009 [PAGES 10-24]

Purpose

Committee Recommendation

Council Action (First Reading)

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item No

On Agenda For Public Hearing No

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, FEBRUARY 17, 2009 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	Paul Livingston
Vice Chair	Damon Jeter
Member	Gwendolyn Davis Kennedy
Member	Joyce Dickerson
Member	Valerie Hutchinson
Member	Norman Jackson
Member	Bill Malinowski
Member	Jim Manning
Member	L. Gregory Pearce, Jr.
Member	Kit Smith
Member	Kelvin Washington

OTHERS PRESENT – Michelle Cannon-Finch, Milton Pope, Tony McDonald, Sparty Hammett, Roxanne Matthews, Joe Cronin, Stephany Snowden, Jennifer Dowden, Tamara King, Larry Smith, Dale Welch, Joseph Kocy, Anna Almeida, Amelia Linder, Geo Price, Pam Davis, Donny Phipps, Lillian McBride, Valeria Jackson, Teresa Smith, Michael Byrd, Daniel Driggers, Monique Walters, Michelle Onley

CALL TO ORDER

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

INVOCATION

The Invocation was given by the Honorable Gwendolyn Davis Kennedy

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Gwendolyn Davis Kennedy, Bill Buildaback and Boy Scout Troop 27

POINT OF PERSONAL PRIVILEGE – Mr. Livingston recognized the Richland County Alumni Chapter of the Delta Sigma Theta Sorority.

CITIZENS' INPUT

No one signed up to speak.

POINT OF PERSONAL PRIVILEGE – Ms. Smith congratulated Ms. Roxanne Matthews on her engagement.

APPROVAL OF MINUTES

Regular Session: February 3, 2009 – Mr. Manning moved, seconded by Mr. Pearce, to approve the minutes as corrected. The vote in favor was unanimous.

Mr. Livingston stated that Ms. Hutchinson and Ms. Dickerson would be late for tonight's Council meeting due to their attendance at the Inter-City Event in Charleston.

ADOPTION OF AGENDA

Mr. Pope stated that a potential contract for professional services needed to be added under the Report of the County Administrator.

Ms. Finch stated that two of the Third Reading Ordinances needed their signature lines to be amended to replace Ms. Hutchinson name with Mr. Livingston's name.

The agenda was adopted unanimously.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

The following items were potential Executive Session items:

- a. **Contractual Matter—Offer to Purchase County Property**
- b. **Personnel Matter**
- c. **Contract for Professional Services**
- d. **CMRTA Intergovernmental Agreement**
- e. **Report of A&F Committee – Item 20**

REPORT OF THE COUNTY ADMINISTRATOR

Weather Alert Radio Presentation – Mr. Michael Byrd presented Council with weather alert radios.

Update on CUB Assessment – This item was deferred until the March 3rd Council meeting.

Rowing Club MOU – This was an action item on the agenda.

Strategic Planning Work Session Meeting Reminder: February 24th, 3 p.m.-5 p.m.
– Mr. Pope reminded Council of the Strategic Planning Work Session on February 24th from 3:00 p.m. to 5:00 p.m. in Council Chambers.

BSC Workshop Update – Mr. Pope stated that the Business Service Center partnered with the Department of Review to host a Business Rules and Online Tools workshop on February 6th at the S. C. State Museum. The workshop was a tremendous success with approximately 200 people attending the event. The workshop assisted the business community in better understanding the requirements and regulations. There are plans underway to have a repeat session in the County, as well as other communities.

CMRTA Intergovernmental Agreement Update – This item was taken up during Executive Session.

NaCO Prescription Card Update – This item was deferred to the March 3rd Council meeting.

SC Residential Improvement District Act – Mr. Pope stated that he would speak with Mr. Livingston and Mr. Malinowski to decide if a work session is necessary regarding this item.

Personnel Matter – This item was taken up during Executive Session.

Comprehensive Plan Meeting Update – Mr. Kocy gave a brief update and asked Council for guidance regarding dates and locations for the second round of meetings.

Foreclosure Map – This item was deferred to the March 3rd Council meeting. Ms. Smith requested that the Appleseed Foundation be allowed to make a presentation on how to avoid foreclosure.

Audit Presentation – Mr. Tom McNeish, Elliott Davis, gave a brief presentation of the completed audit to Council.

REPORT OF THE CLERK OF COUNCIL

United Way of the Midlands 25th Anniversary, The Humanitarian of the Year Award Ceremony, February 26th, Columbia Metropolitan Convention Center – Ms. Finch stated that the United Way of the Midlands Humanitarian of the Year Award Ceremony will be held February 26th at the Columbia Metropolitan Convention Center.

Town of Eastover's 31st Annual Barbeque and Parade Festival, April 30th-May 2nd – Ms. Finch stated that the Town of Eastover's Annual Barbeque and Parade Festival will be held April 30th-May 2nd.

NOBCO – Ms. Finch stated that NOBCO Annual Conference will be held April 30th-May 3rd in Miami, Florida.

Palmetto Health Public Session Report – Ms. Finch stated that Palmetto Health has requested to make a presentation to Council on March 17th.

Esplanade at Canalside Project – Ms. Finch stated that the Columbia City Council has extended an invitation to County Council to attend the Grand Opening of the Esplanade at Canalside Project on Friday, February 20th at 11 a.m.

Richland Memorial Board Member Orientation – Ms. Finch stated that they have set aside Wednesday, March 18th from 9:00 a.m.-1:00 p.m. in the Bagnal Board Room for orientation with the newly elected Council members.

Richland Memorial Board Reception – Ms. Finch stated that Richland Memorial will be holding a Board Reception for County Council, the Richland Memorial Board and Palmetto Health Executive Staff. Time and place will be forthcoming.

REPORT OF THE CHAIRMAN

No report was given.

PUBLIC HEARING ITEMS

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

- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article 1, in general; so as to add and delete provisions relating to Business License Rates** – No one signed up to speak.
- **An Ordinance Amending the FY 2008-2009 General Fund Annual Budget to decrease Business License revenue by one million five hundred and thirty-six thousand (\$1,536,000) due to fee adjustments and appropriate undesignated General Fund balance of one million five hundred and thirty-six thousand (\$1,536,000) to offset** – No one signed up to speak.

The public hearings were closed.

APPROVAL OF CONSENT ITEMS

- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article 1, in general; so as to add and delete provisions relating to Business License Rates [THIRD READING]**
- **An Ordinance Amending the Fiscal Year 2008-2009 General Fund Annual Budget to decrease Business License revenue by one million five hundred and thirty-six thousand (\$1,536,000) due to fee adjustments and appropriate undesignated General Fund Balance of one million five hundred and thirty-six thousand (\$1,536,000) to offset [THIRD READING]**
- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site, and Performance Standards; Section 26-186, Green Code Standards; Subsection (H), Development Standards; Paragraph (1); so as to reduce the minimum required subdivision size to two acres [THIRD READING]**
- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-83, Establishment of Zoning Districts; Subsection (E), Neighborhood Master Plan Overlay Districts; so as to establish a district entitled “DBWP Decker Boulevard/Woodfield Park Redevelopment Overlay District” [THIRD READING]**
- **An Ordinance Allowing Owners (or their agents) of certain parcels of land within the Decker Boulevard/Woodfield Park Area of Richland County, South Carolina, to make application for the use of the Development Standards of the “DBWP Decker Boulevard/Woodfield Park Neighborhood Redevelopment Overlay District” [THIRD READING]**
- **An Ordinance Amending the Imagine Richland 2020 Comprehensive Plan, adopted on May 3, 1999, by incorporating the “Candlewood Neighborhood Master Plan” into the northeast planning area [THIRD READING]**
- **An Ordinance Authorizing a quit-claim deed to Community Assistance Provider, Inc. for a certain parcel of land on the south side of Sugar Hill Lane [SECOND READING]**

Mr. Jeter moved, seconded by Ms. Hutchinson, to approve the consent items. The vote in favor was unanimous.

THIRD READING ITEMS

Alternative Dirt Road Paving Program/Ordinance to permit adoption of countywide dirt road paving program standards – A discussion took place.

Mr. Jeter moved, seconded by Ms. Smith, to accept staff's recommendation on the portion of the ordinance dealing with the length of the road. The vote in favor was unanimous.

Mr. Jackson moved, seconded by Mr. Malinowski, to accept staff's recommendation of 75% participation by property owners on the road. A discussion took place.

Mr. Washington made a substitute motion to substitute public notification of dirt roads being paved for public participation and allow the Council member for that district to make the final determination to proceed if there are objections.

Ms. Smith made a second substitute motion, seconded by Ms. Dickerson, to amend Item (i) paragraph 4 to state that: "In order to incorporate community input before roads are paved, DPW will mail notification of the proposed paving to all property owners on roads known to have right-of-way to determine interest in the improvement. If within 30 days, 25% or more register an objection the road will not be improved." Also, to strike the sentence: "Roads where owners do not support the improvement will be reported to Council."

Mr. Washington made a motion to amend the amount of participation to 51%. His motion died for lack of a second.

Mr. Washington withdrew his substitute motion.

Mr. Washington called for the question, seconded by Ms. Smith.

In Favor

Pearce
Hutchinson
Livingston
Dickerson
Washington
Smith

The call for the question failed.

The vote was in favor of Ms. Smith's substitute motion.

Mr. Jeter moved, seconded by Mr. Washington, to accept staff's recommendation in regard to the commission. A discussion took place.

The vote in favor was unanimous.

Mr. Manning moved, seconded by Ms. Dickerson, to approve the ordinance as amended. The vote in favor was unanimous.

An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; so as to permit “Day Care, Adult, Home Occupation (5 or fewer)”; **Day Care Centers, Adult”;** **“Day Care, Child, Family Day Care, Home Occupation (5 or fewer)”;** **and “Day Care Centers, Child, Licensed Centers”;** **in various zoning districts with special requirements** – Ms. Dickerson moved, seconded by Mr. Manning, to approve this item. A discussion took place.

The vote in favor was unanimous.

SECOND READING ITEM

08-39MA, Martha Crawford, RU to OI (3 Acres) Child Care Facility, 17800-03-30 & 31, 1235 Trading Post Rd. – Ms. Dickerson moved, seconded by Ms. Hutchinson, to approve this item. The vote in favor was unanimous.

An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article I, in general; and Article II, Administration – Mr. Jeter moved, seconded by Mr. Washington, to approve this item. The vote was in favor.

An Ordinance Amending the Richland County Code of Ordinances, Chapter 1, General Provisions, so as to add a new section regulating the naming of buildings – Mr. Jeter moved, seconded by Ms. Dickerson, to approve this item. A discussion took place.

Mr. Malinowski made a substitute motion, seconded by Ms. Hutchinson, to strike the word living from the ordinance. The substitute motion failed.

The vote on the original motion was in favor.

Budget Amendment (\$84,877) to cover a deficit for overtime, part-time employment, and operating expenses in the Board of Voter Registration Department – Ms. Dickerson moved, seconded by Ms. Smith, to approve this item. A discussion took place.

The vote in favor was unanimous.

REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

An Ordinance Amending the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, in general; Section 16-19, Appeals; and Section 16-22, Penalties; so as to amend the appeals process – A discussion took place.

Ms. Dickerson moved, seconded by Mr. Pearce, to approve this item and to have staff's amendments and a financial impact presented to Council at Second Reading.

The vote in favor was unanimous.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

Project Woods Inducement Resolution – Mr. Pearce stated that the committee recommended approval of this item. The vote in favor was unanimous.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

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

- a. **Employee Grievance Committee—1** – Mr. Malinowski stated that the committee recommended that staff advertise for this vacancy. The vote in favor was unanimous.
- b. **Historic Columbia Foundation—1**—Mr. Malinowski stated that the committee recommended that staff advertise for this vacancy. The vote in favor was unanimous.
- c. **Hospitality Tax Committee—3**—Mr. Malinowski stated that the committee recommended that staff advertise for these vacancies. The vote in favor was unanimous.

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

- a. **Housing Advisory Committee (HAC)—2** – Mr. Malinowski stated that the committee recommended appointing Ms. Selena M. Pickens and hold the appointment of Mr. Adam Scott in committee until additional information has been received. The vote in favor was unanimous.

III. Council Individual Discretionary Accounts – Mr. Malinowski stated that the committee recommended approval of the policy guidelines on how Council members should/should not use their discretionary accounts.

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

IV. Revised Application Form – Mr. Malinowski stated that the committee recommended approval of the revised application.

Ms. Smith made a substitute motion, seconded by Ms. Dickerson, to strike the statement: "...or have you been involved with any matter where your integrity may have been compromised?"

The vote in favor was unanimous.

- V. Electronic Participation** – Mr. Malinowski stated that the committee recommended approval of this item with the following changes: 3rd sentence should read, "...via electronic participation and be counted..."; Paragraph 2 should have the word via struck out; and Paragraph 3, sentence 2, should read: "...participating in the meeting to hear and/or see each other at the same time...."

The vote in favor was unanimous.

- VI. 4.4 Agendas (Council Rule)** – Mr. Malinowski stated that the committee recommended approval of this item. The vote in favor was unanimous.

OTHER ITEMS

Rowing Club MOU – Ms. Smith moved, seconded by Ms. Dickerson, to defer this item until the March 3rd Council meeting. The vote was in favor.

Reimbursement Resolution for No-Kill Animal Shelter – Mr. Manning moved, seconded by Ms. Dickerson, to approve this item. The vote was in favor.

CMRTA Intergovernmental Agreement – This item was taken up during Executive Session.

Report of the Bond Review Committee

- a. Financial Policies** – Mr. Pearce moved, seconded by Ms. Dickerson, to approve this item. A discussion took place.

Ms. Smith moved, seconded by Ms. Dickerson, to defer this item until the March 3rd Council meeting.

<u>In Favor</u>	<u>Oppose</u>
Malinowski	Pearce
Jackson	Jeter
Hutchinson	Manning
Dickerson	Livingston
Kennedy	
Washington	
Smith	

CITIZENS' INPUT

Mr. Eugene Duvall spoke regarding the end of fiscal year budget purchases.

EXECUTIVE SESSION ITEMS

=====
Council went into Executive Session at approximately 8:15 p.m. and came out at approximately 9:13 p.m.
=====

- a. **Contractual Matter: Offer to Purchase County Property** – Ms. Smith moved, seconded by Mr. Malinowski, to decline the offer to purchase the property. The vote in favor was unanimous.
- b. **Personnel Matter** – No action was taken.
- c. **Potential Contract for Professional Services** – Ms. Hutchinson moved, seconded by Ms. Kennedy, to direct the Administrator to use existing designated funds and to do due diligence with regard to Palmetto Utilities.
- d. **CMRTA Intergovernmental Agreement** – Ms. Dickerson moved, seconded by Ms. Kennedy, to adopt the resolution approving the execution of an intergovernmental agreement between Richland County, the City of Columbia, and the CMRTA for the purpose of providing interim funding for the CMRTA. This resolution shall be contingent upon the City of Columbia and the CMRTA endorsing the same agreement by appropriate legislative enactment. The vote in favor was unanimous.

Ms. Dickerson moved, seconded by Ms. Kennedy, to approve an ordinance amending the Fiscal Year 2008-2009 Road Maintenance Budget, so as to increase the Road Maintenance Fee and appropriate such increase in funds for mass transit. The vote in favor was unanimous.

Ms. Dickerson moved, seconded by Ms. Kennedy, to approve an ordinance amending the Richland County Code of Ordinances; Chapter 23, Taxation; Article VI, Local Hospitality Tax; so as to temporarily suspend the collection of a portion of the Hospitality Tax. The vote in favor was unanimous.

Third Reading of the ordinances shall not be held on the ordinances until all parties have endorsed the Intergovernmental Agreement.

MOTION PERIOD

Resolution for George Duke and Rachelle Ferrell performers for the Auntie Karen Foundation Jazz Concert on February 27th – Ms. Dickerson moved, seconded by Mr. Washington, to adopt resolutions for performers George Duke and Rachelle Ferrell. The vote in favor was unanimous.

Resolution for Spring Valley Baptist Church – Mr. Malinowski moved, seconded by Ms. Hutchinson, to adopt a resolution for Spring Valley Baptist Church. The vote in favor was unanimous.

Have staff look into the possibility of charging a “Sewer Availability Fee” for all areas serviced by Richland County sewer when there will be future construction of homes or other buildings – Mr. Malinowski referred this item to the D&S Committee.

Use a portion of the Road Maintenance Fee of \$20 and partnership with the County Transportation Committee to fund a bond to pave all dirt roads with traditional and alternative pavement methods in three years or less – Mr. Jackson referred this item to the D&S Committee.

Develop a working plan not limited to include public/private partnership for the Northeast Sports Complex, a Southeast Golf Park Complex, Decker Boulevard Revitalization and Southwest Park Complex – Mr. Jackson referred this item to the A&F Committee.

ADJOURNMENT

The meeting adjourned at approximately 9:20 p.m.

The meeting reconvened and adjourned at approximately 9:21 p.m.

Paul Livingston, Chair

Damon Jeter, Vice-Chair

Gwendolyn Davis Kennedy

Joyce Dickerson

Valerie Hutchinson

Norman Jackson

Bill Malinowski

Jim Manning

L. Gregory Pearce, Jr.

Kit Smith

Kelvin E. Washington, Sr.

The minutes were transcribed by Michelle M. Onley

**STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-09HR**

**AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE
OF ORDINANCES, CHAPTER 21, ROADS, HIGHWAYS AND
BRIDGES, SO AS TO ADD NEW LANGUAGE RELATED TO
ROAD PAVING.**

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; Section 21-3, Definitions; is hereby amended by the addition of the following language:

- (m) *Alternative Maintenance Paving.* A County paving program by which qualifying light duty/low volume unpaved public roads may be paved using non standard paving or treatment methods.
- (n) *Light Duty/Low Volume Unpaved Road.* Unpaved roads with average daily traffic limited at 400 vehicles per day.

SECTION II. The Richland County Code of Ordinances; Chapter 21, Roads, Highways and Bridges; Section 21-20, Road paving program; is hereby amended by the addition of the following language:

- (i) The Alternative Maintenance Paving Program shall consist of two categories, Pave-In-Place and Alternative Surface Treatment, which are defined as follows:
 - (1) The Pave-In-Place Program shall allow for the placement of hot mix asphalt on low volume/light duty dirt roads that meet the following criteria:
 - a) The road must be within a publicly dedicated right-of-way of a minimum width of 50 feet. A right-of-way width of no less than 30 feet may be considered if in the judgment of the Director of Public Works a safe roadway with adequate drainage may be constructed.
 - b) The road base may be reinforced by the use of Portland cement stabilization of the in-place materials or other stabilization products determined by the Director of Public Works to be equal or better.
 - c) The road to be improved shall not interconnect existing streets or serve developable vacant land that would result in the potential of exceeding 400 vehicles per day. The road shall not serve existing businesses or vacant land zoned for business uses that would generate traffic exceeding 400 vehicles per day or truck traffic exceeding 24 vehicles per day.
 - d) Roads improved under this ordinance may conform to AASHTO Guidelines for Geometric Design of Very Low-Volume Local Roads (2001) for horizontal and vertical alignment if determined by the Director of Public Works to be appropriate for the local situation.
 - e) Roadway bases reinforced by the above method shall be overlaid with 1½ inches of hot mix asphalt surface course. The paved surface width shall be no less than 22 feet. A pavement width of no less than 18 feet may be considered if in the judgment of the Director of Public Works a safe roadway with adequate drainage

may be constructed.

(2) Alternative Surface Treatment allows for the placement of materials other than asphalt as the travel surface for road ways. Types of Alternative Surface Treatment may include:

- Triple treatment Surface course
- Rubberized Asphalt
- Milled Asphalt

(3) Roads in the Alternative Maintenance Paving Program maybe improved by geographical location in lieu of the priority list referenced in the aforementioned section of this ordinance to reduce mobilization cost. The decision shall be at the discretion of the Director of Public Works.

(4) In order to incorporate community input before roads are paved, notice shall be sent by the Department of Public Works by mail requiring a return receipt to the last known address of all abutting property owners whose property would be affected by any such change. Each such owner shall have thirty (30) days to respond. If twenty-five (25%) percent or more of all such property owners decline said road paving, then the subject road shall not be paved.

(5) The Road Transportation Commission shall act as a facilitator to the Alternative Maintenance Paving Program. The Commission shall notify and communicate with residents whose roads have been determined to qualify for the Program. Additionally, the Commission shall work with the Department of Public Works to assist in the acquisition of necessary rights-of-way on projects undertaken pursuant to this section.

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 _____, 2009.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chairperson

ATTEST THIS THE _____ DAY
OF _____, 2009

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:
Public Hearing:
Second Reading:
Third Reading:

Richland County Council Request of Action

Subject

Zoning Public Hearing: February 24, 2009 [PAGES 26-28]

Purpose

Committee Recommendation

Council Action (First Reading)

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item No

On Agenda For Public Hearing No

MINUTES OF



RICHLAND COUNTY COUNCIL ZONING PUBLIC HEARING TUESDAY, FEBRUARY 24, 2009 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:

Chair	Paul Livingston
Vice-Chair	Damon Jeter
Member	Gwendolyn Davis Kennedy
Member	Joyce Dickerson
Member	Valerie Hutchinson
Member	Norman Jackson
Member	Bill Malinowski
Member	Jim Manning
Member	L. Gregory Pearce, Jr.
Member	Kit Smith
Member	Kelvin E. Washington, Sr.

OTHERS PRESENT: Michielle Cannon-Finch, Joseph Kocy, Amelia Linder, Suzie Haynes, Jennie Sherry-Linder, Milton Pope, Sparty Hammett, Tony McDonald, Larry Smith, Srinivas Valavala, Jennifer Dowden, Tamara King, Jim Wilson, Monique Walters, Michelle Onley

CALL TO ORDER

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

ADDITIONS/DELETIONS TO AGENDA

Mr. Pope stated that staff would like to reorder the agenda to have the last item on the agenda first.

The agenda was unanimously adopted as amended.

TEXT AMENDMENTS

An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; Article VII, General Development, Site, and Performance Standards; Section 26-171, General; so as to protect buffers, common areas, open space, recreation areas, and planted and/or vegetative areas on all approved plans

Mr. Livingston opened the floor to the public hearing.

No one signed up to speak.

The floor to the public hearing was closed.

Mr. Pearce moved, seconded by Ms. Hutchinson, to give First Reading approval to this item. The vote in favor was unanimous.

An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; so as to improve Richland County's Water Quality, protect the environment, and comply with the County's National Pollution Discharge Elimination System (NPDES) permit requirements – Ms. Dickerson moved, seconded by Mr. Jeter, to defer Second Reading on this item until the February 24th Zoning Public Hearing. The vote in favor was unanimous.

Mr. Livingston opened the floor to the public hearing.

Mr. John Grego, Ms. Sparkle Clark, Ms. Suzanne Rhodes, Ms. Opal Brown, Mr. Bob Guile, Ms. Carol Kososki, Ms. Marjorie Johnson, Ms. Ryan Nevius, Ms. Ann Timberlake, Mr. John Ramsburg, Ms. Tracy Swartout, Mr. Robert O'Brien, Ms. Jessica Arts spoke in favor of this item.

Mr. Tom Rowe, Mr. Marion Sadler, Mr. Tommy Lavender, Mr. David Tuttle, Mr. Pat Farmer, Mr. Bill Faust, Mr. Steve Corboy, Ms. Pamela Greenlawn, Mr. Bill Flowers, Mr. Doug Bridges, Mr. Ben Brantley, Mr. William DePasse, Mr. Earl McLeod, Mr. William Hill, Mr. William Dubard, Mr. Delary Faulkenberry, Mr. Cliff Wood, Mr. Hud McLean, Ms. Kay McCallahan, Ms. Joyce Burriss, Mr. Charles Hollyfield, Mr. Christopher Cox, and Mr. Whit Seaver spoke against this item.

The floor to the public hearing was closed.

Mr. Jeter moved, seconded by Mr. Pearce, to adopt the Lexington County Water Buffer Requirement Ordinance with the following changes: (1) insert the Richland County entitlement language that will ensure consistency with other Richland County zoning and land use provisions and will also reduce the buffer width from 100 feet to 85 feet for perennial streams and from 50 feet to 40 feet for intermediate streams; (2) require a review of this ordinance and other proposals to include tonight's public comment and; (3) have a report from the Richland County Development Road Table with recommendations for changes no later than June 1, 2009 and prior to Third Reading.

A discussion took place.

Ms. Hutchinson offered the following friendly amendment: to automatically exempt single-family two-acre lots instead of the one-acre and to include the Lexington County Design Manual because the Design Manual defines and allows the flexibility in the Code.

Mr. Jeter and Mr. Pearce accepted Ms. Hutchinson's amendment.

Mr. Pearce offered the following amendment: that a public hearing would be held prior to Third Reading.

Mr. Jeter accepted Mr. Pearce's amendment.

Mr. Jeter called for the question. The vote in favor was unanimous.

The vote was in favor. Mr. Washington opposed the item.

ADJOURNMENT

The meeting adjourned at approximately 9:25 p.m.

Submitted respectfully by,

Paul Livingston
Chair

The minutes were transcribed by Michelle M. Onley

Richland County Council Request of Action

Subject

- Jim Hamilton-L. B. Owens Airport Manager Update
- Lower Richland Property Purchase
- Northeast Landfill Settlement
- CMRTA Intergovernmental Agreement
- Watts vs. Richland County

Purpose

Committee Recommendation

Council Action (First Reading)

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item No

On Agenda For Public Hearing No

Richland County Council Request of Action

Subject

- Update on CUB Assessment
- NaCO Prescription Card Update
- Foreclosure Map
- CMRTA Intergovernmental Agreement
- Strategic Plan
- State Budget Cut Update

Purpose

Committee Recommendation

Council Action (First Reading)

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item No

On Agenda For Public Hearing No

Richland County Council Request of Action

Subject

- Agenda Software Update
- City Year's "Welcome Home!" Party, City Year Columbia Headquarters for Idealism, 1919 Hampton Street, March 4th, 4:30-8:00 p.m.

Purpose

Committee Recommendation

Council Action (First Reading)

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item No

On Agenda For Public Hearing No

Richland County Council Request of Action

Subject

- An Ordinance authorizing a quit-claim deed to Community Assistance Provider, Inc. for a certain parcel of land on the south side of Sugar Hill Lane
- An Ordinance amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article I, in general; and Article II, Administration
- An Ordinance amending the Richland County Code of Ordinances, Chapter 1, General Provisions, so as to add a new section regulating the naming of buildings
- A budget amendment (\$84,877) to cover a deficit for overtime, part-time employment, and operating expenses in the Board of Voter Registration Department

Purpose

Committee Recommendation

Council Action (First Reading)

Council Action (Second Reading)

Public Hearing

<u>On Agenda As A Consent Item</u>	No
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<u>On Agenda For Public Hearing</u>	No
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Richland County Council Request of Action

Subject

08-39MA
Martha Crawford
RU to OI (3 Acres)
Child Care Facility
17800-03-30 & 31
1235 Trading Post Rd. [THIRD READING] [PAGE 34]

Purpose

Committee Recommendation

Council Action (First Reading)

This item received First Reading on November 25, 2008

Council Action (Second Reading)

Public Hearing

This item received a public hearing on November 25, 2008

On Agenda As A Consent Item No

On Agenda For Public Hearing No

STATE OF SOUTH CAROLINA
COUNTY COUNCIL OF RICHLAND COUNTY
ORDINANCE NO. ____-09HR

AN ORDINANCE OF THE COUNTY COUNCIL OF RICHLAND COUNTY, SOUTH CAROLINA, AMENDING THE ZONING MAP OF UNINCORPORATED RICHLAND COUNTY, SOUTH CAROLINA, TO CHANGE THE ZONING DESIGNATION FOR THE REAL PROPERTIES DESCRIBED AS TMS # 17800-03-30/31 FROM RU (RURAL DISTRICT) TO OI (OFFICE AND INSTITUTIONAL DISTRICT); AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

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

Section I. The Zoning Map of unincorporated Richland County is hereby amended to change the real properties described as TMS # 17800-03-30/31 from RU (Rural District) zoning to OI (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 effective from and after _____, 2009.

RICHLAND COUNTY COUNCIL

By: _____
Paul Livingston, Chair

Attest this _____ day of
_____, 2009.

Michielle R. Cannon-Finch
Clerk of Council

Public Hearing: November 25, 2008
First Reading: November 25, 2008
Second Reading: February 3, 2009 (tentative)
Third Reading:

Richland County Council Request of Action

Subject

An Ordinance Authorizing a quit-claim deed to Community Assistance Provider, Inc. for a certain parcel of land on the south side of Sugar Hill Lane **[THIRD READING] [PAGE 36-39]**

Purpose

Committee Recommendation

Council Action (First Reading)

This item received First Reading on February 3, 2009

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item No

On Agenda For Public Hearing No

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-09HR

AN ORDINANCE AUTHORIZING A QUIT-CLAIM DEED TO COMMUNITY ASSISTANCE PROVIDER, INC. FOR A CERTAIN PARCEL OF LAND ON THE SOUTH SIDE OF SUGAR HILL LANE.

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

QUIT-CLAIM DEED

WHEREAS, as a result of a property tax sale, Cornelia S. Pasky, as Treasurer of Richland County, conveyed certain real property located at 720 Sugar Hill Lane, in or near the City of Columbia, County of Richland, State of South Carolina (hereinafter the "subject property"), to the Forfeited Land Commission by deed dated February 11, 2002, recorded in the Office of the Register of Deeds for Richland County on February 15, 2002, in Record Book 627, at page 861;

WHEREAS, the Forfeited Land Commission conveyed a portion of the subject property to Richland County by deed dated August 4, 2004, recorded in the Office of the Register of Deeds for Richland County on August 16, 2004, in Record Book 968, at page 83, as part of a Fifty (50.0') foot right-of-way for a roadway known as Sugar Hill Point; however, the legal description in this deed was indefinite and imprecise and did not adequately identify the exact location of the portion of the subject property which the Forfeited Land Commission intended to convey to Richland County;

WHEREAS, the Forfeited Land Commission, also known as The Richland County Forfeited Land Commission, conveyed the subject property to Community Assistance Provider, Inc. by deed dated August 5, 2004, recorded in the Office of the Register of Deeds for Richland County on September 29, 2004, in Record Book 982, at page 643; however, this deed ignored the above-referenced conveyance of a portion of the subject property to Richland County;

WHEREAS, Community Assistance Provider, Inc. obtained a survey of its property in order to clearly establish the boundary lines, said property being shown and delineated as Tract 12 (6,360 square feet) on that plat prepared by Chao and Associates, Inc. dated January 29, 2008, revised May 13, 2008;

WHEREAS, Richland County desires to acknowledge the accuracy of the boundary lines as shown on the said Chao and Associates survey, particularly the Western boundary of said lot, and to further acknowledge that it has no claim, right, title or interest in and to any portion of the property delineated as Tract 12 on said plat;

KNOW ALL MEN BY THESE PRESENTS That **RICHLAND COUNTY** hereinafter called "GRANTOR"), in the State aforesaid, for and in consideration of the sum of Five and 00/100 (\$5.00) Dollars and the below premises, to GRANTOR in hand paid at and before the sealing of these presents by **COMMUNITY ASSISTANCE PROVIDER (a/k/a COMMUNITY ASSISTANCE PROVIDER, INC.)** (hereinafter called "GRANTEE"), in the State aforesaid (the receipt of which is hereby acknowledged), have granted, bargained, sold and released and quit-claimed unto:

ALL that certain piece, parcel, lot of land, with improvements thereon, situate, lying and being in the County of Richland, State of South Carolina, lying on the South Side of Sugar Hill Lane, being shown and delineated as Track 12, containing 6,360 feet, more or less, on that site plan prepared for Community Assistance Provider, Inc. by Chao and Associates, Inc. dated January 29, 2008, revised May 13, 2008, with reference to said plat for a more complete and accurate description hereof

This being a portion of property conveyed to The Richland County by

deed dated August 4, 2004, recorded in the Office of the ROD for Richland County, South Carolina on August 16, 2004 in Deed Book 968 at page 83, as part of a Fifty (50.0') foot right-of-way for a roadway known as Sugar Hill Point.

Property Address: 720 Sugar Hill Lane
Columbia, SC

TMS No: 11115-08-12

This conveyance is made subject to existing easements and to covenants, conditions, restrictions and easements of record, including, but not limited to, any shown on recorded plats.

TOGETHER with all and singular the Rights, Members, Hereditaments and Appurtenances to the Premises belonging, or in anywise incident or appertaining.

TO HAVE AND TO HOLD, all and singular the premises before mentioned unto the GRANTEE, its Successors and Assigns forever.

IN WITNESS WHEREOF, the within Deed has been executed this _____ day of _____, 2009.

Signed, Sealed and Delivered
In The Presence of:

RICHLAND COUNTY

By: _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND)

PERSONALLY appeared the undersigned witness and made oath that (s)he saw the within named duly authorized officer(s) for **RICHLAND COUNTY** seal and, as the act and deed of Richland County, deliver the within deed and that (s)he with the other witness subscribed above, witnessed the execution thereof.

Sworn To Before Me This
_____ day of _____, 2009.

NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires:

Richland County Council Request of Action

Subject

Budget Amendment (\$84,877) to cover a deficit for overtime, part-time employment, and operating expenses in the Board of Voter Registration Department **[THIRD READING] [PAGES 41-42]**

Purpose

Committee Recommendation

Council Action (First Reading)

This item received First Reading on February 3, 2009

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item No

On Agenda For Public Hearing No

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. __-09HR

AN ORDINANCE AMENDING THE FISCAL YEAR 2008-2009 GENERAL FUND ANNUAL BUDGET TO APPROPRIATE EIGHTY FOUR THOUSAND EIGHT HUNDRED SEVENTY SEVEN DOLLARS (\$84,877) TO THE BOARD OF VOTER REGISTRATION BUDGET TO COVER A DEFICIT FOR OVERTIME, PART-TIME EMPLOYMENT, AND OPERATING EXPENSES.

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 eighty four thousand eight hundred seventy seven dollars (\$84,877) be appropriated to the Board of Voter Registration Budget. Therefore, the Fiscal Year 2008-2009 General Fund Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2008 as amended:	\$ 138,135,934
Appropriation of General Fund undesignated fund balance	<u>84,877</u>
Total General Fund Revenue as Amended:	\$ 138,220,811

EXPENDITURES

Expenditures appropriated July 1, 2008 as amended:	\$ 138,135,934
Increase to Board of Voter Registration Budget:	<u>84,877</u>
Total General Fund Expenditures as Amended:	\$ 138,220,811

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: _____
Paul Livingston, Chair

ATTEST THIS THE ____ DAY

OF _____, 2008

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

Richland County Council Request of Action

Subject

An Ordinance Amending the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, in general; Section 16-19, Appeals; and Section 16-22, Penalties; so as to amend the appeals process [**SECOND READING**][**PAGES 44-60**]

Purpose

Committee Recommendation

Council Action (First Reading)

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item No


On Agenda For Public Hearing No



ATTORNEYS AT LAW

MEMORANDUM

TO: Richland County Council
Milton Pope

FROM: Mullen Taylor, Esq. 

SUBJECT: Amendments to the Business License Ordinance

DATE: February 11, 2009

During its duly held meeting on January 27, 2009, the Administration & Finance Committee reviewed a letter from Bill West, the Chairman of the Business Service Center Appeals Board, recommending changes to the Business License Ordinance. His letter raised concerns about: 1) time limits to bring an appeal to the Appeals Board; 2) the lack of ability to waive civil penalties upon reasonable cause shown; 3) the lack of reduction for like-kind exchanges in the calculation of gross income; 4) the definition of gross income as it relates to fair apportionment of revenue generated in interstate commerce; and 5) general frustration over the limited authority possessed by the Appeals Board. After discussing these issues, the Committee recommended increasing the time in which to bring an appeal from ten calendar days to 15 business days, and directed that I, serving as counsel for County Council in this matter, meet with Mr. West for further discussion, research outstanding issues, and return to the full Council with an ordinance including recommended revisions to the Business License Ordinance.

This ordinance is attached, and is summarized as follows:

1. Time Limits to Bring an Appeal

The A&F Committee recommended a change from ten calendar days to 15 business days. The ordinance contains two scenarios where the appeal time period is triggered – 1) by the payment of taxes and penalties owed; and 2) the receipt of a notice from the Business Service Center concerning an appealable matter. In the first situation, the appellant is appealing based on some alleged error in calculating the fee, or asserts good cause for waiver of the penalty. These types have a 15-day time period in which to appeal. In the other situation, an appellant is appealing a charge back from an audit conducted by the Business Service Center, or a denial or revocation of a business license. These actions by the Business Service Center required written notice given to the licensee. Thus, the time period in which to appeal is lengthened to 20 business days in order to account for the delayed receipt of the notice that always occurs when sent by U.S. Postal Service.

2. Waiver of Penalties

State law does not require counties to impose civil penalties, nor does state law prohibit waiver of civil penalties. Therefore, on Mr. West's recommendation, the attached ordinance authorizes waiver of the entire civil penalty in narrow circumstances based upon S.C. Department of Revenue's waiver policy. It is important to note that the ordinance does not allow a mere reduction in the penalty amount; it allows the Appeals Board to waive the entire amount or nothing at all. This is so because I believe that allowing reductions would create the situation where one appellant received an 80% reduction but another appellant received only a 50% reduction, which would cause accusations of inequitable treatment. The circumstances where an appellant could receive a waiver of penalties are very narrow. Adoption of this authority to waive civil penalties will have a financial impact on the County; however, the narrowness of the grounds for waiver may likely contain the financial loss to a minimum.

3. Reduction for Like-Kind Exchanges

The attached ordinance revises the definition of "gross income" to exclude amounts received or provided as a trade-in allowance. This exclusion provides relief to car dealerships, heavy equipment dealers and the like who accept trade-ins as part of the purchase price of the items they are selling.

4. Gross Income and Fair Apportionment for Businesses Engaged in Interstate Commerce

Mr. West's concern deals with whether the County's taxation of interstate revenue that was not paid to some other county or municipality outside of South Carolina meets the requirements of a *United States Supreme Court case Complete Auto Transit, inc. v. Brady*, 430 U.S. 274 (1977). Legal research and analysis concerning this question could be extensive. Therefore, I leave to Council the question of whether the County needs a legal opinion concerning this issue.

In a related matter, Council Member Val Hutchinson made a personal request that the declining rates for interstate commerce revenue be capped at some unspecified number, and that this rate cap be included in the attached ordinance. Although this request was not discussed or directed by the full Committee, I include this cap at the request of Mrs. Hutchinson so that Council may provide some direction.

5. Frustration Concerning Limited Authority of the Appeals Board

In response to this frustration, and after consultation with Bill West, the attached ordinance provides tightens up some of the grounds for appeal and provides an additional ground for appeal. The existing grounds – final assessment, charge backs from an audit and revocation or denial of an license – were revised to simply make clear exactly what those grounds dealt with in order to avoid any confusion. A new ground, modeled after the County's Land Development Code's appeal provisions, allow an appeal of a decision or determination made by the License Official concerning the proper classification of a business or the proper calculation of business

license fees. This ground for appeal shall not be construed to authorize appeals based on objections to the business license fee structure established by Richland County Council.

I will be available during the February 17th Council meeting should you need legal advice concerning the attached ordinance. Please let me know if you require further assistance in this matter.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-09HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 16, LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS; ARTICLE 1, IN GENERAL, SECTION 16-19, APPEALS, AND SECTION 16-22, PENALTIES, SO AS TO AMEND THE APPEALS PROCESS; AND SECTION 16-2, DEFINITIONS, SO AS TO REVISE THE DEFINITION OF GROSS INCOME; AND ADJUST DECLINING RATES FOR INTERSTATE COMMERCE REVENUE.

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

SECTION I. The Richland County Code of Ordinances, Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-2, Definitions, subsection (9), Gross Income, is hereby amended as follows:

- (9) “*Gross income*” means the total revenue of a business, received or accrued, for one (1) calendar or fiscal year, collected or to be collected by a business within the county, excepting there from business done wholly outside of the county on which a license fee is paid to some other county or a municipality and fully reported to Richland County. Gross income shall not include amounts received or provided as a trade-in allowance.

Gross income for brokers or agents means gross commissions received or retained, unless otherwise specified. Gross income for business license fee purposes shall not include taxes collected for a governmental entity (such as sales taxes), escrow funds, or funds that are the property of a third party. The value of bartered goods or trade-in merchandise shall be included in gross income. The gross income for business license purposes may be verified by inspection of returns and reports filed with the Internal Revenue Service, the South Carolina Department of Revenue, the South Carolina Department of Insurance, or other government agency.

SECTION II. The Richland County Code of Ordinances, Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-19, Appeals, is hereby amended as follows:

Section 16-19. Appeals.

- (1) Any person aggrieved by the following actions or decisions made by the License Official may bring an appeal to the Business License Service Center Appeals Board:
aggrieved by:

- a. a final assessment pursuant to section 16-12;
- b. charge backs or other adjustment to the business license fee as determined by an audit conducted pursuant to section 16-11;
- c. a revocation or a denial of a business license pursuant to section 16-15 or section 16-18;
- d. imposition of a civil penalty; or
- e. a decision or determination made by the License Official concerning the proper classification of a business or the proper calculation of business license fees. This ground for appeal shall not be construed to authorize appeals based on objections to the business license fee structure established by Richland County Council.

(2) Those wishing to appeal must first file a written appeal with the License Official for decision by the Business Service Center Appeals Board. The Business Service Center Appeals Board, or its designee, is authorized to reject an appeal for failure to comply with the requirements of this subsection. The following requirements for submission of an appeal must be strictly complied with:

- a. The appeal must be in writing and state the reasons for the appeal.
- b. The appeal shall be filed with the License Official within fifteen (15) business ~~ten calendar~~ (10) days after the payment of all applicable fees and penalties, or within twenty (20) business ~~ten calendar~~ days after the License Official's date of written notification of an assessment, charge-backs of an audit, or notice of denial or revocation ~~is received~~.
- c. The written notice of appeal must be accompanied by an administrative fee (which shall be determined by the License Official) that will be used to partially defray the costs incurred in connection with the administration of appeals. Payment under protest of all applicable fees and penalties, an assessment, or audit charge backs shall be a condition precedent to appeal. The fee will be refunded in the event of final resolution of the appeal in favor of the appellant.

~~(2)~~(3) An appeal or a hearing on revocation shall be held by the Appeals Board within thirty (30) calendar days, or as soon as reasonably possible, after receipt of a request for appeal or service of notice of suspension. The applicant or licensee shall be given written notice as to the date and time of the meeting. At the meeting, all parties have the right to be represented by counsel and to present testimony and evidence. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by the Board shall govern the hearing.

(4) In the event of an appeal of civil penalties paid, the Appeals Board may waive a civil penalty paid only if any of the following circumstances of reasonable cause are proven by the appellant:

- a. An unexpected and unavoidable absence of the appellant from South

Carolina, such as being called to active military duty. In the case of a corporation or other business entity, the absence must have been an individual having primary authority to pay the business license fee.

- b. A delay caused by death or serious, incapacitating illness of the appellant, the appellant's immediate family, or the appellant's accountant or other third party professional charged with determining the business license fee owed. In the case of a corporation, the death or serious, incapacitating illness must have been an individual having primary authority to pay the business license fee.
- c. The business license fee was paid on time, but inadvertently paid to another taxing entity.
- d. The delinquency was caused by the unavailability of necessary records directly relating to calculation of business license fees, over which the appellant had no control, which made timely payment impossible. For example, the required records may have been destroyed by fire, flood, federally-declared natural disaster, or actions of war or terrorism. Unavailability of records caused by time or business pressures, employee turnover, or negligence are not reasonable cause for waiver of civil penalties.
- e. The delinquency was the result of clear error on the part of the License Official or Business Service Center staff in processing or posting receipt of appellant's payment.
- f. Delay or failure caused by good faith reliance on erroneous guidance provided by the License Official or other staff, so long as complete and accurate information was given to the Business License Service Center, no change in the law occurred, and the appellant produces written documentation.

(5) The Appeals Board shall, by majority vote of members present, render a written decision as to whether the decision or action listed in subsection (1) above was affected by material error based upon findings of fact and the application of the standards herein. The decision of the Appeals Board which shall be served upon all parties or their representatives within fifteen (15) calendar days, or as soon as reasonably possible, after the hearing. The decision of the Board shall be final unless appealed to County Council within ten (10) calendar days after service of the Board's decision. County Council shall review the record and without further hearing affirm, modify, or deny the appeal in the event of an error of fact by the Board. The decision of Council shall be final unless appealed to a court of competent jurisdiction within ten (10) calendar days after service of the County Council's decision.

SECTION III. The Richland County Code of Ordinances, Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-22, Penalties, is hereby amended as follows:

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

- a. Criminal Penalty. Any person violating any provision of this article shall be deemed guilty of a misdemeanor and upon conviction shall be subject to punishment under the general

penalty provisions of Section 1-8 of this Code of Ordinances: that is, shall be subject to a fine of up to \$500.00 or imprisonment for not more than thirty (30) days or both. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent fees, penalties, and costs provided for herein.

- b. Civil Penalty. For non-payment of all or any part of the license fee, the License Official shall levy and collect a penalty of five (5%) percent of the unpaid fee for each month or portion thereof after the due date until paid. Penalties shall not be waived except in accordance with circumstances of reasonable cause set forth in section 16-19 of this article as determined by the Business Service Center Appeals Board.
- c. Injunctive Relief. The County may seek injunctive relief in a court of competent jurisdiction as a means of enforcing the provisions of this article.

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

(4) Interstate Commerce Declining Rates

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

<u>Interstate Commerce Revenue</u> (in millions)	<u>Discount on the Business License Fee</u>
1.00 – 4.99	5%
5.00 – 9.99	10%
10.00 – 14.99	20%
20.00 – 24.99	25%
25.00 – 29.99	30%
30.00 – 34.99	35%
35.00 – 39.99	40%
40.00 – 44.99	45%
<u>45.00 – 49.99</u>	<u>50%</u>
<u>50.00 or greater</u>	<u>100%</u>

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

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

SECTION VII. Effective Date. All sections of this ordinance shall be effective on and after _____, 2009.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE _____ DAY

OF _____, 2009

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: Feb. 17, 2009 (tentative)
Second Reading:
Public Hearing:
Third Reading:



Richland County Business Service Center

2020 Hampton Street, Suite 1050
P.O. Box 192
Columbia, SC 29202

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County's Response to the Proposed Business License Ordinance Amendments Subsequent to the BSC Appeals Board Letter to Council

Item 1: Time Limits to Bring an Appeal – the Board and the Council's attorney are recommending that the business license ordinance be changed from ten calendar days to fifteen business days. The County supports this change.

Item 2: Waiver of Penalties – The Board and the Council's attorney are recommending that the business license ordinance be changed to authorize waiver of penalties in narrow circumstances based upon the SC Department of Revenue's waiver policy. The County supports this change.

Item 3: Reduction for Like-Kind Exchanges – The Board and the Council's attorney are recommending that the business license ordinance be changed to exclude amounts received or provided as a trade-in from the definition of "gross income." "This exclusion provides relief to car dealerships, heavy equipment dealers, and the like who accept trade-ins as part of the purchase price of the items they are selling."

The County has concerns about this issue.

For clarification, the County's business license ordinance has never included a deduction for trade-in vehicles. It was, however, the practice of the County's previous business license administrator (the City of Columbia) to accept deductions on revenues from trade-in vehicles for the County.

Cities and counties around the state as a whole do not allow trade-ins to be deducted. Additionally, trade-ins as an allowable deduction are not a part of the Model Ordinance, after which the County's business license ordinance is patterned and which was developed by the SC Business Licensing Officials Association. The Model Ordinance was developed and is now promoted around the state to enhance consistency among the state's business license ordinances.

The County also has some concerns about the state law's requirement to base business license fees on "gross income." Values from trade-ins are considered by the US Internal Revenue Service and South Carolina's Department of Revenue as "gross income." If cities/counties begin to vary these definitions for one industry, issues of equity among other industries may arise.

Further, if the Council wishes to be consistent with the Department of Revenue in its policies for waiving penalties, it seems appropriate that the County be consistent with the Department of Revenue in its policies for defining gross income as well.

The Department of Revenue's definition of gross income is consistent with the Internal Revenue Service's definition of gross income. That definition is shown below:

[TITLE 26](#) > [Subtitle A](#) > [CHAPTER 1](#) > [Subchapter B](#) > [PART I](#) > § 61

§ 61. Gross income defined

(a) General definition

Except as otherwise provided in this subtitle, *gross income means all income from whatever source derived* [emphasis added], including (but not limited to) the following items:

- (1) Compensation for services, including fees, commissions, fringe benefits, and similar items;
- (2) Gross income derived from business;
- (3) Gains derived from dealings in property;
- (4) Interest;
- (5) Rents;
- (6) Royalties;
- (7) Dividends;
- (8) Alimony and separate maintenance payments;
- (9) Annuities;
- (10) Income from life insurance and endowment contracts;
- (11) Pensions;
- (12) Income from discharge of indebtedness;
- (13) Distributive share of partnership gross income;
- (14) Income in respect of a decedent; and
- (15) Income from an interest in an estate or trust.

The ordinance amendment given first reading only amends the definition of gross income: "Gross income shall not include amounts received or provided as a trade-in allowance." This language allows any trade-in allowance to be removed from inclusion of gross income. This would include not only automobile dealers, but also any type of business that accepts trade-ins, which can include jewelry stores, video stores, and others.

The financial impact to the County regarding this issue is also a concern, as this would represent an additional loss of revenue to the County, in addition to

- the 20% reduction in rates,
- the discount for interstate commerce,
- the reduction in the landfill rates, and
- the current, contracted state of the economy.

The estimated cost to the County of removing trade-ins from gross income is between \$174,001 and \$278,386. This figure comes from projected trade-in revenues for 94 businesses that include the following types of businesses:

- Automobile and Motor Vehicle Dealers

- Farm Machinery Dealers,
- Motorcycle and ATV Dealers, and
- Boat and Personal Watercraft Dealers.

This estimated impact depends upon what percent of trade-ins are deducted – and what types of businesses claim trade-ins. This financial impact does NOT include jewelry stores and video rental stores, which also accept trade-ins.

The table below shows the projected impact of removing income from trade-ins from inclusion in gross income:

**Estimated Impact of Removing Trade-ins from Gross Income
For Businesses included in Rate Class 8.07 Only**

Year	# of Businesses	Total Revenue Reported	Trade-in Value Deducted	Cost of Deduction (today's rates)
2006	26		\$137,261,712.59	\$164,740.00
2007	4		\$98,380,597.48	\$118,082.80
2008	-		-	-
2009	94	\$579,916,441	one possibility: 25%	\$174,001.60
2009	94	\$579,916,441	one possibility: 40%	\$278,386.00

Rate Class 8.07

NAICS Code: 4411 - 4412

Includes: Automobile, Motor Vehicle, Farm Machinery, Boat, Motorcycle, ATV, and Personal Watercraft Dealers

Rate:	First 2,000 of Gross Income:	\$28.00
	Each additional 1,000	\$1.20

2008 Business Licenses

Business Type	# of Businesses
4411	80
4412	14

NAICS Code	#
441110 -New Car Dealers	31
441120 -Used Car Dealers	48
441210 -Recreational Vehicle Dealers	1
441221 -Motorcycle Dealers	6
441222 -Boat Dealers	3
441229 -All Other Motor Vehicle Dealers	5
	94

Finally, the ordinance amendment given first reading removes this income from being reported at all. This makes it extremely difficult to determine whether the business is reporting its revenue – or withholding its revenue – accurately. If it is Council’s desire to allow revenues from trade-ins to be removed from the business license fee calculation, it is strongly recommended that trade-in allowances be established, for certain business types, as an allowable deduction rather than being removed from gross income altogether.

Item 4: Gross Income and Fair Apportionment for Businesses Engaged in Interstate Commerce –

The Board and the Council’s attorney are recommending that the business license ordinance be changed to add a 100% discount to all businesses earning over \$50 million in interstate commerce.

The County has concerns about this issue. The County Council has already addressed this issue and amended the business license ordinance to include a discount on the business license fee based upon the amount of interstate commerce.

Additionally, there have been numerous court cases upholding a local jurisdiction’s right to tax interstate commerce for the purposes of business license fees. The County takes care to ensure that any application of business license fees against revenues generated by interstate commerce meet the requirements specified by the Supreme Court to do so.

The financial impact to the County of giving a 100% discount to all businesses grossing over \$50 million in interstate commerce is also a significant concern. This would represent a substantial loss of revenue to the County, in addition to revenue reductions already implemented.

The estimated cost to the County of providing a 100% discount on business license fees for businesses with interstate commerce over \$50 million is approximately \$551, 719.

In 2006, there were 13 businesses claiming over \$50 million in deductions. Eight of these businesses claimed interstate commerce as their deductions. Applying the 2009 rates to the 2006 deductions, the cost to the County is estimated in the table below:

NAICS Code	2006 Deduction Reported	2009 Rate	2009 Fee
484121 -General Freight Trucking, Long-Distance, Truckload	69,141,616.58	3	\$35,846.24
488490 -Other Support Activities for Road Transportation	354,624,971.00	3	\$172,878.08
332994 -Small Arms Manufacturing	127,455,182.94	3	\$63,836.96
541990 -All Other Professional, Scientific, and Technical Services	133,199,420.46	7	\$88,793.44
339999 -All Other Miscellaneous Manufacturing	60,767,424.03	3	\$31,826.72

NAICS Code	2006 Deduction Reported	2009 Rate	2009 Fee
339999 -All Other Miscellaneous Manufacturing	177,664,000.00	3	\$87,936.80
424480 -Fresh Fruit and Vegetable Merchant Wholesalers	53,675,784.00	1	\$23,684.80
311991 -Perishable Prepared Food Manufacturing	92,203,711.71	3	\$46,916.00
	Grand Total:		\$551,719.04

Item 5: Frustration Concerning Limited Authority of the Appeals Board – The Board and the Council’s attorney are recommending that the business license ordinance be changed to tighten up some reasons for grounds for appeals and provides additional grounds for appeals.

Part of this language sets forth as grounds to appeal the “imposition of a civil penalty.” It is recommended that this be clarified to read “imposition of business license penalties.” This makes it very clear what civil penalty is referred to and avoids unintentional inclusion of other civil penalties that may arise in the future.

The County has no other clarification with the language being recommended.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. _____-09HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 16, LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS; ARTICLE 1, IN GENERAL, SECTION 16-19, APPEALS, AND SECTION 16-22, PENALTIES, SO AS TO AMEND THE APPEALS PROCESS; AND SECTION 16-2, DEFINITIONS, SO AS TO REVISE THE DEFINITION OF GROSS INCOME; AND ADJUST DECLINING RATES FOR INTERSTATE COMMERCE REVENUE.

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

SECTION I. The Richland County Code of Ordinances, Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-2, Definitions, subsection (9), Gross Income, is hereby amended as follows:

- (9) “*Gross income*” means the total revenue of a business, received or accrued, for one (1) calendar or fiscal year, collected or to be collected by a business within the county, excepting there from business done wholly outside of the county on which a license fee is paid to some other county or a municipality and fully reported to Richland County. ~~Gross income shall not include amounts received or provided as a trade-in allowance.~~

Gross income for brokers or agents means gross commissions received or retained, unless otherwise specified. Gross income for business license fee purposes shall not include taxes collected for a governmental entity (such as sales taxes), escrow funds, or funds that are the property of a third party. The value of bartered goods or trade-in merchandise shall be included in gross income. The gross income for business license purposes may be verified by inspection of returns and reports filed with the Internal Revenue Service, the South Carolina Department of Revenue, the South Carolina Department of Insurance, or other government agency.

SECTION II. The Richland County Code of Ordinances, Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-19, Appeals, is hereby amended as follows:

Section 16-19 (18?). Appeals.

- (1) Any person aggrieved by the following actions or decisions made by the License Official may bring an appeal to the Business License Service Center Appeals Board: aggrieved by:
- a. a final assessment pursuant to Section 16-12;
 - b. charge backs or other adjustment to the business license fee as determined by an audit conducted pursuant to Section 16-11;
 - c. a revocation or a denial of a business license pursuant to Section 16-15 or Section 16-18(17?);
 - d. imposition of a ~~civil~~ business license penalty; or
 - e. a decision or determination made by the License Official concerning the proper classification of a business or the proper calculation of business license fees. This ground for appeal shall not be construed to authorize appeals based on objections to the business license fee structure established by Richland County Council.
- (2) Those wishing to appeal must first file a written appeal with the License Official for decision by the Business Service Center Appeals Board. The Business Service Center Appeals Board, or its designee, is authorized to reject an appeal for failure to

comply with the requirements of this subsection. The following requirements for submission of an appeal must be strictly complied with:

- a. The appeal must be in writing and state the reasons for the appeal.
- b. The appeal shall be filed with the License Official within fifteen (15) business ~~ten calendar (10)~~ days after the payment of all applicable fees and penalties, or within twenty (20) business ~~ten calendar~~ days after receipt of the License Official's date of written and certified mailed notification of an assessment, charge-backs of an audit, or notice of denial or revocation ~~is received~~.
- c. The written notice of appeal must be accompanied by an administrative fee (which shall be determined by the License Official) that will be used to partially defray the costs incurred in connection with the administration of appeals. Payment under protest of all applicable fees and penalties, an assessment, or audit charge backs shall be a condition precedent to appeal. The fee will be refunded in the event of final resolution of the appeal in favor of the appellant.

~~(2)~~(3) An appeal or a hearing on revocation shall be held by the Appeals Board within thirty (30) calendar days, or as soon as reasonably possible, after receipt of a request for appeal or service of notice of suspension or intent to revoke. The applicant or licensee shall be given written notice as to the date and time of the meeting. At the meeting, all parties have the right to be represented by counsel and to present testimony and evidence. The proceedings shall be recorded and transcribed at the expense of the party so requesting. The rules of evidence and procedure prescribed by the Board shall govern the hearing.

(4) In the event of an appeal of ~~civil~~ business license penalties paid, the Appeals Board may waive a ~~civil~~ business license penalty paid only if any of the following circumstances of reasonable cause are proven by the appellant:

- a. An unexpected and unavoidable absence of the appellant from South Carolina, such as being called to active military duty. In the case of a corporation or other business entity, the absence must have been an individual having primary authority to pay the business license fee.
- b. A delay caused by death or serious, incapacitating illness of the appellant, the appellant's immediate family, or the appellant's accountant or other third party professional charged with determining the business license fee owed. In the case of a corporation or other business entity, the death or serious, incapacitating illness must have been an individual having primary authority to pay the business license fee.
- c. The business license fee was documented as paid on time, but inadvertently paid to another taxing entity.
- d. The delinquency was caused by the unavailability of necessary records directly relating to calculation of business license fees, over which the appellant had no control, which made timely payment impossible. For example, the required records may have been destroyed by fire, flood, federally-declared natural disaster, or actions of war or terrorism. Unavailability of records caused by time or business pressures, employee turnover, or negligence are not reasonable cause for waiver of ~~civil~~ business license penalties.
- e. The delinquency was the result of clear error on the part of the License Official or Business Service Center staff in processing or posting receipt of appellant's payment.
- f. Delay or failure caused by good faith reliance on erroneous guidance provided by the License Official or other staff, so long as complete and accurate information was given to the Business License Service Center, no change in the law occurred, and the appellant produces written documentation.

(5) The Appeals Board shall, by majority vote of members present, render a written (or cause to have written a) decision as to whether the decision or action listed in subsection (1) above was affected by material error based upon findings of fact and

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

SECTION III. The Richland County Code of Ordinances, Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-22, Penalties, is hereby amended as follows:

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

- a. Criminal Penalty. Any person violating any provision of this article shall be deemed guilty of a misdemeanor and upon conviction shall be subject to punishment under the general penalty provisions of Section 1-8 of this Code of Ordinances: that is, shall be subject to a fine of up to \$500.00 or imprisonment for not more than thirty (30) days or both. Each day of violation shall be considered a separate offense. Punishment for violation shall not relieve the offender of liability for delinquent fees, penalties, and costs provided for herein.
- b. Civil Penalty. For non-payment of all or any part of the business license fee, the License Official shall levy and collect a penalty of five (5%) percent of the unpaid fee for each month or portion thereof after the due date until paid. Penalties shall not be waived except in accordance with circumstances of reasonable cause set forth in Section 16-19 (18?) of this article as determined by the Business Service Center Appeals Board.
- c. Injunctive Relief. The County may seek injunctive relief in a court of competent jurisdiction as a means of enforcing the provisions of this article.

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

(4) Interstate Commerce Declining Rates

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

<u>Interstate Commerce Revenue</u> (in millions)	<u>Discount on the Business</u> <u>License Fee</u>
1.00 – 4.99	5%
5.00 – 9.99	10%
10.00 – 14.99	20%
20.00 – 24.99	25%
25.00 – 29.99	30%
30.00 – 34.99	35%
35.00 – 39.99	40%
40.00 – 44.99	45%
45.00 – 49.99	50%
50.00 or greater	100%

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

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

SECTION VII. Effective Date. All sections of this ordinance shall be effective on and after _____, 2009.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE _____ DAY

OF _____, 2009

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: Feb. 17, 2009
Second Reading:
Public Hearing:
Third Reading:

Richland County Council Request of Action

Subject

An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site, and Performance Standards; Section 26-171, General; so as to protect buffers, common areas, open space, recreation areas, and planted and/or vegetative areas on all approved plans [**SECOND READING**] [**PAGES 62-63**]

Purpose

Committee Recommendation

Council Action (First Reading)

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item No

On Agenda For Public Hearing No

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-09HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE VII, GENERAL DEVELOPMENT, SITE, AND PERFORMANCE STANDARDS; SECTION 26-171, GENERAL; SO AS PROTECT BUFFERS, COMMON AREAS, OPEN SPACE, RECREATION AREAS, AND PLANTED AND/OR VEGETATIVE AREAS ON ALL APPROVED PLANS.

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, Land Development; Article VII, General Development, Site, and Performance Standards; Section 26-171, General; is hereby amended to read as follows:

Sec. 26-171. General.

(a) Purpose. This article sets forth standards for land development in the unincorporated areas of Richland County, South Carolina, concerning a variety of different development issues. These standards are designed to ensure the compatibility of development within the county and to implement the policies found in the county's comprehensive plan. The applicability of the standards set forth in this article may vary based on the use, location, and zoning district (as set forth in this chapter). The criteria set forth in this article, as with all other requirements, must be satisfied before an application for development will be approved.

(b) Buffers. All required and/or approved buffers, provided from existing vegetation and/or an approved landscape plan, for a project, shall not be disturbed, and trees and shrubs shall be preserved by the owner.

(c) Common areas and open space. All required and/or approved common areas, open space, recreation areas, and planted and/or vegetative areas shall be preserved as such and shall not change to another use unless plans are submitted to and approved by the Development Review Team.

(d) Utilities. Prior to the installation of utility lines and related appurtenances, unless within the approved limits of clearing and noted on approved plans, the utility provider shall submit plans to the planning department and a land disturbance permit and land development permit issued pursuant to the requirements of Sections 26-53, 26-54 and 26-64 (a).

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

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

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

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE _____ DAY

OF _____, 2009.

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: February 24, 2009
First Reading: February 24, 2009
Second Reading: March 3, 2009 (tentative)
Third Reading:

Richland County Council Request of Action

Subject

An Ordinance Amending the Fiscal Year 2008-2009 Road Maintenance and Mass Transit Budget Ordinance, so as to reinstate the Mass Transit portion of the Road Maintenance fee and appropriate such increase in funds for Mass Transit[**SECOND READING**] [**PAGES 65-66**]

Purpose

Committee Recommendation

Council Action (First Reading)

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item No

On Agenda For Public Hearing No

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. __-09HR

AN ORDINANCE AMENDING THE FISCAL YEAR 2008-2009 ROAD MAINTENANCE AND MASS TRANSIT BUDGET ORDINANCE, SO AS TO INCREASE REINSTATE THE MASS TRANSIT PORTION OF THE ROAD MAINTENANCE FEE AND APPROPRIATE SUCH INCREASE IN FUNDS FOR MASS TRANSIT.

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 fiscal year 2008-2009 Budget Ordinance be amended to change the Road Maintenance fee. Therefore, Section 3 of the fiscal year 2008-2009 budget ordinance is hereby amended as follows:

Section 24. Effective October 31, 2008, the mass transit ordinance establishing the fee will be repealed. Effective July 1, 2009 the mass transit portion of the road maintenance fee shall be reinstated at the amount of \$10 for private vehicles and \$15 for commercial vehicles. This fee shall be in addition to the existing \$20 road maintenance fee. The proceeds from this increase shall be designated to fund mass transit in Richland County.

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 _____, 2009.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE _____ DAY

OF _____, 2009

Michielle R. Cannon-Finch
Clerk of Council

Item# 13

Attachment number 1
Page 1 of 2

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: January 22, 2009
Second Reading: March 3, 2009 (tentative)
Public Hearing:
Third Reading:

Richland County Council Request of Action

Subject

An Ordinance Amending the Richland County Code of Ordinances; Chapter 23, Taxation; Article VI, Local Hospitality Tax; so as to temporarily reduce the Hospitality Tax to one percent (1%) in the unincorporated areas of the County
[SECOND READING] [PAGES 68-69]

Purpose

Committee Recommendation

Council Action (First Reading)

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item No

On Agenda For Public Hearing No

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. _____-09HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 23, TAXATION; ARTICLE VI, LOCAL HOSPITALITY TAX; SO AS TO TEMPORARILY ~~SUSPEND THE COLLECTION OF A PORTION OF~~ REDUCE THE HOSPITALITY TAX TO ONE PERCENT (1%) IN THE UNINCORPORATED AREAS OF THE COUNTY.

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

SECTION I. The Richland County Code of Ordinances: Chapter 23, Taxation; Article VI, Local Hospitality Tax; Section 23-66, Local Hospitality Tax; is hereby amended to read as follows:

Sec. 23-66. Local Hospitality Tax.

A local hospitality tax is hereby imposed on the sales of prepared meals and beverages sold in establishments within the incorporated municipalities and the unincorporated areas of the county. The local hospitality tax shall be in an amount equal to two percent (2%) of the gross proceeds of sales of prepared meals and beverages sold in establishments located within the unincorporated areas of the county and within the boundaries of the incorporated municipalities which have consented, by resolution adopted by their governing body, to the imposition of the local hospitality tax in the amount of two percent (2%). The local hospitality tax shall be in an amount equal to one percent (1%) of the gross proceeds of sales of prepared food and beverages sold in establishments located within the boundaries of the incorporated municipalities within the county which do not give their consent to the imposition of the local hospitality tax. Provided, however, the county shall not impose a local hospitality tax on those municipalities that have adopted a two percent (2%) local hospitality tax prior to July 1, 2003. Effective July 1, 2009 through June 30, 2011, the county shall temporarily reduce the local hospitality tax to one percent (1%) of the gross proceeds of sales of prepared meals and beverages sold in establishments located within the unincorporated areas of the county. This temporary suspension shall not affect the hospitality tax rates within the boundaries of any incorporated municipality.

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

(e) Beginning in fiscal year 2009-2010 and continuing thereafter, the amount of Local Hospitality Tax to be distributed annually to each Agency named above shall be increased based on the projected revenue growth rate from the previous year, but in any event not more than 3%. If projected revenues shall decrease from the previous year, the amount distributed to each Agency named above shall be decreased proportionately. In each of fiscal years 2009-2010 and 2010-2011, during which time the local hospitality tax shall be temporarily reduced in the unincorporated areas of the county, the projected growth rates referenced in this subsection shall be based on the projected revenues as if the temporary reduction was not in effect.

SECTION III. 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.

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 and the impact on tourism for the preceding calendar year. This report shall be submitted with the agency's affirmative marketing plan for the upcoming year, as outlined in Sec. 23-69(a)(23).

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 _____, 2009.

RICHLAND COUNTY COUNCIL

By: _____
Paul Livingston, Chairperson

Attest this _____ day of
_____, 2009.

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: January 22, 2009
Public Hearing: March 3, 2009 (tentative)
Second Reading:
Third Reading:

Richland County Council Request of Action

Subject

An Ordinance amending the Fiscal Year 2008-2009 Conservation Commission budget to appropriate ninety-two thousand five hundred fifty eight dollars (\$92,558) to provide funding for operational expenses **[FIRST READING]**
[PAGES 71-72]

Purpose

Committee Recommendation

Council Action (First Reading)

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item No

On Agenda For Public Hearing No

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. __-09HR

AN ORDINANCE AMENDING THE FISCAL YEAR 2008-2009
CONSERVATION COMMISSION BUDGET TO APPROPRIATE NINETY-TWO
THOUSAND FIVE HUNDRED FIFTY EIGHT DOLLARS (\$92,558) TO
PROVIDE FUNDING FOR OPERATIONAL EXPENSES.

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 ninety-two thousand five hundred and fifty eight dollars
(\$92,558) be appropriated to the Conservation Commission Fund Budget. Therefore, the Fiscal
Year 2008-2009 Conservation Commission Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2008 as amended:	\$ 643,500
Appropriation of Conservation Commission undesignated fund balance	<u>92,558</u>
Total Conservation Commission Fund Revenue as Amended:	\$ 736,058

EXPENDITURES

Expenditures appropriated July 1, 2008 as amended:	\$ 643,500
Increase to Conservation Commission Budget:	<u>92,558</u>
Total Conservation Commission Fund Expenditures as Amended:	\$ 736,058

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: _____
Paul Livingston, Chair

ATTEST THIS THE ____ DAY

OF _____, 2008

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

Richland County Council Request of Action

Subject

Request to approve the awarding of a construction services contract to Rea Contracting LLC for the FY 2008 Resurfacing and Full Depth Patching Project in the amount of \$820,440.74 **[PAGES 74-76]**

Purpose

Committee Recommendation

Council Action (First Reading)

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item No

On Agenda For Public Hearing No

Richland County Council Request of Action

Subject: FY 2008 Special Resurfacing and Full Depth Patching Project

A. Purpose

County Council is requested to approve the award of a construction contract to Rea Contracting LLC for the resurfacing and full depth patching of approximately 5 miles of paved roadway throughout Richland County.

B. Background / Discussion

The resurfacing and full depth patching list was established by Roads & Drainage Division. Please refer to the attached resurfacing and full depth patching list and attached location maps.

Florence and Hutcheson, Inc., (F&H) completed the design and specifications for the FY 2008 Special Resurfacing and Full Depth Patching Project. The project was advertised on October 9, 2008 for a period of 31 days. A pre-bid meeting was held on October 28, 2008, and bids for the project were opened on November 18, 2008.

Rea Contracting LLC has been determined to be the lowest responsible and responsive bidder. The following information includes the results of the bid opening.

Bids

Contractor	Total Bid Amount
Rea Contracting LLC	\$745,855.22
Sloan Construction Company Inc.	\$783,423.57
C. R. Jackson	\$863,132.81
CBG Inc.	\$904,214.20

DPW would also like to request council approve an addition 10% for contingencies for this project. This increase would bring the total funding request to \$820,440.74.

C. Financial Impact

The Department of Public Works Road & Drainage Division account 3020735.5272 has sufficient funding for the FY 2008 Resurfacing and Full Depth Patching Project. The design fee is approximately \$36,005.59, and the Engineer's estimate for the construction part of the contract is \$898,143.89. Therefore, there are adequate funds to cover the construction of the FY 2008 Resurfacing and Full Depth Patching Project.

D. Alternatives

There are two alternatives that exist for this project and are as follows:

1. Approve the award of contract to Rea Contracting LLC for the FY 2008 Resurfacing and Full Depth Patching Project in the amount of \$820,440.74.
2. Do not approve the award of contract to Rea Contracting LLC and forfeit the opportunity to resurface and full depth patch the roads on the attached list.

E. Recommendation

It is recommended that County Council approve the award of contract to Rea Contracting LLC for the FY 2008 Resurfacing and Full Depth Patching Project in the amount of \$820,440.74. A recommendation by F&H to award the contract to Rea Contracting LLC is also attached.

Recommended by: David Hoops, PE

Department: Department of Public Works

Date: 02/10/09

F. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 02/12/09

Recommend Approval

Recommend Denial

No Recommendation

Comments: Approval based on County Engineer recommendation. We would recommend clarification of the amount requested prior to approval. The financial impact section states \$934k but the recommendation states \$820k. Unencumbered funds in the account is \$1.1m.

Procurement

Reviewed by: Rodolfo Callwood

Date: 02/12/09

Recommend Approval

Recommend Denial

No Recommendation

Comments:

Legal

Reviewed by: Larry Smith

Date: 02/12/09

Recommend Approval

Recommend Denial

No Recommendation
Comments:

Administration

Reviewed by: Sparty Hammett

Date: 02/12/09

Recommend Approval

Recommend Denial

No Recommendation

Comments:

Richland County Council Request of Action

Subject

2007 Road Resurfacing Project [**PAGES 78-99**]

Purpose

Committee Recommendation

Council Action (First Reading)

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item No

On Agenda For Public Hearing No

Richland County Council Request of Action

Subject: 2007 Roadway Resurfacing Project

A. Purpose

County Council is requested to approve the award of a construction contract to Sloan Construction Company, Inc. for the resurfacing of approximately 3.15 miles of paved roadway throughout Richland County.

B. Background / Discussion

The resurfacing list was established using the updated Pavement Management System. Each County maintained paved road was given an Overall Condition Index (OCI). The roads with the lowest OCI were re-visited and considered for the resurfacing list. Please refer to the attached resurfacing list and attached location maps.

The LPA Group, Inc. (LPA) completed the design and specifications for the 2007 Roadway Resurfacing Project. The project was advertised on July 29, 2007 for a period of 31 days. A pre-bid meeting was held on August 9, 2007, and bids for the project were opened on August 30, 2007.

Sloan Construction Company, Inc. has been determined to be the lowest responsible and responsive bidder. The following information includes the results of the bid opening for the base bid and additives 1, 2, and 4.

Base Bid

Contractor	Total Bid Amount
Sloan Construction Company Inc.	\$1,018,989.72
C.B.G. Inc	\$1,098,180.00
Rea Contracting L.L.C.	\$1,212,173.01
C.R. Jackson Inc.	\$1,635,228.86

Additive #1

Contractor	Total Bid Amount
Sloan Construction Company Inc.	\$72,577.31

Additive #2

Contractor	Total Bid Amount
Sloan Construction Company Inc.	\$83,905.78

Additive #4

Contractor	Total Bid Amount
Sloan Construction Company Inc.	\$99,248.96

Total=Base Bid Plus Additives 1, 2, and 4

Contractor	Total Bid Amount
Sloan Construction Company Inc.	\$1,274,784.93

C. Financial Impact

The Department of Public Works requested funding for the 2007 Roadway Resurfacing Project from the County Transportation Committee (CTC) on March 6, 2007. The CTC approved the request for \$1,400,000.00 for this project. The \$1,400,000.00 is for the design and construction of the 2007 Roadway Resurfacing Project. The design fee is approximately \$59,800.00, which leaves \$1,340,200 for the construction part of the contract. Therefore, there are adequate funds to cover the construction of the base bid and additives 1, 2 and 4.

D. Alternatives

There are two alternatives that exist for this project and are as follows:

1. Approve the award of contract to Sloan Construction Company, Inc. for the 2007 Roadway Resurfacing Project in the amount of \$1,274,784.93.
2. Do not approve the award of contract to Sloan Construction Company, Inc. and forfeit the opportunity to resurface the roads on the attached list.

E. Recommendation

It is recommended that County Council approve the award of contract to Sloan Construction Company, Inc. for the 2007 Roadway Resurfacing Project in the amount of \$1,274,784.93. A recommendation by LPA to award the contract to Sloan Construction Company, Inc. is also attached.

Recommended by: David Hoops, PE

Department: Department of Public Works

Date: 02/10/09

F. Reviews

(Please **SIGN** your name, ✓ the appropriate box, and support your recommendation before routing. Thank you!)

Finance

Reviewed by: Daniel Driggers

Date: 2/12/09

Recommend Approval

Recommend Denial

✓ No Recommendation
Comments:

Procurement

Reviewed by: Rodolfo Callwood

Date: 2/12/09

Recommend Approval

Recommend Denial

No Recommendation

Comments:

Legal

Reviewed by: Larry Smith

Date: 2/12/09

✓ Recommend Approval

Recommend Denial

No Recommendation

Comments:

Administration

Reviewed by: Sparty Hammett

Date: 2/12/09

✓ Recommend Approval

Recommend Denial

No Recommendation

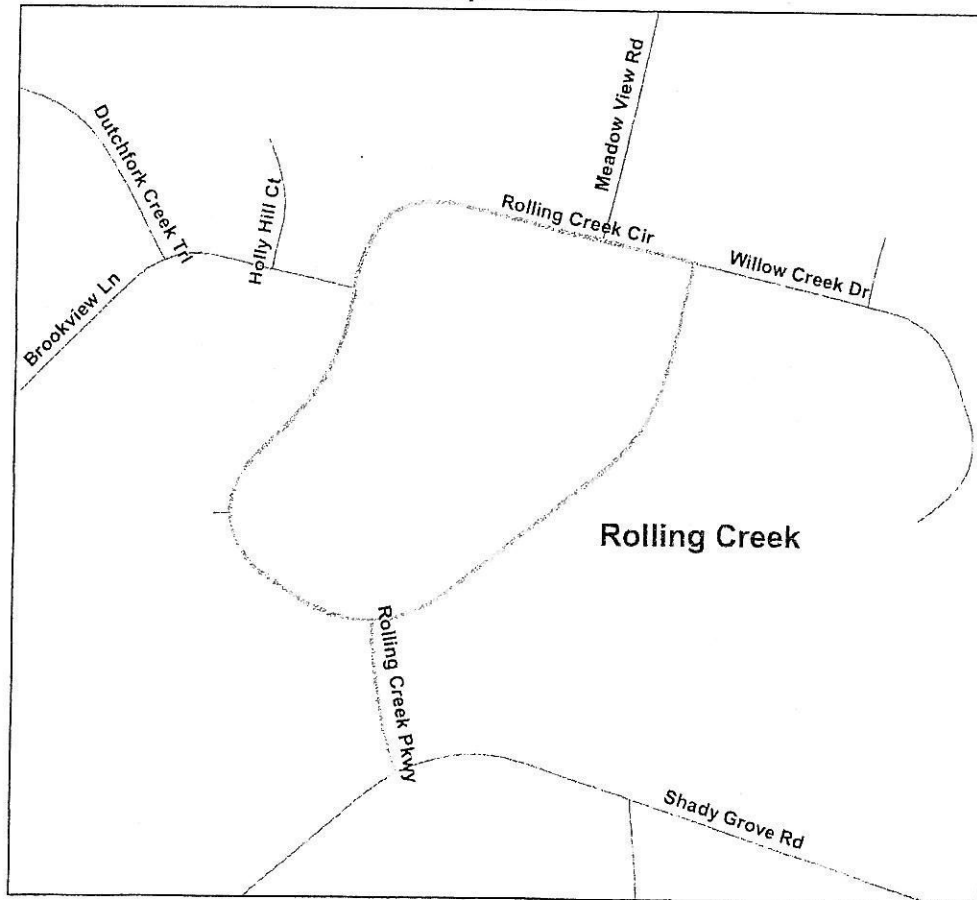
Comments:

2007 Resurfacing Base Bid									
Road	From	To	Segments	Rating	Map #	Length	District		
Mobley Road	Hidden Valley Road	Richland County Line	1	12	53A4	1955	2		
Bancroft Road	Dunbarton Drive	Highgate Road	1	79	45B5	227	8		
			2	57	45B5	919	8		
			3	90	45B5	493	8		
Dunbarton Drive	Bancroft Road	Larkhall Road	1	71	45B5	354	8		
			Larkhall Road	St. Ives Road	2	59	45B5	350	8
					3	55	45B5	324	8
Hickory Nut Lane	Dunbarton Drive	Highgate Lane	1	81	45B5	518	8		
			2	43	45B5	589	8		
Highgate Trail	Highgate Road	Dead End	1	16	45B5	307	8		
Hobkirk Road	Dunbarton Drive	Highgate Road	1	28	45B5	694	8		
			2	58	45B5	675	8		
Branch Hill Drive	Hickory Hill Trail	Wood Fox Drive	1	90	56B3	310	9		
			2	n/a	56B3	365	9		
Briarcliffe West Court	Briarcliffe West Road	Cul De Sac	1	91	56B3	45	9		
Singing Wood Lane	Deer Run Road	Windwood Drive	1	49	56B3	420	9		
			2	49	56B3	410	9		
Windwood Drive	Singlewood Lane	Branch Hill Drive	1	81	56B3	875	9		
			2	90	56B3	885	9		
Wood Fox Court	Wood Fox Drive	Cul De Sac	1	79	56B3	85	9		
Wood Fox Drive	Deer Run Road	Windwood Drive	1	60	56B3	350	9		
			2	90	56B3	550	9		
			3	77	56B3	530	9		
			4	59	56B3	910	9		
			5	43	56B3	365	9		
Bluff Industrial Boulevard	Bluff Road	Old Dairy Road	1	100	27F5	630	10		
			2	50	27F5	670	10		
			3	50	27F5	300	10		
Silo Court	Bluff Industrial Boulevard	Cul De Sac	1	50	27F5	1010	10		
Hunters Hill Drive	Polo Road	Coachtrail Ln/Ct	1	92	45D3	153	9		
			2	36	45D3	293	9		
			3	34	45D3	311	9		
Coachtrail Court	Hunters Hill Drive	Cul De Sac	1	90	45D3	243	9		
Walking Horse Way	Hunters Hill Drive	Walking Horse Court	1	n/a	45D3	156	9		
			2	n/a	45D3	168	9		
Walking Horse Court	Hunters Hill Drive	Cul De Sac	1	92	45D3	370	9		
South Hounds Court	Hunters Hill Drive	Musket Lane	1	81	45D3	203	9		
			2	81	45D3	177	9		
Musket Lane	Hounds Court	Change in Pavement	n/a	n/a	45D3	160	9		
Deer Hound Trail	Musket Lane	Change in Pavement	n/a	n/a	45D3	130	9		

RICHLAND COUNTY RESURFACING PROGRAM 2007

ROAD NAME	FROM	TO
Rolling Creek Pkwy	West Shady Grove Road	Rolling Creek Circle
Rolling Creek Circle	Rolling Creek Pkwy	Brookview Lane
	Brookview Lane	Meadowview Road
	Meadowview Road	Willow Creek Drive
	Willow Creek Drive	Rolling Creek Pkwy

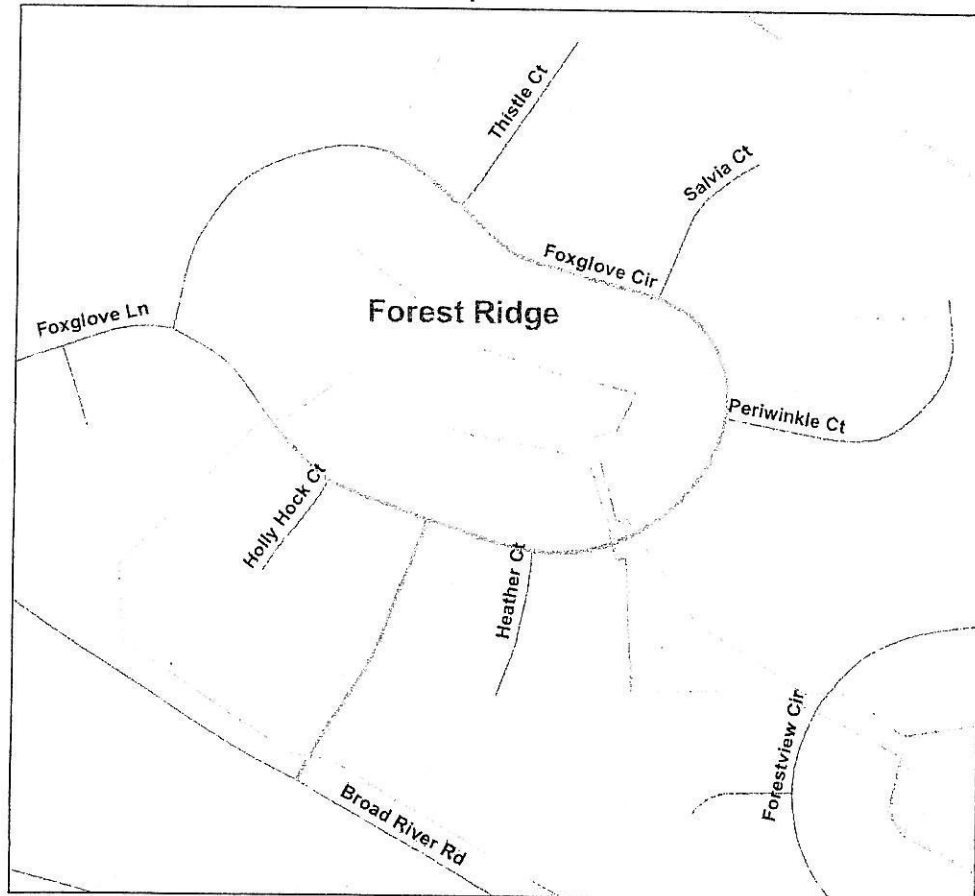
Map # 08B2



RICHLAND COUNTY RESURFACING PROGRAM 2007

ROAD NAME	FROM	TO
Fox Glove Circle	Broad River Road	Foxglove Circle
	City of Columbia	Holly Hock Circle
	Holly Hock Circle	Foxglove Circle
	Foxglove Circle	Heather Court
	Heather Court	Periwinkle Court
	Periwinkle Court	Salvia Court
	Salvia Court	Thistle Court
	Thistle Court	City of Columbia

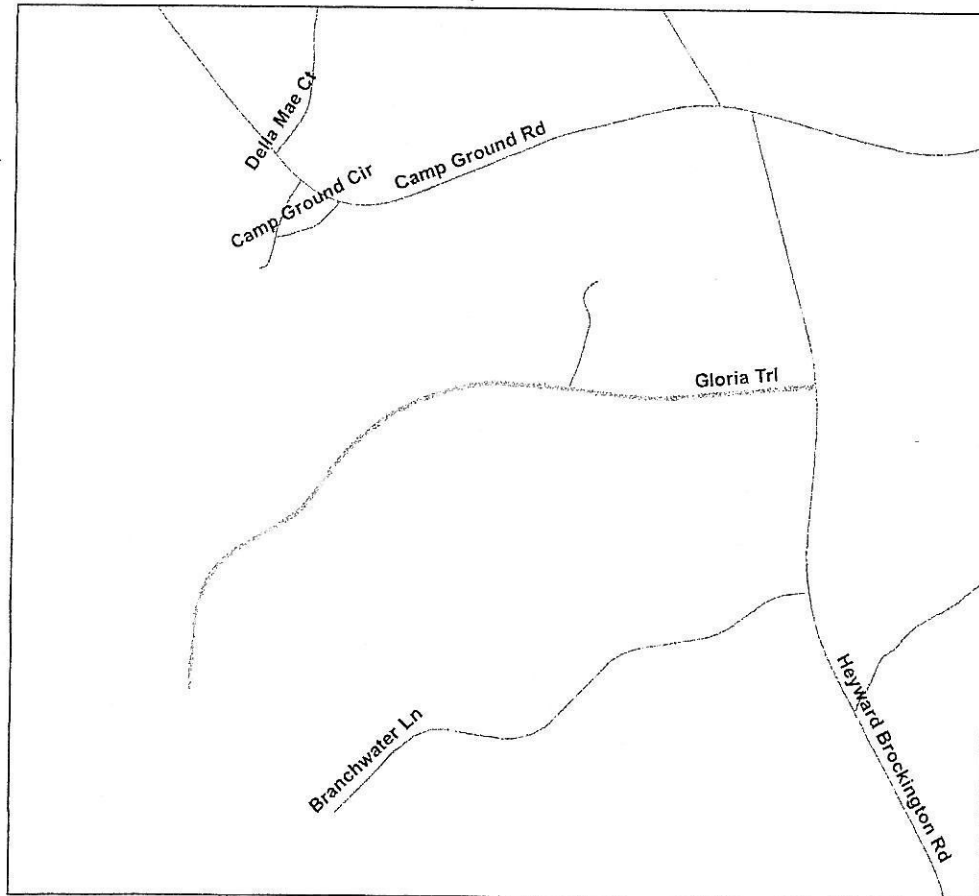
Map # 13E5



**RICHLAND COUNTY
RESURFACING PROGRAM
2007**

<u>ROAD NAME</u>	<u>FROM</u>	<u>TO</u>
Gloria Trail	Heyward Brockington Road	Cul De Sac

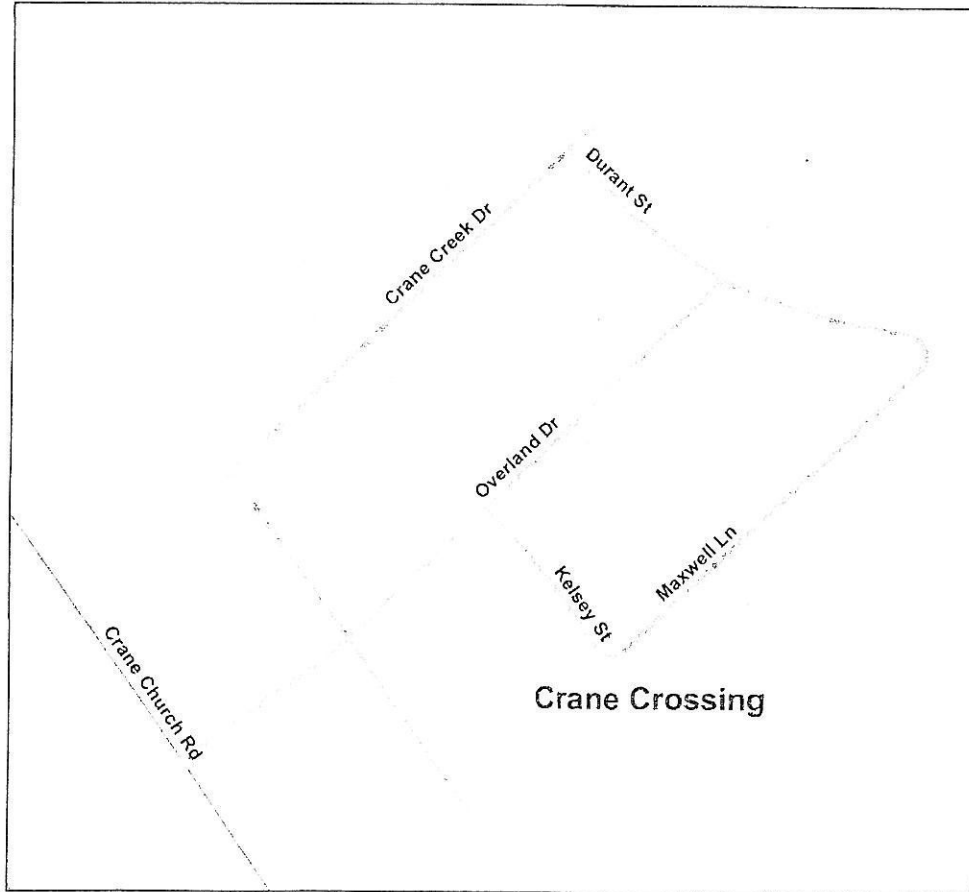
Map # 23A4



**RICHLAND COUNTY
RESURFACING PROGRAM
2007**

ROAD NAME	FROM	TO
Overland Drive	Crane Church Road Crane Creek Drive Kelsey Street	Crane Creek Drive Kelsey Street Durant Street
Crane Creek Drive	Cul De Sac Overland Drive Durant Street	Overland Drive Durant Street Cul De Sac
Durant Street	Crane Creek Drive Overland Drive	Overland Drive Maxwell Lane
Maxwell Lane	Durant Street	Kelsey Street
Kelsey Street	Maxwell Lane	Overland Drive

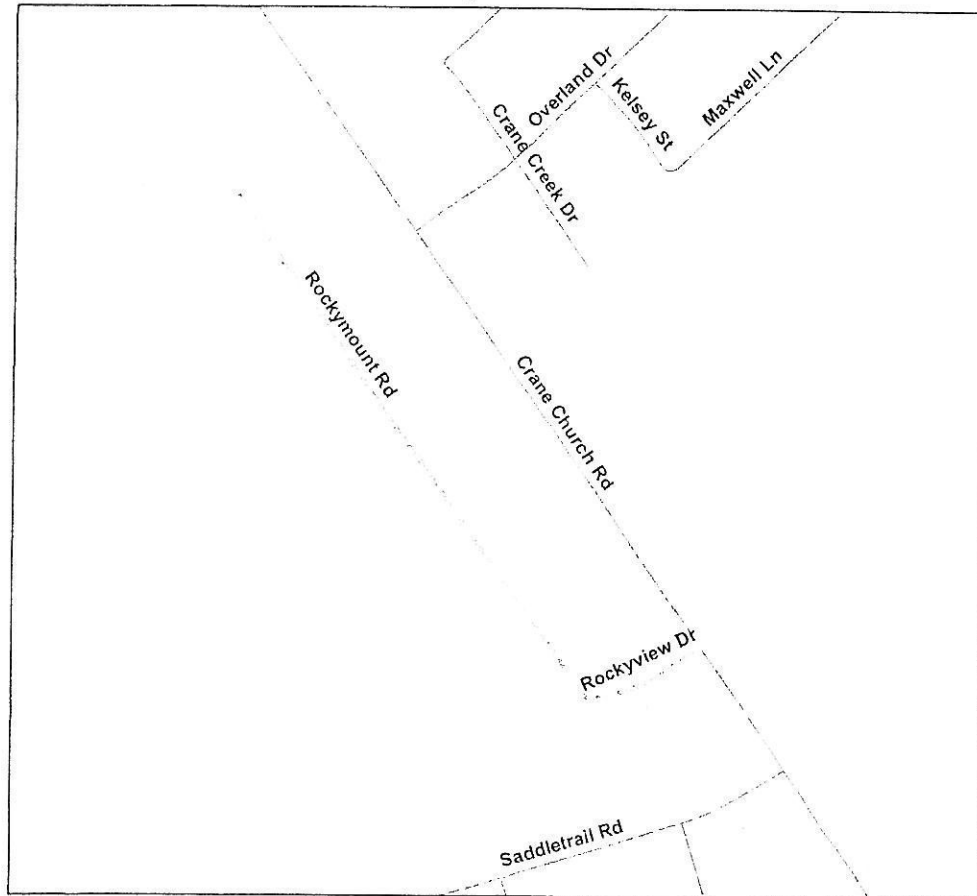
Map # 24C3



RICHLAND COUNTY RESURFACING PROGRAM 2007

ROAD NAME	FROM	TO
Rockyview Drive	Crane Church Road	Rockymount Road
Rockymount Road	Rockyview Drive	Cul De Sac

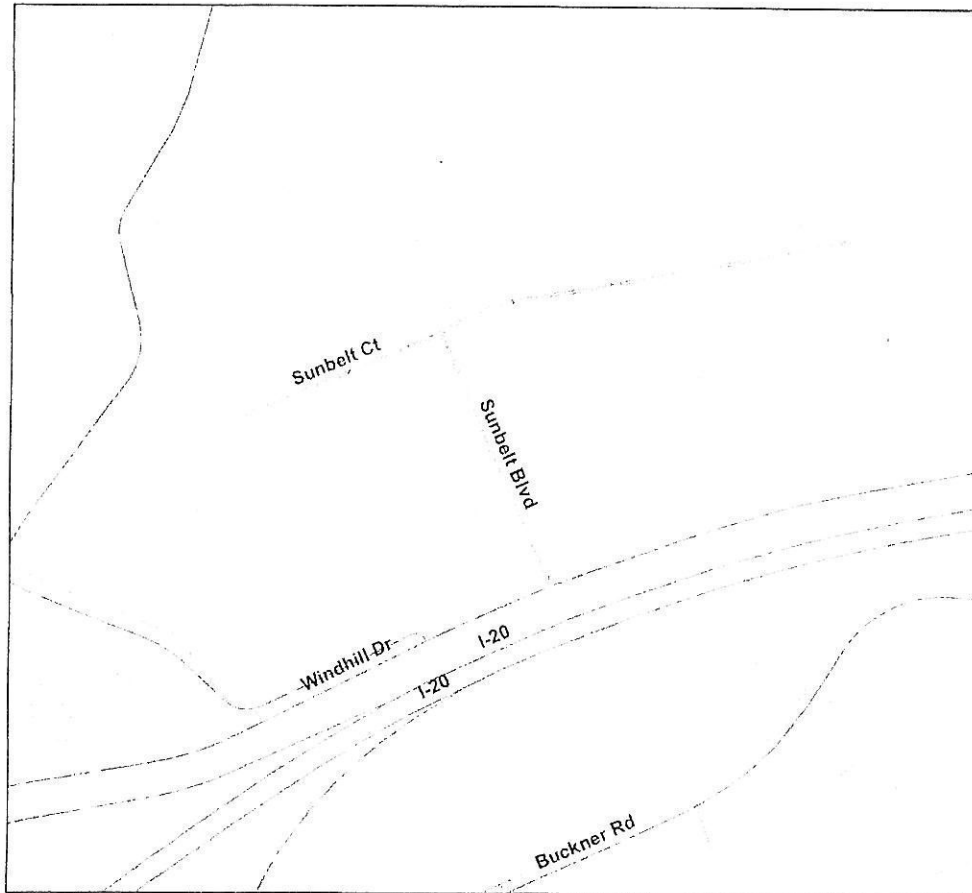
Map # 24C4



**RICHLAND COUNTY
RESURFACING PROGRAM
2007**

<u>ROAD NAME</u>	<u>FROM</u>	<u>TO</u>
Sunbelt Blvd	Windhill Drive	Dead End
Sunbelt Court	Sunbelt Blvd	Cul De Sac

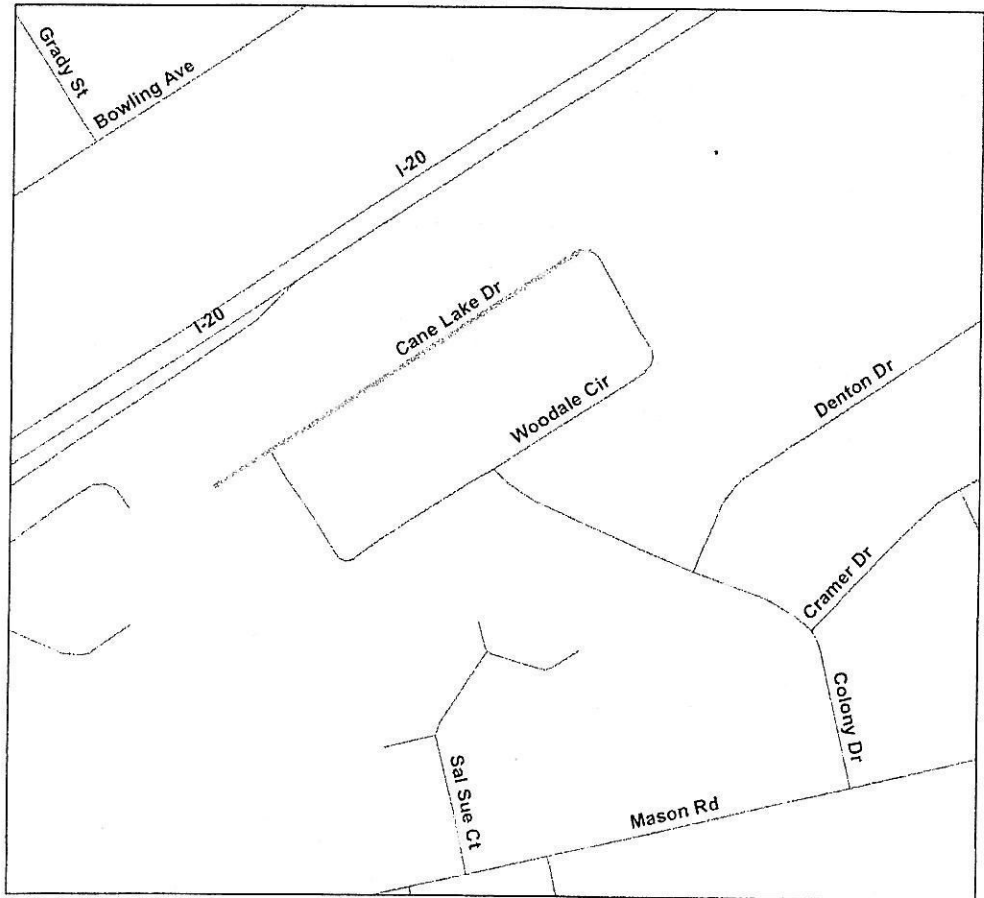
Map # 25B2



RICHLAND COUNTY RESURFACING PROGRAM 2007

ROAD NAME	FROM	TO
Cane Lake Drive	Woodale Circle	Woodale Circle
	Woodale Circle	Cul De Sac

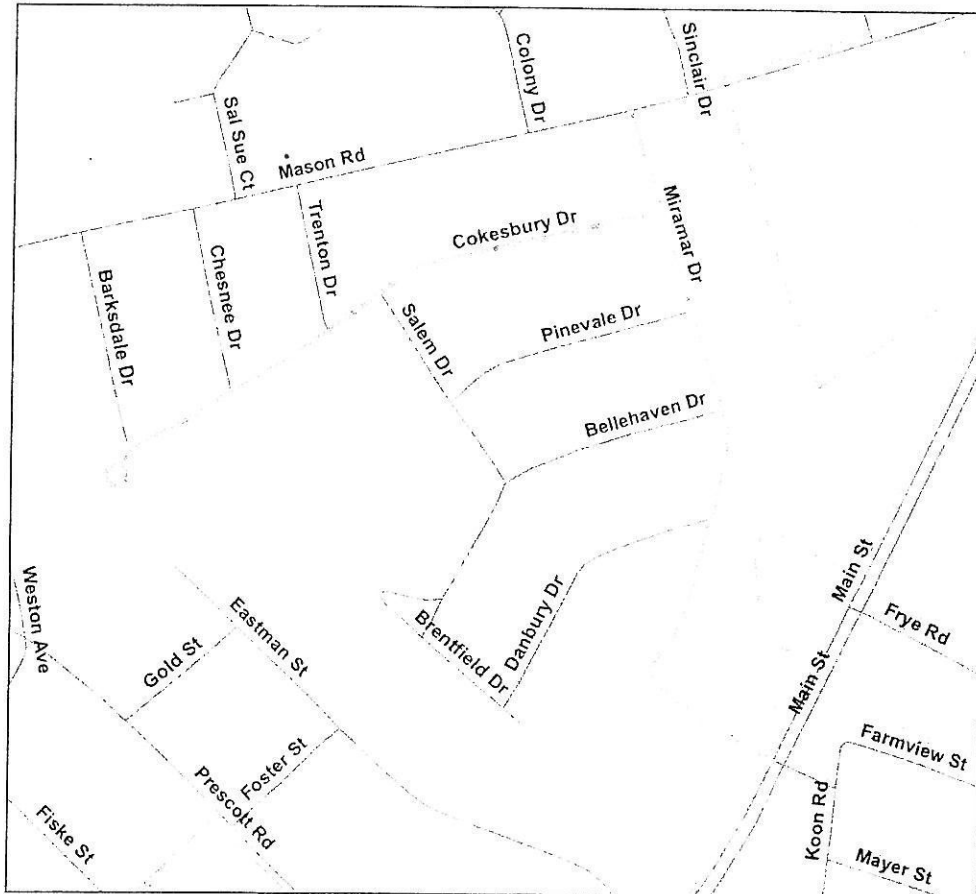
Map # 25E2



RICHLAND COUNTY RESURFACING PROGRAM 2007

ROAD NAME	FROM	TO
Cokesbury Drive	Miramar Drive	Salem Drive
	Salem Drive	Trenton Drive
	Trenton Drive	Chesnee Drive
	Chesnee Drive	Barksdale Drive
	Barksdale Drive	Cul De Sac
Miramar Drive	Mason Road	Cokesbury Drive
	Cokesbury Drive	Pinevale Drive
	Pinevale Drive	Bellehaven Drive
	Bellehaven Drive	Danbury Drive
	Danbury Drive	North Main Street

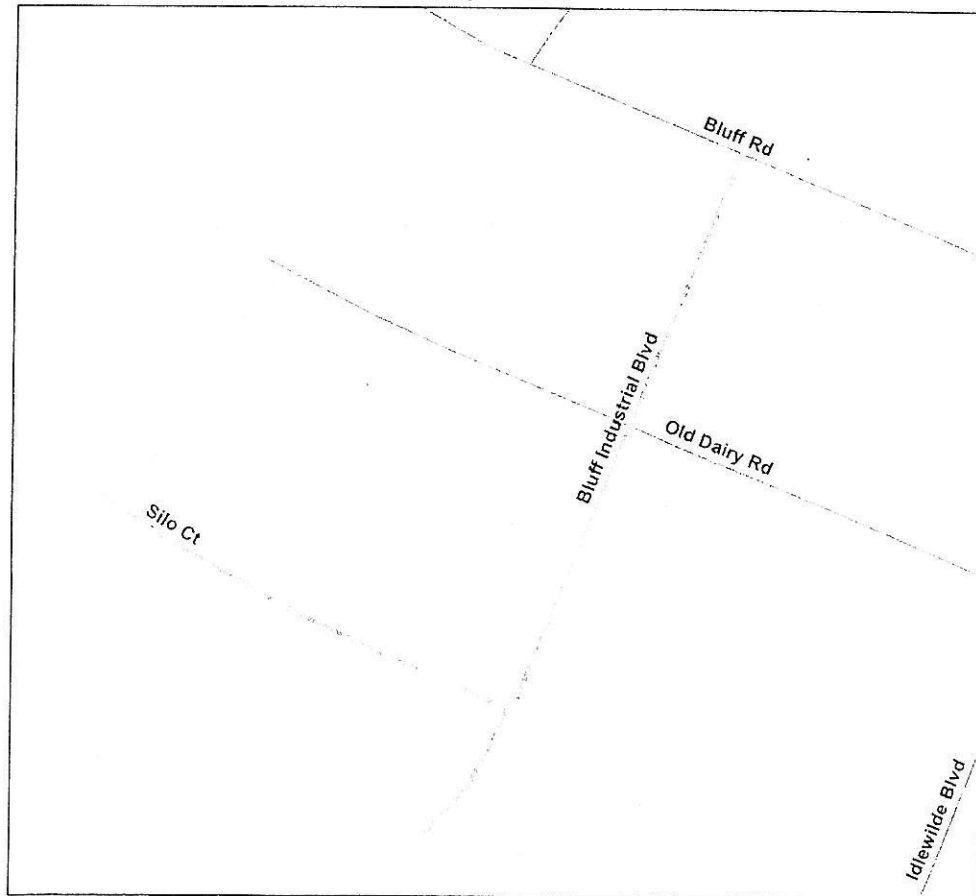
Map # 25E3



RICHLAND COUNTY RESURFACING PROGRAM 2007

ROAD NAME	FROM	TO
Bluff Industrial Blvd.	Bluff Road	Old Dairy Road
	Old Dairy Road	Silo Court
	Silo Court	Cul De Sac
Silo Court	Bluff Industrial Blvd.	Cul De Sac

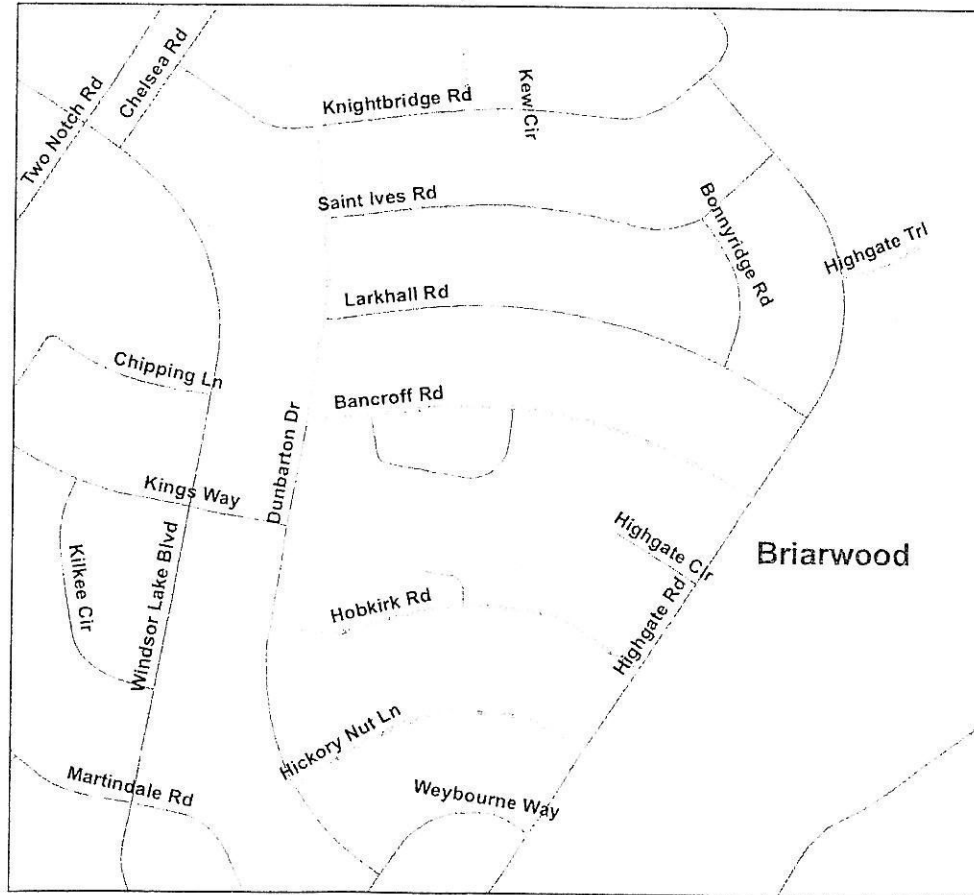
Map # 27E5



**RICHLAND COUNTY
RESURFACING PROGRAM
2007**

ROAD NAME	FROM	TO
Bancroft Road	Dunbarton Drive	Highgate Road
Dunbarton Drive	Bancroft Road Larkhall Road St. Ives Road	Larkhall Road St. Ives Road Knightbridge Road
Hickory Nut Lane	Dunbarton Drive	Highgate Lane
Highgate Trail	Highgate Road	Dead End
Hobkirk Road	Dunbarton Drive	Highgate Road
Kew Circle	Knightbridge Road	Cul De Sac

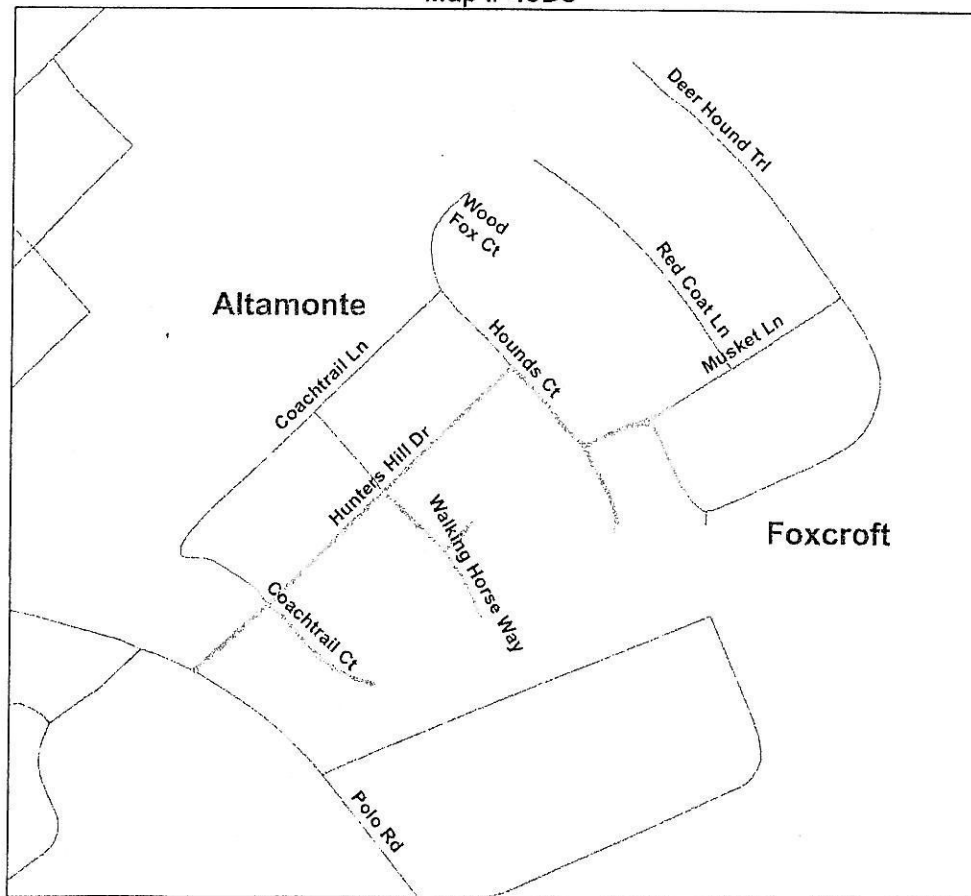
Map # 45B5



RICHLAND COUNTY RESURFACING PROGRAM 2007

ROAD NAME	FROM	TO
Hunters Hill Drive	Polo Road Coachtrail Lane/Court Walking Horse Way	Coachtrail Lane/Court Walking Horse Way Hounds Court
Coachtrail Court	Hunters Hill Drive	Cul De Sac
Walking Horse Way	Hunters Hill Drive Walking Horse Court	Walking Horse Court Cul De Sac
Walking Horse Court	Walking Horse Way	Cul De Sac
South Hounds Court	Hunters Hill Drive Musket Lane	Musket Lane Cul De Sac
Musket Lane	Hounds Court	Change in Pavement
Deer Hound Trail	Musket Lane	Change in Pavement

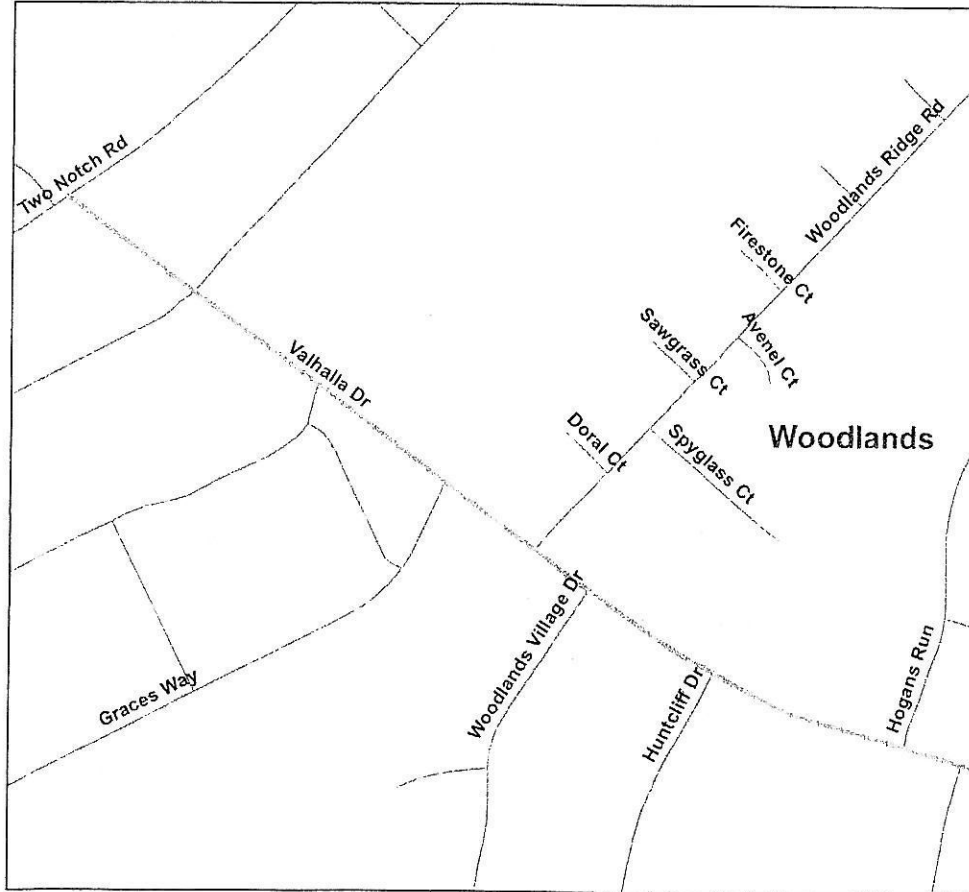
Map # 45D3



RICHLAND COUNTY RESURFACING PROGRAM 2007

ROAD NAME	FROM	TO
Valhalla Drive	Hogan's Run	Huntcliff Drive
	Huntcliff Drive	Woodlands Village Dr.
	Woodlands Village Drive	Woodlands Ridge Road
	Woodlands Ridge Road	Graces Way
	Graces Way	Two Notch Road

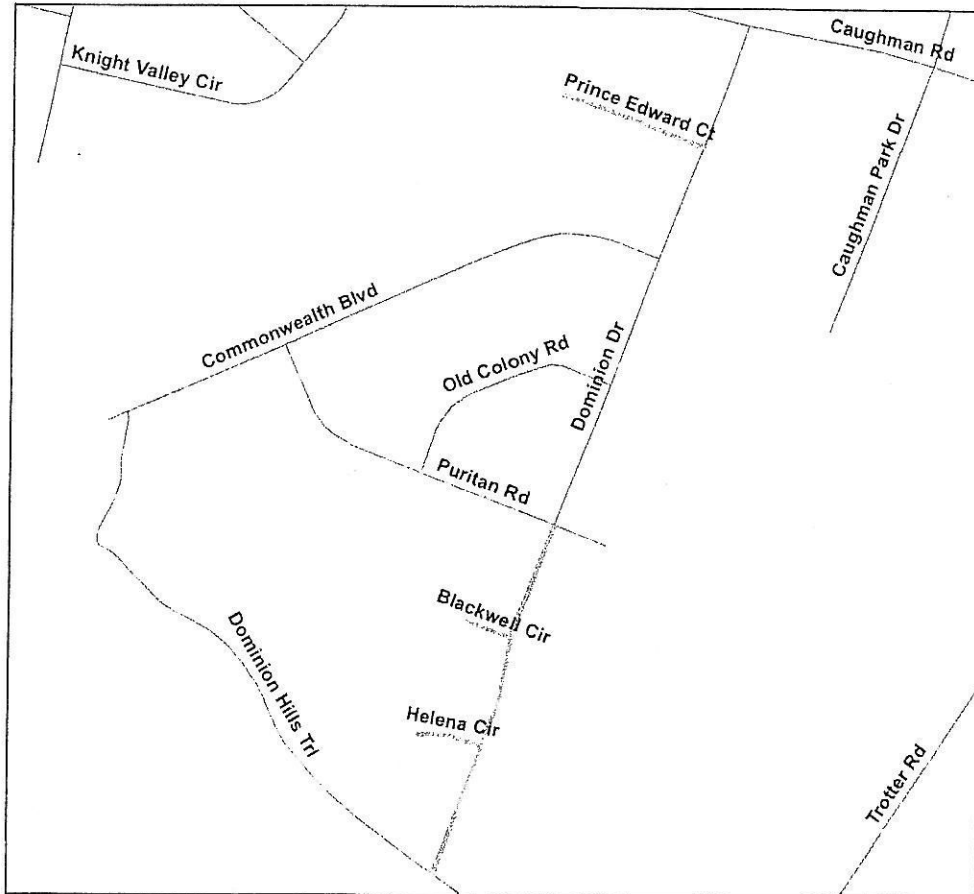
Map # 45F2



RICHLAND COUNTY RESURFACING PROGRAM 2007

ROAD NAME	FROM	TO
Dominion Drive	Dominion Hills Trail	Helena Circle
	Helena Circle	Blackwell Circle
	Blackwell Circle	Puritan Road
Helena Circle	Dominion Drive	Cul De Sac
Blackwell Circle	Dominion Drive	Cul De Sac
Prince Edward Court	Dominion Drive	Cul De Sac

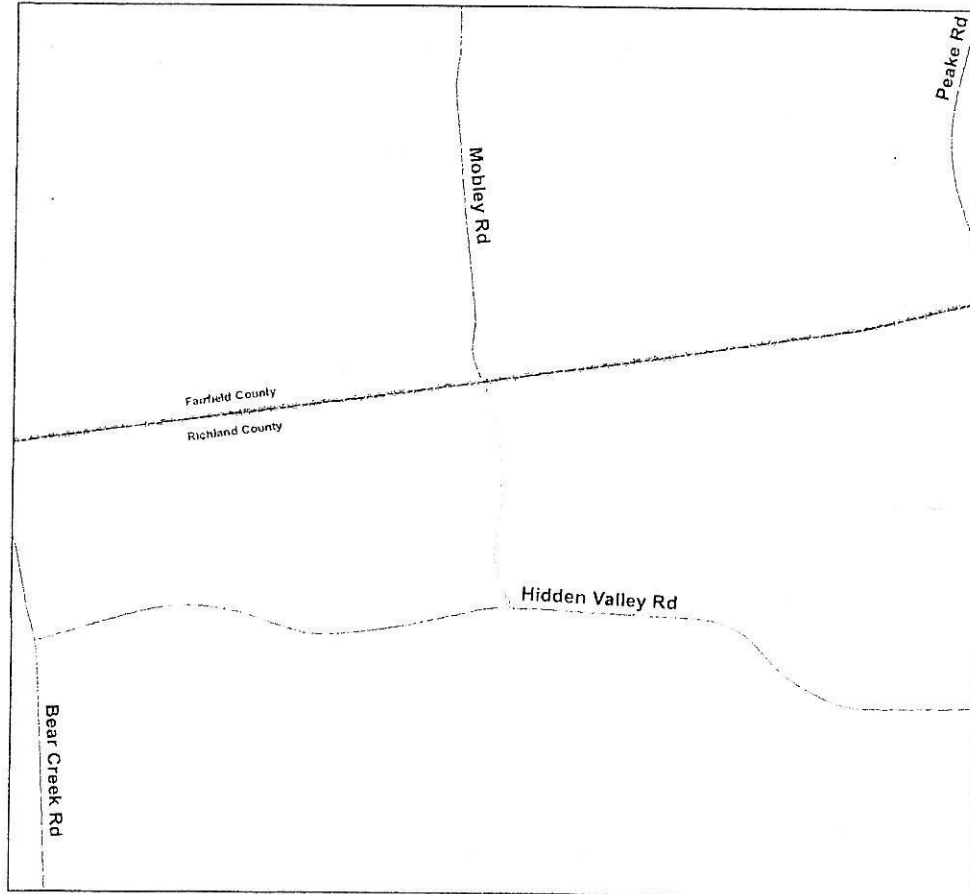
Map # 49D1



**RICHLAND COUNTY
RESURFACING PROGRAM
2007**

<u>ROAD NAME</u>	<u>FROM</u>	<u>TO</u>
Mobley Road	Hidden Valley Road	Richland County Line

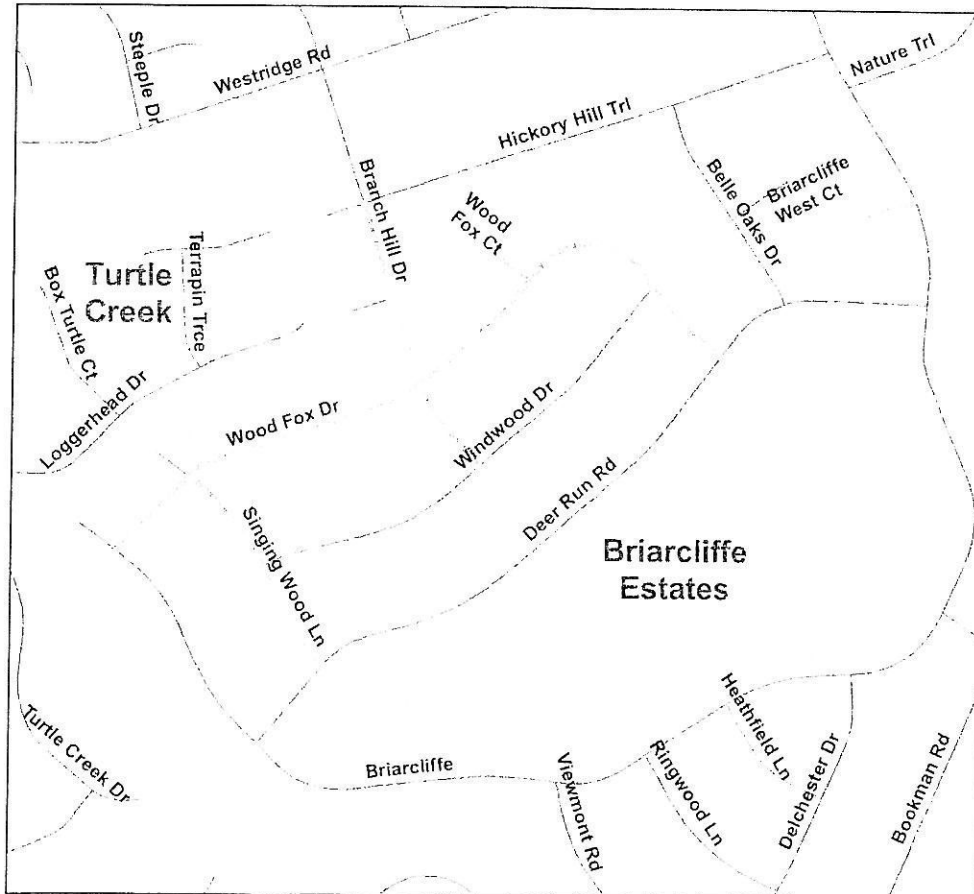
Map # 53A4



RICHLAND COUNTY RESURFACING PROGRAM 2007

ROAD NAME	FROM	TO
Branch Hill Drive	Hickory Hill Trail	Wood Fox Drive
	Wood Fox Drive	Windwood Drive
Briarcliffe West Court	Briarcliffe West Road	Cul De Sac
Singing Wood Lane	Deer Run Road	Windwood Drive
	Windwood Drive	Wood Fox Drive
Windwood Drive	Singing Wood Lane	Branch Hill Drive
	Branch Hill Drive	Wood Fox Drive
Wood Fox Court	Wood Fox Drive	Cul De Sac
Wood Fox Drive	Deer Run Road	Windwood Drive
	Windwood Drive	Wood Fox Court
	Wood Fox Court	Branch Hill Drive
	Branch Hill Drive	Singing Wood Lane
	Singing Wood Lane	East Briarcliffe Road

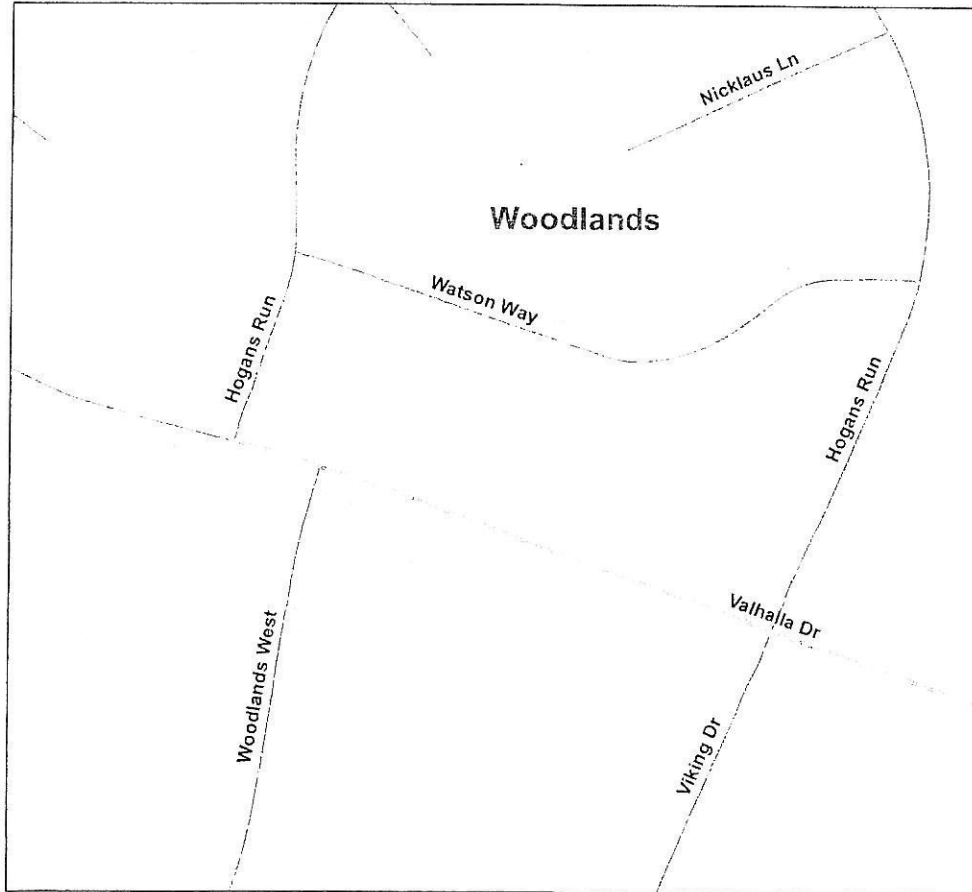
Map # 56B3



**RICHLAND COUNTY
RESURFACING PROGRAM
2007**

ROAD NAME	FROM	TO
Valhalla Drive	Viking Drive	Woodlands West
	Woodlands West	Hogan's Run

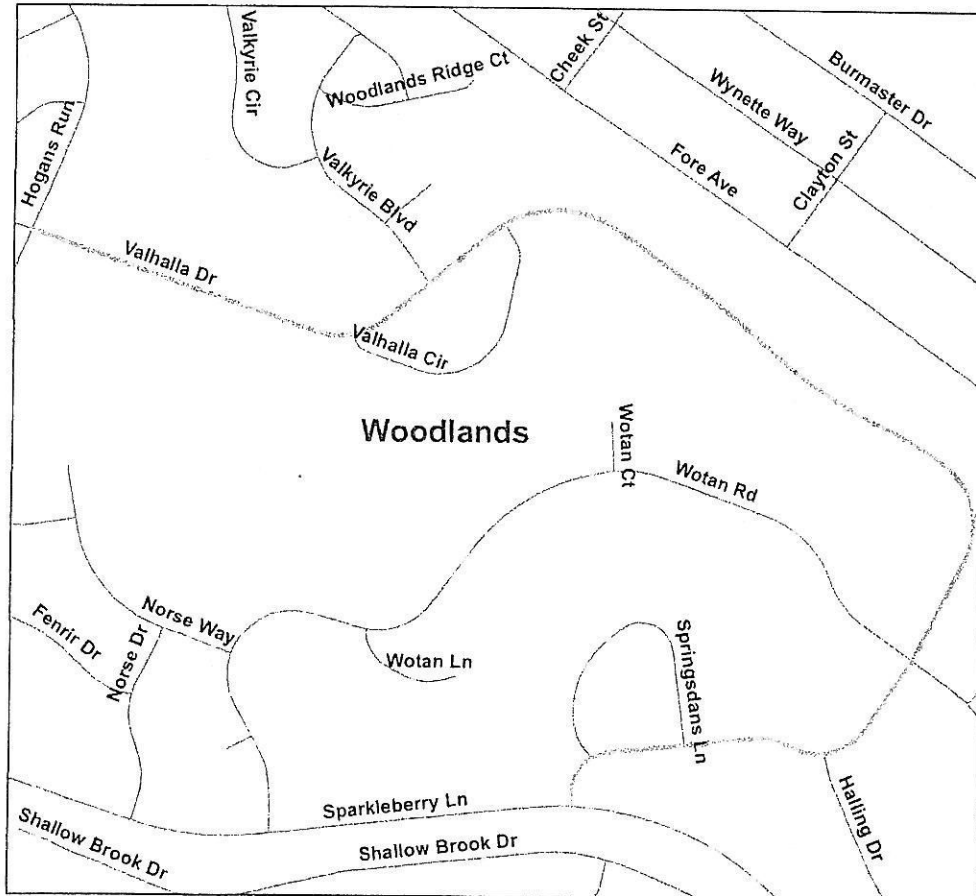
Map # 57A2



RICHLAND COUNTY RESURFACING PROGRAM 2007

ROAD NAME	FROM	TO
Valhalla Drive	Halling Drive	Wotan Drive
	Wotan Drive	North Donar Drive
	North Donar Drive	Valhalla Circle
	Valhalla Circle	Valkyrie Blvd.
	Valkyrie Blvd.	Valhalla Circle
	Valhalla Circle	Viking Drive

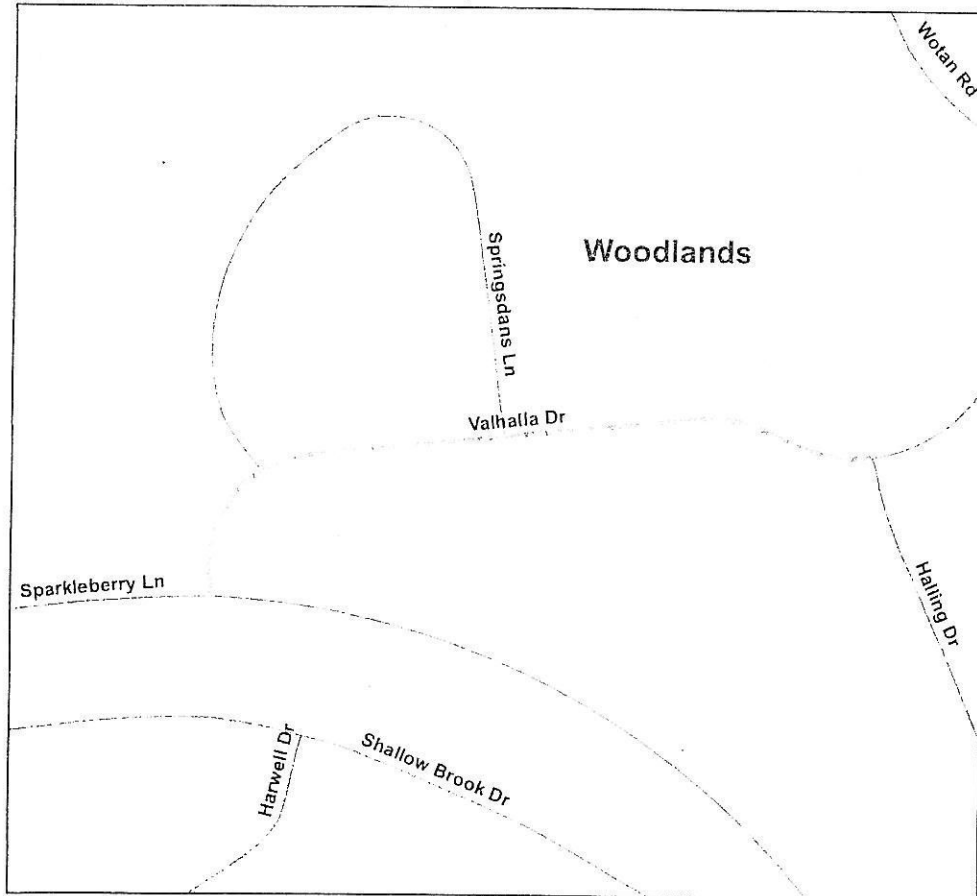
Map # 57B2



**RICHLAND COUNTY
RESURFACING PROGRAM
2007**

ROAD NAME	FROM	TO
Valhalla Drive	Sparkleberry Lane	Springsdans Lane
	Springsdans Lane	Springsdans Lane
	Springsdans Lane	Halling Drive

Map # 57B3



Richland County Council Request of Action

Subject: Award of Construction Services for Lake Elizabeth Phase I Capital Improvement Project to the Most Responsive Bidder from Richland County Department of Public Works Stormwater Management Division Budget

A. Purpose

County Council is requested to approve the award of construction services for Lake Elizabeth Phase I capital improvement project to the most responsive bidder (pending bid recommendation on February 11, 2009) from Richland County Department of Public Works Stormwater Management Division FY09 adjusted budget.

B. Background / Discussion

The Lake Elizabeth dredging project is being performed in an effort to improve water quality and restore storage capacity of the lake. This project is the implementation of the Lake Elizabeth Concept Study that was completed recently with a recommended three phased approach. Phase I of the Lake Elizabeth project is dredging Lake Elizabeth at three different hot spot locations. Phase II, which is addressing hot spot areas of Crane Creek and Phase III, which is addressing hot spot areas of Cumbess Creek are currently in design stage.

Lake Elizabeth Phase I project consists of improving the water quality of the 34 acre Lake Elizabeth located near the intersection of Wilson Boulevard and Hardscrabble Road in Richland County. Since the construction of Lake Elizabeth in the early 1930's the surrounding community has seen substantial developmental changes. Due to these developments, the majority of which have occurred upstream of the lake, a severe sediment problem has caused flooding to the residents of the Lake Elizabeth community and has created problems with water quality due to weed growth in shallow areas of the lake. Design for the Phase I of the project is complete.

Lake Elizabeth Phase One CIP Scope – Dredging of Lake Elizabeth: Removing sediment accumulations (approximately 9000 CY) at various locations within Lake Elizabeth. The project includes disposal of removed materials.

All of the necessary requirements applicable to the project (easements, permits, rights of way, utilities co-ordination, design and drawings, contract documents, specifications, public meeting etc) have been satisfactorily addressed and/or completed. Bids were solicited for the project construction services from the qualified contractors on January 11, 2009 with a due date of February 05, 2009 at 2.00p.m. The received bids will be evaluated, and most responsive bidder along with the bid cost will be recommended to the Council in the February 24, 2009 Council meeting.

C. Financial Impact

The Engineer's total estimated construction cost for the project is \$342,038.00. The Public Work's Stormwater Management Division has entire funding available for this project in its FY09 adjusted budget. Council approval is needed in authorizing the award of contract to the most responsive bidder. It is to be noted that, the actual bids may come higher/lower than estimated cost of the project.

Item	Cost in Dollars
Engineer's Estimated Project Construction Cost for Lake Elizabeth Phase I CIP	\$342,038.00
Total Estimated Project Construction Cost	\$342,038.00

D. Alternatives

1. Approve the request in full, and exactly as presented by the Department of Public Works Stormwater Management Division. **Reason:** The request involves no new financial impacts and is completely funded in FY09 adjusted budget. Lake Elizabeth Phase I is the first phase of three phased approach to improve water quality in the Crane Creek watershed and it is long time pending project in Stormwater Management's Capital Improvement Project (CIP) program.
2. Do not approve the recommendations, and send it back to the Department of Public Works Stormwater Management Division. **Consequences:** No contract for construction services which either stalls or delays the implementation of capital improvement project.

E. Recommendation

It is recommended that Council approve the award of construction services contract for Lake Elizabeth Phase I capital improvement project to the most responsive bidder (pending recommendation on February 11, 2009) from Richland County Department of Public Works Stormwater Management Division FY09 adjusted budget. The name of the recommended responsive bidder/firm for the project and project bid cost will be presented to the Council in the February 24, 2009 Council meeting

Recommended by: David Hoops, P.E., DPW County Engineer
Srinivas Valavala, DPW Stormwater Manager
Department: Public Works **Date:** 02/09/2009

F. Reviews

Finance

Reviewed by: Daniel Driggers
Date: 2/12/09
✓ Recommend Approval

- Recommend Denial
- No Recommendation

Comments: Approval based on recommendation of County Engineer. Funds are available as stated.

Procurement

Reviewed by: Rodolfo Callwood

Date: 2/12/09

- Recommend Approval
- Recommend Denial
- No Recommendation

Comments:

Legal

Reviewed by: Larry Smith

Date: 2/12/09

- Recommend Approval
- Recommend Denial
- No Recommendation

Comments: Approval subject to the County securing all of the necessary easements from the private property owners on the property that the county will be working on.

Administration

Reviewed by: Sparty Hammett

Date: 2/12/09

- Recommend Approval
- Recommend Denial
- No Recommendation

Comments:

Richland County Council Request of Action

Subject

An Ordinance Amending the Fiscal Year 2008-09 Hopkins Utility System budget to appropriate thirteen thousand dollars (\$13,000) for operational costs through the end of the fiscal year **[FIRST READING] [PAGES 105-106]**

Purpose

Committee Recommendation

Council Action (First Reading)

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item No

On Agenda For Public Hearing No

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. __-09HR

AN ORDINANCE AMENDING THE FISCAL YEAR 2008-2009 HOPKINS UTILITY SYSTEM BUDGET TO APPROPRIATE THIRTEEN THOUSAND DOLLARS (\$13,000) TO HOPKINS UTILITY SYSTEM'S OPERATING BUDGET.

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 thirteen thousand dollars (\$13,000) be appropriated to the Hopkins Utility System Budget. Therefore, the Fiscal Year 2008-2009 Hopkins Utility System Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2008 as amended:	\$ 42,000
Loan from Broad River Sewer undesignated fund balance	<u>13,000</u>
Total Hopkins Utility System Budget Revenue as Amended:	\$ 57,000

EXPENDITURES

Expenditures appropriated July 1, 2008 as amended:	\$ 42,000
Increase to Hopkins Utility System Operating Budget:	<u>13,000</u>
Total Hopkins Utility System Budget Expenditures as Amended:	\$ 57,000

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:
Second Reading:
Public Hearing:
Third Reading:

Richland County Council Request of Action

Subject

Energy Audit Update [**PAGES 108-111**]

Purpose

Committee Recommendation

Council Action (First Reading)

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item No

On Agenda For Public Hearing No

Richland County Council Request of Action

Subject: Countywide Energy Savings Update

A. Purpose

The purpose of this document is to notify Council of staff's findings after reviewing the preliminary report submitted By the Siemens Company.

B. Background / Discussion

- Siemens was selected from several companies that responded to an RFQ to evaluate the County's operations and deliver a plan at no cost and no risk to the County to identify energy savings opportunities that could be guaranteed by equipment replacement that would generate energy reductions. The company was to identify these opportunities and offer a payback period of no more than 10 years to be paid directly from the energy savings to be realized.
- Council then authorized the Procurement Director to negotiate with Siemens for the purpose of developing a scope of work and create a contract to implement that scope.
- Once the preliminary study was received, Facilities Management and staff, the Procurement Director, and the Finance Director met to review the report. It was determined that Siemens study and findings stretched their proposed savings over a 12 year period allowing the impression of greater savings totals. Siemens also required an agreement to guarantee that a fee of \$96,000 or a sum equal to 3% of the total developed project for services rendered would be paid to Siemens within 60 days following submittal and completion of a more detailed study whether the County chooses to implement or not.
- The result of the study was that Siemens indicated that the program will cost a total of \$3.2 million dollars with annual savings in excess of \$380,000 over the 12 year period with half of these savings resulting primarily from laundry and kitchen equipment upgrades at the Detention Center. Staff, in consultation with the Detention Center Director believes that these improvements that had previously been identified needed to be completed as a construction project and not just an equipment replacement project. Siemens estimated that about half of the total equipment investment would be needed to save the approximate \$1.5 million in savings at the Detention Center over the next 12 years, but this implementation cost does not include new facilities that are also required. The study did not answer the needs of improving and updating the current facilities HVAC and Hot water system that would offer two improvements; one in energy savings by utilizing new efficient equipment as the primary operation and the second, keeping the current equipment in place creating backup systems.

- An estimated \$1.5 million that the study identified as possible savings over the next 12 years were divided up among the remaining large facilities, but the Facilities department had already begun to implement this year's major improvement plan by upgrading the HVAC systems at the Dutch Fork, Central Court, and Administrative and Health facilities. Two of the projects have been completed and the third is in the construction phase. In the short time since the completion of one of the first two projects, a reduction in electricity consumption has already been realized. An example is where the consumption at Central Court has been reduced by 25,280kwh or a 15% reduction. This 15% equals over one full month's consumption over the same 11 month time period the previous year. Facilities was asked to suspend the controls change project by Siemens at the Administration complex to allow that work to be completed as part of the savings plan, but these funds had already been approved through the normal budget process and allocated so and there was no interest to be paid on these funds.
- The report also noted items such as installing energy efficient lighting system. This is a program that facilities have been implementing for the past five years, as much as personnel resources will allow, by changing 350 to 500 fixtures annually. Nearly every savings solution identified in the report is already underway or planned in the Capital Improvement Plan that is developed by Facilities in the normal budget process.
- The report gave little support to improving the systems at the Judicial Center. We already are aware that the updating of that facilities HVAC system will require over an estimated 9 million dollars and have relatively little payback except in reduced maintenance cost and time.
- Facilities staff have been meeting and working very closely with SCE&G annually over the past five years to insure the County is purchasing utilities at the best possible rate. We have also been meeting to identify methods of saving energy at no cost to the County by evaluating each facility history over the past three years and developing an operations plan that includes temperature settings during defined parts of the day and week. The operational changes will also improve energy reductions by programming how we bring facilities back online after a weekend and night shutdown. Facilities insures that these systems have remote access control by its staff for programming in new facilities under construction as well as have already retrofitted the DSS facility, EMS and are currently upgrading the entire Administration Complex. These new construction and retrofitting practices insure control so that facilities are taken off line when not in use and brought back up in the most efficient method. This also keeps individuals from setting thermostats that compete with each other in the same facility. Facilities is now evaluating the implementation cost of tying in facility lighting and water makeup controls for the cooling systems for input into the master Capital Improvement Plan. The controls that have been installed and currently being installed are capable of controlling may different facility functions.

- Facilities and Procurement is developing and implementing a process where all new equipment requisitioned will be evaluated by facilities staff to insure it will be energy efficient and that the current facility power distribution system can support the equipment. If changes are need to support the necessary equipment then this improvement can be planned and therefore be much more efficient in resource usage.

C. Financial Impact

To move forward with a more in-depth review that will cost \$96,000 or a sum equal to 3% of the total developed project for services rendered, that must be paid to Siemens within 60 days following submittal and completion of a more detailed study whether the County chooses to implement or not.

D. Alternatives

1. Instruct staff to move forward and have Siemens conduct a more complete review at a cost of \$96,000 or a sum equal to 3% of the total developed project for services rendered;
2. Instruct staff to negotiate with another firm;
3. Allow staff to continue the current plan for saving energy by utilizing the 10 year capital plan

E. Recommendation

Recommend that you allow staff to continue its current energy savings strategy with each year’s budget request. Making improvements and upgrades to current facilities that reduce energy consumption.

Recommended by: John Hixon / Rodolfo Callwood **Department:** Facilities / Procurement
Date: 2/5/09

F. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 2/12/09

Recommend Approval

Recommend Denial

No Recommendation

Comments: We support the recommendation above of alternative 3. Approval of alternative 1 will require the identification of a funding source.

Procurement

Reviewed by: Rodolfo Callwood

Date: 2/12/09

Recommend Approval

- Recommend Denial
 - No Recommendation
- Comments:

Legal

- Reviewed by: Larry Smith
Date: 2/12/09
 Recommend Approval
 Recommend Denial
 No Recommendation
- Comments:

Administration

- Reviewed by: Tony McDonald
Date: 2/13/09
 Recommend Approval
 Recommend Denial
 No Recommendation
- Comments:

Richland County Council Request of Action

Subject

An Ordinance amending the Fiscal Year 2008-09 Industrial Park budget to appropriate fifty thousand dollars (\$50,000) for expenses related to economic development projects **[FIRST READING] [PAGES 114-115]**

Purpose

Committee Recommendation

Council Action (First Reading)

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item No

On Agenda For Public Hearing No

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. __-09HR

AN ORDINANCE AMENDING THE FISCAL YEAR 2008-2009 RICHLAND COUNTY INDUSTRIAL PARK BUDGET TO INCREASE THE BUDGET FIFTY THOUSAND DOLLARS (\$50,000)

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 fifty thousand dollars (\$50,000) be appropriated to the Richland County Industrial Park Budget. Therefore, the Fiscal Year 2008-2009 Richland County Industrial Park Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2008 as amended:	\$ 257,000
Appropriation of Richland County Industrial Park undesignated fund balance:	<u>50,000</u>
Total Richland County Industrial Park Fund Revenue as Amended:	\$ 307,000

EXPENDITURES

Expenditures appropriated July 1, 2008 as amended:	\$ 257,000
Increase to Richland County Industrial Park Budget:	<u>50,000</u>
Total Richland County Industrial Park Fund Expenditures as Amended:	\$ 307,000

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: _____
Paul Livingston, Chair

ATTEST THIS THE ____ DAY

OF _____, 2008

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

Richland County Council Request of Action

Subject

An Ordinance repealing sections of the Richland County Code of Ordinances, specifically the provisions of Article VIII, entitled "Personnel Regulations," of Chapter 2, entitled "Administration" **[FIRST READING] [PAGES 117-127]**

Purpose

Committee Recommendation

Council Action (First Reading)

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item No

On Agenda For Public Hearing No

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

AN ORDINANCE REPEALING SECTIONS OF THE RICHLAND COUNTY CODE OF ORDINANCES, SPECIFICALLY THE PROVISIONS OF ARTICLE VIII, ENTITLED "PERSONNEL REGULATIONS", OF CHAPTER 2, ENTITLED "ADMINISTRATION".

Additional amendments recommended by the County Administrator:

Sec. 2-31. Emergency ordinances.

(a) An emergency ordinance may be enacted only to meet public emergencies affecting life, health, safety, or the property of the people. Such an ordinance may not levy taxes, grant, renew or extend a franchise nor may it impose or change a service rate.

(b) Each emergency ordinance shall contain a declaration that an emergency exists, defining the emergency, and shall be entitled an "Emergency Ordinance."

(c) Emergency ordinances require no readings or prior publications before adoption by county council.

(d) Emergency ordinances require a two-thirds (2/3) affirmative vote of members present for adoption.

(e) An emergency ordinance is effective immediately on the date of adoption and shall expire automatically on the sixty-first day following the date of enactment.

(f) The clerk of council shall be responsible for indexing and providing for compilation of the emergency ordinance adopted and shall, with the **county attorney's** assistance, cause a copy of the emergency ordinance to be filed in the office of the clerk of court.

Sec. 2-43. Preparation, publication and notice.

Unless waived by a majority vote of those members of the council present and voting, no ordinance or regulation shall be enacted or promulgated by the council unless it has been prepared or reviewed by the **county attorney**, or other competent attorney approved by the council, and his approval as to form and legality of the proposed ordinance or regulation is endorsed thereon. All ordinances, regulations, resolutions and actions of the council shall be deemed published and public notice thereof shall be effective as of the date the formalities of enactment hereinabove provided are complied with, and are entered into the minutes of the council.

Sec. 2-87. Powers and duties.

The powers and duties of the county administrator shall be:

- (1) To direct and supervise the administration of all county officials and departments for which the council is responsible, or may hereafter be responsible, including specifically the construction, maintenance and operation of all county roads, bridges, drainage, buildings and other public works, and the care and maintenance of all personal property owned by the county; the administration of personnel policies, purchase of all supplies and equipment, finance, accounting, budgeting, payroll,

auditing and any other administrative responsibilities necessary for implementation of the council's policies;

- (2) To appoint, and when in his discretion the welfare of the county requires it, suspend, discharge, transfer, remove or otherwise deal directly with all employees excepting only those employees and/or officials who are appointed directly by the council or who are employed in the offices of elected officials and officials appointed by an authority outside county government as those terms are used in South Carolina Code, 1976, section 4-9-30(7);
- (3) To see that all ordinances, resolutions and orders of the council and all laws of the state which are subject to enforcement by him or by officers or department heads and subject, under this article, to his direction and supervision are faithfully executed;
- (4) To prepare and submit the annual budget and capital program to the council and to execute the budget and capital program adopted by the council, approving all disbursements and expenditures as budgeted and/or authorized by the council;
- (5) To confer with and advise all other elected or appointed officials of the county who are not under the immediate control of county council, but who receive financial support from the council, such as probate judges, magistrates, solicitor, sheriff, coroner, auditor, treasurer and the like;
- (6) To examine regularly at periods fixed by the council the accounts, records and operations of county boards, commissions, departments, offices, and agencies which receive appropriations from the council; to make regular, monthly reports to the council on county fiscal and other affairs as are appropriate; to keep the council fully advised on the financial conditions and future needs of the county; and to make such recommendations on county affairs as he deems necessary;
- (7) To submit to the council at the end of each fiscal year a complete report on the finances and administrative activities of the county for the preceding year; and
- (8) To execute such other powers and duties as may be prescribed from time to time by the council.

Sec. 2-120. Same--Responsibilities, powers and duties.

The director of finance and budget shall be the chief administrative finance officer of the county, responsible to the county administrator for the performance of his duties and responsibilities which shall be to:

- (1) Direct the county office of finance and budget and supervise its staff and activities;
- (2) Approve all warrants issued by officers of the county and draw drafts in payment thereof;

- (3) Maintain current accounts of all county budget expenditures and make periodic reports thereon as required by the county administrator;
- (4) Maintain a current inventory of all county property, real and personal; and collect and account for all income from rental or sale of same;
- (5) Receive all requests from county offices and agencies in excess of budget allowances, and prepare recommendations for the county administrator to submit to the council for consideration thereof;
- (6) Obtain and supervise contracting and payments for all insurance on county property, including liability and related insurance;
- (7) Cooperate with the county council, treasurer, **attorney** and other officers concerned in the preparation and sale of all county bond issues and other long-term financial transactions;
- (8) Cooperate with the county auditor, treasurer and other county officers in securing annual and special audits of all county accounts as required by law or directed by council; and
- (9) Serve as the trust officer of the county and be granted authority to sign necessary documents and create accounts for the proper maintenance of such funds, provided that such procedures shall be approved by the county administrator.

DIVISION 7. **COUNTY ATTORNEY**

Sec. 2-136. Office established.

There is hereby established the office of the **county attorney**, who shall be the chief legal officer of the county. The **county attorney** shall be retained from the membership of the county bar by the county council and shall serve at its pleasure.

Sec. 2-137. Eligibility.

No member of the council or of the county legislative delegation, or any partner of any such member, shall be retained as **county attorney** or assistant county attorney, or perform any service for compensation as an attorney for the council, any county agency which is funded in whole or in part from county funds, or for any board, commission, committee, or agency of the county over which the council has any appointive powers. No member of any county board, commission, committee, or agency which is funded in whole or in part from county funds, or any board, commission, committee or agency of the county over which the council has any appointive powers, or any partner of any such member, shall be attorney or do any legal work for such board, commission, committee, or agency; provided, however, that, a partner of such member may serve as **county attorney** or as an assistant county attorney.

Sec. 2-138. Duties and responsibilities.

The **county attorney** shall represent and defend the county and all of its officers in any of the courts of this state or of the United States, shall do such work in connection with county real estate conveyancing, title work and bond issues, shall bring all actions and proceedings that may be necessary to enforce payment and collection of any claims existing in favor of the county or of any of its officers, boards, or agencies, and shall advise the county administrator and all county officers and department heads in all matters wherein they may seek advice or counsel. The **county attorney** shall meet with the council and the county legislative delegation whenever requested for the purpose of advising them as to any matters that may properly come before them.

Sec. 2-139. Compensation.

The **county attorney** shall receive compensation for his services in the amount determined by the council. The annual salary of the **county attorney** shall constitute his total compensation from the county for all of the services enumerated above, except under unusual circumstances as directed by council.

Sec. 2-140. Annual appropriation.

The council shall establish in the annual operating budget the compensation of the **county attorney**. Such budget shall also provide for the compensation of any assistants employed pursuant to section 2-141 of this division.

Sec. 2-141. Assistants.

The **county attorney** may employ such staff and assistants for positions approved through budgetary appropriations by council as are deemed necessary to the performance of the duties of the office.

Sec. 2-142. Employment of attorney, other than county attorney, by council agencies.

No officer, board, commission, committee, or agency in the county receiving any county funds or appointed in whole or in part by the council may employ an attorney other than the **county attorney**, or agree to pay for legal services out of public funds without first obtaining the **county attorney's** approval of the employment of such attorney. Provided that, in cases where the amount of outside legal fees to be paid exceeds twenty-five hundred dollars (\$2,500.00), the approval of the county council must also be obtained.

Sec. 2-143. Settlement of claims.

With the consent of the county administrator or his designee, the **county attorney** shall have the authority to settle and approve payment of disputed claims submitted to the county in an

amount not to exceed fifteen hundred dollars (\$1500.00) and pay the same from the appropriate account.

With the consent of the county administrator or his designee, the county attorney shall have the sole discretion to decide whether to file an appeal or to waive the filing of same in cases where the amount in controversy appears to be less than seventy-five hundred dollars (\$7,500.00).

Sec. 2-144. Bond.

The county attorney shall be bonded to the county in an appropriate amount for the faithful performance of the duties as such officer.

DIVISION 8. CLERK OF COUNCIL

Sec. 2-149. Creation; appointment; term of office.

There is hereby created the office of clerk of council. The clerk of council shall be appointed by the council and shall serve at the pleasure of the council.

Sec. 2-150. Responsibilities; duties.

The clerk of council shall:

- (a) Record all proceedings of the council and supply copies of certified records as appropriate;
- (b) Distribute copies of the minutes of each meeting to council members prior to the next meeting;
- (c) Review reports and records for completeness and accuracy;
- (d) Prepare ordinances and resolutions for presentation to council and arrange for their publication as approved by council and as directed by the county attorney;
- (e) Attend regular meetings of the council and attend other meetings as requested;
- (f) Type reports and recommendations of all council committees or designee of the clerk;
- (g) Notify councilmen of all council meetings;
- (h) Maintain the council calendar;
- (i) Be custodian of the county seal, minute books and Code of Ordinances;
- (j) Maintain county files and any records which should be kept for quick accessibility;

- (k) Supervise a complete records management system for department;
- (l) Research materials and supply background information as required;
- (m) Take follow-up actions on the following matters (including initial follow-up and subsequent actions necessary to ensure carrying out of council actions):
 - (1) Easements;
 - (2) Contracts, leases and agreements;
 - (3) Bond issues;
 - (4) Damage claims which are submitted to county council for acceptance or rejection;
 - (5) Ordinances;
 - (6) Resolutions; and
 - (7) Appointments;
- (n) Prepare council agenda and advise news media of items to be considered; shall maintain a complete record of all matters pending council consideration;
- (o) Act for the county in attesting and certifying official documents;
- (p) Be responsible for the appointments book; insure appointments are made in timely fashion in accordance with established procedures;
- (q) Maintain a record of leases, contracts, agreements, rights-of-way, grants and bonds;
- (r) Insure that the overall objective of the council office is achieved in an efficient manner;
- (s) Prepare and monitor budget for operating expenses for the clerk of council office and the council services budget; and
- (t) File documents, as required, with the clerk of court.

Sec. 2-153. Creation of the office of procurement; generally.

There is hereby created the office of procurement and the position, director of procurement. The office of procurement shall be responsible for the following:

- (1) Purchasing all supplies, materials, equipment, and contractual services required by county agencies and performing the purchasing-related functions required of the director of procurement herein;
- (2) Negotiating contracts for personal services and submitting them for approval and award as provided herein;
- (3) Using standard specifications wherever they are applicable to purchase orders and contracts and ensuring compliance with such specifications through adequate inspection of deliveries;
- (4) Transferring between agencies, supplies, materials and equipment which are no longer needed by a holding agency but which can be used by the receiving agency;
- (5) Exchanging, trading in or selling those supplies, materials and equipment which are surplus, obsolete or unused and which are found by the county administrator not to be required for public use;
- (6) Developing, with the approval of the county attorney as to legal sufficiency, standard forms and conditions for invitations to bid, requests for proposals, purchase orders, and contracts; developing and prescribing the use by agencies of other forms required in carrying out the provisions of this article; and amending or eliminating any such forms;
- (7) Upon request of the council, and subject to its approval of each transaction, performing all delegable functions in connection with acquisition and disposal of real property;
- (8) Acting as the procurement, purchasing and contracting agent for all officers, offices and agencies of the county, subject to regulations promulgated by the council and approval authority of the county administrator;
- (9) Establishing and maintaining a central purchasing warehousing and supply system for all county offices and agencies, providing for requisition of materials and supplies by county offices and agencies authorized by the council;
- (10) Placing, with a newspaper to be determined pursuant to the requirements of Chapter 2, Article X, "Purchasing," of this Code, all requests for advertising by a county agency or department. Any agency or department requiring advertisement shall prepare the advertisement and present same to the office of procurement for the purposes of processing it for publication. The office of procurement shall have the responsibility of determining the most practical and least costly medium of advertising. In connection with this subsection, the office of procurement shall provide each county agency and department a schedule of processing time allowance so that the requesting agency or department will be assured of the actual date of publication of the advertisement. However, any advertising which is not paid for with county funds, or for which the county is reimbursed by a private individual or company, may be exempt from the provisions of this subsection;

(11) Other duties as directed by the county administrator.

Sec. 2-172. Advisory opinions.

(a) Where any public officer or employee has a doubt as to the applicability of any provision of this article to a particular situation, or as to the definition of terms used herein, he may apply to the **county attorney** for an advisory opinion. The officer or employee shall have the opportunity to present his interpretation of the facts at issue and of the applicability of provisions of this article before such advisory opinion is made.

(b) Such opinion shall be deemed advisory and shall not be binding. However, it shall be deemed that the public officer or employee who sought the opinion and acted on it did so in good faith, unless material facts were omitted or misstated in the request for the advisory opinion.

Sec. 2-342. Employees affected.

The provisions of this article shall be applicable to all county officials and employees as to whom employment and discharge authority is vested in the county administrator and/or county council, but shall not apply to elected officials or officials appointed by an authority outside of county government. See South Carolina Code, 1976, Section 4-9-30(7).

Sec. 2-549. Service charge for certain bond issues.

(a) *Fees.* For the use of county facilities and services performed by members of the county's administrative staff and the county **attorney** in the issuance of industrial revenue, pollution control revenue, and hospital revenue bonds, the county will charge a fee to the industry or hospital facility benefitted in accordance with the following schedule:

Sec. 2-631. Procedure upon noncompliance.

(a) In the event that a contractor is not complying with section 2-629, the county administrator or his designee, after notice to the contractor and an opportunity being given to the contractor to comply with the requirements of this division, may either terminate or suspend in whole or in part the contract and declare the contractor ineligible for further county contracts.

(b) The county **attorney** shall review all terminations or suspensions of contracts by the county administrator. When the county **attorney** concurs with the action of the county administrator, the action of the county administrator shall be final. When the county **attorney** does not concur with the action of the county administrator, the action of the county administrator and the county **attorney** shall be brought before county council for final resolution.

(c) Any contractor whose contract with the county has been terminated pursuant to this division; or any contractor that has been suspended pursuant to this division; or any contractor

that has been declared ineligible for further county contracts may appeal the termination, suspension, or declaration of ineligibility to county council.

Sec. 2-638.1. Results of noncompliance.

Any contractor failing to comply with the requirements of this division may be declared ineligible to participate in future contracts with the county for one (1) year after the determination that the contractor has violated this division. Such denial of participation shall be reviewed by the county administrator and the county attorney and must have their joint approval in order to be effective.

From Sec. 2-640:

County attorney. The person duly selected by the county council to serve as county attorney or any attorney member of the staff of the legal department in the absence of the county attorney.

Sec. 2-642. Conduct of investigations.

(a) It shall be deemed a violation of this article and of section 4-9-660 of the 1976 South Carolina Code of Laws for any member of the county council to individually do any of the following:

(1) Commence any official investigation or utilize the manpower or facilities of the county for any such official investigation without first obtaining the approval of the county council. For purposes of this article, an official investigation shall be one which is a systematic investigation, examination or official inquiry. A request for information shall not be deemed an official investigation, although council members are encouraged to make such requests through the county administrator's office.

(2) To give orders or instructions to any employee subject to the direction and supervision of the county administrator.

(3) To give orders or instructions to any employee concerning the hiring, firing, reprimanding, promotion, demotion or other personnel action concerning any employee subject to, or who will be subject to, the direction and supervision of the county administrator.

(b) It shall not be deemed a violation of this chapter and of section 4-9-660 of the 1976 South Carolina Code of Laws for a member of council to individually do any of the following:

(1) Contact the proper department head and/or employee concerning potholes, missing signs, garbage collection or otherwise relate minor problems and/or complaints directly to the proper person when the public health, welfare and/or safety is involved.

(2) Make a request for public information on behalf of any citizens although it should be considered that such request ought to be in writing on a form provided signed by the person who actually seeks the information.

(3) Visit departments of the county, observe operations thereof and generally demonstrate a genuine interest in the operations of the county government.

(c) The council may initiate an investigation of any member of council, employee or other person by a majority vote of council in regular, special, executive or open session provided the notice requirements for the particular type of meeting have been met. Such investigation may be conducted:

(1) By the council;

(2) By a duly appointed committee of council of no less than five (5) members;

(3) By the county administrator and/or county attorney;

(4) By any duly constituted law enforcement agency;

(5) By the independent auditing firm;

(6) By the chair of council upon the authorization of seven (7) members of council or in the absence of a majority of council from the confines of the county. Such authority shall immediately terminate upon the return of a majority of the council to the confines of the county;

(7) By a private C.P.A., attorney and/or investigator upon the authorization of seven (7) members of council; provided, however, that funds for such shall be

made available as soon as possible under legal budgeting and appropriating procedure;

(8) All such hearings, reports, investigations and minutes thereof shall be confidential and for council members only until such time as council has officially disposed of such investigations. In the event eight (8) members of council vote to seal the investigative record, it shall be a violation of this article for any member of council, employee, witness or other person to disclose any proceedings so long as such record remains sealed.

(d) *Subpoenas.*

(1) The council, by and through its chair, may for the purposes of this article, subpoena witnesses, administer or cause to be administered oaths and examine or cause to be examined such parts of the books and records necessary to proceedings as relate to investigations and inquiries.

(2) In the event a witness fails to comply with any such subpoena, the council may enforce same by application for writ, show cause or other proceedings to the court of common pleas for the county.

Richland County Council Request of Action

Subject

Request to approve the amended Employee Handbook and Human Resources Guidelines

Purpose

Committee Recommendation

Council Action (First Reading)

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item No

On Agenda For Public Hearing No

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-09HR

AN ORDINANCE REPEALING SECTIONS OF THE RICHLAND COUNTY CODE OF ORDINANCES, SPECIFICALLY THE PROVISIONS OF CHAPTER 16, LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS; ARTICLE 1, IN GENERAL.

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

SECTION I. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; is hereby repealed in its entirety, and is reserved for future use.

SECTION II. Severability. If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, 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 _____.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST this the ____ day of _____, 2009.

Michielle R. Cannon-Finch
Clerk of Council

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

Richland County Council Request of Action

Subject

Pioneer Bowl/Harambee Festival Funding Request [**DENIAL**]

Purpose

Committee Recommendation

Council Action (First Reading)

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item No

On Agenda For Public Hearing No

Richland County Council Request of Action

Subject

An Ordinance Amending the Richland County Code of Ordinances, Chapter 1, General Provisions, so as to add a new section regulating the naming of buildings **[PAGES 133-134]**

Purpose

Committee Recommendation

Council Action (First Reading)

This item received First Reading February 3, 2009

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item No

On Agenda For Public Hearing No

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-09HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 1, GENERAL PROVISIONS, SO AS TO ADD A NEW SECTION REGULATING THE NAMING OF BUILDINGS.

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

SECTION I. The Richland County Code of Ordinances; Chapter 1, General Provisions; is hereby amended by adding a new Section 1-15 to read as follows:

Sec. 5-15. Naming of Buildings.

(a) The county council shall have the authority to name all county-built, county-financed and/or county-owned public buildings or properties.

(b) Such county-built, county-financed and/or county-owned public buildings or properties may be named in honor of any organization or deceased or living individual, at the discretion of County Council.

(c) When a county-built, county-financed and/or county-owned public buildings or property is to be named to honor an individual or organization, the following procedure shall be used:

(1) Appropriate persons likely to be interested in the name of the park shall be contacted and encouraged to submit one (1) or more suitable names. These persons may be parties who donated land for the facility in question or who made some other similar contribution.

(2) Once appropriate county staff persons are satisfied that all relevant sources of input have been exhausted, they will submit all such information to the county administrator with a staff recommendation as to what the facility should be named.

(3) Upon receipt of the staff's recommendation, the county administrator shall review it and submit the list to the chairman of the appropriate committee of the county council for inclusion on the agenda of the next available county council meeting.

(4) Such committee shall review the staff recommendation and forward a recommendation of its own to the full county council.

(5) Upon receipt of the committee's recommendation, county council shall give the facility such name as it deems to be in the best interest of the community as a whole and of its citizens, and one which reflects the community's history, geography, leaders, and/or culture.

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 _____, 2009.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE _____ DAY
OF _____, 2009.

Michielle R. Cannon-Finch
Clerk of Council

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

Richland County Council Request of Action

Subject

An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article I, in general; and Article II, Administration **[PAGES 136-157]**

Purpose

Committee Recommendation

Council Action (First Reading)

This item received First Reading on February 3, 2009

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item No

On Agenda For Public Hearing No

AMENDED!! 2-13-09

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. ____-09HR

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 6, BUILDINGS AND BUILDING REGULATIONS; ARTICLE I, IN GENERAL; AND ARTICLE II, ADMINISTRATION.

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

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

ARTICLE I. IN GENERAL

Sec. 6-1. Scope.

This chapter is hereby declared to be remedial and shall be construed to secure the beneficial interests and purposes which are in public safety, health, and general welfare through structural strength, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of buildings and structures, or by installation of electrical, gas, mechanical (HVAC), or plumbing equipment or appurtenances.

Sec. 6-2. Activities regulated.

The provisions of this chapter shall apply to the construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal and demolition, of every building, structure, installation or any appurtenances connected or attached to such buildings or structures.

Sec. 6-3. Area of applicability.

This chapter shall apply to the unincorporated areas of the county and those municipalities that make an agreement with the council to be regulated by the terms of this chapter.

Sec. 6-4. Conflict of authority.

No provisions of this chapter shall be held to deprive any federal or state agency, or any applicable governing body having jurisdiction, of any power or authority which it had on February 11, 1974, or any remedy then existing for the enforcement of its orders, nor shall it deprive any individual or corporation of its legal rights as provided by law.

Sec. 6-5. Conflict with other ordinances.

AMENDED!! 2-13-09

Whenever the provisions of this chapter impose more restrictive standards than are required in or under any other ordinance or regulation, the standards herein contained shall prevail. Whenever the provisions of any other ordinance or regulation require more restrictive standards than are required herein, the requirements of such ordinance or regulation shall prevail.

Sec. 6-6. Amendment procedures.

(a) All proposed amendments to this chapter shall be submitted to the ~~planning and development coordinator~~ Director of the Building Codes and Inspections Department, who shall then refer the proposals with his/her recommendation to the council.

(b) Before enacting an amendment to this chapter, the council shall hold a public hearing, which shall be advertised to provide fifteen (15) days' notice of the time and place of such hearing in a newspaper of general circulation in the county.

Secs. 6-7 - 6-17. Reserved.

ARTICLE II. ADMINISTRATION

DIVISION 1. GENERALLY

Sec. 6-18. Office of building inspections created.

~~There is hereby created an office of building inspections, which shall be under the charge of the county administrator.~~

Sec. 6-19. Building codes board of adjustment—Generally.

~~(a) *Establishment.* The building codes board of adjustment is hereby established and shall consist of seven (7) members. Such board shall consist of one (1) architect, one (1) engineer, and one (1) contractor, and one (1) member from each of the building, electrical, gas and plumbing industries. All members shall be residents of the county. All members shall be appointed by the council and serve without compensation.~~

~~(b) *Term of office.* All appointments shall be for three (3) year terms. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made.~~

~~(c) *Quorum.* Four (4) members of the board shall constitute a quorum. In varying the application of any provisions of this chapter or in modifying an order of the planning management director, affirmative votes of the majority present, but not less than three (3) affirmative votes, shall be required. No board member shall act in a case in which he has a personal interest.~~

~~(d) *Records.* The secretary planning management director shall act as secretary of the board of adjustment and shall make a detailed record of all its proceedings, which shall set forth the reasons for its decisions, the vote of each member participating therein, the absence of a member, and any failure of a member to vote.~~

AMENDED!! 2-13-09

~~(e) *Procedures.* The board shall establish rules and regulations for its own procedures not inconsistent with the provisions of this chapter. The board shall meet at regular intervals, to be determined by the chairman, or in any event, The board shall meet within ten (10) days after notice of appeal is received from the secretary or building official. planning management director~~

~~(f) *Technical advisory committees.* The board of adjustment shall appoint the following technical advisory committees to advise the board:~~

- ~~(1) *Building code technical advisory committee.* This committee shall advise the board upon request on such matters pertaining to the building code. The committee shall consist of five (5) members composed of one (1) architect, one (1) civil engineer, one (1) general contractor, and two (2) members from the building industry with at least four (4) years' experience.~~
- ~~(2) *Electrical code technical advisory committee.* The committee shall advise the board upon request on such matters pertaining to the electrical code. The committee shall consist of five (5) members composed of one (1) electrical engineer, one (1) contractor, and three (3) members in the electrical trade with at least four (4) years' experience.~~
- ~~(3) *Gas code technical advisory committee.* The committee shall advise the board upon request on such matters pertaining to the gas code. The committee shall consist of five (5) members composed of one (1) mechanical engineer, one (1) gas contractor, and three (3) members in the gas trade with at least four (4) years' experience.~~
- ~~(4) *Plumbing code technical advisory committee.* The committee shall advise the board upon request on such matters pertaining to the plumbing code. The committee shall consist of five (5) members composed of one (1) mechanical engineer, one (1) plumbing contractor, and three (3) members in the plumbing trade with at least four (4) years' experience.~~

~~Sec. 6-20. Same Actions.~~

~~(a) *Variations and modifications.*~~

- ~~(1) The board of adjustment, when so appealed to and after a hearing, may vary the application of any provision of this chapter to any particular case when, in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of this chapter or public interest, or when, in its opinion, the interpretation of the planning management director should be modified or reversed.~~
- ~~(2) A decision of the board of adjustment to vary the application of any provision of this chapter or to modify an order of the planning management director shall specify in what manner such variation or modification is made, the conditions upon which it is made and the reason thereof.~~

AMENDED!! 2-13-09

~~(b) Decisions.~~

- ~~(1) Every decision of the board of adjustment shall be final, subject, however, to such remedy as any aggrieved party might have at law or in equity. It shall be in writing and shall indicate the vote on the decision. Every decision shall be promptly filed in the office of the Director of Building Inspections planning management director and shall be open to public inspections; a certified copy shall be sent by registered mail or otherwise delivered to the appellant.~~
- ~~(2) The board of adjustment shall, in every case, reach a decision without unreasonable or unnecessary delay.~~
- ~~(3) If a decision of the board of adjustment reverses or modifies a refusal, order, or disallowance of the building official planning management director, or varies the application of any provision of this chapter, the building official planning management director shall immediately take action in accordance with such decision.~~

Sec. 6-21 . Building inspector.

~~The county administrator shall employ building inspectors upon the recommendation of the planning management director. Such building inspectors shall be supervised by said planning management director.~~

Sec. 6-22 18. Conflicts of interest.

No employee of the ~~office of~~ building codes and inspections department, except one whose only connection is as a member of the building codes board of adjustment established by this chapter, shall be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, or in the making of plans or of specifications therefore unless he/she is the owner of such building. No such employee shall engage in any work that is inconsistent with his/her duties or with the interests of the ~~office of~~ building codes and inspections Department.

Sec. 6-23 19. Liability.

Any officer or employee of the building codes and inspections department, or member of the building codes board of adjustment, charged with the enforcement of this chapter, acting for the council ~~for~~ in the discharge of his/her duties, shall not thereby render himself/herself liable personally, and he/she is hereby relieved from all personal liability for any damage that may occur to persons or property as a result of any act required or permitted in the discharge of his/her duties. Any suit brought against any officer or employee because of such act performed by him/her in the enforcement of any provision of this chapter shall be defended by the county attorney until the final termination of the proceedings.

Sec. 6-24 20. Violations and penalties.

AMENDED!! 2-13-09

~~Any person who shall violate a provision of this chapter or fail to comply therewith or with any of the provisions thereof, or violate a detailed statement or plans submitted approved thereunder, shall be deemed in violation of section 6-9-70 of the South Carolina Code of Laws, and upon conviction, shall be punished according to law as stipulated in such section.~~

Secs. ~~6-25~~ 20 - 6-30. Reserved.

DIVISION 2. PLANNING MANAGEMENT BUILDING CODES AND INSPECTIONS DIRECTOR

~~Sec. 6-31. Hiring.~~

~~The planning management director shall be hired by the county administrator.~~

Sec. ~~6-32~~ 31. Powers and duties.

In addition to the authority given pursuant to Section 2-224 of this Code, ~~the~~ the planning management building codes and inspections director, or his/her duly authorized representative(s) (hereinafter "director" or "building official"), shall have the following powers and duties:

- ~~(1) Operate the office of building inspections;~~
- ~~(2) Administer and enforce this chapter as provided in section 6-33;~~
- ~~(3) Be the secretary for the building codes board of adjustment as provided in section 6-19.~~

~~Sec. 6-33. Same Further powers and duties.~~

(a) *Right of entry.* ~~The planning management director~~ building official may enter any building, structure, or premises to perform any duty imposed upon him/her by this chapter. In single-family and apartment dwellings, entry of occupied areas will be by permission of the occupant.

(b) *Stop work orders.* Upon notice from the ~~planning management director~~ building official that work on any building, structure or installation is being done contrary to the provisions of this chapter or in a dangerous or unsafe manner, such work shall be immediately stopped. Such notice shall be in writing and shall be given to the owner of the property, or his/her agent, or to the person doing the work, and shall state the conditions under which work may be resumed. Where an emergency exists, no written notice shall be required to be given by the ~~planning management director~~ building official.

(c) *Revocation of permits.* ~~The planning management director~~ building official may revoke a permit or approval, issued under the provisions of this chapter in case there was any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based. In all cases no permit fee shall be refunded.

AMENDED!! 2-13-09

(d) *Determination of requirements not covered by chapter.* Any requirement necessary for the safety, strength, or stability of an existing or proposed building, structure, or installation, or for the safety of the occupants of a building, or structure, not specifically covered by this chapter, shall be determined by the ~~planning management director~~ building official, subject to appeal to the building codes board of adjustment.

(e) *Determination of alternate materials and alternate methods of construction.* The provisions of this chapter are not intended to prevent the use of any material or method of construction not specifically prescribed by this chapter, provided any such alternate is approved and its use authorized by the ~~planning management director~~ building official. The ~~planning management director~~ building official shall approve any such alternate, provided he/she finds that the proposed design is satisfactory and complies with the intent and purpose of this chapter, and that the material, method, or work offered, is, for the purpose intended, at least the equivalent of that prescribed in this chapter in quality, strength, effectiveness, fire-resistance, durability, and safety. The ~~planning management director~~ building official shall require that sufficient evidence or proof be submitted to substantiate any claim that may be made regarding its use. If, in the opinion of the ~~planning management director~~ building official, the evidence and proof are not sufficient to justify approval, the applicant may refer the entire matter to the building codes board of adjustment.

(f) *Reports.* The ~~planning management director~~ building official shall submit an annual report and other reports as requested by his/her immediate supervisor covering the work of his/her activities. He/she shall incorporate in his/her annual report a summary of the decisions of the building codes board of adjustment during the same period.

(g) *Records.* The ~~planning management director~~ building official shall keep, or cause to be kept, a record of the business of the ~~office of building codes and inspections~~ department. The records of the ~~office of building codes and inspections~~ department shall be open to public inspection during normal working hours.

Sec. 6-34 32. Deputy.

The ~~planning management~~ building codes and inspections director may designate a deputy, who shall, during the absence or disability of the ~~planning management~~ director, exercise all the powers of the ~~planning management~~ director.

Sec. 6-35. ~~Other staff.~~

~~The planning management director shall supervise other necessary staff to fulfill the provisions of this chapter.~~

Sec. 6-36 33. Appeals from decisions.

(a) *General.* Whenever the ~~planning management director~~ building official shall reject or refuse to approve the mode or manner of construction proposed to be followed or materials to be used, or when the holder of the permit claims that the provisions of this chapter do not apply, or

AMENDED!! 2-13-09

that an equally good or more desirable form of construction can be employed in any specific case, or when it is claimed that the true intent and meaning of this chapter or any of the regulations thereunder were misconstrued or wrongly interpreted, the owner of such building or structure, or his/her duly authorized agent, may appeal the decision of the ~~planning management director~~ building official to the building codes board of adjustment. Pending the decision of the building codes board of adjustment, the ~~planning management director~~ building official's decision shall be considered binding.

(b) *Time limits.*

- (1) Notice of appeal shall be in writing and filed within thirty (30) days after the decision is rendered by the ~~planning management director~~ building official.
- (2) In case a building, structure or installation which, in the opinion of the ~~planning management director~~ building official, is unsafe or dangerous, the ~~planning management director~~ building official may on his/her order limit the time for such appeal to a shorter period.

Secs. 6-37 ~~34~~ - 6-42. Reserved.

DIVISION 3. PERMITS, INSPECTION AND CERTIFICATE OF APPROVAL

Sec. 6-43. Permits required; exception.

(a) No person shall construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure, or installation of electrical, gas, or plumbing equipment or other apparatus regulated by this chapter without first obtaining from the ~~planning management director~~ building official a separate permit for each such building, structure, or installation. One (1) copy of the required permit shall be forwarded to the county assessor within ten (10) days after issuance. A building, structure, or installation may contain one or more units.

(b) Nothing contained herein shall require any public utility company to obtain a permit for work performed in its respective field on property under the ownership and control of the utility, to include deeded easements. This provision does not apply to buildings on such properties.

Sec. 6-44. ~~Same Form.~~

(c) Application for a permit required by this division shall be made on the form provided by the ~~planning management director~~ building official. The applicant shall furnish information as may be required to complete the application.

Sec. 6-45 ~~44~~. ~~Same~~ Plans and specifications.

(a) When required by the ~~planning management director~~ building official, two (2) or more copies of the specifications and drawings shall accompany every application. Such drawings and

AMENDED!! 2-13-09

specifications shall contain information as to the quality of materials, where quality is essential to conformity with this chapter.

(b) The ~~planning management director~~ building official may require details, computations, diagrams, and other data necessary to describe the construction or installation and basis of calculations and they shall bear the signature of the person responsible for the design.

(c) All drawings, specifications, and accompanying data shall bear the name and address of the designer. In case of buildings or structures of Groups ~~C, D, A,~~ and E, I, and H occupancy, and all buildings or structures exceeding two (2) stories in height or five thousand (5,000) square feet in area, except one- and two-family dwellings, such designer shall be an architect or engineer legally registered under the laws of this state regulating the practice of architecture or engineering and shall affix his/her official seal to such drawings, specifications, and accompanying data.

Sec. 6-46 45. ~~Same~~—Examination of application; approval or disapproval; appeal from disapproval.

(a) The ~~planning management director~~ building official shall examine or cause to be examined each application for a permit and the drawings and specifications which may be filed therewith and shall ascertain by such examinations whether the construction indicated and described conforms to the requirements of this chapter and other pertinent laws and ordinances. If such drawings and specifications are in conformance, the ~~planning management director~~ building official shall issue a permit to the applicant.

(b) If the application for a permit and the drawings filed therewith describes work that does not conform to the requirements of this chapter or other pertinent laws or ordinances, the ~~planning management director~~ building official shall not issue a permit, ~~but shall return the drawings to the applicant with his/her refusal to issue such permit until corrections are made to conform to the requirements of the building codes.~~ Such refusal shall, when requested, be in writing and shall contain the reasons therefor.

(c) The applicant may appeal the decision of the ~~planning management director~~ building official to the building codes board of adjustment as provided ~~herein section 6-19.~~

Sec. 6-47 46. ~~Same~~—Conditions of issuance.

(a) The ~~planning management director~~ building official shall act upon an application for a permit with plans as filed, or as amended without unreasonable or unnecessary delay.

(b) A permit issued shall be construed to be an authorization to proceed with the work and shall not be construed as authority to violate, cancel, alter, or set aside any of the provisions of this chapter, nor shall such issuance of a permit prevent the ~~planning management director~~ building official from thereafter requiring correction of errors in plans or in construction, or of violations of this chapter.

AMENDED!! 2-13-09

(c) All building permits shall include a completion date in which construction shall be completed. Any permit issued shall become invalid unless the work authorized by it was commenced within six (6) months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of one (1) year after the time the work is commenced; provided that, for cause, one or more extensions of time for periods not exceeding ninety (90) days each, may be allowed in writing by the ~~planning management director~~ building official. Any structure that has not been completed and has had no permitted/approved/inspected work for a period of one (1) year and has allowed the structure to get in a state of disrepair due to neglect and abandonment, shall be declared debris and abated by demolition. A lien shall be placed on the property and possible legal action taken against the owner for a violation of this Article and for any costs incurred for abatement. Decisions of the Building Official may be appealed to the Building Board of Adjustments and Appeals.

(d) The ~~planning management director~~ building official shall not issue any permit until he/she ascertains that the applicant is in compliance with the state's licensing legislation in respect to the permit in question.

Sec. 6-48 47. ~~Same~~—Transfer of permit.

In case the holder of a permit gives written permission or appears in person with another contractor and grants permission, the permit shall be transferred to another qualified person provided the established transfer fee is paid. If permission is not granted by the original permit holder, the person who completes the construction or installation shall secure a permit covering the work he/she does and shall be responsible, in either case, for all the work done under his/her supervision.

Sec. 6-49 48. ~~Same~~—Notification of quitting required.

(a) Should any person to whom a permit was issued quit the construction or installation for any reason, he/she shall notify the ~~planning management director~~ building official and state the reason. If the construction or installation was partially completed, the person to whom the permit was issued, upon quitting the installation, shall notify the ~~planning management director~~ building official and request an inspection. Acceptance of or violations against the work, shall be recorded by the inspector on the permit record. No refund of the permit fee shall be granted to the person to whom the permit was issued.

(b) If the holder of a permit quits an installation and fails to notify the ~~planning management director~~ building official, the owner or his/her agent may notify the ~~planning management director~~ building official and request inspection. Upon inspection, the holder of the permit shall be sent a notice of any violation. The owner may then secure another qualified person to proceed with the work.

(c) If no work was done, the holder of the permit shall be entitled to a refund on his/her permit; provided, however, that a minimum charge shall be made.

AMENDED!! 2-13-09

Sec. 6-50 49. ~~Same~~ Posting.

Work requiring a building permit shall not be commenced until the permit holder or his/her agent shall have posted the building permit card in a conspicuous place on the front of the premises. The permit shall be protected from the weather and in such position as to permit the ~~planning management director~~ building official to conveniently make the required entries thereon. The permit holder shall maintain this permit card in such position until the certificate of approval is issued by the ~~planning management director~~ building official.

Sec. 6-51 50. Fees.

(a) *General.* No permit shall be issued until the required fees are paid, nor shall an amendment to a permit be approved until the additional fee, if any, due to an increase in the estimated cost of the building or structure, is paid. Provided, however, that no fees shall be charged for any Habitat for Humanity project.

(b) *Schedule of fees.* ~~The council hereby establishes the following schedule of fFees for permits, appeals, amendments and other matters pertaining to this chapter shall be determined by the County Council and set forth in the County's annual Budget Ordinance for the current fiscal year.~~

(1) (i) ~~Building permit Residential (General contractor's cost, including plumbing, mechanical equipment, and other systems):~~

\$1.00 - \$3,750.00, minimum	\$15.00
\$3,751.00 - \$50,000.00, per thousand or fraction thereof	4.00
\$50,001.00 - \$100,000.00, for the first \$50,000.00 plus \$4.00 for each additional thousand or fraction thereof	200.00
\$100,001.00 - \$150,000.00, for the first \$100,000.00 plus \$4.00 for each additional thousand or fraction thereof	400.00
Over \$150,000.00, for the first \$150,000.00 plus \$4.00 for each additional thousand or fraction thereof	600.00

(ii) ~~Building permit Commercial (General contractor's cost, including plumbing, mechanical equipment, and other systems):~~

\$1.00 - \$2,000.00	\$ 15.00
\$2,001.00 - \$50,000.00, minimum, per thousand or fraction thereof	9.00
\$50,001.00 - \$100,000.00, for the first \$50,000.00 plus \$3.00 for each additional thousand or fraction thereof	450.00

AMENDED!! 2-13-09

~~\$100,001.00 – \$150,000.00, for the first \$100,000.00 plus \$3.00
for each additional thousand or fraction thereof 600.00~~

~~Over \$150,000.00, for the first \$150,001.00 plus \$2.00 for each
additional thousand or fraction thereof 750.00~~

~~(iii) *Re-inspection fee* (An inspector has been called to inspect a project that is not ready and/or the project has not met the Code's minimum requirements.) Builders will be given one (1) additional inspection free of charge. A flat rate will be charged for every inspection thereafter 15.00~~

~~(iv) *Inspections for which no fee is specifically indicated:* (As a service agency, inspections of older structures, due to a concern of the property owner wanting an objective opinion, could be performed). Flat rate per inspection 25.00~~

~~(v) *Additional plan review* (Additional plan review required by changes, additions, or revisions to approved plans when a client has received a permit and desires to make structural changes to the building and/or site.) Flat rate per review 25.00~~

~~(2) *Electrical permit:*~~

~~\$1.00 – \$900.00, minimum \$10.00~~

~~\$901.00 – \$1,200.00 12.00~~

~~\$1,201.00 – \$1,600.00 14.00~~

~~\$1,601.00 – \$2,200.00 16.00~~

~~\$2,201.00 – \$3,000.00 18.00~~

~~\$3,001.00 – \$50,000.00, for the first \$3,000.00 plus
\$3.83 for each additional thousand or fraction thereof 18.00~~

~~\$50,001.00 – \$100,000.00, for the \$50,000.00 plus
\$2.83 for each additional thousand or fraction thereof 191.50~~

~~Over \$100,000.00, for the first \$100,000.00 plus
\$1.83 for each additional thousand or fraction thereof 333.00~~

~~(3) *Gas, heating and air conditioning:*~~

~~\$1.00 – \$1,000.00, minimum \$ 5.00~~

~~\$1,001.00 – \$50,000.00, per thousand or fraction thereof 3.83~~

AMENDED!! 2-13-09

~~\$50,001.00–\$100,000.00, for the first \$50,000.00 plus
\$2.83 for each additional thousand or fraction thereof 191.50~~

~~Over \$100,000.00, for the first \$100,000.00 plus \$1.83
for each additional thousand or fraction thereof 333.00~~

~~(4) Plumbing permit:~~

~~1–3 fixtures, minimum \$ 5.00~~

~~Over 3 fixtures, for first 3 fixtures plus \$1.00 for each additional fixture . . . 5.00~~

~~(5) Sewer permit:~~

~~\$1.00–\$1,000.00, minimum \$ 6.00~~

~~\$1,001.00–\$20,000.00, per thousand or fraction thereof 3.83~~

~~\$20,001.00–\$50,000.00, for the first \$20,000.00 plus
\$2.83 for each additional thousand or fraction thereof 76.60~~

~~Over \$50,000.00, for the first \$50,000.00 plus \$1.83
for each additional thousand or fraction thereof 161.50~~

~~(6) Miscellaneous fees:~~

~~Residential Metal Building: (with no distinction between round top buildings and those built with foundation poles): \$14.50 per square foot or the contract price, whichever is less.~~

~~Open Decks and Open Porches: \$14.50 per square foot or the contract price, whichever is less.~~

~~Open Sided Farm Structure/Pole Building: \$7.25 per square foot or the contract price, whichever is less.~~

~~Enclosed Farm Structure, Type 6 Unprotected: \$14.50 per square foot or the contract price, whichever is less.~~

~~Concentrated Agricultural Livestock Enterprise Building, Type 6 unprotected: \$18.00 per square foot or the contract price, whichever is less.~~

~~(c) Permit transfer fee. A permit transfer fee of five dollars (\$5.00) shall be paid for each transfer of a permit.~~

AMENDED!! 2-13-09

~~(d) Permit refund fee. A permit refund fee of ten dollars (\$10.00) shall be paid for each refund of a permit fee.~~

~~(e) Appeal from planning management director to board of adjustment. A fee of twenty-five dollars (\$25.00) shall be paid for each appeal from the planning management director to the board of adjustment.~~

(f) ~~(c)~~ Demolition of building or structure. A fee of ~~twenty dollars (\$20.00)~~ shall be paid for demolition of buildings or structures. No fee shall be paid when the demolition is being done on a noncommercial basis as a gratuity to the property owner, provided that said demolition is being done pursuant to the county's unsafe building regulations, with the county administrator designated to decide when such demolition was being done as a gratuity. The provisions of this subsection shall apply to buildings located in the extreme rural areas of the county only when a complaint is received and/or when the dwelling presents a health or safety hazard. For the purposes of this subsection, "extreme rural area" is defined as those areas zoned as RU under the Richland County Zoning Ordinance, and/or areas of light or sparse population.

(g) ~~(d)~~ Moving of building or structures. A fee of ~~fifty dollars (\$50.00)~~ shall be paid for a moving permit as prescribed in the fee schedule for any ~~of~~ buildings or structures. Any person, firm, corporation or agent who is required to pay a fee as one of the prerequisites for moving a building or structure shall request escort service from the sheriff's department, at the current rate of the Sheriff's Special Duty charge, while moving the building or structure over public roads in the unincorporated area of the county. ~~The fee shall be thirty dollars (\$30.00) for the first hour or any portion thereof and a total fee of fifty dollars (\$50.00) any time the escort service exceeds one (1) hour.~~ Proof of coordination or request from the sheriff's department for escort service must be presented to the building official before a building or structure moving permit is issued. Any person who is required by this subsection to pay a fee as a result of moving a building or structure, and who shall be issued a moving permit upon payment of such fee shall be required to present the moving permit when requesting escort services from the sheriff's department or upon request of any officer of the sheriff's department while the building or structure is in transport. Failure to present the moving permit will result in the denial of escort services or the denial of further transport of the building or structure until a moving permit is secured. A building permit for construction shall also be paid and obtained by a licensed contractor, with a 120-day completion date from the date of issuance, prior to the issuance of the moving permit. All buildings or structures shall be parked so as not to obstruct traffic until a moving permit is secured. Fees collected shall be deposited in the general fund of the county. Failure to pay this fee shall result in the denial of escort services until such time as outstanding bills are paid to the county. Further, no additional building or structure-moving permits shall be issued until such time as outstanding bills are paid to the county. Before any person, firm, corporation or agent causes a structure to be placed on a public road or street in the unincorporated area of the county during the hours of darkness to be moved from one location to another, flashing lights shall be installed at five-foot intervals around the perimeter of the structure. Removal of road signs, overhead lines, or any items private or public shall be the responsibility of the moving company for removal and replacement. Any regulations or fees required to move through any municipality, another county, or within the State of South Carolina is the responsibility of the moving company.

AMENDED!! 2-13-09

(h e) If, in the opinion of the ~~planning management director~~ building official, the valuation of the building, alteration or structure appears to be underestimated on the application, the permit shall be denied unless the applicant can show detailed estimated cost to meet the approval of the building official. Permit valuations shall include total cost, such as plumbing, mechanical equipment and other systems.

(i f) Where any construction requiring a permit begun before a permit is obtained, the permit fee will be doubled. This includes all construction and apparatus pertaining thereto.

Sec. 6-52 ~~51~~. ~~Same--~~Elimination of a permit fee for subcontractor if, provided a South Carolina licensed general or residential contractor has already secured a single family residential permit and paid the fee.

(a) Notwithstanding any other provision of this chapter, when a ~~general licensed~~ general licensed contractor secures a building permit for the construction of a building or structure, an appropriate permit fee prescribed by the building permit fee schedule will be paid by the ~~general~~ contractor. ~~based on a square foot cost as prescribed by the latest edition through the date of adoption of this Code of Ordinances of the Building Valuation Data published by the Southern Building Code Congress, Inc. A general contractor shall not be denied a permit because of inability to identify subcontractors at the time the permit is applied for. The s~~ Subcontractor(s) performing work for a general licensed contractor will obtain permit(s) for their respective appurtenances, without pay a fee, except for a single family residence. when Trade qualifications, license and state bond are as required shall be provided for all work. Ascertained and providing the general contractor has previously paid a similar fee. The subcontractor's application permit will display the ~~general~~ contractor's name and building permit number so that all permits relating to the same construction can be assimilated. Under extenuating circumstances, the building official shall have the authority to adjust the building permit fee.

(b) When a ~~general licensed~~ general licensed contractor is not involved in the installation, renovation, alteration, removing or repairing of appurtenances pertaining to a single family dwelling, building or structure, the individual person or subcontractor will secure a permit for the work to be performed and pay an appropriate fee.

(c) All approved building code publications providing for the paying of a separate permit fee for each respective appurtenance other than by the ~~general~~ South Carolina licensed contractor are hereby declared void.

Sec. 6-53 ~~52~~. Inspections Required.

The ~~planning management director~~ building official shall inspect or cause to be inspected at various intervals all construction, installation, and/or work for compliance with the provisions of this chapter.

Sec. 6-54 ~~53~~. ~~Same--~~Notifications.

AMENDED!! 2-13-09

(a) *Advance notice.* It shall be the duty of the permit holder to give three (3) working days' advance notice to the ~~planning management director~~ building official when work is ready for inspections or testing.

(b) *Contractor's responsibility.* It shall be the duty of the permit holder to ensure that the work will meet the required inspections or tests before giving the advance notice.

(c) *Building official's responsibility.* It shall be the duty of the ~~planning management director~~ building official to ensure that, provided the proper advance notice is given, the first and second inspections are performed within three (3) working days of the date for which the inspection was requested. ~~If proper advance notice is given and the inspection is not made within the required time, the permit holder may proceed with his construction. This does not imply, however, that the uninspected work must be accepted when the inspection is subsequently performed.~~ The ~~planning management director~~ building official must ensure that the final inspection is performed within five (5) working days of the date for which the inspection was requested, provided proper advance notice is given.

(d) *Re-inspection.* If the ~~planning management director~~ building official finds that the work will not pass the inspections or tests, the permit holder shall be required to make necessary corrections and have the work re-inspected.

Sec. 6-55 54. ~~Same~~—Required inspections (as applicable).

The ~~planning management director~~ building official, upon notification from the permit holder or his/her agent shall make the following inspections of buildings and such other inspections as may be necessary and shall either approve that portion of the construction as completed or shall notify the permit holder or his/her agent wherein the same fails to comply with the law:

(a) *Foundation and wall inspection.*

- (1) Wall and pier construction. Footings, piers and curtain walls shall be in place. If curtain wall is not in place, wall ties for brick veneer must be installed in all outside piers.
- (2) Concrete slab construction. Plumbing shall be roughed-in ~~booting~~ and foundation wall if required, shall be in place, ~~but~~ and inspected prior to placement of concrete. ~~must not be poured.~~
- (3) First inspection will consist of an inspection of foundation trench and pier ~~holes~~ locations prior to ~~pouring~~ placement of concrete unless adequate bearing tests have been previously submitted.

(b) *Roughing-in inspection.* Finished floor shall not be installed. All plumbing, heating, and electrical work shall be roughed-in. No interior finish shall be installed on walls or ceilings. All windows and exterior doors shall be set. All exterior woodwork shall be primed and roof shingles shall be in place. The building shall be weather-tight.

AMENDED!! 2-13-09

(c) *Final inspections.* Property shall be completed in all respects, all equipment in place and property ready for occupancy. Walks, drives, and all grading and landscaping shall be completed. Yard work shall be completed in such a manner as to divert water away from the building and off the lot so as to avoid excessive erosion. No reinforcing steel or structural framework of any part of any buildings or structures shall be covered or concealed in any manner whatsoever without first obtaining the approval of the ~~planning management director~~ building official, the designing architect or engineer. In all buildings where plaster is used for fire protection purposes, the permit holder or his/her agent shall notify the ~~planning management director~~ building official after all lathing and backing are in place. No plaster shall be applied until the approval of the ~~planning management director~~ building official has been received.

Sec. 6-56 ~~55~~. ~~Same~~—Safety.

The ~~planning management director~~ building official will inspect any construction, installation, or existing residential structure, which is not required to be inspected, at the owner's request provided the inspection fee is paid.

Sec. 6-57 ~~56~~. Certificate of approval; certificate of occupancy.

(a) *General.* No new building shall be lawfully occupied and no change in occupancy of a building or part of a building shall be made until after the ~~planning management director~~ building official has issued a certificate of occupancy to ensure compliance with the provisions of the building codes.:

(1) ~~A certificate of approval to ensure compliance with the provisions of this chapter; and~~

(2) ~~A certificate of occupancy to ensure compliance with the provisions of section 12-23 of this Code of Ordinances.~~

~~(b) *Certificate of approval, when required.* Upon completion of a building or installation in accordance with approval plans, and after the final inspection herein referred to, and upon application therefor, the planning management director shall issue a certificate of approval.~~

~~(e b) *Certificate of occupancy; when required.* Upon the issuance of a certificate of approval, and upon compliance with the provisions of section 12-23(a)(1) of this Code of Ordinances, and upon application therefor, the ~~planning management director~~ building official shall issue a certificate of occupancy.~~

Secs. 6-58 ~~57~~ - 6-63. Reserved.

DIVISION 4. LICENSING AND BONDING OF BUILDERS, CONTRACTORS AND CRAFTSMEN

Sec. 6-64. Contractors or builders.

AMENDED!! 2-13-09

It shall be the duty of every contractor or builder who shall make contracts for the erection or construction or repair of buildings for which a permit is required, and every contractor or builder making such contracts and subletting the same, or any part thereof, to pay a license tax as provided in the general license ordinance, and to register his/her name in a book provided for that purpose, with the ~~planning management director~~ building official, giving full name, residence and place of business, and, in case of removal from one place to another to have made corresponding change in register accordingly; ~~and post a proper bond as described in section 6-68 of this division.~~

Sec. 6-65. Plumbing, electrical, mechanical (HVAC) or gas installation business.

Before any person shall engage in the plumbing, electrical, HVAC or gas installation business, he/she shall pay a license tax as provided for that purpose, ~~with the building official,~~ giving full name, residence and place of business, and, in case of removal from one place to another to have made a corresponding change in such register accordingly; ~~and post a proper bond as described in section 6-68 of this division.~~

Sec. 6-66. Craftsmen qualification cards.

(a) Where any plumbing, gas, mechanical (HVAC) or electrical installation work is being done, a master ~~or journeyman~~ with a current qualification card issued by Richland County ~~or registration certificate~~ shall be in actual control and in charge of the work being done.

(b) Any person wishing to qualify permanently for qualification cards shall satisfy the ~~planning management director~~ building official of his/her competence by ~~either of the following methods:~~

- ~~(1) By satisfactorily completing a written test of competence devised or approved by the building codes board of adjustment; or~~
- ~~(2) By satisfactorily completing a practical field examination administered by the building codes board of adjustment or its agent.~~

(c) Qualification cards shall be valid for a period ending December thirty-first of the year of issue, and may either be renewed annually for five dollars (\$5.00), or for a five-year period for twenty-five dollars (\$25.00). The purchaser of the qualification card has the election of renewing for one (1) year or five (5) years.

~~(d) Written and practical examinations required by this section shall be offered at least three (3) times per year. The planning management director shall set an examination fee for each administration, and any person may stand any examination as many times as he wishes, provided the appropriate fee is paid:~~

~~(1d) There shall be no grandfather clause that would permit the licensing of craftsmen on the basis of facts existing prior to February 11, 1974.~~

AMENDED!! 2-13-09

(2e) Qualifications for licensing or registration of craftsmen shall be established through written, oral, or field examinations as provided by SC State Licensing Boards ~~for in this subsection, the standards of which shall be uniform with different levels of achievement being required for the different categories of qualification; provided, however, that, a written skill test shall be necessary for obtaining a master's card.~~

~~(3) Written examinations for qualifications shall be given regularly, every three (3) months.~~

~~(4) Persons obtaining registration through field or oral examinations shall be restricted to work on one and/or two family dwellings.~~

~~(5) Tests given (if jobs are available) for field and oral examinations must be supervised by a holder of a master electrician, plumber, or gas fitter's card in the office of the building official.~~

(6f) Reciprocity shall be extended to other counties and municipalities ~~which~~ that have requirements equivalent to those of this county

Sec. 6-67. Illegal work; revocation of license.

Any person engaged in the plumbing, electrical, mechanical (HVAC), or gas installation business, whose work does not conform to the rules and regulations set out in this chapter, or whose workmanship or materials are of inferior quality, shall on notice from the ~~planning management director~~ building official make necessary changes or correction at once so as to conform to this ~~Code chapter~~; if work has not been so changed after ten (10) days' notice from the ~~planning management director~~ building official, the ~~planning management director~~ building official shall then refuse to issue any more permits to that person until such work has fully complied with the rules and regulations of this chapter. The ~~planning management director~~ building official may appear before the building codes board of adjustment and request that all licenses be revoked because of continued violations. Any license issued under this chapter, upon recommendation of the building codes board of adjustment, may be revoked by the county council. When the revocation of any such license is to be considered and voted upon by the council at any meeting, the person to whom the license has been issued shall have at least three (3) days' notice in writing of the time and place of such meeting together with a statement of the grounds upon which it is proposed to revoke such license.

Sec. 6-68. ~~Bond or insurance required.~~

~~(a) Before any person shall engage in the business of gas, electrical or plumbing installations or building erection, construction or repair, in the area of applicability of this chapter, he/she shall first obtain the proper license and deposit with the county a good and sufficient bond or liability insurance, recoverable by Richland County to cover any damage to county property and to indemnify Richland County for any claims against it resulting from activity of the contractor. The bond or insurance must be in the following minimum amounts:~~

AMENDED!! 2-13-09

- (1) ~~Contractors or builders: Two thousand five hundred dollars (\$2,500.00);~~
- (2) ~~Plumbing installation business: One thousand dollars (\$1,000.00);~~
- (3) ~~Electrical installation business: One thousand dollars (\$1,000.00);~~
- (4) ~~Gas, installation business: One thousand dollars (\$1,000.00);~~
- (5) ~~Swimming pool contractors: One thousand dollars (\$1,000.00);~~
- (6) ~~House moving contractors: One thousand dollars (\$1,000.00).~~

~~(b) The above is to be approved by the county attorney, provided that the person engaged in the business for which the bond is deposited will faithfully observe all the laws pertaining to that business; further, that the county shall be indemnified and saved harmless from all claims arising from accidents and damage of any character whatsoever caused by the negligence of such person engaged in the businesses, bonded here, or by any other unfaithful or inadequate work done either by themselves or their agents or employees and that such person will maintain in a safe condition for a period of one (1) year all ditches and excavations which may be opened in the performance of any gas, plumbing or electrical installation work and further that all dirt and other materials excavated will be replaced in a good condition with similar materials. Where such excavation is made in an unpaved street, or any street paved with chert or macadam, the word "street" as herein used shall apply to sidewalks, curbs, gutters and street paving.~~

Sec. 6-69 68. Allowing one's name, license ~~or bond~~ to be used to obtain permit fraudulently.

No person engaged in the business of gas, electrical, mechanical (HVAC), or plumbing installation, or building erection, construction or repair shall allow his/her name to be used by any other person, directly or indirectly, to obtain a permit or for the construction of any work under his/her name; or license ~~or bond~~; nor shall he/she make any misrepresentations or omissions in his/her return. A violation of this section shall be considered grounds for the revocation of the license.

Secs. 6-70 69 - 6-80 74. Reserved.

DIVISION 5. BUILDING CODES BOARD OF ADJUSTMENT

Sec. 6-75. Building codes board of adjustment.

(a) Establishment. The building codes board of adjustment is hereby established and shall consist of seven (7) members. Such board shall consist of one (1) architect, one (1) engineer, and one (1) contractor, and one (1) member from each of the building, electrical, gas and plumbing industries. All members shall be residents of the county. All members shall be appointed by the council and serve without compensation.

AMENDED!! 2-13-09

(b) Term of office. All appointments shall be for three (3) year terms. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made.

(c) Quorum. Four (4) members of the board shall constitute a quorum. In varying the application of any provisions of this chapter or in modifying an order of the planning management director, affirmative votes of the majority present, but not less than three (3) affirmative votes, shall be required. No board member shall act in a case in which he has a personal interest.

(d) Records. The director shall act as secretary of the board of adjustment and shall make a detailed record of all its proceedings, which shall set forth the reasons for its decisions, the vote of each member participating therein, the absence of a member, and any failure of a member to vote.

(e) Procedures. The board shall establish rules and regulations for its own procedures not inconsistent with the provisions of this chapter. The board shall meet at regular intervals, to be determined by the chairman, or in any event, the board shall meet within ten (10) days after notice of appeal is received from the director.

(f) Variations and modifications.

(1) The board of adjustment, when so appealed to and after a hearing, may vary the application of any provision of this chapter to any particular case when, in its opinion, the enforcement thereof would do manifest injustice, and would be contrary to the spirit and purpose of this chapter or public interest, or when, in its opinion, the interpretation of the director should be modified or reversed.

(2) A decision of the board of adjustment to vary the application of any provision of this chapter or to modify an order of the director shall specify in what manner such variation or modification is made, the conditions upon which it is made and the reason thereof.

(g) Decisions.

(1) Every decision of the board of adjustment shall be final, subject, however, to such remedy as any aggrieved party might have at law or in equity. It shall be in writing and shall indicate the vote on the decision. Every decision shall be promptly filed in the office of the director and shall be open to public inspections; a certified copy shall be sent by registered mail or otherwise delivered to the appellant.

(2) The board of adjustment shall, in every case, reach a decision without unreasonable or unnecessary delay.

(3) If a decision of the board of adjustment reverses or modifies a refusal, order, or disallowance of the director, or varies the application of any provision of this chapter, the director shall immediately take action in accordance with such decision.

Secs. 6-76 - 6-80. Reserved.

AMENDED!! 2-13-09

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

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

SECTION IV. Effective Date. This ordinance shall be effective from and after _____, 2009.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE ____ DAY

OF _____, 2009

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: February 3, 2009 (tentative)
Public Hearing:
Second Reading:
Third Reading:

MEMORANDUM

TO: Richland County Council Members

FROM: Amelia R. Linder, Esq.

DATE: February 13, 2009

RE: Ordinance amending Chapter 6, Buildings and Building Regulations; Articles I and II.

The above-referenced ordinance is scheduled for second reading on February 17, 2009; however, it has come to my attention that the ordinance needs to be slightly amended.

The proposed ordinance that received first reading on February 3rd contained a penalty provision that read as follows:

“Sec. 6-24 20. Violations and penalties.

Any person who shall violate a provision of this chapter or fail to comply therewith or with any of the provisions thereof, or violate a detailed statement or plans submitted approved thereunder, shall be deemed in violation of section 6-9-70 of the South Carolina Code of Laws, and upon conviction, shall be punished according to law as stipulated in such section.

This penalty provision needs to be deleted for two reasons: 1) Section 6-9-70 of the State Code has been removed and no longer exists, and 2) we already have a penalty provision for Chapter 6 that is contained in Article XII. Therefore, an amended ordinance is attached for your consideration. The change can be found on pp. 4-5.

Richland County Council Request of Action

Subject

Request to purchase property in Lower Richland with Hospitality Tax funds for tourism-related activities [**PAGES 159-160**]

Purpose

Committee Recommendation

Council Action (First Reading)

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item No

On Agenda For Public Hearing No

Richland County Council Request for Action

Subject: Purchase of Property In Lower Richland for Tourism-Related Activities

A. Purpose

Council is requested to consider a motion made by Councilman Norman Jackson regarding the purchase of property.

B. Background / Discussion

At the Special Called Council Meeting on January 22, 2009, Councilman Norman Jackson made a motion to purchase property in Lower Richland with Hospitality Tax funds for tourism-related activities. This item was forwarded to the February D&S Committee meeting.

C. Financial Impact

No financial information was provided at the time the motion was made other than the proposed funding source.

D. Alternatives

1. Direct staff to pursue the purchase of a specific piece of property in Lower Richland with Hospitality Tax funds for tourism-related activities.
2. Direct staff to pursue the purchase of property in Lower Richland for tourism-related activities after undertaking a comprehensive assessment to determine the need for the property, and its stated use(s).
3. Do not pursue the purchase of property in Lower Richland for tourism-related activities at this time.

E. Recommendation

This request is at council's discretion.

Recommended by: Councilman Norman Jackson, January 22, 2009 Special Called Council Meeting

F. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 2/12/09

Recommend Approval

- Recommend Denial
- No Recommendation

Comments: There is no recommendation in the ROA to add comment and not enough information provided to make a recommendation.

Legal

Reviewed by: Larry Smith

Date: 2/12/09

- Recommend Approval
- Recommend Denial
- No Recommendation

Comments:

Administration

Reviewed by: Roxanne Matthews

Date: February 18, 2009

- Recommend Approval
- Recommend Denial
- No Recommendation

Comments: The purchase of property in Lower Richland for tourism-related activities is a policy decision of Council. No Hospitality Tax funds are currently designated for this purpose. Further, staff would need direction as to the desired acreage, preferred location(s), recommended uses, etc. in order to proceed with determining appropriate sites for this use.

Richland County Council Request of Action

Subject

- Historic Columbia Foundation-1
- Internal Audit Committee-1

Purpose

Committee Recommendation

Council Action (First Reading)

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item No

On Agenda For Public Hearing No

Richland County Council Request of Action

Subject

Accommodations Tax Committee-4 [PAGES 163-166]

Purpose

Committee Recommendation

Council Action (First Reading)

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item No

On Agenda For Public Hearing No



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

Applicant must reside in Richland County.

Name: Sherry Walters

Home Address: 313 Windsor Brook Road

Telephone: (home) (803) 462-0222 (work) (803) 821-3411

Office Address: 2463 Augusta Highway

Email Address: sawalters@lexington1.net

Educational Background: BS., MAT in Business, Ed.D. Educational Administration

Professional Background: Family and Consumer Sciences teacher; Assistant Principal

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

Name of Committee in which interested: Accommodations Tax Committee

Reason for interest: I have been on this committee for the past two years, I have learned a great deal about the importance of the various sales taxes and how they can be used to benefit the tourism industry.

Your characteristics/qualifications, which would be an asset to Committee/Board/ Commission: I have served on the committee for two years and feel that my knowledge of the committee's purpose and function would enable me to continue to assist other committee members in allocating current funds.

Presently serve on any County Board/Commission/Committee? Accommodations Tax Committee

Any other information you wish to give? I have enjoyed serving on the committee for the past two years and feel that because of the knowledge I have gained I could do an even better job during this term.

Recommended by Council Member(s): _____

Hours willing to commit each month: 20-30

CONFLICT OF INTEREST POLICY



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

Applicant must reside in Richland County.

Name: JAMES L. Williams (Jimmy)
Home Address: 50 Foot Point Road
Telephone: (home) 803-787-2000 (work) 803-513-3401 (cell)
Office Address: 1036 Market Street Columbia
Email Address: Jimmy W e lizards thicket .com
Educational Background: Some College (USC)
Professional Background: _____
Male Female Age: 18-25 26-50 Over 50
Name of Committee in which interested: Richland County Accommodation Tax
Reason for interest: Restaurant Business

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

Good business sense, fair

Presently serve on any County Board/Commission/Committee? Yes 2 years

Any other information you wish to give? _____

Recommended by Council Member(s): _____

Hours willing to commit each month: 5

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.

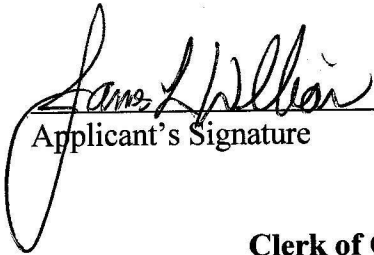
Any person who willfully files a false or incomplete statement of disclosure or no change of condition, or who willfully fails to make any filing required by this article, shall be subject to such discipline, including censure and disqualification from the Board or Commission, as the County Council,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

2-25-09
Date

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

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

Applications are current for one year.

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

Richland County Council Request of Action

Subject

Airport Commission-1 [PAGES 168-173]

Purpose

Committee Recommendation

Council Action (First Reading)

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item No

On Agenda For Public Hearing No



RECEIVED

09 FEB 24 AM 9:49

RICHLAND COUNTY ADMINISTRATORS OFFICE

APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION

Applicant must reside in Richland County.

Name: BRUCE K. COLE
Home Address: 309 W. TRENTON RD., FOREST ACRES, SC 29206
Telephone: (home) 803-787-0361 (work) 803-705-4457
Office Address: 1201 MAIN ST., SUITE 1980, COLUMBIA, SC 29201
Email Address: BRUCECOLE@ISLC.NET
Educational Background: AB ECONOMICS, MS ACCOUNTING, MBA
Professional Background: CERTIFIED PUBLIC ACCOUNTANT, REAL ESTATE BROKER
Male [checked] Female [] Age: 18-25 [] 26-50 [] Over 50 [checked]
Name of Committee in which interested: RICHLAND COUNTY AIRPORT COMMISSION
Reason for interest: COMMUNITY SERVICE

Your characteristics/qualifications, which would be an asset to Committee/Board/ Commission: KNOWLEDGE OF REAL ESTATE MARKETS; FAMILIARITY WITH BEST BUSINESS PRACTICES

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

Any other information you wish to give?

Recommended by Council Member(s): JIM MAUNING

Hours willing to commit each month: 10 - 20 HOURS

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

2-23-09
Date

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

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

Applications are current for one year.

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

Bruce K. Cole, CPA
Resume

309 North Trenholm Road, Forest Acres, SC 29206
Tel: 803/738-8989 • Email: brucecole@islc.net

Statement: HARVARD-EDUCATED FINANCIAL PROFESSIONAL WITH 20+ YEARS OF PROVEN EXCELLENCE AND COMMUNITY SERVICE. I worked at the executive level with best-in-class publicly traded and non-profit organizations developing and implementing strategic initiatives and ensuring accountability. I seek a position on the Board of Directors of a corporation or not-for-profit organization.

Employment History:

Palmetto Realty Advisors, LLC, 1201 Main St., Columbia, SC 29201. June 2004 to Present.

Managing Director/Broker-In-Charge.

PRA provides real estate brokerage, asset management and advisory services to government, institutional, and non-profit organizations.

Accomplishments:

- Currently consult with the SC Budget and Control Board to implement state's first facilities planning process to minimize occupancy costs across all agencies.
- Won contract to research the African American business community's needs for financial and technical assistance within a seven county region of central South Carolina.
- Under d/b/a Atlantic Coast Realty Advisors, LLC, advised a bi-partisan, legislative committee convened by Governor Mitt Romney and Boston Mayor Thomas Menino to keep the Hynes Convention Center in Boston and eliminate state subsidy; developed process to analyse and resolve financial and stakeholder issues created by governor's recommendation to sell the convention center.
- Performed financial audits of real estate limited partnerships in failing community development corporation.

Benedict College/Allen University, Columbia, SC 29204. August 2006 to Present.

Professor

Benedict College and Allen University are the oldest historically black colleges in the State of South Carolina; I teach Economics, Real Estate, Finance, Money and Banking, Strategy and Accounting for 500 business majors.

Accomplishments:

- As interim chair of Allen University's Business Department, I developed curricula for new finance, accounting and real estate concentrations.
- As Director of Community Development at Allen University, I created a plan to support owners of abandoned property in repairing their buildings and creating additional affordable housing.
- Chair, Judiciary Committee. Handled disciplinary cases related to student behavior on and off campus.
- Proposed state bill to create receiverships to help rehabilitate and lease unsafe properties.
- Authored three case studies on Columbia, SC-based companies.

Boston Rental Property Association, Inc., 10 John Elliott Square, Boston, MA. April 2002 to July 2006.

Founder/President.

Developed the first non-profit, non-partisan organization, representing the interests of the 30,000 rental property owners who lived and worked in Boston, growing paid membership to more than 300.

Accomplishments:

- Under d/b/a Greater Boston Housing Trust raised \$4 million to finance and provide project management services to help rental property owners restore abandoned multi-family buildings;
- Testified before Boston City Council regarding ordinances and legislation affecting Boston landlords.
- Provided more than 60 training and networking events to landlords in the Greater Boston Area.
- Published monthly newsletter distributed to more than 1,000 landlords and government decisionmakers.

Employment History (cont.):

John Hancock Financial Services, Inc. 200 Clarendon St., Boston, MA. July 1999 to March 2002.

Executive Consultant.

John Hancock is one of the top 10 life insurance carriers in the United States, with subsidiary operations in mutual funds and real estate; led team of seven to examine all departments and product lines in order to capture permanent savings of \$150 million, facilitate the company's demutualization and enable a \$7 billion initial public offering.

Accomplishments:

- Reengineered business processes to achieve higher levels of productivity across the corporation.
- Provided training in the application of benchmarking techniques to line managers to help eliminate/contain costs.
- Performed analysis to support sale of money losing 401K administration unit to competitor resulting in \$10 million in savings.
- Negotiated savings of \$20 million with General Counsel's organization.

Boston Public Library. 700 Boylston Street, Boston, MA. December 1997 to June 1999.

Chief Financial Officer.

The Boston Public Library is America's first free public library. As the agency's senior financial executive, I had overall responsibility for its budget, management of its resources and reporting of results to its Board of Trustees and the Board of the Boston Public Library Foundation. With a team of three direct reports and 15 administrative professionals I was responsible for accounting, treasury, logistics and procurement; administered a \$30 million operating budget, supported by a \$15 appropriation from the City, \$10 million from the Commonwealth, and an income stream from \$40 million endowment.

Accomplishments:

- Repositioned \$40 million endowment with fund managers producing greater earnings and accountability;
- Designed new accounts and processes to produce the first departmental budget and GAAP financial statements;
- Coordinated technology migration for 500 employees to PeopleSoft platform from legacy accounting system;
- Led \$20 million renovation of landmark McKim Building; created capital plan for 27 branches;

Subscriber Technologies, Inc., 47 Post Street, San Francisco, CA. March 1989 to November 1997.

Consultant/Founder.

We helped investors launch new ventures in Silicon Valley by designing and implementing new business models, operating processes and financial structures. Helped clients successfully secure funding for start-up companies.

Accomplishments:

- ESL, Inc./TRW, Inc. Trained engineers to develop effective business plans. Raised private funds for business concepts using defence technology. Helped TRW earn 200% return on its \$7.5 million investment in cell phone fraud venture with Kleiner Perkins; winner of TRW Innovation Award including 1,500 shares of stock;
- NASA Ames Incubator. Helped raise \$30 million for innovative NASA-Ames technology-based applications;
- Interactive Network, Inc. Worked with founders to build new interactive television venture financed by consortium led by NBC and Dunn & Bradstreet resulting in a successful initial public offering;
- Douglas Broadcasting, Inc. As interim CFO, I helped entrepreneur raise several rounds of debt financing for three-radio station leveraged buyout; helped launch radio format based on motivational programming and purchased station out of bankruptcy.
- Pacific Telecom, Inc. Trained 200 procurement professionals in financial strategies. Developed new telecom software procurement process, helping make merger target Pacific Telecom a low-cost competitor, saving client \$100 million;
- NSD, Inc. Developed national marketing plan for document management software company (including trade shows, direct mail campaign and magazine advertising).

Employment History (cont.):

AT&T, 52 Mt. Kemble Ave., Morristown, NJ. July 1985 to March 1989.

Manager

AT&T was the world's largest telecommunications service provider. Ran a \$50 million international product line, managed the renegotiation of \$100 million in communications facilities contracts in the Western States and led a service team of 75 technicians and 5 managers to support the equipment requirements of San Francisco's leading commercial clients.

Accomplishments:

- As Transit Product Manager, I coordinated the development of new international switch software, increasing billable service usage by 15%; Personally renegotiated sales agreements with The Bahamas, Brazil, Ecuador and Venezuela; increased team productivity by 150%; launched new international promotional campaign offering multi-currency payment plans.
- As Finance Manager with a team of 16, I cut \$100 million in facility costs and negotiated \$10 million in new lease revenue;
- Supported major client relationships in San Francisco including Bechtel Engineering, Bank of America and the National Football League's San Francisco 49er's;
- Negotiated with union to layoff 50 technicians as AT&T repositioned its PBX customer support segment.

Other Experience:

Peat Marwick Mitchell, New York, NY. June 1981 to June 1983. **Auditor**

Ran audits for Big 8 Accounting firm clients.

Abt Associates, Inc., Cambridge, MA. May 1978 to May 1980. **Policy Analyst**

Designed and assessed the impact of federal agency initiatives for leading social policy research firm.

Dun & Bradstreet, Inc. Boston, MA. June 1977 to May 1978. **Business Analyst**

Produced analyses on target companies for leading publisher of business information.

Political Participation

- Elected Richland Country Delegate to South Carolina Democratic Convention. Ran unsuccessfully for Obama delagate seat at national Democratic Convention. June 2008
- Co-Founder of Forest Acres Collective Efforts (FACE). 2008. FACE is a grass-roots effort to develop the Democratic Party in the 10 historically Republican precincts of Forest Acres, SC. Organization sponsored training and phone-bank activities and launched the successful campaign of Jim Manning for county council.
- Made home available as Democratic Neighborhood Headquarters for East Forest Acres precinct.
- Treasurer for the Ahimsa Sumchai campaign for San Francisco Community College Board 1995
- Elected as At-Large Representative to board of Cable Communications Cooperative of Palo Alto, Inc. 1992

Information Technology Experience:

- Mastery of MS Office products and a range of general ledger and corporate budgeting software (e.g., Excel, MS Word, MS Project, MAS 90, MRI, Great Plains, GEAC and Hyperion);
- Led migration from legacy systems to PeopleSoft enterprise platform for Boston Public Library. Affected 500 people in 20 departments;
- Developed systems-level procurement strategy for major telecommunications provider. Saved company an estimated \$100 million over 5-year period;
- Implemented software system development program at John Hancock Financial services to contain costs and ensure capture of projected savings of \$20 million.

Professional Credentials:

- Certified Public Accountant, licensed in the State of New York, since 1983
- Licensed Real Estate Broker, South Carolina, Georgia
- Licensed Real Estate Salesperson, Massachusetts
- Securities Licenses, Series 7, 63

Publications:

- Anatomy of a Financial Crisis (book in progress)
- “County Tax Sales Do More Harm Than Good”, The State, Guest Column, November 2008.
- “Software Cost Estimation.” Study prepared for Southwestern Bell Corporation, July, 1997.
- “Document Management Systems”, Interact Magazine, September 1996
- Business Information Services: Build Your Organization with Interactive Technology, Diaspora Press, 1990.
- Numerous magazine features, newspaper columns and presentations.

Civic Activities:

- Benedict-Allen Community Development Corporation, Columbia, SC. 2006 – Present; **Member, Board of Directors**. Serve on finance and audit committee; provided advisory services to small businesses seeking financial support from CDC’s micro-loan fund and US Department of Agriculture.
- Boston Architectural College, Boston, MA. 2002 - Present **Overseer**. The BAC is America’s leading professional architectural institution featuring an open enrollment policy. As member of finance committee, I developed benchmarking technique to inform the school’s strategic planning process.
- Urban Land Institute, Columbia, SC. 2003 – Present. **Member**. The world’s largest colloquium of leaders in real estate development.
- National Association of Black Accountants, Columbia, SC. 1981 – Present. **Member**. Premier professional association for African-American accounting professionals. Provided key-note presentation at 2007 regional conference in Atlanta, GA.
- Nuestra Comunidad Community Development Corporation, Boston, MA. 2002 – 2006. **Past Treasurer**. With more than 500 affordable housing units and 50,000 square feet of retail and commercial space developed and/or managed, Nuestra is one of the premier CDC’s in the United States. Served on team that negotiated details to merge failing CDC with Nuestra.
- Young Achievers Math & Science Pilot School, Boston, MA. 2004 – 2006. **Past Co-chair, School Site Council**. Young Achievers is a successful example of the Boston Pilot School initiative, providing local discretion in budget choices, work rules and teaching methods to produce a high performance public school environment.
- Stanford Business School Alumni Association, Boston Chapter. 2000 – 2003. **Past President**. Revived local alumni chapter, hosting series of monthly educational and family-oriented events.
- Freedom House, Inc., Boston, MA. 1998 – 2002. **Past Chair**. One of America’s leading community-based, social advocacy organizations. Led launch of conference to train teenage girls in life skills based on research by Dr. Deborah Prothrow-Stith of Harvard School of Public Health on teen girl violence.
- Palo Alto Cable Co-operative, Inc., Palo Alto, CA. 1990 – 1993. **Past Board Member (elected city-wide), Chair, Marketing Committee**. America’s first cable television service provider co-operatively owned by its subscribers. Helped guide the company through a \$22 million debt restructuring and the eventual sale to a major cable television carrier.
- St. Paul AME Church, Berkeley, CA. 1988 -1994. **Past Member of Board of Trustees**. Helped guide church through construction and refinancing of new sanctuary to repair damage caused by Loma Prieta earthquake.

Education:

Stanford University, Stanford, CA, **MBA** 1985. Studied under Nobel Laureate William Sharpe.

Northeastern University, Boston, MA, **MS Accounting** 1981

Harvard University, Cambridge, MA, **AB Economics** 1977. Studied under Nobel Laureate Wasily Leontief.

Richland County Council Request of Action

Subject

Board of Assessment Control-1 [PAGES 175-176]

Purpose

Committee Recommendation

Council Action (First Reading)

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item No

On Agenda For Public Hearing No



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

Applicant must reside in Richland County.

Name: Lisa K. McCloud

Home Address: 125 Thorn Tree Lane Columbia SC 29212

Telephone: (home) 803-612-7565 (work) 803-896-8879

Office Address: S.C. Forestry Commission 5500 Broad River Rd, Columbia SC 29212

Email Address: lisamccloud@att.net

Educational Background: Master's Degree - Human Resources; Bachelor's Degree - Psychology

Professional Background: Human Resources

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

Name of Committee in which interested: Board of Assessment Control

Reason for interest: I am interested in contributing to the effective operation and growth of the County.

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

Skills developed from human resources field: establishing + administering policies + rules in a fair + consistent manner; problem resolution; analytical thinker; detail-oriented

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

Any other information you wish to give? -

Recommended by Council Member(s): _____

Hours willing to commit each month: 5

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.

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

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

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

Yes _____

No X _____

If so, describe: _____

Lisa K McClard
Applicant's Signature

2/24/09
Date

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

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

Applications are current for one year.

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

Richland County Council Request of Action

Subject

Employee Grievance Committee-2 [PAGES 178-179]

Purpose

Committee Recommendation

Council Action (First Reading)

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item No

On Agenda For Public Hearing No



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

Name: Betty A. Etheredge
Home Address: 264 Nurnberg Drive, Batesburg-Leesville, SC 29070
Telephone: (home) 803-657-7515 (work) 803-576-2161
Office Address: 2020 Hampton St., Columbia (Planning Dept.)
Email Address: etheredgeb@rcgov.us
Educational Background: Associates in Art, Art Institute of Atlanta
Professional Background: GIS Professional for over 20 years
Male Female Age: 18-25 26-50 Over 50
Name of Committee in which interested: Grievance Committee
Reason for interest: I wish to be reappointed to the committee.

Your characteristics/qualifications, which would be an asset to Committee/Board/ Commission:
3 years experience on the grievance committee

Presently serve on any County Board/Commission/Committee? yes, Grievance
Any other information you wish to give? _____
Recommended by Council Member(s): _____
Hours willing to commit each month: 10-15

CONFLICT OF INTEREST POLICY

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STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

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

Yes _____ No ✓ _____

If so, describe: _____

Bettina A. Theredge Jan. 28, 2009
Applicant's Signature Date

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

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

Applications are current for one year.

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

Richland County Council Request of Action

Subject

Hospitality Tax Committee-2 [PAGES 181-184]

Purpose

Committee Recommendation

Council Action (First Reading)

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item No

On Agenda For Public Hearing No



APPLICATION FOR SERVICE ON RICHLAND COUNTY
COMMITTEE, BOARD OR COMMISSION

Applicant must reside in Richland County.

Name: Eddie Green
Home Address: 3 Black Pine Ct Columbia, SC 29229
Telephone: (home) (803) 419-8463 (work) (803) 463-3456
Office Address: _____
Educational Background: B.S. Retail Management USC
Professional Background: Chef
Male Female Age: 18-25 26-50 Over 50
Name of Committee in which interested: Hospitality Tax
Reason for interest: Interested in sharing thoughts and ideas
concerning hospitality tax usage.
Your characteristics/qualifications, which would be an asset to Committee/Board/ Commission:
Over 20 years of experience in the retail and hospitality
industry.
Presently serve on any County Board/Commission/Committee? No
Any other information you wish to give? _____
Recommended by Council Member(s): Kelvin Washington
Hours willing to commit each month: As needed

CONFLICT OF INTEREST POLICY

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STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

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

Yes _____

No _____

If so, describe: _____


Applicant's Signature

2/24/09
Date

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

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

Applications are current for one year.

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



APPLICATION FOR SERVICE ON RICHLAND COUNTY COMMITTEE, BOARD OR COMMISSION

Applicant must reside in Richland County.

Name: Derrick W. Williams
Home Address: 11628 Congress Road, Eastover, SC 29044
Telephone: (home) (803) 783-9766 (work) (803) 446-7225
Office Address: 5818 Monticello Road, Coler, SC 29223
Educational Background: High School Graduate
Professional Background: Executive Chef for over 20 years

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

Name of Committee in which interested: Hospitality Tax Committee

Reason for interest: I want to assist in guiding how this tax can assist and build growth in this industry in SC

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

I am a chef, caterer, and restaurateur. My 20 years as a chef and business owner would be available in helping to improve the great state of South Carolina

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

Any other information you wish to give? N/A

Recommended by Council Member(s): N/A

Hours willing to commit each month: any hours required

CONFLICT OF INTEREST POLICY

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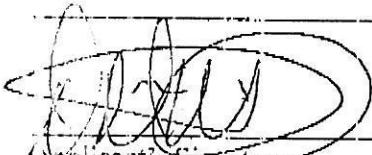
Any person who willfully files a false or incomplete statement of disclosure or no change of condition, or who willfully fails to make any filing required by this article, shall be subject to such discipline, including censure and disqualification from the Board or Commission, as the County Council,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

2/24/09
Date

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

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

Applications are current for one year.

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

Richland County Council Request of Action

Subject

Richland Memorial Hospital Board-1 [PAGES 186-191]

Purpose

Committee Recommendation

Council Action (First Reading)

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item No

On Agenda For Public Hearing No



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

Applicant must reside in Richland County.

Name: George S. King, Jr

Home Address: 2829 Sheffield Rd., Columbia, SC 29204

Telephone: (home) 765-2375 (work) 231-3542

Office Address: 520 Gervais St., Columbia, SC 29201

Educational Background: Undergraduate degree in Economics – University of Virginia; MBA from University of South Carolina

Professional Background: 20 years in the financial services industry (banking and investments)

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

Name of Committee in which interested: Board of Trustees – Richland Memorial Hospital

Reason for interest: I have lived in Columbia for 30 years, served previously as a Board Member at the hospital and have a strong desire to serve my community and to help the hospital.

Your characteristics/qualifications, which would be an asset to Committee/Board/ Commission: Having previously served on the Cancer Center Board and given both my professional and educational background in economics and finance, I feel I could effectively serve the hospital and community during these challenging economic times.

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

Any other information you wish to give? Current employment – SVP for investment services at SCBT.

Recommended by Council Member(s): Greg Pearce

Hours willing to commit each month: 5+ hours

CONFLICT OF INTEREST POLICY

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STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

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

Yes _____ No _____

If so, describe: _____

 _____
Applicant's Signature
2/19/09
Date

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

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

Applications are current for one year.

Staff Use Only	
Date Received: _____	Received by: _____
Date Sent to Council: _____	
Status of Application: <input type="checkbox"/> Approved <input type="checkbox"/> Denied <input type="checkbox"/> On file	Item# 36

2



APPLICATION FOR SERVICE ON RICHLAND COUNTY
COMMITTEE, BOARD OR COMMISSION

Applicant must reside in Richland County.

Name: Charles E. Ottott
Home Address: 2 Woodlands Ridge Court
Telephone: (home) 803.315.4695 (work) 803.763.8066
Office Address: 17 Technology Cir Columbia SC 29203
Educational Background: Master of Science (see attached)
Professional Background: Healthcare - Information Systems
Male Female Age: 18-25 26-50 Over 50
Name of Committee in which interested: Richland Memorial Hospital Board
Reason for interest: Would love to serve my community

Your characteristics/qualifications, which would be an asset to Committee/Board/ Commission:
See attachments page two.

Presently serve on any County Board/Commission/Committee? NO
Any other information you wish to give? _____
Recommended by Council Member(s): _____
Hours willing to commit each month: 40

CONFLICT OF INTEREST POLICY

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STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

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

Yes _____

No _____

If so, describe: _____

Charles D. Bell
Applicant's Signature

16 Feb 2009
Date

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

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

Applications are current for one year.

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

EDUCATION

M.S., Management of Computer Information Systems, Strayer University, Washington, DC
B.S., Management of Computer Information Systems, Park College, Parkville, MO
A.S., Computer Science, Park College, Parkville, MO
A.S., Management Technology, Austin Peay University, Clarkville, TN
A.S., Computer Science, Midlands Technical College, Columbia, SC
A.S., Telecommunication Systems Management, Midlands Technical College, Columbia, SC

Certificate

Information Systems Network,
Midlands Technical College, Columbia, SC

Application Programming,
Midlands Technical College, Columbia, SC

Enterprise Systems,
Midlands Technical College, Columbia, SC

Fundamentals of Life and Health Insurance,
Life Office Management Association Inc., Atlanta, GA

Designation

Fellow, Life Management Institute (FLMI),
Life Office Management Association Inc., Atlanta, GA

Professional, Academy for Healthcare Management (PAHM),
Academy Healthcare Management, Washington, DC

Associate, Customer Service (ACS),
Life Office Management Association Inc., Atlanta, GA

Professional Education

Have completed Certification Exam in:

Healthcare Management
Academy Healthcare Management, Washington, DC

Medical Management in Managed Cared Organizations
Academy Healthcare Management, Washington, DC

Healthcare Network Management
Academy Healthcare Management, Washington, DC

Healthcare Plan Finance and Risk Management
Academy Healthcare Management, Washington, DC

Healthcare Governance and Regulation
Academy Healthcare Management, Washington, DC

Charles E. Offutt

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

I am team player.

I have a working knowledge of how external and internal legal and regulatory requirement and accreditation standard influences medical management, purchaser, provider and plan member decision about healthcare.

Richland County Council Request of Action

Subject

Electronic Participation **[PAGE 193]**

Purpose

Committee Recommendation

Council Action (First Reading)

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item

No

On Agenda For Public Hearing

No

PROPOSED AMENDMENT TO COUNCIL RULES

Rule 1.6 (Quorum); 5.21 (Voting) Electronic Participation

During any Special Called Meeting, not held in conjunction with a regularly scheduled Zoning Public Hearing and Planning Meeting or Regular Session Council meeting any Council member may participate in the meeting via electronic participation and be counted as present for the purposes of a quorum. However, five Council members must be physically present to hold ~~schedule~~ a Special Called Meeting.

Any Council member participating electronically shall not be allowed to participate in executive session matters. Should an executive session be held, a council member participating electronically may choose to abstain from a vote on the issue discussed in executive session.

For the purposes of this section, “electronic” participation shall mean videoconferencing or teleconferencing which allows all persons participating in the meeting to hear and/or see each other at the same time.

Electronic participation shall only be allowed in a Special Called meeting of Council.

Richland County Council Request of Action

Subject

REPORT OF THE BOND REVIEW COMMITTEE

- a. Financial Policies [**PAGES 195-204**]

Purpose

Committee Recommendation

Council Action (First Reading)

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item No

On Agenda For Public Hearing No

Richland County Financial Policies

Richland County Council is accountable to its citizens for the use of public dollars. Our resources must be used wisely to ensure adequate funding for the services, public facilities and infrastructure necessary to meet the community's present and future needs. Therefore the following financial policies have been adopted by County Council and are intended to:

- ❑ Establish the framework for fiscal planning and management.
- ❑ Set guidelines against which current budgetary performance can be measured
- ❑ Create a standard evaluation of proposals for future programs.
- ❑ Identify decisions that will achieve the financial stability required to accomplish the County's goals and objectives.
- ❑ Improve the County's fiscal stability by helping County Council plan fiscal strategy with a consistent approach.
- ❑ Correspond to provisions found in the State statues and complement professional standards established by GASB and GFOA.

While the adopted policies are a guide to decision-making, results will be determined based on level of compliance. Adherence to the adopted financial policies will promote sound consistent management, which can lead to improved financial stability and lower cost of capital for the County. The policies are organized in three major sections: Financial Planning Policies, Revenue Policies, and Expenditure Policies

1) Financial Policies

- A. Balanced Budget
- B. Long-Range Planning
- C. Asset Inventory

2) Revenue Policies

- A. Revenue Diversification
- B. Fees and Charges
- C. Use of One-Time Revenues
- D. Use of Unpredictable Revenues

3) Expenditure Policies

- A. Debt Capacity, Issuance, and Management
- B. Reserve Accounts
- C. Operating/Capital Expenditure Accountability

Richland County Financial Policies

Financial Policies

A. Balanced Budget

The County will live within its means. All departments supported by the resources of this County must function within the limits of the financial resources identified or available specifically to them.

1. The County shall annually adopt a balanced budget where operating revenues are equal to operating expenditures. Budgets will not exceed available resources, defined as revenues generated in the current period added to balances carried forward from prior years.
2. Balanced revenue and expenditure forecasts will be prepared to examine the County's ability to absorb operating costs due to changes in the economy, service demands, and capital improvements. The forecast will be updated annually, focus on a three-year horizon, but include a five-year outlook.
3. Current General Fund expenditures and subsidy appropriations are to be made against current revenue sources and not dependent upon uncertain reserves or fluctuating prior cash balances.
4. Special Revenue Funds are supported by special levies and fees, etc. Expenditures in these funds are strictly limited to the mandates of the funding source. Special Revenue Funds are not to be used to subsidize other funds nor be subsidized by other funds, except as required or permitted by program regulations.

5. Enterprise Funds are expected to be self-supporting entities through revenue generated from charges and user fees. The County will conduct annual reviews of its fee structure, charges for services, and other operating revenues and expenditures.
6. Current operating results for all funds shall be reviewed annually during the budgeting process. Recommended revenues and/or expenditures shall be adjusted for any expected or realized negative operating results in the current budget process. If the result is all be restored to the appropriate level prior to

B. Long-Range Planning - Capital Management Policies

1. A five-year Capital Improvement Plan will be developed and updated annually including anticipated funding sources. Capital improvement projects are defined as infrastructure or equipment purchases or construction which results in a capitalized asset costing more than \$50,000 and having a useful (depreciable) life of four years or more.
 - i. The capital improvement plan will include, in addition to current operating maintenance expenditures, adequate funding to support repair and replacement of deteriorating infrastructure and avoidance of a significant unfunded liability.

Richland County Financial Policies

- ii. Proposed capital projects will be reviewed and prioritized by a cross-departmental team regarding accurate costing (design, capital, and operating) and overall consistency with the County's goals and objectives. Financing sources will then be identified for the highest ranking projects prior to request for approval.
 - iii. The County will maintain or increase the use of pay-as-you-go funding, and will avoid the use of long-term debt for small projects (less than \$100,000) or those with a useful life of less than 20 years.
 - iv. The first year of the five-year CIP will be the basis for the fiscal year appropriations during the annual budget process. If new project needs arise during the year, a mid-year budget ordinance identifying both the funding sources and project appropriations will be utilized to provide formal budgetary authority for the subject projects.
 - v. Any excess funds available once the project scope has been completed will first be utilized to pay down the associated debt service. Other uses may be considered but will require the re-appropriation by council for additional projects.
 - vi. A project monitoring team chaired by a representative from County Administrator's office and including all project managers for active projects will periodically review progress, issue progress reports, and coordinate new project resolutions and ordinances with the Budget Office during the fiscal year.
2. Dedicated two tenths of percent (.2%) road maintenance fee revenue for county road paving improvement program will be restricted to funding the planning, design, construction and acquisition costs associated with building, renovating, or enhancing capital projects for streets, highways, traffic control, and transportation improvement operating costs.
 3. Pay-as-you-go Capital Improvement Plan financing should account for a minimum of 25 percent of all capital improvement projects for each five-year planning period. Pay-as-you-go financing is defined as all sources of revenue other than County debt issuance, i.e., fund balance contributions, developer contributions, grants, endowments, etc.
- c. **Asset Inventory**
No current policy statement

Richland County Financial Policies

Revenue Policies

A. Revenue Diversification

The County will strive to diversify its revenues in order to maintain needed services during periods of declining economic activity through the following practices.

1. Budget development will use strategic multi-year fiscal planning, conservative revenue forecasts, and modified zero-base expenditure analysis that requires every program to be justified annually in terms of meeting intended objectives ("effectiveness criteria") and in terms of value received for dollars allocated ("efficiency criteria"). The process will include a diligent review of programs by staff, management and County Council.
2. Revenues will not be dedicated for specific purposes, unless required by law or generally accepted accounting practices (GAAP). All non-restricted revenues will be deposited in the General Fund and appropriated by the budget process.
3. Current revenues will fund current expenditures and a diversified and stable revenue system will be developed to protect programs from short-term fluctuations in any single revenue source.

B. Fees and Charges

1. Enterprise (Water, Sewer, Solid Waste Management, Parking, and Airport) user fees and charges will be examined annually to ensure that they recover all direct and indirect costs of service and be approved by the County Council. Any unfavorable balances in cost recovery will be highlighted in budget documents. Rate adjustments for enterprise operations will be based on three-year financial plans.

C. Use of One-Time/Unpredictable Revenues

1. The County will use one-time revenue to fund one-time expenditures; they will not be used to finance ongoing programs.

Richland County Financial Policies

Expenditure Policies

A. Debt Capacity, Issuance, and Management Policies

1. The net debt of the County is statutorily limited to eight percent of the assessed valuation of taxable property within the County. The County will utilize a self-imposed ceiling of 6%.
2. The County will seek to maintain and, if possible, improve our current bond rating in order to minimize borrowing costs and preserve access to credit.
3. The County will not use long-term debt to finance current operations. Long-term borrowing will be confined to capital improvements or similar projects with an extended life when it is not practical to be financed from current revenues.
4. Debt payments shall not extend beyond the estimated useful life of the project being financed. The County will keep the average maturity of general obligation bonds at or below twenty years, unless special circumstances arise warranting the need to extend the debt schedule to twenty-five years.
5. Every project proposed for financing through general obligation debt should be accompanied by a full analysis of the future operating and maintenance costs associated with the project.
6. An analysis showing how the new issue combined with current debt impacts the County's capacity and conformance with County debt policies will accompany every future bond issue proposal.
7. All County debt service fund balances shall maintain a level to cover eighteen months of required expenditures to service debt.
8. County Debt Service costs should not exceed 25% of the County's operating revenue in order to control fixed costs and ensure expenditure flexibility. Special Purpose Districts' debt service is not included in this calculation because it is paid by district property owners.
9. Debt financing should not exceed the useful life of the infrastructure improvement with the average bond maturities at or below ten years.
10. A ratio of current assets to current liabilities of at least 2/1 will be maintained to ensure the County's ability to pay short-term obligations. (The current ratio is the ratio of current unrestricted assets to current liabilities)
11. The county auditor will prepare a schedule of funds required, by bond or note category, to meet bond principal and interest requirements for the ensuing year. This schedule will be made available to the county administrator, in accordance with the budget calendar adopted by council.
12. Enterprise Fund projects are formulated and undertaken on a self-sustaining basis; no General Obligation capacity shall be obligated for enterprise projects. The exception will be when it is determine that the County may

Richland County Financial Policies

- received a cost benefit by issuing GO bonds. In all cases, those issues will be backed by the revenue of the system.
13. All interest earned from bond proceeds or other capital projects funding will be limited to use toward funding changes to the bond financed Capital Improvement Plan, as approved by County Council or transferred to debt service and used to reduce the terms of payback. Interest funds should not be used to expand the scope of a project.

B. Reserve Funds / Stabilization Funds

GFOA recommends that “Governments should maintain a prudent level of financial resources to protect against reducing service levels or raising taxes and fees because of temporary revenue shortfalls or unpredicted one-time expenditures.” Therefore the following guidelines on stabilization funds are used in financial planning for the County operating budget:

1. **General Fund:** The minimum undesignated General Fund balance should be maintained at a level sufficient to maintain a prudent level of financial resources to protect against reducing service levels or raising taxes and fees because of temporary revenue shortfalls or unpredicted one-time expenditures. As a financial goal, the General Fund balance for GASB 34 Reporting purposes should equal a minimum of 20% and maximum of 35% of the total audited General Fund expenditures for the previous fiscal year. The cash portion of the reported General Fund

balance should equal at least 4 months (\$28M) operating expenditures. Currently, General Fund operating expenditures average \$7.1M per month. These funds are needed in the County’s general operating cash account for the purpose of funding the County’s operations throughout the fiscal year.

Any General Fund balance determined to be in excess of the financial goals for fund balance and for investment strategies may be available for expenditure, but only under specific qualifications. These qualifications include uses for one-time capital and special project costs and should never be used to fund operating costs. One-time capital and special projects should be carefully considered to insure that they add to the efficiency, development or cost effectiveness of the County. Unpredicted, one-time expenditures directly caused by and related to natural or man-made disasters may be considered necessary for prudent use of excess fund balance.

2. **Self-Insurance Reserves** will be maintained at a level, which, together with purchased insurance policies, will adequately indemnify the County’s property, liability, and health benefit risk. A qualified actuarial firm shall be retained on an annual basis in order to recommend appropriate funding levels, which will be approved by Council.

Richland County Financial Policies

- i. Richland County is to be self-funded against tort claim liability and shall not carry an excess liability insurance policy as of July 1, 2005. Funding shall be established through the annual automatic re-budgeting of the County Self Funded account. The amount to be carried forward shall not exceed the unspent portion of the current year appropriation and shall be used only to cover tort liability claims against the County. This shall increase the original appropriated budget and shall not require a separate budget amendment

3. **Enterprise Reserves** will be maintained to meet three objectives: 1) ensure adequate funding for operations; 2) to ensure infrastructure repair and replacement; and, 3) to provide working capital while providing a reasonably level rate change for customers.

A. An undesignated operating reserve will be maintained at a minimum of 60 days not to exceed 90 days of budgeted system operating expenditures to provide sufficient expenditure flexibility based on the current economic environment.

B. Replacement and Extension Reserve will be maintained to meet the minimum requirement of 2% of all tangible assets of the system

to ensure replacement of water and sewer infrastructure.

- c. In addition, Working Capital will be funded based upon a multi-year financial plan to provide adequate cash for water and sewer capital improvements and to level the impact of rate increases upon our customers.

4. **Special Revenue Reserves** will be maintained at a minimum of 60 days not to exceed 90 days of budgeted system operating expenditures to provide sufficient expenditure flexibility based on the current economic environment.

5. **Contingency Reserves** may be determined annually by reserving up to 3% of operating funds in the General Fund to offset unanticipated revenue shortfalls and/or unexpected expenditure increases. Contingency reserves may also be used for unanticipated and/or inadequately budgeted events threatening the public health or safety. Use of contingency funds should be utilized only after all budget sources have been examined for available funds, and subject to County Council approval. These funds if allocated will be restored in the next fiscal year.

6. All fund designations and reserves will be evaluated annually for long-term adequacy and use requirements.

Richland County Financial Policies

c. Operating/Capital Expenditure Accountability

1. All departments will participate in the responsibility of meeting policy goals and ensuring long-term financial health. Future service plans and program initiatives will be developed to reflect current policy directives, projected resources and future service requirements. In order to ensure compliance with policy, sunset provisions will be required on all grant program initiatives and incorporated into other service plans, as appropriate.
2. The budget process is intended to weigh all competing requests for County resources, within expected fiscal constraints. Requests for new, ongoing programs made outside the budget process will be discouraged.
3. Addition of personnel will only be requested to meet program initiatives and policy directives after service needs have been thoroughly examined and it is substantiated that additional staffing will result in increased revenue or enhanced operating efficiencies. To the extent feasible, personnel cost reductions will be achieved through attrition.
4. Grant funding will be considered to leverage County funds. Inconsistent and/or fluctuating grants should not be used to fund ongoing programs. Programs financed with grant monies will

be budgeted in separate cost centers, and the service program will be adjusted to reflect the level of available funding. In the event of reduced grant funding, County resources will be substituted only after all program priorities and alternatives are considered during the budget process.

5. Alternative means of service delivery will be evaluated to ensure that quality services are provided to our citizens at the most competitive and economical cost. Departments, in cooperation with the County Administrator, will identify all activities that could be provided by another source and review options/alternatives to current service delivery. The review of service delivery alternatives and the need for the service will be performed annually or on an "opportunity" basis.
6. The County will follow an aggressive, consistent, but sensitive to the circumstances policy of collecting revenues to the limit of our ability. Collection policy goal will be for all adjusted uncollectible accounts to be no more than .5 of 1% of the total County revenue being adjusted for bad debts annually.

D. Financial Reporting Policies

1. The County's accounting and financial reporting systems will be maintained in conformance with all state and federal laws,

Richland County Financial Policies

- generally accepted accounting principles (GAAP) and standards of the Governmental Accounting Standards Board (GASB) and the Government Finance Officers Association (GFOA).
2. An annual audit will be performed by an independent public accounting firm; with an audit opinion to be included with the County's published Comprehensive Annual Financial Report (CAFR).
 3. The County's CAFR will be submitted to the GFOA Certification of Achievement for Excellence in Financial Reporting Program. The financial report should be in conformity with GAAP, demonstrate compliance with finance related legal and contractual provisions, disclose thoroughness and detail sufficiency, and minimize ambiguities and potentials for misleading inference.
 4. The County's Budget will be submitted to the GFOA Distinguished Budget Presentation Program. The budget should satisfy criteria as a financial and programmatic policy document, as a comprehensive financial plan, as an operations guide for all organizational units and as a communications device for all significant budgetary issues, trends and resource choices.
 5. Financial systems will maintain internal controls to monitor revenues, expenditures, and

program performance on an ongoing basis.

E. Other Policies

1. *Special Revenue Fund - Accommodation Tax*

Certain expenditure policies are dictated by SC Code of Laws, namely:

The first \$25,000 of accommodation tax receipts are transferred, without restriction, to the County's General Fund; the remainder is held in a statutorily defined "tourism promotion fund."

From the "tourism promotion fund", 30% is paid to a non-profit agency or agencies designated by the County for the conduct of an ongoing tourism promotions program; an additional 5.0% is transferred, without restriction, to the County's General Fund; the remainder must be spent for the provision of facilities and services to serve the tourist population, and for the promotion of the arts.

Richland County Financial Policies

County policy provides additionally, that the County shall maintain its portion of accommodation tax receipts identified in #45 above in the “tourism promotion fund” as restricted fund balance to a level of \$100,000 to support cash flow needs of the fund. All funds above the \$100,000 shall be transferred annually to the general fund without restriction.

All Accommodation’s Tax funding provided by Richland County to Outside Agencies shall be recognized as program operating funds and should be applied toward the ongoing operational funding of approved programs and should not be in part or full used to cover debt service payments for past or future program expenditures.

for costs associated the on-going operation.

2. *Enterprise Funds*

- i. All funds shall be supported by their own rates and not subsidized by other funds. Rate structures should include the review and coverage for all debt service requirements and non-cash expenditures (depreciation)
- ii. All funds will pay their fair-share of overhead services provided by the General Fund.

3. *Special Revenue Funds*

- a. All special revenue funds are designed to fully fund the program and shall maintain a fund balance not to exceed 60 days of budgeted system operating expenditures to provide contingency funding

Richland County Council Request of Action

Subject

Strategic Plan [PAGES 206-216]

Purpose

Committee Recommendation

Council Action (First Reading)

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item

No

On Agenda For Public Hearing

No



Richland County

Bringing Citizens and Government Together

MISSION

Richland County Government is dedicated to providing services that are accessible to all residents and improve the quality of life in our community.

VISION

Richland County will be a model community for the state and nation. Our county will be a safe, diverse, and sustainable community, with a thriving economy that provides opportunities for all residents to live, work, learn, and grow.

VALUES

Accessibility Richland County Government will ensure that services are available and accessible to all residents. We will foster an environment that promotes openness and welcomes participation from all members of the community.

Accountability Richland County Government is committed to providing efficient, effective, and responsible public services. We strive to be proactive in our approach, and accountable for our results.

Diversity Richland County Government values the uniqueness of every citizen. We will embrace diversity by promoting an inclusive, multi-cultural environment that serves and respects all residents equally.

Excellence Richland County Government is dedicated to exceeding the expectations of our residents. We will demonstrate our commitment to excellence by providing the highest quality services to all residents on a daily basis.

Vision Richland County Government will be guided by a shared vision for our community. We will learn from our past, but remain focused on our future.

STRATEGIC PRIORITIES

Manage
Growth

Improve Transportation
Infrastructure

Enhance Public
Safety

Promote Economic
Opportunities

Engage the
Community



Richland County Strategic Plan

The Richland County Strategic Plan will serve as a broad policy outline to guide council’s priorities over the next five fiscal years: July 1, 2009 through June 30, 2014. The overall goals and strategies of the plan will be implemented through a series of **annual action plans** developed by council each year (during the annual council retreat) and funded through the county’s annual budget process. The plan will be carried out and evaluated annually by the county administrator and members of Richland County staff to ensure progress toward meeting the council’s desired goals and objectives.

Richland County Council

Bill Malinowski
District 1

Gwendolyn Kennedy
District 7

Joyce Dickerson
District 2

Jim Manning
District 8

Damon Jeter
District 3

Val Hutchinson
District 9

Paul Livingston
District 4

Kelvin Washington
District 10

Kit Smith
District 5

Norman Jackson
District 11

Greg Pearce
District 6

J. Milton Pope
County Administrator

STRATEGIC PRIORITY #1: MANAGE GROWTH

GOAL: Richland County will develop and maintain a well-planned and attractive community that protects the investment of existing residents and businesses while balancing the need for smart, sustainable, and environmentally-responsible growth.

STRATEGY #1: Minimize the impact of growth on existing residents by ensuring that the costs associated with new development will result in the smallest possible impact to existing residents and businesses.

STRATEGY #2: Protect and revitalize established communities by promoting and investing in neighborhood redevelopment.

STRATEGY #3: Identify distressed commercial corridors and develop strategies for encouraging the adaptive reuse of existing buildings and infrastructure.

STRATEGY #4: Improve collaboration among local jurisdictions to ensure a coordinated approach to planning, growth management, and investment in infrastructure needs.

STRATEGY #5: Ensure the conservation and protection of natural resources, including green space, air, and water quality.

STRATEGY #6: [Use growth management tools such as the Richland County Comprehensive Plan and Land Use Regulations to identify and target areas where growth will and will not be encouraged.](#)

DESIRED OUTCOMES: By implementing the strategies above, Richland County expects to achieve the following objectives by June 30, 2014:

- A method will be developed to assess the net financial impact of new residential and commercial development, and a plan will be implemented to ensure that all new residential and commercial growth pays for itself to the fullest extent possible.
- The coordination of resources among county departments will be enhanced in order to facilitate the identification, protection, and revitalization of established residential neighborhoods.
- A method of identifying high-priority commercial corridors will be developed, and a comprehensive plan to promote and revitalize targeted corridors will be implemented.
- Land-use planning and growth management efforts will be consolidated among jurisdictions within Richland County, including the pursuit of a unified planning ordinance.
- The county will expand the availability of water and sewer infrastructure to serve the Lower Richland community.

- A minimum of one meeting per year will be conducted between the county and representatives from Richland County School Districts One & Two and Lexington-Richland School District Five to discuss opportunities for coordinating school planning and growth management efforts.
- Richland County will progress toward meeting all state and federal standards for air and water quality.
- [An inventory of “green space” will be completed, and a system will be developed for preserving and connecting such areas, including consideration of minimum green space requirements for new development.](#)
- The amount of targeted lands set aside for conservation purposes will be increased.
- The county’s performance on citizen satisfaction surveys will increase for growth management practices, environmental stewardship, and overall county appearance.
- [The county will identify priority investment areas and a plan will be created for targeting infrastructure and other incentives toward development in those areas.](#)
- [A minimum of 95% of rezoning requests will be consistent with the county’s growth management plan\(s\).](#)

STRATEGIC PRIORITY #2: IMPROVE TRANSPORTATION INFRASTRUCTURE

GOAL: Richland County will promote an efficient and sustainable multi-modal transportation network that improves public safety, minimizes congestion, reduces travel times, and provides access to economic opportunities.

STRATEGY #1: Improve Richland County's transportation infrastructure by investing in capital improvements to the county's roadway network and ensuring the adequate maintenance of county-maintained roads.

STRATEGY #2: [Ensure the long-term viability of a safe, accessible, and efficient mass transit system by supporting the regional bus system and exploring opportunities for the development of light rail and commuter rail systems.](#)

STRATEGY #3: Promote the availability of alternative modes of transportation, such as greenways, bike lanes, and sidewalks.

STRATEGY #4: Strengthen the link between growth management and transportation infrastructure.

STRATEGY #5: Actively pursue state and federal funds for transportation projects in Richland County.

DESIRED OUTCOMES: By implementing the strategies above, Richland County expects to achieve the following objectives by June 30, 2014:

- The county's mean travel time to work (21.7 minutes) will be maintained or improved.
- A plan and timeline will be developed to pave a majority of county-maintained dirt roads.
- A comprehensive resurfacing program will be developed to ensure the adequate maintenance of county-maintained roads.
- All roads in the county labeled as "failing" will be identified and a plan will be developed and implemented to remedy their failing status.
- A congestion management plan will be developed and implemented to improve the free-flow of people and products in Richland County.
- A long-term funding source for the regional transit system will be identified and implemented.
- The county will support regional efforts to expand transit service to 75% of transit-dependent areas, and accessibility in transit-supportive areas will also be increased.

- A study will be completed to determine the feasibility of locating park-and-ride facilities in the unincorporated areas of Richland County.
- An analysis will be completed, to include revisions and updates of previous studies, to determine the feasibility of developing light rail infrastructure in Richland County within the next 20 years.
- A “Complete Streets” initiative will be implemented to ensure that alternative modes of transportation, such as bike lanes and sidewalks, are integrated into all new major transportation improvements.
- The amount of state and federal dollars available for transportation improvements will be increased.

STRATEGIC PRIORITY #3: ENHANCE PUBLIC SAFETY

GOAL: Richland County will reduce the incidence of criminal activity and prevent the loss of life and property through enhanced public safety and emergency services.

STRATEGY #1: Ensure that the availability of public safety services (including law enforcement, emergency medical, and fire suppression services) continue to meet the needs of our growing community.

STRATEGY #2: Plan for and invest in safety-related buildings and infrastructure to support expansion of public safety services.

STRATEGY #3: Support crime prevention and community policing efforts to ensure that residents are kept informed of issues related to public safety.

STRATEGY #4: Promote efficiency and eliminate duplication by maximizing the coordination of public safety services with neighboring jurisdictions, schools, and other service providers.

DESIRED OUTCOMES: By implementing the strategies above, Richland County expects to achieve the following objectives by June 30, 2014:

- The incidence of violent and non-violent criminal activities per 100,000 residents in Richland County will be decreased.
- Richland County's ranking among the seven largest counties in South Carolina for crime rates per 100,000 residents will be improved.
- The average daily inmate population at the Alvin S. Glenn Detention Center will not exceed the facility's capacity.
- The county will compare officer-to-population ratios annually and will consider adjustments to personnel levels as necessary.
- A long-range plan for locating, financing, and constructing new public safety buildings and infrastructure will be completed. This plan will also consider the replacement of existing buildings and infrastructure, including the Richland County Judicial Center.
- The availability and accessibility of public information materials, including reports and crime prevention tips, will be increased.
- The number of neighborhood watch organizations will be increased.
- The county will eliminate instances where duplication of first responders occurs.

STRATEGIC PRIORITY #4: PROMOTE ECONOMIC OPPORTUNITIES

GOAL: Richland County will contribute to the prosperity of all residents by fostering a climate that is conducive to the creation of new jobs and continued expansion and diversification of the local economy.

STRATEGY #1: Continue to identify and pursue opportunities for industrial recruitment, retention, and expansion, with a special emphasis on emerging “green” and knowledge-based industries.

STRATEGY #2: Create an environment that encourages the startup, growth, and expansion of homegrown, small, and minority-owned businesses.

STRATEGY #3: Ensure that economic opportunities are spread throughout all regions of the county.

STRATEGY #4: Identify, protect, and develop product at potential industrial development sites in order to facilitate the recruitment and expansion of targeted industries.

STRATEGY #5: Increase Richland County’s competitiveness as a destination for businesses and employees by continuing to promote good schools, strong neighborhoods, diverse cultural and recreational activities, and an exceptional quality-of-life.

STRATEGY #6: Promote regional cooperation by strengthening partnerships with neighboring jurisdictions, major employers, state and local economic development agencies, and non-profit organizations.

STRATEGY #7: Contribute to workforce readiness by partnering with school districts and educational institutions to maximize student achievement.

DESIRED OUTCOMES: By implementing the strategies above, Richland County expects to achieve the following objectives by June 30, 2014:

- The median household income in Richland County will increase at a rate equal to or above the rate of inflation.
- The number of new jobs created will exceed the rate of population increase.
- The number of announced economic development projects and capital investment will increase each year.
- Access to employment opportunities will be improved in each part of the county.
- A program to assist in the incubation and development of small, minority-owned, “green,” and knowledge-based companies within Richland County will be developed and implemented.

- An inventory of potential industrial development sites will be created, and a plan to protect such sites from residential or commercial development will be developed and implemented.
- Product (including shovel-ready sites and spec buildings) will be developed at sites targeted for economic development.
- Academic performance in each of the county's school districts will increase, and high school drop out rates will decrease.

STRATEGIC PRIORITY #5: ENGAGE THE COMMUNITY

GOAL: Richland County will increase citizen satisfaction, encourage participation, and improve regional cooperation by engaging the community through a comprehensive public outreach and communications strategy.

STRATEGY #1: Utilize internal and external resources (including print, video, electronic, and social networking media) to efficiently and effectively disseminate information about county programs, services, events, and high profile issues.

STRATEGY #2: Improve outreach efforts to inform citizens of tax and budget related issues.

STRATEGY #3: Bring county government “closer to the people” by engaging in face-to-face contact with county residents, neighborhoods, and community organizations, and by continuing to expand successful education and outreach programs, such as Richland 101.

STRATEGY #4: Maximize convenience for residents and businesses by expanding and promoting access to online services, such as public documents, forms, and payment options.

STRATEGY #5: Participate in regional cooperation efforts by improving communications with policy makers from neighboring jurisdictions and the county’s legislative delegation.

STRATEGY #6: Assess citizen satisfaction and customer service quality through the ongoing solicitation and analysis of feedback from county residents.

STRATEGY #7: Establish creative partnerships to leverage county resources and maximize efforts to engage multiple demographics, including youths, seniors, and non-English speaking communities.

STRATEGY #8: Capitalize on the innovation and success of county programs by recognizing achievements and participating in local, state, and national award programs.

DESIRED OUTCOMES: By implementing the strategies above, Richland County expects to achieve the following objectives by June 30, 2014:

- A redesigned and more user-friendly county website will be unveiled.
- A monthly newsletter will be created to promote county programs, events, and services.
- A county television station will be established and content will be developed for dissemination to residents.
- Staff will continue to produce and promote the county’s weekly television show, *Richland Revealed*.

- The number of press releases promoting county news and information will be tracked and increased.
- [The county will reach out to new demographics by expanding its presence on social networking sites such as Twitter, Facebook, and MySpace, and by utilizing new technological tools, such as text message alerts and WiFi.](#)
- The county will continue to expand upon its successful Richland 101 program to include potential new programs such as Richland 101 for Businesses, Richland 101 En Español, and Richland 101 Online.
- ~~Council will reestablish regular regional community meetings (Fifth Tuesday meetings).~~
- A speakers bureau will be established to provide community groups with easy access to county leaders and experts in various county-related fields.
- The county will continue to build on existing relationships and will continue to pursue new relationships with outside organizations, neighborhood groups, and the business community.
- Residents' knowledge about where their tax money is going and how it is being spent will be increased by including additional information with county tax bills.
- The number of public documents accessible through the county's website will be increased.
- All county forms will be posted on the county's website.
- The number of transactions completed through the county's website, including the electronic payment of taxes and fees, will increase each year.
- A system will be implemented to enable the online submission and tracking of citizen service requests, questions, and complaints through the Richland County Ombudsman's Office.
- Council members will meet regularly with regional policy makers and members of the legislative delegation.
- A uniform process for handling and tracking Freedom of Information Act requests will be established and implemented.
- The county's performance on citizen surveys will increase for access to information, value for taxes paid, regional cooperation, and overall citizen satisfaction.
- [Citizen participation in the governmental process will be increased, including increased participation in county elections and the 2010 decennial census.](#)

Richland County Council Request of Action

Subject

Must Pertain to Items Not on the Agenda

Purpose

Committee Recommendation

Council Action (First Reading)

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item

No

On Agenda For Public Hearing

No