



RICHLAND COUNTY COUNCIL REGULAR SESSION AGENDA

**MARCH 17, 2009
6:00 PM**

CALL TO ORDER

HONORABLE PAUL LIVINGSTON, CHAIR

INVOCATION

HONORABLE NORMAN JACKSON

PLEDGE OF ALLEGIANCE

HONORABLE NORMAN JACKSON

Presentation Of Resolutions

1. Spring Valley Baptist Church Resolution

Presentations

2. Miriam Atria, President/CEO, Capital City Lake Murray Country
3. Palmetto Health Annual Report

Citizen's Input

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

Approval Of Minutes

5. Regular Session: March 3, 2009 [**PAGES 12-23**]

Adoption Of The Agenda

Report Of The Attorney For Executive Session Items

6.
 - CMRTA Intergovernmental Agreement
 - Employee Grievance

Report Of The County Administrator

7.
 - Rowing Club MOU
 - CMRTA IGA
 - Comprehensive Plan Meetings Update
 - American Dream Conference Reminder: Saturday, March 21st, 9 a.m.-2 p.m.
 - State Budget Cuts Update
 - CASA Quarterbacks Event: Mac's on Main, April 2nd, 5-7 p.m.; CEO of National CASA will be present
 - DHEC Recycling Awards held on March 3rd
 - Employee Grievance
 - Animal Shelter Opening
 - Stormwater Update

Report Of The Clerk Of Council

8.
 - Columbia Area Mental Health Orientation for New Council Members
 - Richland Memorial Hospital Board Orientation for New Council Members, March 18th, 9 a.m.-1 p.m., Palmetto Richland Hospital - Bagnal Room

Report Of The Chairman

9.
 - Washington, D. C. Update

Open/Close Public Hearings

10.
 - 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
 - An Ordinance amending the FY 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
 - An Ordinance amending the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, in general; Section 5 and Section 7 to authorize motor vehicle trade-ins as an allowable deduction; Section 16-19, Appeals; and Section 16-22, Penalties; so as to amend the appeals process and to allow the waiver of penalties in certain limited circumstances

Approval Of Consent Items

11. 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 [**THIRD READING**] [**PAGES 30-31**]
12. 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 [**SECOND READING**] [**PAGES 33-34**]

13. 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 **[SECOND READING] [PAGES 36-37]**
14. 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 **[SECOND READING] [PAGES 39-40]**
15. 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" **[SECOND READING] [PAGES 42-52]**
16. An Ordinance Amending the Fiscal Year 2008-2009 General Fund Annual Budget to appropriate one hundred fifteen thousand dollars (\$115,000) to the facilities & grounds Owens Field Budget to fund the initial cost associated with FAA Grant Award **[SECOND READING] [PAGES 54-55]**

Third Reading Items

17. An Ordinance Amending the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, in general; Section 5 and Section 7 to authorize motor vehicle trade-ins as an allowable deduction; Section 16-19, Appeals; and Section 16-22, Penalties; so as to amend the appeals process and to allow the waiver of penalties in certain limited circumstances **[PAGES 57-61]**
18. 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 **[PAGES 63-64]**
19. 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 **[PAGES 66-67]**

Report Of Development And Services Committee

20. Request to purchase property in Lower Richland with \$2.8 million from the Hospitality Tax fund balance for tourism-related activities **[PAGES 69-70]**

Report Of Economic Development Committee

21. Economic Development Strategic Plan Work Session

Report Of Rules And Appointments Committee

1. Notification Of Appointments

22. Employee Grievance Committee-1
23. Historic Columbia Foundation-1
24. Hospitality Tax Committee-3 [**PAGES 75-78**]

2. Items Requiring Action

25. Review Composition of County Committees, Boards and Commissions
26. Council Individual Discretionary Accounts
27. Revised Application Form

Other Items

28. Rowing Club MOU [**PAGES 80-86**]

Citizen's Input

29. Must Pertain to Items Not on the Agenda

Executive Session

Motion Period

- 30.
- To have Chairman Livingston appoint a Legislative Ad Hoc Committee. The initial purpose of the committee is to establish legislative platform/priorities to be used at the federal, state, and local levels of government [**JETER**]
 - A Resolution honoring the First NE Baptist Church for their contributions to the community and celebrating their 20th Anniversary [**HUTCHINSON**]
 - A motion to set up a steering committee of public officials and private citizens to help guide the development of the NE Regional Recreation Complex and seek public/private partnerships [**HUTCHINSON**]

Adjournment



Richland County Council Request of Action

Subject

Spring Valley Baptist Church Resolution

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

Palmetto Health Annual Report

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: March 3, 2009 [**PAGES 12-23**]

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, MARCH 3, 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 Bill Malinowski

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Bill Malinowski

CITIZENS' INPUT

No one signed up to speak.

APPROVAL OF MINUTES

Regular Session: February 17, 2009 – Ms. Smith moved, seconded by Ms. Dickerson, to reconsider the portion of the minutes regarding the Executive Session Item CMRTA Intergovernmental Agreement. The vote in favor was unanimous.

Ms. Hutchinson moved, seconded by Mr. Jeter, to approve the minutes as amended. The vote in favor was unanimous.

Zoning Public Hearing: February 24, 2009 – Ms. Smith moved, seconded by Ms. Hutchinson, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF AGENDA

Mr. Pope stated that the FAA Grant Acceptance and related budget amendment forwarded the Administration and Finance Committee were inadvertently left off the printed agenda and needed to be added as consent items.

Mr. Pearce moved, seconded by Ms. Dickerson, to adopt the agenda with the addition of the FAA Grant Acceptance and related budget amendment. The vote in favor was unanimous.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

The following items were potential Executive Session items:

- a. **Jim Hamilton-L. B. Owens Airport Manager Update**
- b. **Lower Richland Property Purchase**
- c. **Northeast Landfill Settlement**
- d. **CMRTA Intergovernmental Agreement**
- e. **Watts vs. Richland County**

REPORT OF THE COUNTY ADMINISTRATOR

Update on CUB Assessment – Mr. Pope stated that the Columbia Metropolitan Airport and their board do not feel that contracting with the Hamilton-Owens Field Airport in regard to the Airport Manager position would be a good fit for them at this particular time.

In order to move forward, a job description has been drafted with the assistance of the Human Resources Department and the Airport Commission. The position will be advertised in the near future and will be included in the budget process.

NaCO Prescription Card Update – Mr. Pope gave a brief update on this program.

Foreclosure Map – Ms. Valeria Jackson gave a brief overview of the foreclosure map and the use of the NSP funds in Richland County.

CMRTA Intergovernmental Agreement – This item was taken up during the reconsideration of the February 17th minutes.

Strategic Plan – This was an action item.

State Budget Cut Update – Mr. Pope thanked Mr. Pearce and Mr. Livingston for working with staff to draft a letter to the Delegation. The General Assembly is now working on an alternative plan to lessen the proposed cuts.

American Dream Conference – Ms. Snowden gave a brief update and showed a DVD of Council members and staff promoting the conference.

Clerk of Court Audit Update – Mr. Tom McNeish of Elliot Davis gave a brief report on the audit and its findings.

Smoking Ban Enforcement – Mr. Pope stated that further policy direction was needed from the Council and that this item will be during the March committee meetings.

REPORT OF THE CLERK OF COUNCIL

Agenda Software Update – Mr. Dale Welch gave a report on the changes that the IT Department has made and stated that a follow-up meeting with staff will be held on March 4th at 2:30 p.m. to address any further changes that may be needed. The IT staff also has been meeting with the Council members on a one-on-one basis to address any concerns to make the software more user-friendly.

City Year's "Welcome Home!" Party, City Year Columbia Headquarters for Idealism, 1919 Hampton Street, March 4th, 4:30-8:00 p.m. – Ms. Finch stated that the City Year's "Welcome Home!" Party will be held March 4th at 4:30-8:00 p.m. at their Columbia Headquarters for Idealism located at 1919 Hampton Street.

REPORT OF THE CHAIRMAN

State Budget Cuts – Mr. Pearce gave a brief report on proposed legislation that will lessen the proposed State budget cuts.

PUBLIC HEARING ITEMS

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

- **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** – No one signed up to speak.
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article I, in general; and Article II, Administration** – No one signed up to speak.
- **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** – No one signed up to speak.
- **A budget amendment (\$84,877) to cover a deficit for overtime, part-time employment, and operating expenses in the Board of Voter Registration Department** – No one signed up to speak.

The public hearings were closed.

APPROVAL OF CONSENT ITEMS

- **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]**
- **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]**
- **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]**
- **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]**
- **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]**
- **Energy Audit Update [The committee's recommendation was to direct staff to continue the current plan for energy savings by utilizing the existing 10-year capital replacement plan]**
- **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]**

- **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]**
- **Request to approve the amended Employee Handbook and Human Resources Guidelines**
- **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]**
- **Pioneer Bowl/Harambee Festival Funding Request [DENIAL]**
- **Acceptance of FAA Grant**
- **An Ordinance amending the Fiscal Year 2008-2009 General Fund Annual Budget to appropriate one hundred fifteen thousand dollars (\$115,000) to the Facilities and Grounds Owens Field Budget to fund the initial cost associated with FAA Grant Award [FIRST READING]**

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

THIRD READING ITEMS

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

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

SECOND READING ITEMS

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 – Mr. Pearce moved, seconded by Ms. Dickerson, to amend the ordinance to limit like-kind exchanges.

Mr. Malinowski made a substitute motion to accept staff’s recommendation. The motion died for lack of a second.

A discussion took place.

Ms. Smith suggested deferring any consideration of a cap on interstate commerce and taking it up during the budget process.

Mr. Jeter moved, seconded by Ms. Dickerson, to approve this item as amended. The vote was in favor with Mr. Malinowski registering a nay vote for the record.

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 – Ms.

Dickerson moved, seconded by Mr. Jeter, to approve this item. A discussion took place.

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

The vote was in favor.

An Ordinance Amending the Richland County Code of Ordinances; Chapter 23, Taxation; Article VI, Hospitality Tax; so as to temporarily reduce the Hospitality Tax to one percent (1%) in the unincorporated areas of the County – Mr. Pearce

moved, seconded by Ms. Smith, to approve this item. A discussion took place.

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

The vote was in favor.

REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

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 – Ms. Dickerson moved, seconded by Mr. Pearce, to

approve this item. The vote in favor was unanimous.

2007 Road Resurfacing Project – Ms. Hutchinson moved, seconded by Ms. Dickerson, to approve this item. The vote in favor was unanimous.

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 – Ms. Smith moved, seconded by Ms. Kennedy, to approve the awarding of a service contract to J. C. Wilkie Construction, LLC. The vote in favor was unanimous.

Amendments to the December 17, 2008 settlement agreement between Richland County and Northeast Landfill, LLC – Mr. Malinowski moved, seconded by Mr. Jackson, to approve this item.

Mr. Washington made a substitute motion, seconded by Mr. Pearce, to release the settlement funds from the Northeast Landfill to the Nextgen Community Development Corporation, a newly created non-profit community development organization in the Old McGraw Community and within Richland County District 10.

Ms. Smith made a second substitute motion, seconded by Ms. Hutchinson, to engage the Community Mediation Center to work with three people from the Old McGraw Community and three people from the two non-profit organizations to bring closure regarding this issue. The product of this mediation would include, but is not limited to, a governing body to administer the grant funds existing or newly created, a methodology for determining the use of the funds or a budgeted list for spending the grant funds, and community accountability provisions. Any costs associated with the mediation would be born by the County, not to exceed \$1,500. Mediation would begin as soon as possible with a report made to Council on a monthly basis by the County Administrator.

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

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

The call for the question failed.

POINT OF ORDER – Ms. Smith stated that the debate needed to germane to only the question of mediation at this time.

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

The motion for mediation failed.

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

The vote on the substitute motion was in favor.

Mr. Washington moved, seconded by Ms. Smith, to reconsider this item.

The motion to reconsider failed.

Request to purchase property in Lower Richland with Hospitality Tax funds for tourism-related activities – Mr. Washington moved, seconded Mr. Pearce, to defer this item until the March 17th Council meeting. The vote was in favor.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

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

- a. Historic Columbia Foundation—1** – Mr. Malinowski stated that the committee recommended that staff advertise for this vacancy. The vote in favor was unanimous.
- b. Internal Audit Committee—1**—Mr. Malinowski stated that the committee recommended that staff advertise for this vacancy. The vote in favor was unanimous.

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

- a. **Accommodations Tax Committee—4** – Mr. Malinowski stated that the committee recommended appointing Ms. Sherry Walters and Mr. James L. Williams and to re-advertise for the remaining vacancies. The vote in favor was unanimous.
- b. **Airport Commission—1** – Mr. Malinowski stated that the applicant did not appear for the interview and the committee recommended re-advertising for this vacancy.

Mr. Manning moved, seconded by Ms. Dickerson, to defer this item.

Mr. Manning withdrew his motion for deferral.

Mr. Manning moved, seconded by Ms. Dickerson, to appoint Mr. Bruce K. Cole. The vote in favor was unanimous.

- c. **Board of Assessment Control—1** – Mr. Malinowski stated that the committee recommended appointing Ms. Lisa K. McCloud. The vote in favor was unanimous.
- d. **Employee Grievance Committee—2** – Mr. Malinowski stated that the committee recommended appointing Ms. Betty A. Etheredge and to re-advertise for the remaining vacancy. The vote in favor was unanimous.
- e. **Hospitality Tax Committee—2** – Mr. Malinowski stated that the committee recommended appointing Mr. Eddie Green and Mr. Derrick W. Williams. The vote in favor was unanimous.
- f. **Richland Memorial Hospital Board—1** – Mr. Malinowski stated that the committee recommended appointing Mr. George S. King, Jr. The vote in favor was unanimous.

III. Electronic Participation – Mr. Malinowski stated that this item was approved at the February 17th Council meeting.

IV. Review Composition of County Committees, Boards and Commissions – Mr. Malinowski stated this item was held in committee for additional information.

V. Council Individual Discretionary Accounts – Mr. Malinowski stated that the amendments to this item will be presented at the March 17th Council meeting. The vote in favor was unanimous.

- VI. Revised Application Form** – Mr. Malinowski stated that the amendments to this item will be presented at the March 17th Council meeting. The vote in favor was unanimous.

OTHER ITEMS

Reconsideration of the February 17, 2009 minutes – Ms. Smith moved, seconded by Ms. Dickerson, to defer action on the CMRTA Intergovernmental Agreement until the March 17th Council meeting. The vote in favor was unanimous.

Report of the Bond Review Committee

- a. Financial Policies** – Ms. Smith moved, seconded by Ms. Hutchinson, to approve this item with Mr. Malinowski's recommendations incorporated.

The vote in favor was unanimous.

Strategic Plan – Ms. Dickerson moved, seconded by Mr. Livingston, to leave the word supporting in Strategy #2 of Strategic Priority #2: Improve the Transportation Infrastructure. The motion failed.

Mr. Malinowski moved, seconded by Mr. Washington, to change the word supporting to assisting in Strategy #2 of Strategic Priority #2: Improve the Transportation Infrastructure. The vote was in favor.

Ms. Dickerson moved, seconded by Mr. Jeter, to amend the desired outcome under Strategic Priority: Improve the Transportation Infrastructure to read: "The County would support regional efforts to expand transit service to 75% of transit-dependent areas, and accessibility in transit-supportive areas will also be increased." The vote in favor was unanimous.

Mr. Manning moved, seconded by Mr. Malinowski, to approve the Strategic Plan as amended. The vote in favor was unanimous.

CITIZENS' INPUT

Mr. Jeter moved, seconded by Ms. Dickerson, to suspend the rules and allow the citizens to speak.

The citizens did not speak at this time.

Mr. Jeter withdrew his motion.

EXECUTIVE SESSION ITEMS

=====
Council went into Executive Session at approximately 8:32 p.m. and came out at approximately 8:44 p.m.
=====

- a. **Watts vs. Richland County** – Ms. Smith moved, seconded by Ms. Dickerson, to direct the County Attorney to continue negotiations in this matter. The vote in favor was unanimous.

MOTION PERIOD

Meeting with Richland County Delegation – The Chair instructed the Clerk of Council to coordinate a meeting between the Council members and the Delegation to discuss the State Budget cuts.

Resolution honoring David Warren, Director of the Richland County Public Library, for his years of faithful service to the citizens of Richland County on the occasion of his retirement on April 1, 2009 – Mr. Pearce moved, seconded by Mr. Malinowski, to adopt a resolution for David Warren, Director of the Richland County Public Library. The vote in favor was unanimous.

Resolution supporting State legislation to allow local governments to exempt any future local options sales tax on non-prepared food – Ms. Smith moved, seconded by Mr. Jeter, to adopt a resolution supporting state legislation to allow local governments to exempt non-prepared food from any future local options sales tax. The vote in favor was unanimous.

ADJOURNMENT

The meeting adjourned at approximately 8:51 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

Richland County Council Request of Action

Subject

- CMRTA Intergovernmental Agreement
- Employee Grievance

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

- Rowing Club MOU
- CMRTA IGA
- Comprehensive Plan Meetings Update
- American Dream Conference Reminder: Saturday, March 21st, 9 a.m.-2 p.m.
- State Budget Cuts Update
- CASA Quarterbacks Event: Mac's on Main, April 2nd, 5-7 p.m.; CEO of National CASA will be present
- DHEC Recycling Awards held on March 3rd
- Employee Grievance
- Animal Shelter Opening
- Stormwater 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

- Washington, D. C. 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

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:

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

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 **[SECOND READING] [PAGES 36-37]**

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:

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" **[SECOND READING] [PAGES 42-52]**

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

An Ordinance Amending the Fiscal Year 2008-2009 General Fund Annual Budget to appropriate one hundred fifteen thousand dollars (\$115,000) to the facilities & grounds Owens Field Budget to fund the initial cost associated with FAA Grant Award **[SECOND READING] [PAGES 54-55]**

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 GENERAL FUND ANNUAL BUDGET TO APPROPRIATE ONE HUNDRED FIFTEEN THOUSAND DOLLARS (\$115,000) TO THE FACILITIES & GROUNDS OWENS FIELD BUDGET TO FUND THE INITIAL COST ASSOCIATED WITH FAA GRANT AWARD.

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

SECTION I. That the amount of one hundred fifteen thousand dollars (\$115,000) be appropriated to the Facilities & Grounds Owens Field Budget. Therefore, the Fiscal Year 2008-2009 General Fund Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2008 as amended:	\$ 138,220,811
Appropriation of General Fund undesignated fund balance	<u>115,000</u>
Total General Fund Revenue as Amended:	\$ 138,335,811

EXPENDITURES

Expenditures appropriated July 1, 2008 as amended:	\$ 138,220,811
Increase to Facilities & Grounds Owens Field Budget:	<u>115,000</u>
Total General Fund Expenditures as Amended:	\$ 138,335,811

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 _____, 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:
Second Reading:
Public Hearing:
Third Reading:

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 5 AND SECTION 7 TO AUTHORIZE MOTOR VEHICLE TRADE-INS AS AN ALLOWABLE DEDUCTION; SECTION 16-19, APPEALS; AND SECTION 16-22, PENALTIES; SO AS TO AMEND THE APPEALS PROCESS AND TO ALLOW THE WAIVER OF PENALTIES IN CERTAIN LIMITED CIRCUMSTANCES.; ~~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 I. The Richland County Code of Ordinances, Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-5, Classification and Rates, Business License Fee Schedule, is hereby amended to read as follows:

<u>Rate</u>	<u>NAICS #</u>	<u>Business Type</u>
8.07	4411-4412	<u>Automobile & Motor Vehicle Dealers, Farm Machinery Dealers, Boat Dealers Retail</u>
		First \$2,000 Gross Income \$35.00
		Each additional \$1,000 \$1.50/thousand

One sales lot not more than 400 feet from main showroom may be operated under this license provided that proceeds from sales there are included in gross receipts at main office when both are operated under the same name and ownership.

~~Gross income shall include full sales price without deduction for trade-ins.~~

SECTION II. The Richland County Code of Ordinances, Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-7, Deductions, Exemptions, Charitable Organizations, and Determination of Classification, is hereby amended to read as follows:

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

(1) (a) Businesses whose business activity(ies) are described by the North American Industry Classification System (NAICS) with codes beginning with 4411 or 4412, which includes the following:

- New and Used Automobile Dealers (441110 and 441120)
- Recreational Vehicle Dealers (441210)
- Motorcycle, ATV, and Personal Watercraft Dealers (441221)
- Boat Dealers (441222)
- All Other Motor Vehicle Dealers (441229)

shall be authorized to deduct the amounts paid to customers in exchange for motor vehicle trade-ins as part of sales transactions.

SECTION III. 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 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, including assessments or charge-backs of an audit, and ~~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 (or cause to have rendered) 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 IV. 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 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> <u>(in millions)</u>	<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, excepting Sections 1 and 2, shall be effective on and after March 17, 2009. Sections 1 and 2 of this ordinance shall be effective on and after January 1, 2010.

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: March 3, 2009
Public Hearing: (March 17, 2009)
Third Reading: (March 17, 2009)

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# 18

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:

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 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

Economic Development Strategic Plan Work Session

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

Employee Grievance 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

Historic Columbia Foundation-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

Hospitality Tax Committee-3 [PAGES 75-78]

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: Steven P. Leidinger

Home Address: 4801 Carter Hill Drive Columbia, SC 29206

Telephone: (home) 787-9543 (work) 429-9792

Office Address: PO Box 2269 West Columbia, SC 29171

Email

address: steve@homepest.com

Educational Background: University of South Carolina '93 BA

Professional Background: Owner – Home Pest Control, Co. Inc

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

Name of Committee in which interested: Hospitality Tax Committee

Reason for interest: to continue to serve and make a positive impact in my community

Your characteristics/qualifications, which would be an asset to Committee/Board/ Commission:
Previously served on the Hospitality Tax Committee, business owner, Richland County taxpayer, strong desire to give back to my community

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

Any other information you wish to give? _____

Recommended by Council Member(s): originally recommended by Michael Montgomery

Hours willing to commit each month: as needed

CONFLICT OF INTEREST POLICY

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

Attn: Herbert Sims
353-8440



APPLICATION FOR SERVICE ON RICHLAND COUNTY
COMMITTEE, BOARD OR COMMISSION

Applicant must reside in Richland County.

Name: Herbert W Sims
Home Address: 1038 Sims Rd Hopkins, SC 29061
Telephone: (home) (803) 353-8440 (work) (803) 767-0955
Office Address: same as above
Educational Background: FINANCE
Professional Background: FINANCE
Male Female Age: 18-25 26-50 Over 50
Name of Committee in which interested: Hospitality committee
Reason for interest: I want to stay on committee

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

Presently serve on any County Board/Commission/Committee? Hospitality Committee
Any other information you wish to give?
Recommended by Council Member(s): NORMAN JACKSON
Hours willing to commit each month: 6-8

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 no, describe: _____

Herbert Sims
Applicant's Signature

3/11/09
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.

Return Fax to 576-2136

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

Rowing Club MOU [**PAGES 80-86**]

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 OF RICHLAND) **OPERATING AGREEMENT**

This Operating Agreement (the “Agreement”) is entered into on this ____ day of _____ 2008 between **RICHLAND COUNTY**, South Carolina, (the “County”), and **COLUMBIA ROWING CLUB**, (the “Club”).

WHEREAS, the County owns and operates the Richland County Rowing Center (the “Site”), located on the west bank of the Broad River; and

WHEREAS, the County and the Club wish to enter into an agreement for the Club’s access and use of the Site;

NOW, THEREFORE, in consideration of the mutual covenants contained herein and intending to be legally bound hereby, the County and the Club agree as follows:

1. **Access Guidelines.** The Club agrees to use the Site only for official Club activities and purposes. It shall be the responsibility of the Club to ensure that the gate, when not open and in use for Club activities, shall be locked when the last Club member departs the Site. Keys to the gate may be issued to Club members, officers of the Carolina Crew, and select helpers in the Club Youth Rowing Program. The Club shall be responsible for maintaining an accurate list of all persons who are issued gate keys. Such list shall be made available to the County at the County’s request. The Club will use due care in the operation of vehicles on the Site for Club purposes. All unauthorized vehicles are subject to the jurisdiction of the Richland County Sheriff’s Department.

2. **Insurance.** At all times during the duration of this Agreement, the Club shall maintain liability insurance in an amount sufficient to cover all Club activities on or related to the use of the Site. The Club shall provide a certificate of insurance to the County indicating the amount of coverage. It shall be in the sole discretion of the County to determine if the coverage amount is sufficient to meet the requirements of this section.

3. **Indemnification.** The Club shall hold harmless and shall fully and completely indemnify County from any and all claims, demands or actions brought against the Club or County by any person, natural or corporate, arising from any act or omission on the part of the Club and related to any activity contemplated by this Agreement. Additionally, all Club members shall sign an indemnification agreement indemnifying the County and the Club from any liability arising from any Club related activities at or related to the Site.

4. **Club Safety Guidelines.** The Club agrees to establish a set of Membership Rules and

Guidelines (the Guideline) concerning safety and behavior at the Site and while on the River. The Club agrees to the following specific safety training and procedures found in the Guideline related to rowing activities at or related to the Site:

1. All Club members will be required to pass a swimming test before being allowed to row from the Site.
 2. All Club members will pass training concerning the proper procedures to be used in the event that a boat capsizes.
 3. No member will row more than 500 meters downstream of the dock toward the dam if rowing alone AND water is going over the dam as indicated by the water level indicator at the dock.
 4. No member will row downstream of the dam warning buoys under any circumstances.
 5. No Club member will be allowed to row on the River under unsafe weather or water level conditions.
 6. No alcoholic beverages will be allowed at the Site.
 7. No loud or disruptive activities will be allowed at the Site.
5. **Approval of Club Activities.** Normal day-to-day and weekly activities will be governed by this Agreement. Additional activities such as regattas to which other clubs are invited, new programs that involve a substantial increase in activity, and special events to which the public is invited will require prior approval by the Richland County Administrator. The Club shall give notice of any such activities in a reasonable time to allow the County to properly research and respond. It is understood that certain small events may offer opportunities which will call upon an acceleration of the approval process.
6. **Site Maintenance.** General day-to-day Site maintenance including trash removal will be the responsibility of the Club. Any remaining repairs will be the responsibility of the County.
7. **Term and Termination.** This Agreement shall remain in effect for a period of five (5) years from the date of execution. Either party may terminate the Agreement by giving 90 days written notice to the other party.
8. **Assignment.** Neither this Agreement nor any duties or obligations under this Agreement may be assigned by the Club without prior written consent of the County.
9. **Amendment of the Agreement.** Any amendment to this Agreement shall not be binding upon all of the parties unless such amendment is in writing and executed by all parties hereto.

IN WITNESS WHEREOF, the parties hereto have set their hands and affixed their respective

seals the day and year first above written.

RICHLAND COUNTY

By: _____

Title: _____

COLUMBIA ROWING CLUB

By: _____

Title: _____



Richland County Rowing Center

Permitted

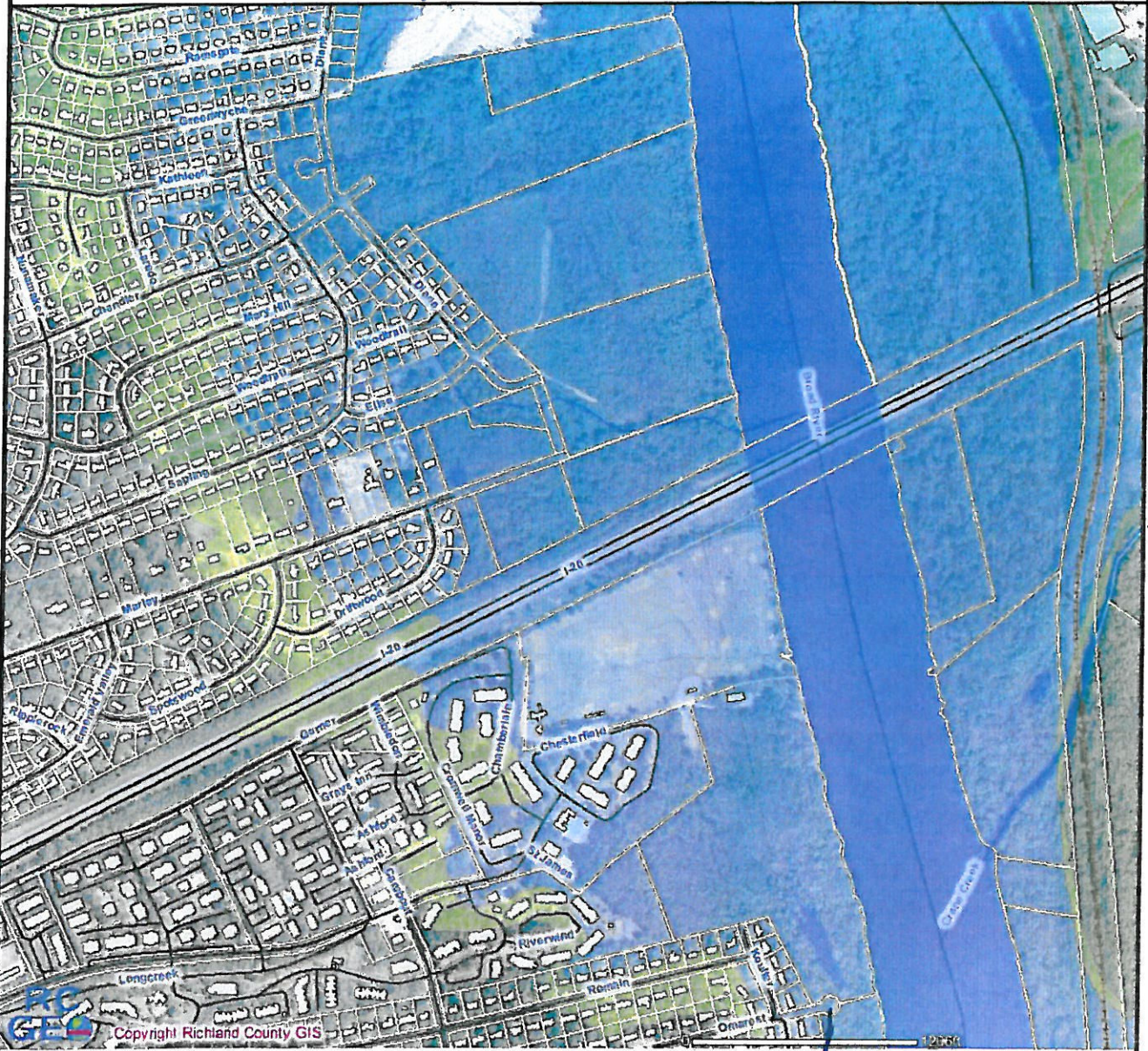
- Picnicking
- River Viewing
- Hiking (Trails Underdeveloped)
- Rowing
- Leashed Pets

Prohibited

- Overnight Camping
- Open Fires
- Firearms Use
- Hunting
- Fishing from Dock
- Littering
- Swimming
- Alcoholic Beverages
- Loud Noise, Music
- Canoe Launching

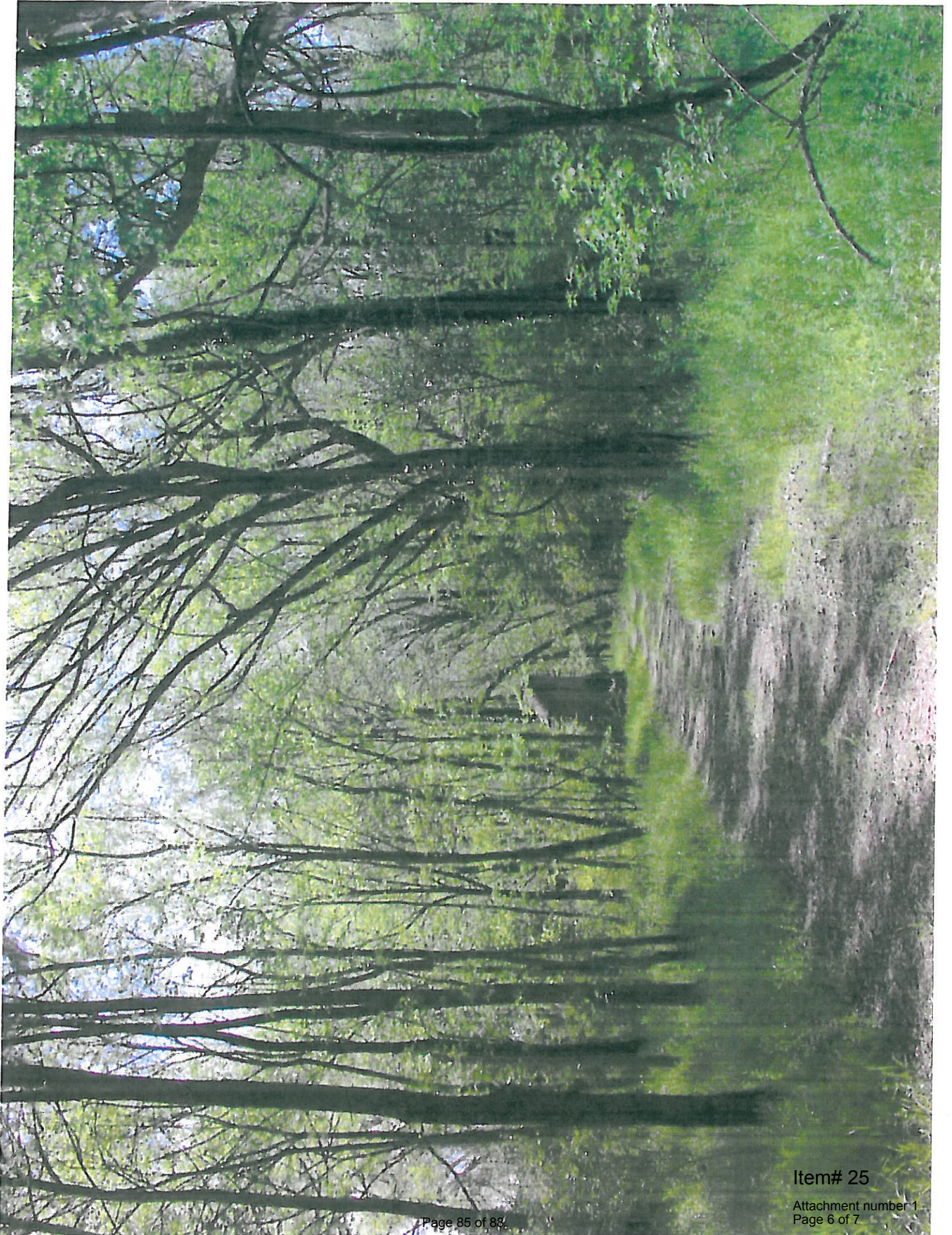
To Report Maintenance Concerns, Please Call Richland County Department of Public Works (803) 576-2450

100 yr Flood Zone -All



	<p>Copyright 2005 Richland County GIS 2020 Hampton St. Columbia, SC 29204</p>		<h3>Legend</h3> <ul style="list-style-type: none"> County Boundary Private Schools Public Schools Police Stations Fire Stations County Assets Daycares Streets Buildings 2 Ft. Contours Streams Lakes Council Districts Zip Codes
<p>DISCLAIMER : This is a product of the Richland County GIS Department. The data depicted here have been developed with extensive cooperation from other county departments, as well as other federal, state and local governments agencies. Richland County expressly disclaims responsibility for damages or liability that may arise from the use of this map.</p> <p>PROPRIETARY INFORMATION: Any resale of this information is prohibited, except in accordance with a licensing agreement.</p>			

* Access Point * Omarest



Item# 25

Attachment number 1
Page 6 of 7



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

