



RICHLAND COUNTY COUNCIL REGULAR SESSION AGENDA

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

CALL TO ORDER

INVOCATION

HONORABLE GWENDOLYN DAVIS KENNEDY

PLEDGE OF ALLEGIANCE

HONORABLE GWENDOLYN DAVIS KENNEDY

Citizen's Input

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

Approval Of Minutes

2. Regular Session: February 3, 2009 [PAGES 10-19]

Adoption Of The Agenda

Report Of The Attorney For Executive Session Items

3.
 - Contractual Matter - Offer to Purchase County Property
 - Personnel Matter

Report Of The County Administrator

4.
 - Update on CUB Assessment
 - Rowing Club MOU
 - Strategic Planning Work Session Meeting Reminder: February 24th, 3 p.m.-5 p.m.
 - BSC Workshop Update
 - CMRTA Intergovernmental Agreement Update
 - NaCO Prescription Card Update
 - SC Residential Improvement District Act
 - Personnel Matter
 - Comprehensive Plan Meeting Update
 - Foreclosure Map
 - Audit Presentation

Report Of The Clerk Of Council

5.
 - United Way of the Midlands 25th Anniversary, The Humanitarian of the Year Award Ceremony, February 26th, Columbia Metropolitan Convention Center
 - Town of Eastover's 31st Annual Barbeque and Parade Festival, April 30th-May 2nd

Report Of The Chairman

Open/Close Public Hearings

6.
 - An Ordinance Amending the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article 1, in general; so as to add and delete provisions relating to Business License Rates
 - An Ordinance Amending the FY 2008-2009 General Fund Annual Budget to decrease Business License revenue by one million five hundred and thirty-six thousand (\$1,536,000) due to fee adjustments and appropriate undesignated General Fund balance of one million five hundred and thirty-six thousand (\$1,536,000) to offset

Approval Of Consent Items

7. An Ordinance Amending the Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article 1, in general; so as to add and delete provisions relating to Business License Rates **[THIRD READING] [PAGES 25-27]**
8. An Ordinance Amending the Fiscal Year 2008-2009 General Fund Annual Budget to decrease Business License revenue by one million five hundred and thirty-six thousand (\$1,536,000) due to fee adjustments and appropriate undesignated General Fund Balance of one million five hundred and thirty-six thousand (\$1,536,000) to offset **[THIRD READING] [PAGES 29-30]**
9. An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site, and Performance Standards; Section 26-186, Green Code Standards; Subsection (H), Development Standards; Paragraph (1); so as to reduce the minimum required subdivision size to two acres **[THIRD READING][PAGE 32]**
10. An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-83, Establishment of Zoning Districts; Subsection (E), Neighborhood Master Plan Overlay Districts; so as to establish a district entitled, "DBWP Decker Boulevard/Woodfield Park Redevelopment Overlay District" **[THIRD READING][PAGES 34-44]**
11. An Ordinance Allowing Owners (or their agents) of certain parcels of land within the Decker Boulevard/Woodfield Park Area of Richland County, South Carolina, to make application for the use of the development standards of the "DBWP Decker Boulevard/Woodfield Park Neighborhood Redevelopment Overlay District" **[THIRD READING][PAGES 46-54]**
12. An Ordinance Amending the Imagine Richland 2020 Comprehensive Plan, adopted on May 3, 1999, by incorporating the "Candlewood Neighborhood Master Plan" into the northeast planning area **[THIRD READING][PAGES 56-57]**
13. An Ordinance Authorizing a quit-claim deed to Community Assistance Provider, Inc. for a certain parcel of land on the south side of Sugar Hill Lane **[SECOND READING] [PAGE 59]**

14. An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article I, in general; and Article II, Administration [**SECOND READING**] [**PAGES 61-82**]

Third Reading Items

15. Alternative Dirt Road Paving Program/Ordinance to permit adoption of countywide dirt road paving program standards [**PAGES 84-88**]
16. An Ordinance Amending the Richland County Code of Ordinances, Chapter 26, Land Development; so as to permit "Day Care, Adult, Home Occupation (5 or fewer)"; "Day Care Centers, Adult"; "Day Care, Child, Family Day Care, Home Occupation (5 or fewer)"; and "Day Care Centers, Child, Licensed Centers"; in various zoning districts with special requirements [**PAGES 90-96**]

Second Reading Items

17. 08-39MA
Martha Crawford
RU to OI (3 Acres)
Child Care Facility
17800-03-30 & 31
1235 Trading Post Rd. [**PAGE 98**]
18. An Ordinance Amending the Richland County Code of Ordinances, Chapter 1, General Provisions, so as to add a new section regulating the naming of buildings [**PAGES 100-101**]
19. Budget Amendment (\$84,877) to cover a deficit for overtime, part-time employment, and operating expenses in the Board of Voter Registration Department [**PAGES 103-104**]

Report Of Administration And Finance Committee

20. 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 [**PAGES 106-113**]

Report Of Economic Development Committee

21. Project Woods Inducement Resolution [**PAGES 114-117**]

Report Of Rules And Appointments Committee

1. NOTIFICATION OF VACANCIES

22.
 - Employee Grievance Committee - 1
 - Historic Columbia Foundation - 1
 - Hospitality Tax Committee - 3

2. Notification Of Appointments

23. Housing Advisory Committee (HAC) - 2 [**PAGE 120**]

3. Rule Changes

24. Council Individual Discretionary Accounts
25. Revised Application Form [**PAGES 123-124**]
26. Electronic Participation (Rule Clarification) [**PAGE 126**]
27. 4.4 Agendas (Council Rule) [**PAGE 128**]

Other Items

28. Rowing Club MOU [PAGES 130-136]

29. Reimbursement Resolution for No-Kill Animal Shelter [PAGES 138-140]

30. CMRTA Intergovernmental Agreement

31. REPORT OF THE BOND REVIEW COMMITTEE

a. Financial Policies [PAGES 143-152]

Old Business

Citizen's Input

32. Must Pertain to Items Not on the Agenda

Motion Period

- 33.
- Resolutions for George Duke and Rachele Ferrell performers for the Auntie Karen Foundation Jazz Concert on February 27th [LIVINGSTON]
 - Resolution for Spring Valley Baptist Church [HUTCHINSON]
 - To have staff look into the possibility of charging a "Sewer Availability Fee" for all areas serviced by Richland County sewer when there will be future construction of homes or other buildings [MALINOWSKI]

Adjournment



Richland County Council Request of Action

Subject

For Items on the Agenda Not Requiring a Public Hearing

Purpose

Committee Recommendation

Council Action (First Reading)

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item No

On Agenda For Public Hearing No

Richland County Council Request of Action

Subject

Regular Session: February 3, 2009 [PAGES 10-19]

Purpose

Committee Recommendation

Council Action (First Reading)

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item No

On Agenda For Public Hearing No

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, FEBRUARY 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, Anna Almeida, Amelia Linder, Jennie Sherry-Linder, Pam Davis, Jim Wilson, Donny Phipps, Lillian McBride, Srinivas Valavala, 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 Valerie Hutchinson

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Valerie Hutchinson

CITIZENS' INPUT

No one signed up to speak.

APPROVAL OF MINUTES

Special Called: January 22, 2009 – Ms. Dickerson moved, seconded by Mr. Pearce, to approve the minutes as distributed. The vote in favor was unanimous.

Zoning Public Hearing: January 27, 2009 – Ms. Hutchinson moved, seconded by Ms. Dickerson, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF AGENDA

Mr. Pope stated that the backup for the Voter Registration Budget Amendment had been distributed to Council and that the item needed to be removed from the Consent Items.

Ms. Finch stated that a recycling resolution needed to be added to the motion period.

Ms. Hutchinson moved, seconded by Ms. Dickerson, to adopt the agenda as amended. The vote in favor was unanimous.

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION MATTERS

The following items were potential Executive Session items:

- a. **Economic Development Committee Items**
- b. **CMRTA Proposed MOU**
- c. **Personnel Matter**

REPORT OF THE COUNTY ADMINISTRATOR

Airport Manager Status – Mr. Pope stated that he was awaiting a response from the Columbia Metropolitan Airport and will be forwarding that information to Council as soon as it becomes available.

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

Economic Development Strategic Plan Update – Mr. Pope stated that a stakeholder meeting was held last Wednesday at Midlands Technical College Enterprise Campus. Attendees provided recommendations for consideration for the Economic Development

Strategic Plan. The input from the meeting will be compiled and included in the draft Economic Development Strategic Plan which will be coming to the Economic Development Committee for review in March.

Strategic Plan Half-Day Mini Retreat – Mr. Pope stated that Council had discussed at the Retreat possibly holding a mini retreat to discuss the Strategic Plan in further detail.

Comprehensive Plan Update – Ms. Anna Almeida gave a brief update regarding the Comprehensive Plan.

Business Service Center Workshop – Mr. Pope stated that Council members are invited to attend a press conference February 6th at noon at the S. C. State Museum in conjunction with the S. C. Department of Revenue. Richland County through the Business Service Center has partnered with the Department of Revenue to host the Business Rules and Online Tools Workshop on February 6th, 8:00 a.m.-5:00 p.m.

REPORT OF THE CLERK OF COUNCIL

Agenda Software Update – Mr. Dale Welch gave a brief update regarding the meeting that was held with staff and stated that a final report will be presented to Council at the February 17th Council meeting.

Annual NaCo Legislative Conference – Ms. Finch stated that the annual NaCo Legislative Conference will be held March 6-11 in Washington, D. C. Any Council members wishing to attend should contact the Clerk's Office as soon as possible.

Annual S. C. Rural Summit Conference – Ms. Finch stated that the 20th Annual S. C. Rural Summit Conference will be held February 22-24 at Clemson University's Madren Inn.

Together We Can...READ – Ms. Finch stated that the City of Columbia has extended an invitation to the members of Council to participate in the City's Together We Can Read initiative on March 19th.

REPORT OF THE CHAIRMAN

No report was given.

PUBLIC HEARING ITEMS

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

- **Project Loop [Spirax Sarco]** – No one signed up to speak.
- **Richland County Strategic Plan** – No one signed up to speak.

- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 12, Garbage, Trash and Refuse; Article II, Collection and Disposal; Section 12-16, Yard Trash and other Household Articles** – Mr. Jim Lawrence, Mr. Johnny James, Mr. Jim O'Brien, Dr. Albert Reid, Ms. Viola Hendley, Mr. Edward Judice, and Mr. Richard Jenkins

The public hearings were closed.

APPROVAL OF CONSENT ITEMS

- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article VII, General Development, Site, and Performance Standards; Section 26-186, Green Code Standards; Subsection (H), Development Standards; Paragraph (1); so as to reduce the minimum required subdivision size to two acres [SECOND READING]**
- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-83, Establishment of Zoning Districts; Subsection (E), Neighborhood Master Plan Overlay Districts; so as to establish a district entitled "DBWP Decker Boulevard/Woodfield Park Redevelopment Overlay District" [SECOND READING]**
- **An Ordinance Allowing Owners (or their agents) of certain parcels of land within the Decker Boulevard/Woodfield Park Area of Richland County, South Carolina, to make application for the use of the Development Standards of the "DBWP Decker Boulevard/Woodfield Park Neighborhood Redevelopment Overlay District" [SECOND READING]**
- **An Ordinance Amending the Imagine Richland 2020 Comprehensive Plan, adopted on May 3, 1999, by incorporating the "Candlewood Neighborhood Master Plan" into the northeast planning area [SECOND READING]**
- **Request to accept a conservation easement from Mr. Kenneth Clark to protect 18 acres in northwest Richland County near the Broad River and I-20**
- **Request to accept a conservation easement from Mr. Ralph Pearson to protect 7 acres in northwest Richland County near the Broad River off Wash Lever Road**
- **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 [FIRST READING]**
- **An Ordinance Amending the Richland County Code of Ordinances, Chapter 6, Buildings and Building Regulations; Article I, in general; and Article II, Administration [FIRST READING]**
- **Request to approve an amendment to the lease agreement between Richland County and Palmetto Health Alliance**

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

THIRD READING ITEMS

Alternative Dirt Road Paving Program/Ordinance to permit adoption of countywide dirt road paving program standards – Ms. Smith moved, seconded by Mr. Washington, to defer this item until the February 17th Council meeting. The vote in favor was unanimous.

An Ordinance Authorizing the Execution and Delivery of a fee in lieu of tax agreement between Richland County, South Carolina, and Project Loop [Spirax Sarco]; and other matters relating thereto including, without limitation, payment of a fee in lieu of taxes – Mr. Jeter 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 12, Garbage, Trash and Refuse; Article II, Collection and Disposal; Section 12-16, Yard Trash and other Household Articles – Mr. Jackson moved, seconded by Mr. Malinowski, to defer this item until staff is ready to bring it back. The vote in favor was unanimous.

Ms. Smith moved, seconded by Mr. Washington, to reconsider the deferral. The vote in favor was unanimous.

A discussion took place.

Mr. Jackson moved, seconded by Mr. Malinowski, to defer this item until the

The vote in favor was unanimous.

SECOND READING ITEM

08-39MA, Martha Crawford, RU to OI (3 Acres) Child Care Facility, 17800-03-30 & 31, 1235 Trading Post Rd. – Ms. Dickerson moved, seconded by Ms. Smith, to defer this item until Third Reading of the ordinance governing daycares. The vote in favor was unanimous.

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

Mr. Malinowski stated that the title of the ordinance should be amended to read “(5 or fewer)”.

The vote was in favor.

REPORT OF ADMINISTRATION AND FINANCE COMMITTEE

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

– Ms. Dickerson moved, seconded by Ms. Hutchinson, to defer this item until the February 17th Council meeting. 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

– Mr. Malinowski moved, seconded Mr. Pearce, to amend the ordinance by deleting the word living from Section I, Subsection (b). A discussion took place.

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

The vote on the amended ordinance failed.

Mr. Jeter moved, seconded by Ms. Dickerson, to approve this item with the word “parks” being replaced with the word “facilities” in the ordinance. The vote was in favor.

Budget Amendment (\$84,877) to cover a deficit for overtime, part-time employment, and operating expenses in the Board of Voter Registration

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

The vote was in favor.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

Policy Regarding Project Code Names and Public Hearings – Mr. Jeter stated that the committee recommended approval of this item. A discussion took place.

The vote in favor was unanimous.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

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

- a. **Accommodations Tax Committee—3** – Mr. Malinowski stated that the committee recommended that staff advertise for these vacancies. The vote in favor was unanimous.
- b. **Employee Grievance Committee—2**—Mr. Malinowski stated that the committee recommended that staff advertise for these vacancies. The vote in favor was unanimous.
- c. **Hospitality Tax Committee—2**—Mr. Malinowski stated that the committee recommended that staff advertise for these vacancies. The vote in favor was unanimous.

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

- a. **Accommodations Tax Advisory Committee—2** – Mr. Malinowski stated that the committee recommended that staff re-advertise for these vacancies. The vote in favor was unanimous.
- b. **Airport Commission—2** – Mr. Malinowski stated that the committee recommended appointing Mr. John Mark Dean and to re-advertise for the remaining vacancy. The vote in favor was unanimous.
- c. **Board of Assessment Control—1** – Mr. Malinowski stated that the committee recommended that staff re-advertise for this vacancy. The vote in favor was unanimous.
- d. **Planning Commission—2**—Mr. Malinowski stated that the committee recommended re-appointing Ms. Heather M. Cairns and appointing Mr. Jim Lawracy.

Mr. Jeter made a substitute motion, seconded by Mr. Malinowski, to re-appoint Ms. Heather Cairns and take separate votes on the other appointment. The vote in favor was unanimous.

Mr. Malinowski and Ms. Smith voted for Mr. Gary Atkinson.

Mr. Frank Walker Cason received no votes.

Mr. Pearce, Mr. Jackson, Mr. Jeter, Mr. Livingston and Ms. Dickerson voted for Mr. Stephen L. Gilchrist.

Ms. Cynthia D. Peake received no votes.

Mr. Manning, Ms. Hutchinson, and Mr. Washington voted for Mr. Jim Lawracy.

Ms. Kennedy voted for Mr. Torrey Rush.

Mr. Stephen L. Gilchrist was appointed to the Planning Commission.

- e. **Township Auditorium Board—1**—Mr. Malinowski stated the committee recommended appointing Mr. Shawnee Sapp. The vote in favor was unanimous.
- III. **Council Individual Discretionary Accounts** – Mr. Malinowski stated that this item will be placed on the February 17th Council agenda for action.
- IV. **Revised Application Form** – Mr. Malinowski stated that this item was held in committee.
- V. **Electronic Participation** – Mr. Malinowski stated that this item was held in committee.
- VI. **Committee Agendas** – Mr. Malinowski stated that this item was held in committee.

OTHER ITEMS

Budget Calendar – Ms. Smith moved, seconded by Mr. Pearce, to amend the Budget Calendar to cancel the Millage Presentations on May 19th and approve the Budget Calendar as amended. The vote in favor was unanimous.

Rowing Club MOU – Mr. Malinowski moved, seconded by Mr. Jackson, to defer this item until the February 17th Council meeting. The vote was in favor.

Richland County Strategic Plan – Ms. Smith moved, seconded by Mr. Malinowski, to defer approval until after a work session is held. The vote in favor was unanimous.

CITIZENS' INPUT

Mr. Elrich Vance, Mr. Rodrick Shiver, Ms. Jackie Robinson, and Ms. Christina Jacobs spoke regarding the Northeast Sanitary Landfill settlement funds disbursement.

EXECUTIVE SESSION ITEMS

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Council went into Executive Session at approximately 8:07 p.m. and came out at approximately 8:38 p.m.
=====

- a. **CMRTA Proposed MOU** – Ms. Smith moved, seconded by Ms. Hutchinson, to authorize the staff to enter into negotiations with the City of Columbia when the City indicates they are ready to begin negotiations based on the draft MOU discussed in Executive Session. The vote in favor was unanimous.

MOTION PERIOD

Innovista Update – Mr. Pearce stated that at the Economic Development Committee meeting held prior to the Council meeting, President Harris Pastides of the University of South Carolina and Mr. Park gave the committee an update on the Innovista project.

Resignation of Mr. Richard Swabb – Mr. Malinowski stated that Mr. Richard Swabb is resigning for personal reasons from the Richland Memorial Hospital Board of Trustees and the position needs to be advertised.

Resolution to Establish a Jail Intervention Program – Mr. Jackson moved, seconded by Mr. Jeter, to refer this resolution to the D&S Committee for further discussion. The vote in favor was unanimous.

Amended Verbiage of the Landfill Settlement Agreement – Mr. Jackson moved, seconded by Mr. Malinowski, to refer this matter to the A&F Committee for further discussion.

Review Composition of County Committees and Commissions – Ms. Kennedy referred to the Rules & Appointments Committee the matter of all committee appointments being equally distributed through all Council Districts.

Strategic Plan Mini Retreat – Council schedule a Strategic Plan Mini Retreat for February 24th at 3:00 p.m.

Recycling Resolution – This resolution was referred to the D&S Committee for further discussion.

ADJOURNMENT

The meeting adjourned at approximately 8:54

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

- Contractual Matter - Offer to Purchase County Property
- Personnel Matter

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

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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 16, LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS; ARTICLE 1, IN GENERAL, SO AS TO ADD AND DELETE PROVISIONS RELATING TO BUSINESS LICENSE RATES.

SECTION I. The Richland County Code of Ordinances, Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-5 is hereby amended as follows:

Section 16-5. Classification and Rates.

(1) The County Council shall, by ordinance and in conjunction with the passage of the yearly budget ordinance, establish and approve a Business License Fee Schedule providing a business license rate for each Class of businesses subject to this article. If the County Council fails to fix such rates for a particular calendar year, the rates previously adopted by the County Council shall continue to govern until new rates are fixed. County Council, at its discretion, may also amend, at any time, by ordinance, the Business License Fee Schedule to establish new rates, to be effective and payable for the following calendar year.

(2) The sectors of businesses included in each Rate Class are listed with the United States North American Industry Classification System (NAICS) codes. The alphabetical index in the Business License Fee Schedule is a tool for classification, not a limitation on businesses subject to a license fee. The License Official shall determine the proper class for a business according to the applicable NAICS manual or website, whether or not the business is listed in the alphabetical index.

(3) Any business license covering a year prior to 2008 but obtained on or after January 1, 2008 will be calculated based on the rate structure established in the Business License Fee Schedule and with the rates in the Business License Fee Schedule in effect at the time the business license is obtained.

(4) (a) One decal shall be required for each vehicle used by contractor companies for going to and from job sites to identify their business as being properly licensed. Decals shall cost no more and no less than the cost to produce the decal, rounded up to the nearest quarter value.

(b) Taxis, limos, and shuttles shall post one taxi or shuttle decal on each vehicle. Vehicles registered in Richland County shall be charged \$110 per decal; vehicles not registered in Richland County shall be charged \$165 per decal.

(5) (a) All rates, including the cost of decals and stickers, shall be automatically adjusted every three years by July 1, to be effective the following January 1, to account for changes in the Consumer Price Index (CPI). The adjustment shall be made in the following manner: the

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CPI, using the CPI calculation used by the County in other contexts, for the previous three years shall be determined and averaged together. The rates described in the Business License Fee Schedule shall be increased by the sum of the three-year average CPI for each of the last three years. (Rates shall be rounded up to the nearest nickel value; fees for decals and stickers shall be rounded up to the nearest quarter value.)

(b) If County Council increases the rates independent of the automatic CPI increases, the next CPI increase shall not be calculated until the third year, by July 1, following the County Council increase.

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

SECTION IV. Effective Date. All sections of this ordinance shall be effective on and after _____, 2008.

RICHLAND COUNTY COUNCIL

BY: _____
Val Hutchinson, Acting 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:

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Item# 7

Attachment number 1
Page 3 of 3

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 DECREASE BUSINESS LICENSE REVENUE BY ONE MILLION FIVE HUNDRED AND THIRTY-SIX THOUSAND (\$1,536,000) DUE TO FEE ADJUSTMENTS AND APPROPRIATE UNDESIGNATED GENERAL FUND BALANCE OF ONE MILLION FIVE HUNDRED AND THIRTY-SIX THOUSAND (\$1,536,000) TO OFFSET.

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 million five hundred and thirty-six thousand (\$1,536,000) be reduced for business license fees in the FY 2008-2009 General Fund Budget and one million five hundred and thirty-six thousand (\$1,536,000) be appropriated from undesignated General Fund balance. Therefore, the Fiscal Year 2008-2009 General Fund Annual Budget is hereby amended as follows:

REVENUE

Revenue appropriated July 1, 2008 as amended:	\$ 138,135,934
Reduction in Business License Fees	(1,536,000)
Appropriation of General Fund undesignated fund balance	<u>1,536,000</u>
Total General Fund Revenue as Amended:	\$ 138,135,934

EXPENDITURES

Expenditures appropriated July 1, 2008 as amended:	\$ 138,135,934
Change to Budget:	<u>0</u>
Total General Fund Expenditures as Amended:	\$ 138,135,934

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: _____
Val Hutchinson, Vice 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 RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 26, LAND DEVELOPMENT; ARTICLE VII, GENERAL DEVELOPMENT, SITE, AND PERFORMANCE STANDARDS; SECTION 26-186, GREEN CODE STANDARDS; SUBSECTION (H), DEVELOPMENT STANDARDS; PARAGRAPH (1); SO AS TO REDUCE THE MINIMUM REQUIRED SUBDIVISION SIZE TO TWO ACRES.

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 26-186, Green Code Standards; Subsection (h), Development requirements; Paragraph (1); is hereby amended to read as follows:

- (1) Minimum Subdivision Size: ~~40~~ 2 contiguous acres.

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

Public Hearing: January 27, 2009
First Reading: January 27, 2009
Second Reading: February 3, 2009 (tentative)
Third Reading:

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 V, ZONING DISTRICTS AND DISTRICT STANDARDS; SECTION 26-83, ESTABLISHMENT OF ZONING DISTRICTS; SUBSECTION (E), NEIGHBORHOOD MASTER PLAN OVERLAY DISTRICTS; SO AS TO ESTABLISH A DISTRICT ENTITLED, "DBWP DECKER BOULEVARD/WOODFIELD PARK REDEVELOPMENT OVERLAY DISTRICT".

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 II, Rules of Construction/Definitions; Section 26-22, Definitions; is hereby amended to include in the appropriate alphabetical order, the following definitions:

Duets. A structure used for residential purposes and consisting of two living units sharing a common wall.

Eligible projects. Residential projects within residential infill incentive districts established on or after August 1, 2008 that have been officially submitted to the Richland County Planning and Development Services for review.

Effective lot area. The gross horizontal area of a lot minus any portion of the lot encumbered by a recorded driveway or roadway easement.

Infill parcel. A parcel of land that is located within the infill target areas and is suitable for residential development of four (4) dwelling units or less.

Natural landscaping. An area consisting of uncultivated native plant growth or plantings that are indigenous to the geographical area where the parcel is located.

Residential footprint (lot coverage). This includes all the areas of a parcel (lot) covered by buildings and other structures with surfaces greater than thirty-six (36) inches above the finished and natural grade with the exception of covered front porches, pergolas, porticos, balconies, overhangs, and similar architectural features placed on the front (facing the street) elevation of a building.

Smart growth. A concept whose principals invest time, attention, and resources in restoring a sense of community and activity to city centers and older neighborhoods.

Traditional Neighborhood Design. A planning concept that calls for residential neighborhoods to be designed in the format of a small, village-type atmosphere within neighborhoods. These are characterized by homes and buildings on smaller lots, narrow

front yards with front porches and gardens, detached garages in the backyard, walkable streets (sidewalks), public parks and green spaces.

SECTION II. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-83, Establishment of Zoning Districts; Subsection (e), is hereby amended to read as follows:

(e) *Neighborhood Master Plan overlay districts.* Neighborhood Master Plan overlay districts are zoning districts intended to promote the revitalization of existing blighted commercial and residential areas, while encouraging reinvestment in and reuse of areas in the manner consistent with the specific master planning area and Comprehensive Plan for Richland County. Revitalization initiates housing and economic opportunities, which promotes socially vibrant centers of community life through the coordinated efforts of public, private, and community organizations. For the purpose of this chapter, the following neighborhood Master Plan overlay districts are established in the zoning jurisdiction of Richland County, South Carolina:

CRD Corridor Redevelopment Overlay District

DBWP Decker Boulevard/Woodfield Park Neighborhood Redevelopment Overlay District

SECTION III. The Richland County Code of Ordinances, Chapter 26, Land Development; Article V, Zoning Districts and District Standards; is hereby amended by the creation of a new Section, to read as follows:

Sec. 26-109 DBWP Decker Boulevard/Woodfield Park Neighborhood Redevelopment Overlay District.

(a) *Purpose.* The DBWP Neighborhood Overlay District is intended to promote the revitalization of the existing vacant, neglected or abandoned residential property in this area. This is sought through encouraging the reinvestment in and reuse of these locations in a manner that promotes the infill for housing, consistent with the Comprehensive Plan for Richland County. This infill revitalization initiates many housing and economic opportunities and promotes more socially active and environmentally responsible communities in conjunction with public, private and community organizations.

(b) *Applicability/Establishment.*

- (1) The DBWP Neighborhood Overlay District may be approved and designated by County Council for any area within the county that has already had a Master Plan approved and adopted by the County Council; provided, however, the standards of such district shall remain optional, as described in subparagraph (2), below.
- (2) Once a DBWP Neighborhood Overlay District is applied to a designated area of the county, the development standards of the underlying district shall

remain in place until such time as a property owner applies to the Planning and Development Services Department to have the standards of the DBWP Neighborhood Overlay District apply to his/her property. Only one set of standards shall apply to any one parcel of land, and a property owner is not allowed to simultaneously use the development standards of both districts.

(c) *Permitted uses.* In addition to uses permitted in the underlying zone, the following uses are permitted in the DBWP Neighborhood Overlay District:

(1) *Residential.*

- a. One single-family detached dwelling and one accessory structure (which may contain a dwelling unit) per lot is allowed.
- b. Duets, Triplexes, attached Single Family Dwellings, townhomes and other single and multi-family dwelling units (up to four) that meet required overlay setback standards [see subsection (e) (1) below].
- c. Home occupations are allowed if the use is clearly secondary to the use of the dwelling for residential purposes, and does not change the residential character of the dwelling.

(2) *Commercial/Employment.* Small-scale commercial and mixed use development is allowed, subject to special standards. Commercial/employment uses may be mixed vertically or horizontally with residential uses. First floor space of a multi-floor building (live/work units) shall be restricted to non-residential use, if such building is located on a corner lot or is on a lot that is contiguous to a commercial use, in areas of predominately commercial uses, along Decker Boulevard and where the following roads run northeast to their intersections with Dupont Drive: Foxcroft Road, Omega Drive, Quiet Lane, Robin Nest Road, Castle Pinckney Road, Coral Vine Lane, and Cermack Street, Percival Road, and East Boundary Road.

All sites shall have frontage onto a collector or arterial street. Hours of operation shall be limited from 6:00 am to 10:00 pm. The uses displayed below and individually listed in Table 26-V-0 are permitted, with the exception that an individual use shall not exceed one thousand to five thousand (1,000 - 5,000) square feet in gross floor area:

- a. Daytime Child Care Facilities
- b. Food establishments
- c. Business, Professional and Personal Services (including specific repair services)

d. Light Retail

e. Other uses similar to those listed in a.- d., above (subject to approval by the Planning Staff and Planning Commission).

(3) *Civic/Institutional*. Civic or institutional uses listed in table 26-V-0 shall be integrated vertically or horizontally with residential. Locations are restricted to parcels that exist along streets detailed for commercial/employment use.

(d) *Minimum lot area*: 5,400 square feet, or as determined by DHEC, but in no case shall it be less than 5,400 square feet.

(e) *Design Standards*. Design Standards are adopted to ensure the physical character of projects within the DBWP and to allow the optional development and redevelopment of land consistent with current neighborhood character, along with a traditional neighborhood design approach, to guide this district under smart growth principles.

(1) *Compact Design*. In order to create a compact design that encourages the Traditional Neighborhood Design (TND) approach, the following standards of density and dimensions will be included in any DBWP proposal. The setbacks for residential dwelling units and mixed residential development (excluding open spaces) shall be determined as follows:

a. *Building Setback, Front*.

1. Single-family detached residences shall have a building setback with a minimum of ten (10) feet and a maximum of fifteen (15) feet.
2. Single-family attached residences, multi-family residences, and mixed use buildings shall have a building setback with a minimum of five (5) feet and a maximum of ten (10) feet; provided, however, if the building is on a major arterial road, a ten (10) foot setback is required.

b. *Building Setback, Rear - Residential*. The principal building on lots devoted to any residential use, including mixed-use, shall be setback no less than five (5) feet from the rear lot line.

c. *Side Setbacks*.

1. Provisions (through plan review) for zero lot-line single-family and multi-family dwellings shall be made, provided that a reciprocal access easement is recorded for both lots and townhouses or other attached dwellings, and provided that all dwellings have pedestrian access to the rear yard through means other than the principal structure.

2. Mixed uses require a side setback at a minimum of five (5) feet between parcels.

d. *Green Space.*

1. Green Space shall be required regardless if the residential use is located in an existing, expanded, or new structure.
2. The amount of green space must encompass at least ten percent (10%) of the effective lot area.

(2) *Architectural Standards for New Structures.* A variety of architectural features and building materials is encouraged to give each building or group of buildings a distinct character that is consistent with the maintained existing DBWP housing stock and blends TND techniques.

a. *Guidelines for New Structures.*

1. *Height.* New structures within the DBWP district shall be no more than three (3) stories for single-family residential, or five (5) stories for multi-family residential, or mixed use.

Exceptions: If the multi-family or mixed-use development is located adjacent to residentially designated parcels and the maximum building height allowed for the commercial district exceeds that allowed for the adjacent residential district, the maximum building height shall be fifty-two (52) feet. For those areas of parcels within fifty (50) feet of any property with a general plan density designation of ten units per acre or less, the building massing shall step down to thirty (30) feet to address the scale of the adjacent development.

2. *Entries and Facades.*

- [a] The architectural features, materials, and the articulation of a facade of a building shall be continued on all sides visible from a public street or courtyard.
- [b] The front facade of the principal building on any lot in the DBWP district shall face onto a public street.
- [c] The front facade shall not be oriented to face directly toward a parking lot.
- [d] Porches, pent roofs, roof overhangs, hooded front doors, or other similar architectural elements shall define the front entrance to all

residences.

[e] Porches: usable porches and stoops should form a predominate motif of the building design for single residential buildings and be located on the front and/or side of the building. Usable front porches are at least six (6) feet deep and twelve (12) feet in width.

[f] Raised entries are required to provide privacy, all residential entrances within fifteen (15) feet of the sidewalk shall be raised from the finished grade (at the building line) a minimum of 1½ feet.

[g] For multi-family and multi-use buildings, a minimum of fifteen percent (15%) of the front facade on the ground floor shall be transparent, consisting of window or door openings allowing views into and out of the interior.

3. *Design Requirements.* In order to encourage the compatibility of new infill duplex and attached single-family development with the surrounding neighborhood, all new infill shall utilize at least (4) of the following design features:

[a] Dormers.

[b] Recessed entries.

[c] Cupolas.

[d] Bay or bow windows.

[e] Garages.

[f] Window shutters.

[g] Roof with pitch greater than nominal eight (8) to twelve (12).

[h] Off-sets on building face or roof (minimum 12 inches).

[i] Gables.

[j] Covered porch or entry with pillars or posts.

[k] Eaves (minimum 6 inches).

[l] Garage set at least ten (10) feet behind the front face of the primary dwelling unit.

[m] Exterior window trim that is a minimum of four (4) inches in width.

- b. *Garages and Accessory Dwelling Units.* One (1) detached garage (that may or may not include a dwelling unit) or one (1) detached accessory dwelling unit may be placed on a single-family detached residential lot, provided that the accessory dwelling unit shall not exceed eight hundred (800) square feet and is set off to the side or back of the principal building.
- c. *Exterior signage.* A comprehensive sign program is required for the entire DBWP Neighborhood Overlay District to establish a uniform theme. Signs shall share a common style (e.g., size, shape, material). In the mixed-use area, signs shall be wall signs or cantilever signs. Cantilever signs shall be mounted perpendicular to the building face and shall not exceed two (2) square feet. Wall signs shall be sized and placed to fit within the character of the architectural elements.
- d. *Parking requirements.* On-street parking shall count toward any minimum parking requirements.
 - 1. In residential areas, parking may be provided on-site. One (1) off-street parking space with unrestricted ingress and egress shall be provided for each dwelling unit.
 - 2. Multi-family residential development must provide one (1) parking space for every dwelling unit and an additional one (1) parking space for every third bedroom.
 - 3. In any designated mixed-use area, all parking lots shall be located at the rear or side of a building. The parking lot shall not exceed a maximum depth of sixty-two (62) feet, (two-way aisle with parking on both sides), not including required landscaping. If located at the side, screening shall be provided as specified in Landscaping and Screening Standards.
 - 4. Access for service vehicles should provide a direct route to service and loading dock areas, while avoiding movement through parking areas and roads throughout the district.
 - 5. All parking over the minimum requirements shall be paved with pervious paving material. The reduction of impervious surfaces through the use of interlocking pavers is required for parking areas of periodic uses.
 - 6. Joint use parking. Where at least two (2) uses either within a mixed

use development or on adjacent parcels that each require parking, have different peak parking demands during different times of the day, shared parking is required. Where this is applied, the landscaping requirements may be reduced by five percent (5%). Shared parking shall meet the requirements of Section 26-173(e)(2).

- (3) *Bicycle Parking.* Bicycle parking for all non-residential uses and for residential uses of more than four (4) units per building is required. A minimum of five (5) bicycle spaces per fifty (50) parking/auto spaces (or percentage thereof), with a maximum of ten (10), is required.
- (4) *Outdoor lighting.*
 - a. Street lighting shall be provided along street frontage for projects greater than one (1) acre. Smaller, column street-lights should be used. Street-lights shall be installed on both sides of the street at intervals of no greater than seventy-five (75) feet. A pole or pedestal mounted luminaire, ten to twelve (10-12) feet in height with a full spectrum bulb, not more than one hundred seventy-five (175) watts. Street lighting design shall meet the minimum standards developed by the Illumination Engineering Society.
 - b. Exterior lighting shall be directed downward in order to reduce glare onto adjacent properties.
- (5) *Landscaping and Screening Standards.* Overall composition and location of landscaping shall complement the scale of the development and its surroundings. In general, larger, well-placed contiguous planting areas shall be preferred to smaller, disconnected areas.
 - a. *General Screening.* Where screening is required by section 26-176 of this chapter, it shall be at least three (3) feet in height, unless otherwise specified. Required screening shall be at least fifty percent (50%) opaque throughout the year.
 - b. *Street trees.* A minimum of one (1) deciduous tree, with full maturity between twenty to forty (20-40) feet in height, per thirty (30) feet of street frontage, or fraction thereof, shall be required. Trees should preferably be located between the sidewalk and the curb, within the landscaped area of a boulevard, or in tree wells installed in pavement or concrete. If placement of street trees within the right-of-way will interfere with utility lines, trees may be planted within the front yard setback adjacent to the sidewalk. Species of trees as well as the planting standards are located in the Richland County Development Design Manual.
 - c. *Landscaping.* All areas of a site not occupied by buildings, required parking, driveways, walkways or service areas shall be landscaped

according to an approved landscape plan in accordance with section 26-176 of this chapter.

d. *Installation and Maintenance of Landscaping Materials.*

1. All landscaping is to consist of natural (native) landscaping material to be installed to current international society of arboriculture standards (ISA) landscaping planting standards.
2. Maintenance and replacement of landscape materials shall be the responsibility of the property owner. Landscape maintenance should incorporate environmentally sound management practices, including the use of water and energy-efficient irrigation systems such as drip irrigation, and pruning primarily for plant health and public safety, replacing dead materials annually.

e. *Parking Area Landscaping and Screening.*

1. All parking and loading areas fronting public streets or sidewalks, and all parking and loading areas abutting residential districts or uses, shall provide:
 - [a] A landscaped area at least five (5) feet wide along the public street or sidewalk.
 - [b] Screening at least three (3) feet in height and not less than fifty percent (50%) opaque.
 - [c] One tree for each twenty-five (25) linear feet of parking lot frontage.
2. The corners of parking lots, “islands,” and all other areas not used for parking or vehicular circulation shall be landscaped. Vegetation can include turf grass, native grasses or other perennial flowering plants, vines, shrubs or trees. Such spaces may include architectural features such as benches, kiosks or bicycle parking.

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 X. 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

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: January 27, 2009
First Reading: January 27, 2009
Second Reading: February 3, 2009 (tentative)
Third Reading:

TABLE 26-V-0
 TABLE OF PERMITTED USES FOR COMMERCIAL/EMPLOYMENT ZONE OF DECKER
 BOULEVARD/WOODFILED PARK OVERLAY DISTRICT

Daytime Facilities:	Food Establishments:
Day Care, Adult, Home Occupation (6 or Less)	Restaurants, Full Service (Dine-In Only)
Day Care, Child, Family Day Care, Home Occupation (5 or Less)	Restaurants, Limited Service (Delivery, Carry Out)
Day Care, Child, Group Day Care, Home Occupation (6 to 12)	Meat Markets
Light Retail:	Institutional/Civic:
Antique Stores	Government Offices
Art Dealers	<i>Federal Offices</i>
Arts and Crafts Supply Stores	<i>State Offices</i>
Auction Houses	<i>Local Offices</i>
Bakeries, Retail	Libraries
Bicycle Sales and Repair	Museums/Galleries
Book, Periodical, and Music Stores	Neighborhood Police Stations
Camera and Photographic Sales and Service	Administrative Facility for a private/public School
Candle Shops	School - Private/Public Business, Management or Computer Training (cap at 20 students)
Candy Stores (Confectionery, Nuts, Etc.)	School – Public/Private Fine Arts Training
Caterers, No On Site Consumption	Schools – Public/Private after school tutoring/instruction
Clothing, Shoe, and Accessories Stores	Places of Worship
Coin, Stamp, or Similar Collectibles Shops	
Computer and Software Stores	
Cosmetics, Beauty Supplies, and Perfume Stores	
Fabric and Piece Goods Stores	
Florists	
Gift, Novelty, Souvenir, or Card Shops	
Health and Personal Care Stores, Not Otherwise Listed	
Jewelry, Luggage, and Leather Goods (May Include Repair)	
Office Supplies and Stationery Stores	
Sporting Goods Stores	
Musical Instrument and Supplies Stores (May Include Instrument Repair)	
Business and Professional Services:	
Accounting, Tax Preparation, Bookkeeping, and Payroll Services	
Advertising, Public Relations, and Related Agencies	
Bed and Breakfast Homes/Inns	
Body Piercing Facilities	
Clothing Alterations/Repairs; Footwear Repairs	
Computer Systems Design and Related Services	
Employment Services	

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

AN ORDINANCE ALLOWING OWNERS (OR THEIR AGENTS) OF CERTAIN PARCELS OF LAND WITHIN THE DECKER BOULEVARD/WOODFIELD PARK AREA OF RICHLAND COUNTY, SOUTH CAROLINA, TO MAKE APPLICATION FOR THE USE OF THE DEVELOPMENT STANDARDS OF THE “DBWP DECKER BOULEVARD/WOODFIELD PARK NEIGHBORHOOD REDEVELOPMENT OVERLAY DISTRICT”.

WHEREAS, on _____, 2009, County Council enacted Ordinance No. ____-09HR, which established a new zoning district entitled “DBWP Decker Boulevard/Woodfield Park Neighborhood Redevelopment Overlay District”; and

WHEREAS, the DBWP Neighborhood Overlay District is intended to promote the revitalization of the existing vacant, neglected or abandoned residential property in this area. This is sought through encouraging the reinvestment in and reuse of these locations in a manner that promotes the infill for housing, consistent with the *Comprehensive Plan for Richland County*. This infill revitalization initiates many housing and economic opportunities and promotes more socially active and environmentally responsible communities in conjunction with public, private and community organizations; and

WHEREAS, pursuant to Ordinance No. ____-09HR, the DBWP Neighborhood Overlay District may be approved and designated by County Council for any area within the county that has already had a Master Plan approved and adopted by the County Council; provided, however, the standards of such district shall remain optional; and

WHEREAS, once a DBWP Neighborhood Overlay District is applied to a designated area of the county, the development standards of the underlying district shall remain in place until such time as a property owner applies to the Planning and Development Services Department to have the standards of the DBWP Neighborhood Overlay District apply to his/her property; only one set of standards shall apply to any one parcel of land, and a property owner is not allowed to simultaneously use the development standards of both districts; and

WHEREAS, the following parcels of land are included in “The Renaissance Plan for the Decker Blvd/Woodfield Park Area” Master Plan, which was adopted by County Council on June 19, 2007, and are eligible to apply for the DBWP Neighborhood Overlay District Standards;

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

Section I. The owners or agents of the following parcels of land, which are identified by TMS number (and further referenced on Exhibit A, which is attached hereto and incorporated herein), are hereby eligible to apply to the Planning and Development Services Department of Richland

County for the development standards found within the DBWP Decker Boulevard/Woodfield Park Neighborhood Redevelopment Overlay District:

R16812-02-35	R16816-10-26	R16913-05-13	R19604-04-11	R19702-01-05
R16812-06-02	R16816-10-27	R16913-05-14	R19604-04-12	R19702-01-06
R16812-06-03	R16816-11-01	R16913-05-15	R19604-04-13	R19702-01-07
R16812-06-04	R16816-11-02	R16913-06-01	R19604-04-14	R19702-01-08
R16812-07-01	R16816-11-03	R16913-06-02	R19604-04-15	R19702-01-09
R16812-07-02	R16816-11-04	R16913-06-03	R19604-04-16	R19702-01-10
R16812-07-03	R16816-11-05	R16913-06-04	R19604-04-17	R19702-02-01
R16812-07-04	R16816-11-06	R16913-06-05	R19604-04-18	R19702-02-02
R16812-07-05	R16816-11-07	R16913-06-06	R19604-04-19	R19702-02-03
R16812-07-06	R16816-11-08	R16913-06-07	R19604-04-20	R19702-02-04
R16812-07-07	R16816-11-09	R16913-06-08	R19604-04-21	R19702-02-05
R16812-07-08	R16816-11-10	R16913-06-09	R19604-04-22	R19702-02-06
R16812-07-09	R16816-11-11	R16913-06-10	R19604-04-23	R19702-02-07
R16812-07-10	R16816-11-12	R16913-06-11	R19604-04-24	R19702-02-08
R16812-07-11	R16816-11-13	R16913-06-12	R19604-04-25	R19702-02-09
R16812-07-12	R16816-11-14	R16913-07-01	R19604-04-26	R19702-02-10
R16812-07-13	R16816-11-15	R16913-07-02	R19604-04-27	R19702-02-11
R16812-08-01	R16816-11-16	R16913-07-03	R19604-04-28	R19702-02-12
R16812-08-02	R16816-11-17	R16913-07-04	R19604-04-29	R19702-02-13
R16812-08-03	R16816-11-18	R16913-08-01	R19604-04-30	R19702-02-14
R16812-08-04	R16816-11-19	R16913-08-02	R19604-04-31	R19702-02-18
R16812-09-02	R16816-11-20	R16913-08-03	R19604-04-32	R19702-03-01
R16812-10-01	R16816-11-21	R16913-08-04	R19604-04-33	R19702-03-02
R16812-10-02	R16816-11-22	R16913-08-05	R19604-04-34	R19702-03-03
R16812-10-03	R16816-11-23	R16913-08-06	R19604-04-35	R19702-03-04
R16812-10-04	R16816-11-24	R16913-08-07	R19604-04-36	R19702-03-05
R16812-10-05	R16816-11-25	R16913-08-08	R19604-04-37	R19702-03-06
R16812-10-06	R16816-11-26	R16913-08-09	R19604-04-38	R19702-03-07
R16812-10-07	R16816-11-27	R16913-08-10	R19604-04-39	R19702-03-08
R16812-11-02	R16816-12-01	R16913-08-11	R19604-04-40	R19702-03-09
R16812-11-03	R16816-12-02	R16913-08-12	R19604-04-41	R19702-03-10
R16812-11-04	R16816-12-03	R16913-08-13	R19604-04-42	R19702-03-11
R16815-01-02	R16816-12-04	R16913-08-14	R19604-04-43	R19702-03-12
R16815-01-03	R16816-12-05	R16913-08-15	R19604-04-44	R19702-03-13
R16815-01-04	R16816-12-06	R16913-08-16	R19604-04-45	R19702-03-14
R16815-01-05	R16816-12-07	R16913-08-17	R19604-04-46	R19702-03-15
R16815-01-06	R16816-12-08	R16913-08-18	R19604-04-47	R19702-03-16
R16815-01-07	R16816-12-09	R16913-08-19	R19604-04-48	R19702-03-17
R16815-01-08	R16816-12-10	R16913-08-20	R19604-04-49	R19702-03-18
R16815-01-09	R16816-12-11	R16913-08-21	R19604-05-01	R19702-03-19
R16815-01-10	R16816-12-12	R16913-08-22	R19604-05-02	R19702-04-01
R16815-01-11	R16816-12-13	R16913-09-01	R19604-05-03	R19702-04-02
R16815-01-12	R16816-12-14	R16913-09-02	R19604-05-04	R19702-04-03

R16815-02-01	R16816-12-15	R16913-09-03	R19604-05-05	R19702-04-04
R16815-02-02	R16816-12-16	R16913-09-04	R19604-05-06	R19702-04-05
R16815-02-03	R16816-12-17	R16913-09-05	R19604-05-07	R19702-04-06
R16815-02-04	R16816-12-18	R16913-09-06	R19604-05-08	R19702-04-07
R16815-02-05	R16816-12-19	R16913-09-07	R19604-05-09	R19702-04-08
R16815-02-06	R16816-12-20	R16913-10-01	R19604-05-10	R19702-04-09
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R16816-09-21	R16913-04-06	R19604-03-04	R19701-12-02	R19706-03-04
R16816-09-22	R16913-04-07	R19604-03-05	R19701-12-03	R19706-03-05
R16816-09-23	R16913-04-08	R19604-03-06	R19701-12-04	R19706-03-06
R16816-09-24	R16913-04-09	R19604-03-07	R19701-12-05	R19706-03-07
R16816-09-25	R16913-04-10	R19604-03-08	R19701-12-06	R19706-03-08
R16816-09-26	R16913-04-11	R19604-03-09	R19702-12-10	R19706-03-09
R16816-09-27	R16913-04-12	R19604-03-10	R19701-13-01	R19706-03-10
R16816-09-28	R16913-04-13	R19604-03-11	R19701-13-02	R19706-03-11
R16816-09-29	R16913-04-14	R19604-03-12	R19701-13-03	R19706-03-12
R16816-09-30	R16913-04-15	R19604-03-13	R19701-13-04	R19706-03-13
R16816-10-01	R16913-04-16	R19604-03-14	R19701-13-05	R19706-03-14
R16816-10-02	R16913-04-17	R19604-03-15	R19701-13-06	R19706-03-15
R16816-10-03	R16913-04-18	R19604-03-16	R19701-13-07	R19706-03-16
R16816-10-04	R16913-04-19	R19604-03-17	R19701-13-08	R19707-01-06
R16816-10-05	R16913-04-20	R19604-03-18	R19701-13-09	R19707-01-07
R16816-10-06	R16913-04-21	R19604-03-19	R19701-13-10	R19707-01-08
R16816-10-07	R16913-04-22	R19604-03-20	R19701-13-11	R19707-01-09
R16816-10-08	R16913-04-23	R19604-03-21	R19701-14-01	R19707-01-10
R16816-10-09	R16913-04-24	R19604-03-22	R19701-14-02	R19707-01-11
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R16816-10-16	R16913-05-03	R19604-04-01	R19701-14-08	R19707-01-17

R16816-10-17	R16913-05-04	R19604-04-02	R19701-14-09	R19707-01-18
R16816-10-18	R16913-05-05	R19604-04-03	R19701-14-10	R19707-01-19
R16816-10-19	R16913-05-06	R19604-04-04	R19701-14-11	R19707-01-20
R16816-10-20	R16913-05-07	R19604-04-05	R19701-14-12	R19707-01-21
R16816-10-21	R16913-05-08	R19604-04-06	R19701-14-13	R19707-01-22
R16816-10-22	R16913-05-09	R19604-04-07	R19702-01-01	R19707-01-23
R16816-10-23	R16913-05-10	R19604-04-08	R19702-01-02	
R16816-10-24	R16913-05-11	R19604-04-09	R19702-01-03	
R16816-10-25	R16913-05-12	R19604-04-10	R19702-01-04	

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

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

Section IV. This ordinance shall be effective from and after _____, 2009.

RICHLAND COUNTY COUNCIL

By: _____
Paul Livingston, Chair

Attest this _____ day of
_____, 2009.

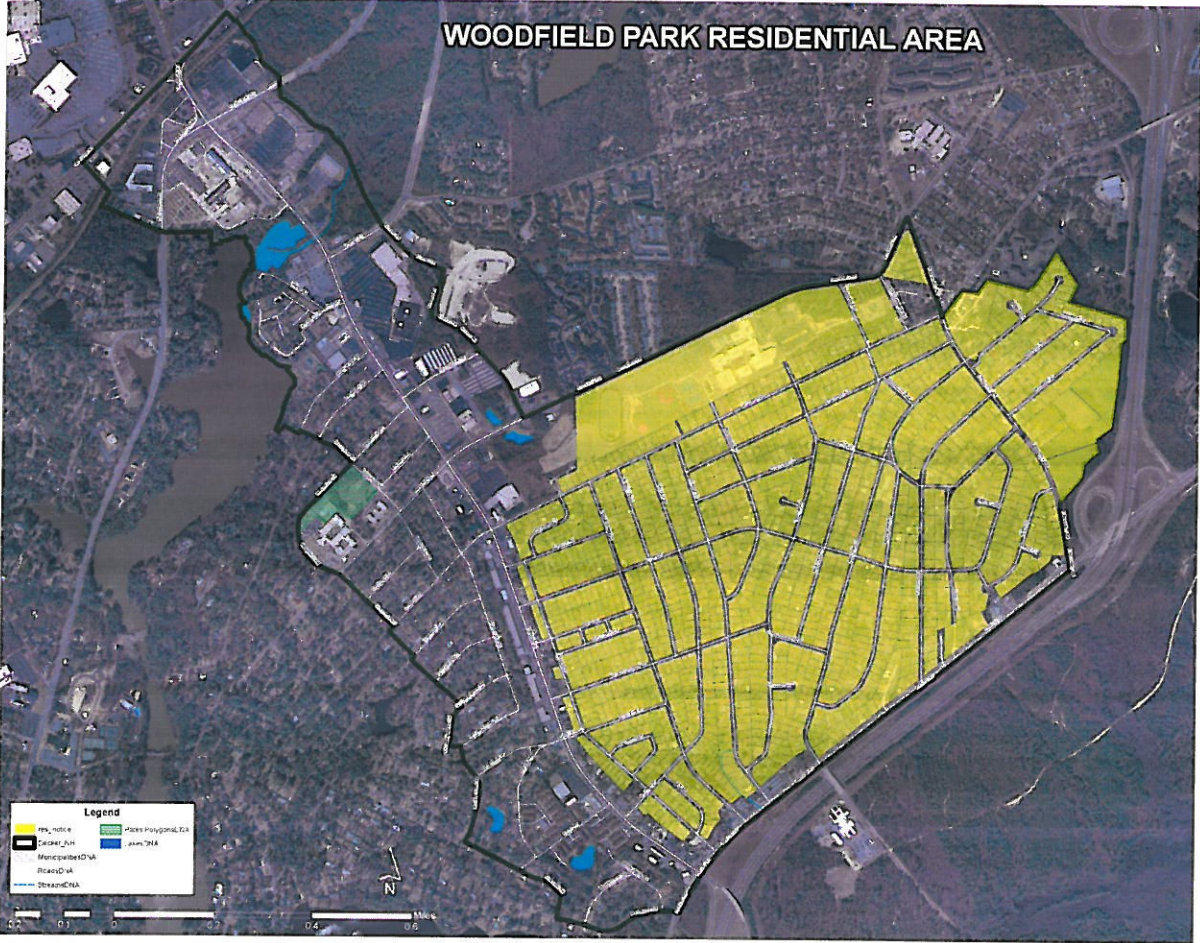
Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: January 27, 2009
First Reading: January 27, 2009
Second Reading: February 3, 2009 (tentative)
Third Reading:

EXHIBIT A
(Affected parcels are highlighted in yellow)



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

AN ORDINANCE AMENDING THE IMAGINE RICHLAND 2020 COMPREHENSIVE PLAN, ADOPTED ON MAY 3, 1999, BY INCORPORATING THE “CANDLEWOOD NEIGHBORHOOD MASTER PLAN” INTO THE NORTHEAST PLANNING AREA.

WHEREAS, on May 3, 1999, Richland County Council adopted the Imagine Richland 2020 Comprehensive Plan pursuant to S.C. Code Section 6-29- 310, et al. (Ordinance No. 013-99HR); and

WHEREAS, Section 6-29-520 (B) of the South Carolina Code of Ordinances 1976, as amended (South Carolina Local Government Comprehensive Planning and Enabling Act of 1994, as amended), requires that recommendations for amendments to the Comprehensive Plan must be by Resolution of the Planning Commission; and

WHEREAS, the Richland County Planning Commission has unanimously approved a Resolution recommending that County Council adopt the “Candlewood Neighborhood Master Plan”, dated December 1, 2008; and

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 County Council for Richland County as follows:

SECTION I. The Imagine Richland 2020 Comprehensive Plan is hereby amended by the incorporation of the “Candlewood Neighborhood Master Plan”, dated December 1, 2008, and which is attached hereto, into the Northeast Area Plan.

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.

Michelle 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: January 27, 2009
First Reading: January 27, 2009
Second Reading: February 3, 2009 (tentative)
Third Reading:

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

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

MEMORANDUM

TO: Richland County Council Members

FROM: Amelia R. Linder, Esq.

DATE: February 13, 2009

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

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

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

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

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

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

AMENDED!! 2-13-09

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

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

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

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

ARTICLE I. IN GENERAL

Sec. 6-1. Scope.

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

Sec. 6-2. Activities regulated.

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

Sec. 6-3. Area of applicability.

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

Sec. 6-4. Conflict of authority.

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

Sec. 6-5. Conflict with other ordinances.

AMENDED!! 2-13-09

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

Sec. 6-6. Amendment procedures.

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

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

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

ARTICLE II. ADMINISTRATION

DIVISION 1. GENERALLY

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

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

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

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

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

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

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

AMENDED!! 2-13-09

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

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

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

Sec. 6 20. Same Actions.

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

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

AMENDED!! 2-13-09

~~(b) Decisions.~~

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

Sec. 6-21 . Building inspector.

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

Sec. 6-22 18. Conflicts of interest.

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

Sec. 6-23 19. Liability.

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

Sec. 6-24 20. Violations and penalties.

AMENDED!! 2-13-09

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

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

DIVISION 2. PLANNING MANAGEMENT BUILDING CODES AND INSPECTIONS DIRECTOR

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 6-34 32. Deputy.

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

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

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

Sec. 6-36 33. Appeals from decisions.

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

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

(b) *Time limits.*

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

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

DIVISION 3. PERMITS, INSPECTION AND CERTIFICATE OF APPROVAL

Sec. 6-43. Permits required; exception.

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

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

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

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

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

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

AMENDED!! 2-13-09

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 6-51 50. Fees.

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

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

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

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

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

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

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

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

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

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

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

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

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

~~\$901.00 – \$1,200.00 12.00~~

~~\$1,201.00 – \$1,600.00 14.00~~

~~\$1,601.00 – \$2,200.00 16.00~~

~~\$2,201.00 – \$3,000.00 18.00~~

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

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

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

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

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

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

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

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

~~(4) Plumbing permit:~~

~~1–3 fixtures, minimum \$ 5.00~~

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

~~(5) Sewer permit:~~

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

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

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

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

~~(6) Miscellaneous fees:~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) *Foundation and wall inspection.*

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

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

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

Sec. 6-56 55. ~~Same~~—Safety.

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

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

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

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

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

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

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

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

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

Sec. 6-64. Contractors or builders.

AMENDED!! 2-13-09

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

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

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

Sec. 6-66. Craftsmen qualification cards.

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

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

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

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

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

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

AMENDED!! 2-13-09

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

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

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

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

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

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

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

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

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

AMENDED!! 2-13-09

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

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

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

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

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

DIVISION 5. BUILDING CODES BOARD OF ADJUSTMENT

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

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

AMENDED!! 2-13-09

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

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

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

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

(f) Variations and modifications.

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

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

(g) Decisions.

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

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

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

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

AMENDED!! 2-13-09

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

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

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

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE _____ DAY

OF _____, 2009

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

ORIGINAL STAFF RECOMMENDATION

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

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

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

SECTION I. The Richland County Code of Ordinances; Chapter 21, Roads, Highways and Bridges; Section 21-3, Definitions; is hereby amended by the addition of the following language:

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

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

(i) The Alternative Maintenance Paving Program shall consist of two categories, Pave-In-Place and Alternative Surface Treatment, which are defined as follows:

(1) The Pave-In-Place Program shall allow for the placement of hot mix asphalt on low volume/light duty dirt roads that meet the following criteria:

- a) The paving section would be over the existing, road bed only.
- b) The existing road bed/width must be a minimum of 22 feet to allow for two 11 foot travel lanes.
- c) The road must be less than or equal to one half (1/2) mile in length.
- d) The road must not have horizontal or vertical curve alignment problems and must meet American Association of State Highway and Transportation Officials (AASHTO) Guidelines.
- e) Roads up to one mile may be considered at the discretion of the Public Works Director if they meet all criteria except c).

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

- Triple treatment Surface course
- Rubberized Asphalt
- Milled Asphalt

Alternative Surface Treatment may be used on low volume/light duty dirt roads that meet the following criteria:

- a) The paving section would be over the existing, road bed only.

ORIGINAL STAFF RECOMMENDATION

- b) The existing road bed/width must be a minimum of 22 feet to allow for two 11 foot travel lanes.
- c) The road must be less than or equal to one half (1/2) mile in length.
- d) The road must not have horizontal or vertical curve alignment problems and must meet American Association of State Highway and Transportation Officials (AASHTO) Guidelines.
- e) Roads up to one mile may be considered at the discretion of the Public Works Director if they meet all criteria except c).

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

(4) In order to incorporate community input before roads are paved, DPW will Contact property owners on roads known to have right of way to determine interest in the improvement. If 80% concur (conforms to Section 21-5 (h)) proceed with improvements. Roads where owners do not support the improvement will be reported to council.

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

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

SECTION V. Effective Date. This ordinance shall be enforced from and after _____, 2009.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chairperson

ATTEST THIS THE _____ DAY
OF _____, 2009

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

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

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

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

SECTION I. The Richland County Code of Ordinances; Chapter 21, Roads, Highways and Bridges; Section 21-3, Definitions; is hereby amended by the addition of the following language:

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

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

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

STAFF RECOMMENDATION BASED ON COUNCIL RETREAT DISCUSSION

may be constructed.

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

- Triple treatment Surface course
- Rubberized Asphalt
- Milled Asphalt

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

(4) In order to incorporate community input before roads are paved, DPW will Contact property owners on roads known to have right of way to determine interest in the improvement. If 75% concur (conforms to Section 21-5 (h)) proceed with improvements. Roads where owners do not support the improvement will be reported to council.

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

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

SECTION V. Effective Date. This ordinance shall be enforced from and after _____, 2009.

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chairperson

ATTEST THIS THE _____ DAY

OF _____, 2009

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

IF THE COUNCIL ELECTS TO APPOINT A COMMISSION, AS IS SUGGESTED BY THE GEOMETRICS STUDY, THE STAFF RECOMMENDS THAT THE COMMISSION'S ROLE BE AS FOLLOWS:

Road Transportation Commission – An eleven member Road Transportation Commission will be appointed by the County Council to coordinate between the County Administrator and the County Council on the implementation of the alternative road paving program. Specifically, the Commission would serve as a facilitator in the process by notifying and working with residents whose roads have been determined to qualify for the alternative paving program and by assisting with the acquisition of rights-of-way.

AMENDED

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; SO AS TO PERMIT “DAY CARE, ADULT, HOME OCCUPATION (5 OR FEWER)””; “DAY CARE CENTERS, ADULT””; “DAY CARE, CHILD, FAMILY DAY CARE, HOME OCCUPATION (5 OR FEWER)””; AND “DAY CARE CENTERS, CHILD, LICENSED CENTERS””; IN VARIOUS ZONING DISTRICTS WITH SPECIAL REQUIREMENTS.

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 VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (b), Permitted Uses with Special Requirements Listed by Zoning District; Paragraph (21), Day Care, Adult, Home Occupation (6 or Less); is hereby amended to read as follows:

- (21) Day Care, Adult, Home Occupation (65 or less fewer) – (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, NC, RC, GC)

SECTION II. The Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (b), Permitted Uses with Special Requirements Listed by Zoning District; Paragraph (22), Day Care Centers, Adult; is hereby amended to read as follows:

- (22) Day Care Centers, Adult - (RU, OI, NC, RC, GC, M-1)

SECTION III. The Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (b), Permitted Uses with Special Requirements Listed by Zoning District; Paragraph (23), Day Care, Child, Family Day Care, Home Occupation (6 or less); is hereby amended to read as follows:

- (23) Day Care, Child, Family Day Care, Home Occupation (65 or less fewer) - (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD, OI, NC, RC, GC)

SECTION IV. The Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (b), Permitted Uses with Special Requirements Listed by Zoning District; Paragraph (24), Day Care Centers, Child, Licensed Centers; is hereby amended to read as follows:

AMENDED

(24) Day Care Centers, Child, Licensed Centers - (RU, OI, RC, GC, M-1, ~~LI~~)

SECTION V. The Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (c), Standards; Paragraph (21), Day Care, Adult, Home Occupation (six or less); is hereby amended to read as follows:

(21) *Day care, adult, home occupation* (six five or less fewer).

- a. Use districts: Rural; Rural Residential; Residential, Single-Family – Estate; Residential, Single-Family - Low Density; Residential, Single-Family – Medium Density; Residential, Single-Family – High Density; Manufactured Home; Residential, Multi-Family – Medium Density; Residential, Multi-Family – High Density; Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial.
- b. An adult day care, home occupation, with six five (6) (5) or fewer attendees must be operated in an occupied residence.
- c. Client pick-up and drop-off shall not obstruct traffic flow on adjacent public roads.

~~d. Parking shall not be located in the front yard.~~

ed. All other state and federal regulations shall be met.

SECTION VI. The Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (c), Standards; Paragraph (22), Day Care Centers, Adult; is hereby amended to read as follows:

(22) *Day care centers, adult.*

- a. Use districts: Rural; Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial; M-1 Light Industrial.
- b. Client pick-up and drop-off shall not obstruct traffic flow on adjacent public roads.

SECTION VII. The Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (c), Standards; Paragraph (23), Day Care, Child, Family Day Care, Home Occupation (6 or less); is hereby amended to read as follows:

(23) *Day care, child, family day care, home occupation* (six five or less fewer).

AMENDED

- a. Use districts: Rural; Rural Residential; Residential, Single-Family – Estate; Residential, Single-Family – Low Density; Residential, Single-Family – Medium Density; Residential, Single-Family – High Density; Manufactured Home; Residential, Multi-Family – Medium Density; Residential, Multi-Family – High Density; Office and Institutional; ~~Neighborhood Commercial; Rural Commercial;~~ General Commercial.
- b. A child family day care home occupation, must be operated in an occupied residence.
- c. Any outdoor play area shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas, or land otherwise unsuited for children’s play space.
- d. Client pick-up and drop-off shall not obstruct traffic flow on adjacent public roads.
- e. All other state and federal regulations shall be met.

SECTION VIII. The Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-151, Permitted Uses with Special Requirements; Subsection (c), Standards; Paragraph (24), Day Care Centers, Child, Licensed Centers; is hereby amended to read as follows:

(24) *Day care centers, child, licensed centers.*

- a. Use districts: ~~Rural;~~ Office and Institutional; Neighborhood Commercial; Rural Commercial; General Commercial; M-1 ~~and LI~~ Light Industrial.
- b. Any outdoor play area shall be fenced or otherwise enclosed on all sides and shall not include driveways, parking areas, or land otherwise unsuited for children’s play space.
- c. Client pick-up and drop-off shall not obstruct traffic flow on adjacent public roads.
- d. All other state and federal regulations shall be met.

SECTION IX. The Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-152, Special Exceptions; Subsection (c), Special exceptions listed by zoning district; Paragraph (9), Day Care, Adult, Home Occupation (6 or less); is hereby deleted in its entirety and all succeeding paragraphs shall be renumbered appropriately.

AMENDED

~~(9) Day Care, Adult, Home Occupation (6 or less) (RU, RR, RS-E, RS-LD, RS-MD, RS-HD, MH, RM-MD, RM-HD)~~

SECTION X. The Richland County Code of Ordinances; Chapter 26, Land Development; Article VI, Supplemental Use Standards; Section 26-152, Special Exceptions; Subsection (d), Standards; Paragraph (9), Day Care, Adult, Home Occupation (6 or less); is hereby deleted in its entirety and all succeeding paragraphs shall be renumbered appropriately.

~~(9) Day care, adult, home occupation (six or less).~~

~~a. Use districts: Rural; Rural Residential; Residential, Single-Family, Estate; Residential, Single Family, Low Density; Residential, Single Family, Medium Density; Residential, Single Family, High Density; Manufactured Home Park; Residential, Multi-Family, Medium Density; Residential, Multi-Family, High Density.~~

~~b. An adult day care, home occupation, with six (6) or fewer attendees must be operated in an occupied residence.~~

~~c. Client pick-up and drop-off shall not obstruct traffic flow on adjacent public roads.~~

~~d. All other state and federal regulations shall be met.~~

SECTION XI. The Richland County Code of Ordinances; Chapter 26, Land Development; Article V, Zoning Districts and District Standards; Section 26-141, Table of Permitted Uses, Permitted Uses with Special Requirements, and Special Exceptions; “Other Uses” of Table 26-V-2.; is hereby amended to read as follows:

(ORDINANCE CONTINUES ON NEXT PAGE)

AMENDED

USE TYPES	TROS	RU	RR	RS-E	RS-LD	RS-MD	RS-HD	MH	RM-MD	RM-HD	OI	NC	RC	GC	M-1	LI	HI
<u>Institutional, Educational and Civic Uses</u>																	
Ambulance Services, Emergency		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Ambulance Services, Transport											P		P	P	P	P	
Animal Shelters											P			SR	SR	SR	
Auditoriums, Coliseums, Stadiums											P			P	P	P	
Cemeteries, Mausoleums											SR	SR	SR	SR	SR	SR	SR
Colleges and Universities											P		P	P			
Community Food Services											P	P	P	P	P	P	
Correctional Institutions		SE													P	SE	SE
Courts											P	P	P	P			
Day Care, Adult, Home Occupation (<u>6 1/2</u> or <u>Less Fewer</u>)		<u>SE</u> <u>SR</u>	<u>SE</u> <u>SR</u>	<u>SE</u> <u>SR</u>	<u>SE</u> <u>SR</u>	<u>SE</u> <u>SR</u>	<u>SE</u> <u>SR</u>	<u>SE</u> <u>SR</u>	<u>SE</u> <u>SR</u>	<u>SE</u> <u>SR</u>	SR	<u>SR</u>	<u>SR</u>	SR			
Day Care Centers, Adult		<u>SR</u>									SR	SR	SR	SR	<u>SR</u>		
Day Care, Child, Family Day Care, Home Occupation (<u>6 1/2</u> or <u>Less Fewer</u>)		SR	SR	SR	SR	SR	SR	SR	SR	SR	SR	<u>SR</u>	<u>SR</u>	SR			
Day Care Centers, Child, Licensed Centers		<u>SR</u>									SR	SR	SR	SR	SR	<u>SR</u>	
Fire Stations		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Government Offices											P	P	P	P	P	P	
Hospitals											P		P	P			
Individual and Family Services, Not Otherwise Listed											P	P	P	P	P		
Libraries		SR	SR	SR	SR	SR	SR	SR	SR	SR	P	P	P	P	P	P	
Museums and Galleries											P	P	P	P	P	P	

AMENDED

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

SECTION XIV. 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

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Public Hearing: January 27, 2009
First Reading: January 27, 2009
Second Reading: February 3, 2009
Third Reading: February 17, 2009 (tentative)

Richland County Council Request of Action

Subject

08-39MA
Martha Crawford
RU to OI (3 Acres)
Child Care Facility
17800-03-30 & 31
1235 Trading Post Rd. **[PAGE 98]**

Purpose

Committee Recommendation

Council Action (First Reading)

This item received First Reading on November 25, 2008

Council Action (Second Reading)

Public Hearing

This item received a public hearing on November 25, 2008

On Agenda As A Consent Item No

On Agenda For Public Hearing No

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

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

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

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

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

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

Section IV. This ordinance shall be effective from and after _____, 2009.

RICHLAND COUNTY COUNCIL

By: _____
Paul Livingston, Chair

Attest this _____ day of
_____, 2009.

Michielle R. Cannon-Finch
Clerk of Council

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

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

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

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

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

Sec. 5-15. Naming of Buildings.

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

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

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

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

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

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

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

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

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

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

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

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE _____ DAY
OF _____, 2009.

Michielle R. Cannon-Finch
Clerk of Council

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

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

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

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

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

REVENUE

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

EXPENDITURES

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

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

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

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

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE ____ DAY

OF _____, 2008

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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


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



ATTORNEYS AT LAW

MEMORANDUM

TO: Richland County Council
Milton Pope

FROM: Mullen Taylor, Esq. 

SUBJECT: Amendments to the Business License Ordinance

DATE: February 11, 2009

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

This ordinance is attached, and is summarized as follows:

1. Time Limits to Bring an Appeal

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

2. Waiver of Penalties

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

3. Reduction for Like-Kind Exchanges

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

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

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

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

5. Frustration Concerning Limited Authority of the Appeals Board

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

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

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

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

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

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

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

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

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

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

Section 16-19. Appeals.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Interstate Commerce Declining Rates

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

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

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

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

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

RICHLAND COUNTY COUNCIL

BY: _____
Paul Livingston, Chair

ATTEST THIS THE _____ DAY

OF _____, 2009

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: Feb. 17, 2009 (tentative)

Second Reading:

Public Hearing:

Third Reading:

Richland County Council Request of Action

Subject

Project Woods Inducement Resolution [PAGES 114-117]

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

INDUCEMENT RESOLUTION

WHEREAS, Richland County, South Carolina (the “County”), acting by and through its County Council (the “Council”), is authorized and empowered under and pursuant to the provisions of Title 12, Chapter 44 or Title 4, Chapter 12, Code of Laws of South Carolina, 1976, as amended (the “FILOT Statutes”), to enter into agreements with any industry whereby the industry would pay fees-in-lieu-of taxes with respect to qualified projects; through which powers the development of the State of South Carolina (the “State”) will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate or remain in the State and thus utilize and employ the manpower, products and resources of the State and benefit the general public welfare of the County by providing services, employment, recreation or other public benefits not otherwise provided locally;

WHEREAS, UNUM Group and/or one or more existing or to-be-formed subsidiaries or affiliated entities of such company, including but not limited to UNUM Life Insurance Company of America and Colonial Life & Accident Insurance Company (collectively, the “Company”) have previously made significant investments in the County and presently employ over 1,000 people in the County;

WHEREAS, the County is presently recruiting an additional investment in the County by the Company in the form of new and/or additional manufacturing, testing, research, development and/or operational capacity and/or an expansion at an existing facility located in the County (the “Project”);

WHEREAS, the Council, in order to induce the Company to locate the Project in the County, has committed to the Company that the Council will take certain actions and provide certain incentives, including entering into a fee-in-lieu of taxes (“FILOT”) agreement, which provide certain benefits to the Company, if the Company locates the Project in the County;

WHEREAS, the Company anticipates that the Project will represent an investment of at least \$8 million in the County (without regard to whether some or all of the investment is included in a FILOT arrangement);

WHEREAS, based on representations of and information supplied by the Company, the County has determined and found after considering all relevant factors and criteria as prescribed by law (with assistance, to the extent needed, from the South Carolina Department of Revenue and/or Board of Economic Advisors) that the Project is anticipated to benefit the general public welfare of the County by providing services, employment, recreation or other public benefits not otherwise provided locally; and that the Project gives rise to no pecuniary liability of the County or any incorporated municipality or a charge against the general credit or taxing power of either; that the purposes to be accomplished by the Project, i.e., economic development, keeping of jobs, and addition to the tax base of the County, are proper governmental and public purposes; that the

inducement of the location or expansion of the Project within the County and State is of paramount importance; and that the benefits of the Project will be greater than the costs; and

WHEREAS, the County has determined on the basis of the information supplied to it by the Company that the Project would be a "project" as that term is defined in the FILOT Statutes and that the Project would serve the purposes of the FILOT Statutes.

NOW, THEREFORE, BE IT RESOLVED by the Richland County Council that:

1. If the Company locates the Project in the County, the Council, upon request by the Company, hereby agrees to enter into one or more agreements under one of the FILOT Statutes as the Company may decide (the "Applicable Statute") that will provide the Company with the benefits allowed pursuant to a FILOT agreement, including the maximum term allowable under the FILOT Statute and the calculation of the fee on the basis of an assessment ratio of 8%, subject to adjustment as set forth in Section 3 below, for the full term of the FILOT agreement, and the other benefits set forth below. The Company may, at its option, include certain Project property within the FILOT agreement and exclude other Project property from that agreement.
2. The Council agrees to enter into and execute the appropriate agreements and other documents under the Applicable Statute to implement the provisions of this Resolution and such other provisions as the Company may request consistent with this Resolution and with the Applicable Statute. The FILOT agreement, pursuant to the Applicable Statute, shall provide the Company with a millage rate for the purpose of calculating fee payments of 493.5 mills, which is the cumulative property tax millage rate on June 30, 200__ levied on behalf of all taxing entities within which the Project is to be located. Such millage rate shall be fixed for the full term of the FILOT agreement.
3. The Council hereby agrees that if the Company, by December 31, 2014, invests a total of \$25 million in the Project, then beginning with the property tax year following the year in which the Company achieves such \$25 million investment threshold, the calculation of the FILOT payments under the FILOT agreement shall be made on the basis of a 6% assessment ratio rather than an 8% assessment ratio.
4. The Council agrees to provide the Company with the most favorable provisions allowable under the Applicable Statute with respect to the disposal and replacement of personal property.
5. The Council agrees to waive the recapitulation requirements set forth in the Applicable Statute.
6. This Resolution shall constitute action reflecting and identifying the Project for purposes of the Applicable Statute with respect to the Company.

APPROVED AND ADOPTED IN A MEETING THIS ____ DAY OF _____, 2009.

By: _____
Paul Livingston
Chairman, Richland County Council

ATTEST:

Michielle Cannon-Finch
Clerk to Council

~Doc# 6049318.3~

Richland County Council Request of Action

Subject

- Employee Grievance Committee - 1
- Historic Columbia Foundation - 1
- Hospitality Tax Committee - 3

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

Housing Advisory Committee (HAC) - 2 [PAGE 120]

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

MONIQUE WALTERS

From: VALERIA JACKSON
Sent: Thursday, February 12, 2009 10:40 AM
To: MONIQUE WALTERS
Subject: FW: Richland County Housing Advisory Committee (HAC)

Hey Monique,

I have 2 persons who are ready to fill vacancies on our Housing Advisory Committee (HAC). I understand that you are the over the rules and appointments committee. Can you walk me through the steps I need to get these folk approved by Council?

They are:

Adam C. Scott has more than twenty-five years of experience in the construction industry and 20 plus years experience working with federally funded projects and regulations pertaining to construction/rehabilitation activities. Over the last 20 years, he has been employed with the City of Columbia, most recently as a Facilities Manager. He earned his Associates Degree in Architectural Engineering Technology from Midlands Technical College, Columbia, SC and is often called upon by the local US Department of HUD to conduct training courses related to construction of federally-funded programs such as Residential Building Codes, Material Take Off, Lead-Based Paint, Environmental Assessments and Energy Efficiency.

Residence:
 2900 Marion Street
 Columbia, SC 29201

Selena M. Pickens is the Community Mortgage Specialist for BB&T, specializing in loans for low to moderate income persons through BB&T's suite of Affordable Housing products. Prior to joining BB&T in January, 2008, Ms. Pickens was the housing program coordinator for the Benedict-Allen CDC for five years. She was responsible for conducting homebuyer education workshops, and budget and credit counseling for home buyers. She is a certified housing counselor, and a certified Financial Health Counselor and has worked with hundreds of families to assist with their housing related needs. She received a Political Science degree from the University of South Carolina and a Business degree from Webster University.

Residence:
 2074 Watermark Place
 Columbia, SC 29210

Please advise.

Thanks/Valeria

Valeria D. Jackson
 Director of Community Development
 Richland County Government
 2020 Hampton Street
 Suite 3063
 PO Box 192
 Columbia, SC 29202
 (803) 576-2063 (w)
 (803) 576-2052 (f)

Item# 23

Attachment number 1
 Page 1 of 1

Richland County Council Request of Action

Subject

Council Individual Discretionary Accounts

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

Revised Application Form [**PAGES 123-124**]

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: _____

Home Address: _____

Telephone: (home) _____ (work) _____

Office Address: _____

Email Address: _____

Educational Background: _____

Professional Background: _____

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

Name of Committee in which interested: _____

Reason for interest: _____

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

Presently serve on any County Board/Commission/Committee? _____

Any other information you wish to give? _____

Recommended by Council Member(s): _____

Hours willing to commit each month: _____

CONFLICT OF INTEREST POLICY

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

Such conflict of interest does not preclude service but shall be disclosed before appointment. The Clerk of Council shall be notified of any change on an annual basis and members of all boards shall be required to abstain from voting or influencing through discussion or debate or any other way, decisions of the board affecting those personal and financial interests.

All statements so filed shall be signed and verified by the filer. The verification shall state that the filer has used all reasonable diligence in its preparation, and that to the best of his or her knowledge it is true and complete.

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

Have you been convicted or pled no contest of a crime other than minor traffic violations; or have you been involved with any matter where your integrity may have been compromised
Checking yes does not automatically preclude you from the decision process.

Yes _____ No _____

STATEMENT OF FINANCIAL OR PERSONAL INTERESTS

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

Yes _____ No _____

If so, describe: _____

Applicant's Signature

Date

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

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

Applications are current for one year.

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

Richland County Council Request of Action

Subject

Electronic Participation (Rule Clarification) [PAGE 126]

Purpose

Committee Recommendation

Council Action (First Reading)

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item No

On Agenda For Public Hearing No

PROPOSED AMENDMENT TO COUNCIL RULES

Rule 1.6 (Quorum); 5.21 (Voting) Electronic Participation

During any Special Called meeting, not held in conjunction with a regularly scheduled Zoning Public Hearing and Planning Meeting or regularly scheduled Council meeting; any Council member may participate in the meeting via electronic participation ~~and shall~~ be counted as present for the purposes of a quorum. Any Council member participating electronically shall not be allowed to participate in executive session matters. Should an executive session be held, a council member participating electronically may choose to abstain from a vote on the issue discussed in executive session.

One Council member can participate via electronically and five Council members must be physically present to hold ~~schedule~~ a Special Called Meeting.

For the purposes of this section, “electronic” participation shall mean videoconferencing or teleconferencing which allows all persons participation in the meeting to hear each other at the same time (and, if videoconferencing, to see each other as well).

Electronic participation shall only be allowed in a Special Called meeting of Council.

Richland County Council Request of Action

Subject

4.4 Agendas (Council Rule) [PAGE 128]

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

4.4 Agendas

Appropriate written backup material for all items of business that are to be included in the Administration and Finance or Development and Services Committee agendas must be ~~delivered electronically to the County Administrator's Office~~ submitted into the electronic agenda software system no later than 5:00 p.m. on the date ~~two~~ three weeks prior to the committee's scheduled meeting date.

New items that are referred to a committee by council motion after the agenda deadline has passed will appear in the following month's committee agenda, unless such motion receives the unanimous consent of council, in which case the matter will be added to the current month's committee agenda.

In exceptional circumstances, time-sensitive items received after the deadline may be added to a committee's agenda at the discretion of the committee's Chairperson, provided the addition is made before agendas are printed and distributed. In the event that the Chair of the committee cannot be reached before agendas are printed, then such items may be added with the consent of a majority of the committee's members. If a majority of the committee's members cannot be reached, the Chair of County Council shall have the discretion to add such items. Once the committee agendas have been printed and distributed publicly, changes to the agenda may only be made by the unanimous consent of the committee during the committee meeting.

Agendas with backup information shall be provided to all members of Council on or before the Friday prior to the committee meeting.

Richland County Council Request of Action

Subject

Rowing Club MOU [**PAGES 130-136**]

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

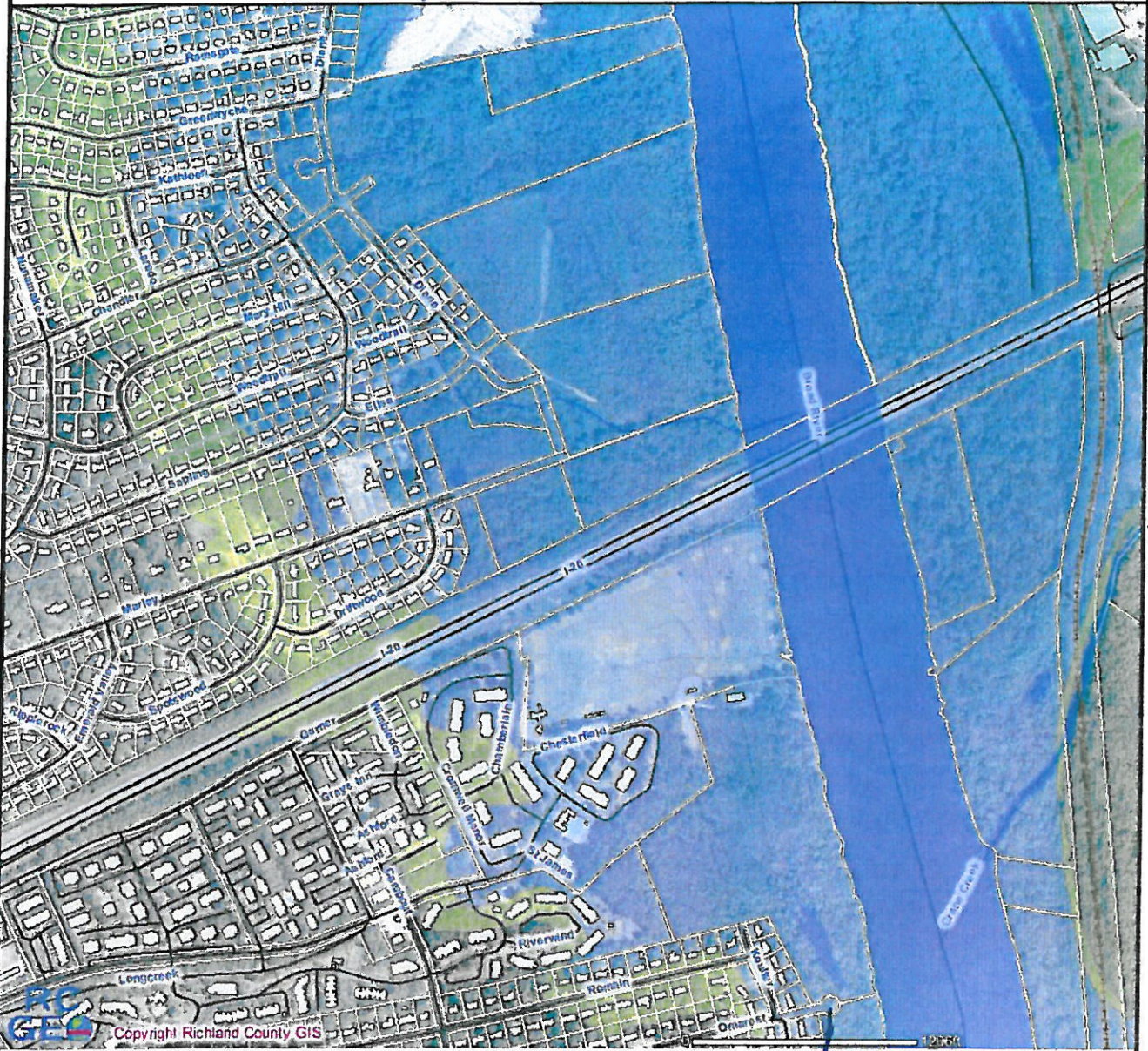
- Picnicking
- River Viewing
- Hiking (Trails Underdeveloped)
- Rowing
- Leashed Pets

Prohibited

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

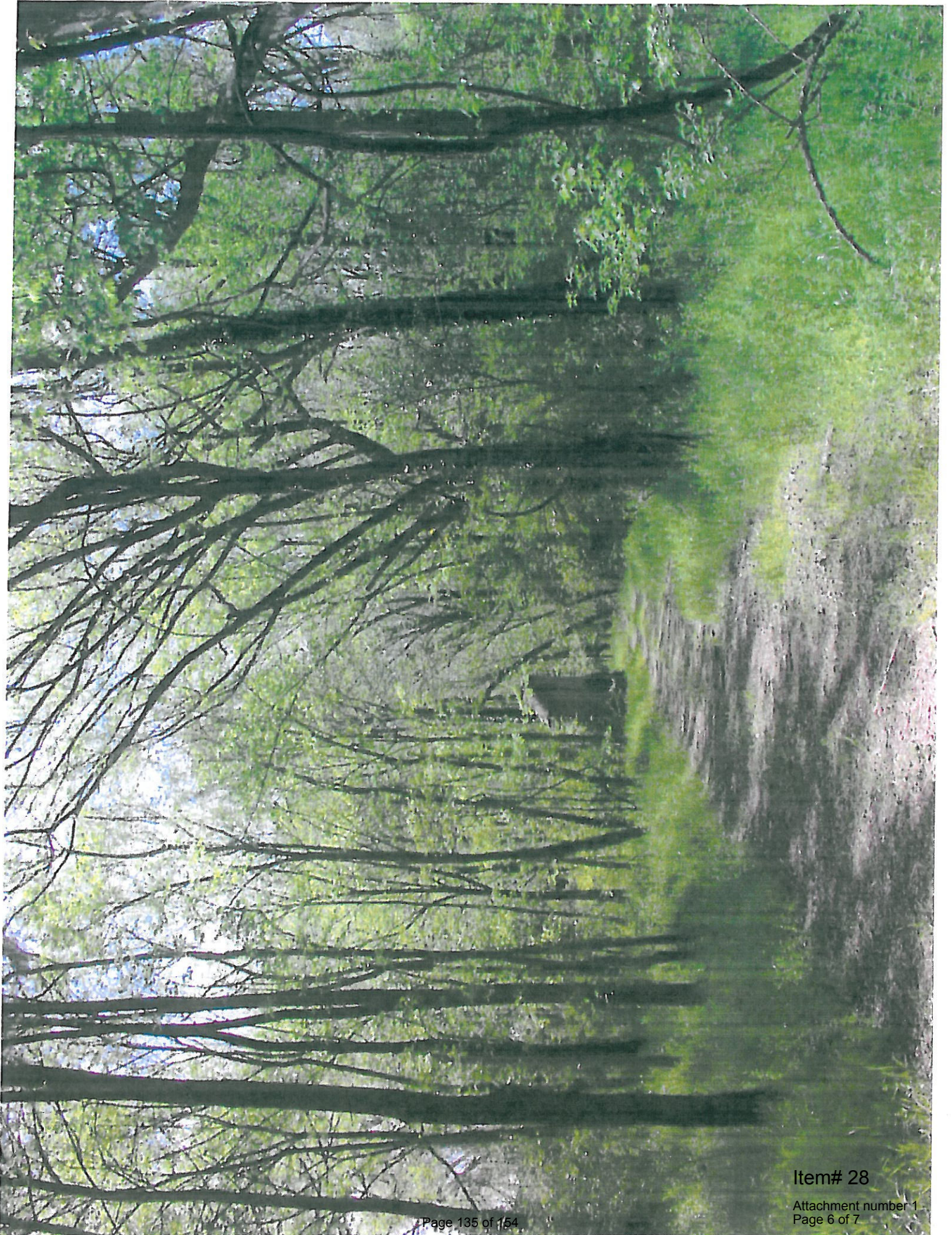
To Report Maintenance Concerns, Please Call Richland County Department of Public Works (803) 576-2450

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# 28

Attachment number 1
Page 6 of 7



Francenia B. Heizer

fheizer@mcnair.net
T (803) 799-9800
F (803) 933-1463

MEMORANDUM

To: Richland County Council Members
Cc: J. Milton Pope, County Administrator
From: Francenia B. Heizer, Esquire
Date: February 11, 2009
Subject: Reimbursement Resolution

On February 26, 2008, County Council enacted Ordinance No. 007-08HR authorizing the issuance and sale of not exceeding \$1,500,000 general obligation bonds, the proceeds of which were to be used for the construction of a no-kill animal shelter in partnership with Lexington County, South Carolina. As of the date hereof, said bonds have not been issued.

On December 19, 2008, the County advanced the bond proceeds to Lexington County in anticipation of the bonds being issued this year. Pursuant to IRS Regulations, in order for the County to be able to reimburse itself for these advanced amounts, the County has to declare its intent to reimburse itself in the form of a written resolution or issue the bonds within 60 days of the expenditure. Inasmuch as the expenditure was made on December 19, 2008, and the bonds cannot be issued within 60 days thereof, it is necessary for the County Council to adopt the reimbursement resolution to insure reimbursement for the expenditure.

If you have any questions, please let me know.

FBH:laf

McNair Law Firm, P. A.
The Tower at 1301 Gervais
1301 Gervais Street
17th Floor
Columbia, SC 29201

Mailing Address
Post Office Box 11390
Columbia, SC 29211

mcnair.net

A RESOLUTION

RELATING TO THE DECLARATION OF INTENT BY
RICHLAND COUNTY, SOUTH CAROLINA, TO REIMBURSE
CERTAIN EXPENDITURES PRIOR TO THE ISSUANCE BY THE
COUNTY OF ITS TAX-EXEMPT DEBT

WHEREAS, the Internal Revenue Service and U.S. Treasury Department have promulgated Section 1.150-2 of the Treasury Regulations (the "Regulations") that authorizes an issuer to reimburse itself for expenditures made with respect to Project prior to the issuance of tax-exempt debt for such Project; and

WHEREAS, Richland County, South Carolina (the "County"), anticipates incurring certain expenditures (the "Expenditures") with respect to the construction of a no-kill animal shelter in partnership with Lexington County, South Carolina (the "Project"), prior to the issuance by the County of tax-exempt debt in the amount of not to exceed \$1,500,000 for the purpose of funding the Project; and

WHEREAS, the Regulations require that the governing body of the political subdivision declare an official intent to reimburse an expenditure prior to the incurrence of the expenditure.

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 RESOLVED BY THE RICHLAND COUNTY COUNCIL:

Section 1. The County Council hereby declares that this Resolution shall constitute its declaration of official intent pursuant to Regulation § 1.150-2 to reimburse the County from the proceeds of tax-exempt debt of the County to be issued pursuant to South Carolina law for Expenditures with respect to the completion of the Project. The County Council anticipates incurring Expenditures with respect to the completion of the Project prior to the issuance by the County of tax-exempt debt for such purposes.

Section 2. To be eligible for reimbursement of the Expenditures, the reimbursement allocation must be made not later than 18 months after the later of (a) the date on which the Expenditures were paid, or (b) the date the Project was placed in service, but in no event more than three (3) years after the original Expenditures.

Section 3. The Expenditures shall be incurred solely to acquire, construct or rehabilitate property having a reasonably expected economic life of at least one (1) year.

Section 4. The source of funds for the Expenditures with respect to the Project will be the County's general reserve funds or other legally-available funds.

Section 5. This Resolution shall be in full force and effect from and after its adoption as provided by law. This Resolution shall be made available for inspection during normal business hours by the general public at the office of the County.

ADOPTED and **APPROVED** in meeting duly assembled this 17th day of February, 2009.

RICHLAND COUNTY, SOUTH CAROLINA

By: _____
Paul Livingston, Chairman
Richland County Council

(SEAL)

ATTEST THIS ____ DAY OF
_____, 2009:

Michielle R. Cannon-Finch
Clerk of County Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

Richland County Council Request of Action

Subject

CMRTA Intergovernmental Agreement

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

REPORT OF THE BOND REVIEW COMMITTEE

- a. Financial Policies [**PAGES 143-152**]

Purpose

Committee Recommendation

Council Action (First Reading)

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item No

On Agenda For Public Hearing No

Richland County Financial Policies

Richland County Council is accountable to its citizens for the use of public dollars. Our resources must be used wisely to ensure adequate funding for the services, public facilities and infrastructure necessary to meet the community's present and future needs. Therefore the following financial policies have been adopted by County Council and are intended to:

- ❑ Establish the framework for fiscal planning and management.
- ❑ Set guidelines against which current budgetary performance can be measured
- ❑ Create a standard evaluation of proposals for future programs.
- ❑ Identify decisions that will achieve the financial stability required to accomplish the County's goals and objectives.
- ❑ Improve the County's fiscal stability by helping County Council plan fiscal strategy with a consistent approach.
- ❑ Correspond to provisions found in the State statues and complement professional standards established by GASB and GFOA.

While the adopted policies are a guide to decision-making, results will be determined based on level of compliance. Adherence to the adopted financial policies will promote sound consistent management, which can lead to improved financial stability and lower cost of capital for the County. The policies are organized in three major sections: Financial Planning Policies, Revenue Policies, and Expenditure Policies

1) Financial Policies

- A. Balanced Budget
- B. Long-Range Planning
- C. Asset Inventory

2) Revenue Policies

- A. Revenue Diversification
- B. Fees and Charges
- C. Use of One-Time Revenues
- D. Use of Unpredictable Revenues

3) Expenditure Policies

- A. Debt Capacity, Issuance, and Management
- B. Reserve Accounts
- C. Operating/Capital Expenditure Accountability

Richland County Financial Policies

Financial Policies

A. Balanced Budget

The County will live within its means. All departments supported by the resources of this County must function within the limits of the financial resources identified or available specifically to them.

1. The County shall annually adopt a balanced budget where operating revenues are equal to operating expenditures. Budgets will not exceed available resources, defined as revenues generated in the current period added to balances carried forward from prior years.
2. Balanced revenue and expenditure forecasts will be prepared to examine the County's ability to absorb operating costs due to changes in the economy, service demands, and capital improvements. The forecast will be updated annually, focus on a three-year horizon, but include a five-year outlook.
3. Current General Fund expenditures and subsidy appropriations are to be made against current revenue sources and not dependent upon uncertain reserves or fluctuating prior cash balances.
4. Special Revenue Funds are supported by special levies and fees, etc. Expenditures in these funds are strictly limited to the mandates of the funding source. Special Revenue Funds are not to be used to subsidize other funds nor be subsidized by other funds, except as required or permitted by program regulations.

5. Enterprise Funds are expected to be self-supporting entities through revenue generated from charges and user fees. The County will conduct annual reviews of its fee structure, charges for services, and other operating revenues and expenditures.
6. Current operating results for all funds shall be reviewed annually during the budgeting process. Recommended revenues and/or expenditures shall be adjusted for any expected or realized negative operating results in the current budget process. If the result is all be restored to the appropriate level prior to

B. Long-Range Planning - Capital Management Policies

1. A five-year Capital Improvement Plan will be developed and updated annually including anticipated funding sources. Capital improvement projects are defined as infrastructure or equipment purchases or construction which results in a capitalized asset costing more than \$50,000 and having a useful (depreciable) life of four years or more.
 - i. The capital improvement plan will include, in addition to current operating maintenance expenditures, adequate funding to support repair and replacement of deteriorating infrastructure and avoidance of a significant unfunded liability.

Richland County Financial Policies

- ii. Proposed capital projects will be reviewed and prioritized by a cross-departmental team regarding accurate costing (design, capital, and operating) and overall consistency with the County's goals and objectives. Financing sources will then be identified for the highest ranking projects prior to request for approval.
 - iii. The County will maintain or increase the use of pay-as-you-go funding, and will avoid the use of long-term debt for small projects (less than \$100,000) or those with a useful life of less than 20 years.
 - iv. The first year of the five-year CIP will be the basis for the fiscal year appropriations during the annual budget process. If new project needs arise during the year, a mid-year budget ordinance identifying both the funding sources and project appropriations will be utilized to provide formal budgetary authority for the subject projects.
 - v. Any excess funds available once the project scope has been completed will first be utilized to pay down the associated debt service. Other uses may be considered but will require the re-appropriation by council for additional projects.
 - vi. A project monitoring team chaired by a representative from County Administrator's office and including all project managers for active projects will periodically review progress, issue progress reports, and coordinate new project resolutions and ordinances with the Budget Office during the fiscal year.
2. Dedicated two tenths of percent (.2%) road maintenance fee revenue for county road paving improvement program will be restricted to funding the planning, design, construction and acquisition costs associated with building, renovating, or enhancing capital projects for streets, highways, traffic control, and transportation improvement operating costs.
 3. Pay-as-you-go Capital Improvement Plan financing should account for a minimum of 25 percent of all capital improvement projects for each five-year planning period. Pay-as-you-go financing is defined as all sources of revenue other than County debt issuance, i.e., fund balance contributions, developer contributions, grants, endowments, etc.
- c. **Asset Inventory**
No current policy statement

Richland County Financial Policies

Revenue Policies

A. Revenue Diversification

The County will strive to diversify its revenues in order to maintain needed services during periods of declining economic activity through the following practices.

1. Budget development will use strategic multi-year fiscal planning, conservative revenue forecasts, and modified zero-base expenditure analysis that requires every program to be justified annually in terms of meeting intended objectives ("effectiveness criteria") and in terms of value received for dollars allocated ("efficiency criteria"). The process will include a diligent review of programs by staff, management and County Council.
2. Revenues will not be dedicated for specific purposes, unless required by law or generally accepted accounting practices (GAAP). All non-restricted revenues will be deposited in the General Fund and appropriated by the budget process.
3. Current revenues will fund current expenditures and a diversified and stable revenue system will be developed to protect programs from short-term fluctuations in any single revenue source.

B. Fees and Charges

1. Enterprise (Water, Sewer, Solid Waste Management, Parking, and Airport) user fees and charges will be examined annually to ensure that they recover all direct and indirect costs of service and be approved by the County Council. Any unfavorable balances in cost recovery will be highlighted in budget documents. Rate adjustments for enterprise operations will be based on three-year financial plans.

C. Use of One-Time/Unpredictable Revenues

1. The County will use one-time revenue to fund one-time expenditures; they will not be used to finance ongoing programs.

Richland County Financial Policies

Expenditure Policies

A. Debt Capacity, Issuance, and Management Policies

1. The net debt of the County is statutorily limited to eight percent of the assessed valuation of taxable property within the County. The County will utilize a self-imposed ceiling of 6%.
2. The County will seek to maintain and, if possible, improve our current bond rating in order to minimize borrowing costs and preserve access to credit.
3. The County will not use long-term debt to finance current operations. Long-term borrowing will be confined to capital improvements or similar projects with an extended life when it is not practical to be financed from current revenues.
4. Debt payments shall not extend beyond the estimated useful life of the project being financed. The County will keep the average maturity of general obligation bonds at or below twenty years, unless special circumstances arise warranting the need to extend the debt schedule to twenty-five years.
5. Every project proposed for financing through general obligation debt should be accompanied by a full analysis of the future operating and maintenance costs associated with the project.
6. An analysis showing how the new issue combined with current debt impacts the County's capacity and conformance with County debt policies will accompany every future bond issue proposal.
7. All County debt service fund balances shall maintain a level to cover eighteen months of required expenditures to service debt.
8. County Debt Service costs should not exceed 25% of the County's operating revenue in order to control fixed costs and ensure expenditure flexibility. Special Purpose Districts' debt service is not included in this calculation because it is paid by district property owners.
9. Debt financing should not exceed the useful life of the infrastructure improvement with the average bond maturities at or below ten years.
10. A ratio of current assets to current liabilities of at least 2/1 will be maintained to ensure the County's ability to pay short-term obligations. (The current ratio is the ratio of current unrestricted assets to current liabilities)
11. The county auditor will prepare a schedule of funds required, by bond or note category, to meet bond principal and interest requirements for the ensuing year. This schedule will be made available to the county administrator, in accordance with the budget calendar adopted by council.
12. Enterprise Fund projects are formulated and undertaken on a self-sustaining basis; no General Obligation capacity shall be obligated for enterprise projects. The exception will be when it is determine that the County may

Richland County Financial Policies

- received a cost benefit by issuing GO bonds. In all cases, those issues will be backed by the revenue of the system.
13. All interest earned from bond proceeds or other capital projects funding will be limited to use toward funding changes to the bond financed Capital Improvement Plan, as approved by County Council or transferred to debt service and used to reduce the terms of payback. Interest funds should not be used to expand the scope of a project.

B. Reserve Funds / Stabilization Funds

GFOA recommends that “Governments should maintain a prudent level of financial resources to protect against reducing service levels or raising taxes and fees because of temporary revenue shortfalls or unpredicted one-time expenditures.” Therefore the following guidelines on stabilization funds are used in financial planning for the County operating budget:

1. **General Fund:** The minimum undesignated General Fund balance should be maintained at a level sufficient to maintain a prudent level of financial resources to protect against reducing service levels or raising taxes and fees because of temporary revenue shortfalls or unpredicted one-time expenditures. As a financial goal, the General Fund balance for GASB 34 Reporting purposes should equal a minimum of 20% and maximum of 35% of the total audited General Fund expenditures for the previous fiscal year. The cash portion of the reported General Fund

balance should equal at least 4 months (\$28M) operating expenditures. Currently, General Fund operating expenditures average \$7.1M per month. These funds are needed in the County’s general operating cash account for the purpose of funding the County’s operations throughout the fiscal year.

Any General Fund balance determined to be in excess of the financial goals for fund balance and for investment strategies may be available for expenditure, but only under specific qualifications. These qualifications include uses for one-time capital and special project costs and should never be used to fund operating costs. One-time capital and special projects should be carefully considered to insure that they add to the efficiency, development or cost effectiveness of the County. Unpredicted, one-time expenditures directly caused by and related to natural or man-made disasters may be considered necessary for prudent use of excess fund balance.

2. **Self-Insurance Reserves** will be maintained at a level, which, together with purchased insurance policies, will adequately indemnify the County’s property, liability, and health benefit risk. A qualified actuarial firm shall be retained on an annual basis in order to recommend appropriate funding levels, which will be approved by Council.

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- i. Richland County is to be self-funded against tort claim liability and shall not carry an excess liability insurance policy as of July 1, 2005. Funding shall be established through the annual automatic re-budgeting of the County Self Funded account. The amount to be carried forward shall not exceed the unspent portion of the current year appropriation and shall be used only to cover tort liability claims against the County. This shall increase the original appropriated budget and shall not require a separate budget amendment

3. **Enterprise Reserves** will be maintained to meet three objectives: 1) ensure adequate funding for operations; 2) to ensure infrastructure repair and replacement; and, 3) to provide working capital while providing a reasonably level rate change for customers.

A. An undesignated operating reserve will be maintained at a minimum of 60 days not to exceed 90 days of budgeted system operating expenditures to provide sufficient expenditure flexibility based on the current economic environment.

B. Replacement and Extension Reserve will be maintained to meet the minimum requirement of 2% of all tangible assets of the system

to ensure replacement of water and sewer infrastructure.

- c. In addition, Working Capital will be funded based upon a multi-year financial plan to provide adequate cash for water and sewer capital improvements and to level the impact of rate increases upon our customers.

4. **Special Revenue Reserves** will be maintained at a minimum of 60 days not to exceed 90 days of budgeted system operating expenditures to provide sufficient expenditure flexibility based on the current economic environment.

5. **Contingency Reserves** may be determined annually by reserving up to 3% of operating funds in the General Fund to offset unanticipated revenue shortfalls and/or unexpected expenditure increases. Contingency reserves may also be used for unanticipated and/or inadequately budgeted events threatening the public health or safety. Use of contingency funds should be utilized only after all budget sources have been examined for available funds, and subject to County Council approval. These funds if allocated will be restored in the next fiscal year.

6. All fund designations and reserves will be evaluated annually for long-term adequacy and use requirements.

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c. Operating/Capital Expenditure Accountability

1. All departments will participate in the responsibility of meeting policy goals and ensuring long-term financial health. Future service plans and program initiatives will be developed to reflect current policy directives, projected resources and future service requirements. In order to ensure compliance with policy, sunset provisions will be required on all grant program initiatives and incorporated into other service plans, as appropriate.
2. The budget process is intended to weigh all competing requests for County resources, within expected fiscal constraints. Requests for new, ongoing programs made outside the budget process will be discouraged.
3. Addition of personnel will only be requested to meet program initiatives and policy directives after service needs have been thoroughly examined and it is substantiated that additional staffing will result in increased revenue or enhanced operating efficiencies. To the extent feasible, personnel cost reductions will be achieved through attrition.
4. Grant funding will be considered to leverage County funds. Inconsistent and/or fluctuating grants should not be used to fund ongoing programs. Programs financed with grant monies will

be budgeted in separate cost centers, and the service program will be adjusted to reflect the level of available funding. In the event of reduced grant funding, County resources will be substituted only after all program priorities and alternatives are considered during the budget process.

5. Alternative means of service delivery will be evaluated to ensure that quality services are provided to our citizens at the most competitive and economical cost. Departments, in cooperation with the County Administrator, will identify all activities that could be provided by another source and review options/alternatives to current service delivery. The review of service delivery alternatives and the need for the service will be performed annually or on an "opportunity" basis.
6. The County will follow an aggressive, consistent, but sensitive to the circumstances policy of collecting revenues to the limit of our ability. Collection policy goal will be for all adjusted uncollectible accounts to be no more than .5 of 1% of the total County revenue being adjusted for bad debts annually.

D. Financial Reporting Policies

1. The County's accounting and financial reporting systems will be maintained in conformance with all state and federal laws,

Richland County Financial Policies

- generally accepted accounting principles (GAAP) and standards of the Governmental Accounting Standards Board (GASB) and the Government Finance Officers Association (GFOA).
2. An annual audit will be performed by an independent public accounting firm; with an audit opinion to be included with the County's published Comprehensive Annual Financial Report (CAFR).
 3. The County's CAFR will be submitted to the GFOA Certification of Achievement for Excellence in Financial Reporting Program. The financial report should be in conformity with GAAP, demonstrate compliance with finance related legal and contractual provisions, disclose thoroughness and detail sufficiency, and minimize ambiguities and potentials for misleading inference.
 4. The County's Budget will be submitted to the GFOA Distinguished Budget Presentation Program. The budget should satisfy criteria as a financial and programmatic policy document, as a comprehensive financial plan, as an operations guide for all organizational units and as a communications device for all significant budgetary issues, trends and resource choices.
 5. Financial systems will maintain internal controls to monitor revenues, expenditures, and

program performance on an ongoing basis.

E. Other Policies

1. *Special Revenue Fund - Accommodation Tax*

Certain expenditure policies are dictated by SC Code of Laws, namely:

The first \$25,000 of accommodation tax receipts are transferred, without restriction, to the County's General Fund; the remainder is held in a statutorily defined "tourism promotion fund."

From the "tourism promotion fund", 30% is paid to a non-profit agency or agencies designated by the County for the conduct of an ongoing tourism promotions program; an additional 5.0% is transferred, without restriction, to the County's General Fund; the remainder must be spent for the provision of facilities and services to serve the tourist population, and for the promotion of the arts.

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County policy provides additionally, that the County shall maintain its portion of accommodation tax receipts identified in #45 above in the “tourism promotion fund” as restricted fund balance to a level of \$100,000 to support cash flow needs of the fund. All funds above the \$100,000 shall be transferred annually to the general fund without restriction.

All Accommodation’s Tax funding provided by Richland County to Outside Agencies shall be recognized as program operating funds and should be applied toward the ongoing operational funding of approved programs and should not be in part or full used to cover debt service payments for past or future program expenditures.

for costs associated the on-going operation.

2. *Enterprise Funds*

- i. All funds shall be supported by their own rates and not subsidized by other funds. Rate structures should include the review and coverage for all debt service requirements and non-cash expenditures (depreciation)
- ii. All funds will pay their fair-share of overhead services provided by the General Fund.

3. *Special Revenue Funds*

- a. All special revenue funds are designed to fully fund the program and shall maintain a fund balance not to exceed 60 days of budgeted system operating expenditures to provide contingency funding

Richland County Council Request of Action

Subject

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

