



RICHLAND COUNTY COUNCIL

ADMINISTRATION AND FINANCE COMMITTEE

Paul Livingston
District 4

Greg Pearce
District 6

Kit Smith, Chair
District 5

Mike Montgomery
District 8

Damon Jeter
District 3

January 29, 2008
5:30 PM

Richland County Council Chambers
County Administration Building
2020 Hampton Street

Call to Order

Election of Chair

Approval of Minutes

- A. November 27, 2007: Regular Meeting [Pages 4 – 6]

Adoption of Agenda

Presentations

- A. Richland County Courthouse

I. Items for Action

- A. Business Service Center Ordinance Revisions: [Pages 7 – 26]

1. Hospitality Tax
2. Peddlers' Licenses
3. Tourism Development Fee

- B. An ordinance amending the Richland County Code of Ordinances; Chapter 16, Licenses and miscellaneous business [Pages 27 – 44]

regulations; Article 1, in general, so as to amend requirements pertaining to sexually oriented businesses, and make clarifications pertaining to all businesses

- C. Request to approve the purchase of Microsoft Software Assurance from ASAP SOFTWARE in an amount not to exceed \$118,501 [Pages 45 – 46]
- D. Request to approve acceptance of a Hazardous Materials Emergency Preparedness (HMEP) training grant of \$5,000 from the S.C. Emergency Preparedness Division (No personnel, no match) [Pages 47 – 48]
- E. A budget amendment to transfer interest earned on the Vista TIF funds to the General Fund and appropriate an increase in the General Fund budget for legal and accounting fees by the amount of money previously spent to finalize the TIF agreement with the City of Columbia [Pages 49 – 50]
- F. Request to award construction contracts to Monteray Construction (\$1,722,000) for the construction of the Elders Pond EMS station and Tyler Construction Company (\$740,000) for construction of the Horrell Hill EMS station [Pages 51 – 52]
- G. A budget amendment to increase the Board of Voter Registration Department budget by \$20,000.00 for the purpose of providing for part-time employees [Pages 53 – 54]
- H. An ordinance amending the Richland County Code of Ordinances; Chapter 2, Administration; Article V, County Departments; Division 4, Planning and Development Services; and to add a new division entitled “4.A. Building Codes and Inspections”; so that a new county department will be created [Pages 55 – 59]
- I. An ordinance calling for a referendum and ballot question to authorize the South Carolina Department of Revenue to issue temporary permits for off-premises sales of beer and wine without regard to the days or hours of sale [Pages 60 – 63]
- J. A resolution authorizing a policy on municipal incorporation [Pages 64 – 65]

II. Items for Discussion / Information

- A. Amendment to Business License Fee Schedule to require all businesses using trailers in the course of doing work in the unincorporated areas of Richland County to obtain a decal for those trailers [Pages 68 – 69]

- B. Sample policies for retaining outside legal counsel [Pages 67 – 68]
- C. Farrow Road Business Improvement District (BID) [Pages 69 – 73]
- D. CMRTA Audit
- E. Animal Care MOU

Adjournment

Staffed by: Joe Cronin

MINUTES OF



RICHLAND COUNTY COUNCIL ADMINISTRATION AND FINANCE COMMITTEE TUESDAY, NOVEMBER 27, 2007 4:30 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: Kit Smith
Member: Damon Jeter
Member: Paul Livingston
Member: Mike Montgomery
Member: L. Gregory Pearce, Jr.

ALSO PRESENT: Joseph McEachern, Valerie Hutchinson, Bernice G. Scott, Joyce Dickerson, Norman Jackson, Bill Malinowski, Milton Pope, Tony McDonald, Roxanne Matthews, Joe Cronin, Larry Smith, Amelia Linder, Jennifer Dowden, Tamara King, Daniel Driggers, Audrey Shifflett, Dwight Hanna, Michael Byrd, Jocelyn Jennings, Angie McInchok, Chief Harrell, Teresa Smith, Monique Walters, Michelle Onley

CALL TO ORDER

The meeting started at approximately 4:33 p.m.

APPROVAL OF MINUTES

October 23, 2007 (Regular Session) – Mr. Montgomery moved, seconded by Mr. Livingston, to approve the minutes as submitted. The vote in favor was unanimous.

ADOPTION OF AGENDA

Mr. Livingston moved, seconded by Mr. Montgomery, to approve the agenda as distributed.

ITEMS FOR REVIEW/DISCUSSION

CMRTA Audit – Ms. Mitzi Javers, Ms. Daphne Givens and a representative from the CMRTA audit firm gave a brief overview of the 2005-2006 audit.

ITEMS FOR ACTION

Amendment to Business License Fee Schedule to require all businesses using trailers in the course of doing work in the unincorporated areas of Richland County to obtain a decal for those trailers – Mr. Montgomery moved, seconded by Mr. Pearce, to retain this matter in committee and receive additional information from staff as to how other counties handle this type of practice and the legal limitations of the County imposing a general trailer registration fee. The vote in favor was unanimous.

Request for approval to partner with the City of Columbia and expend \$7,500 for a commercial retail study of the Monticello Road Corridor – Mr. Livingston moved, seconded by Mr. Montgomery, to forward to Council with a recommendation for approval and to explore the potential for other funds to do the same thing in other parts of the County. A discussion took place.

The vote in favor was unanimous.

A resolution in support of the issuance by the South Carolina Jobs-Economic Development Authority of its Economic Development Revenue Bonds (Waste Management of South Carolina, inc. Project) Series 2007, pursuant to the provisions of Title 41, Chapter 43, of the Code of Laws of South Carolina, 1976, as amended, in the aggregate principal amount of not exceeding \$20,000,000 – Mr. Livingston moved, seconded by Mr. Pearce, to forward this item to Council with a recommendation for approval. The vote in favor was unanimous.

Request to accept a State Criminal Alien Assistance Grant from the U. S. Department of Justice for the Alvin S. Glenn Detention Center (\$24,158) – Mr. Pearce moved, seconded by Mr. Montgomery, to forward this item to Council with a recommendation for approval. The vote in favor was unanimous.

Funding Request: On Point Radio Show (\$10,000) – Mr. Montgomery moved, seconded by Mr. Pearce, to forward this item to Council with a recommendation for denial. The vote in favor was unanimous.

Request for Funding: Palmetto Center for Advocacy (\$50,000) – Mr. Pearce moved, seconded by Mr. Montgomery, to forward this item to Council with a recommendation for denial. A discussion took place.

The vote in favor was unanimous.

Revisions to Hospitality Tax Grant procedures, guidelines, and application – Mr. Montgomery moved, seconded by Mr. Jeter, to forward this item to Council with a recommendation for approval. A discussion took place.

Mr. Jeter moved to defer this item.

**Richland County Council
Administration and Finance Committee
November 27, 2007
Page Three**

The motion died for lack of a second.

Ms. Smith proposed the following amendment: Hospitality Tax Advisory Committee will resist recommending funding for more than 50% of a project and in multi-year projects will reduce the County funding over time.

Mr. Montgomery accepted Ms. Smith amendment.

Mr. Montgomery moved, seconded by Mr. Jeter, to forward this item to Council without a recommendation. The vote in favor was unanimous.

Sheriff's Department: Request to approve and fund personnel for the new Region 7 Headquarters to be located on Screaming Eagle Road – Mr. Montgomery moved, seconded Mr. Pearce, to forward Alternative 2 to Council with a recommendation for approval. The vote in favor was unanimous.

911 System Upgrades – Mr. Pearce moved, seconded by Mr. Jeter, to forward Alternative 1 to Council with a recommendation for approval. The vote in favor was unanimous.

ITEMS FOR DISCUSSION/INFORMATION

Personnel policies and procedures – Mr. Jeter moved, seconded by Mr. Montgomery, to carry this item to the D&S Committee. The vote in favor was unanimous.

Work session on municipal incorporations – Held in committee.

ADJOURNMENT

The meeting adjourned at approximately 6:12 p.m.

Submitted by,

Kit Smith, Chair

The minutes were transcribed by Michelle M. Onley

Richland County Council Request of Action

Subject: Business Service Center – Ordinance Revisions

A. Purpose

Council is requested to give three readings and approval of revisions to several ordinances relating to business requirements for improved enforcement efforts.

B. Background / Discussion

The Business Service Center issues County business licenses to businesses doing business in Richland County and which have met the County's requirements relating to businesses. These requirements vary, depending upon the type of business, but may include the following.

- | | |
|-------------------------------------|-----------------------------|
| 1. Business Licenses | 5. Peddlers Licenses |
| 2. Business Personal Property Taxes | 6. Precious Metals Permits |
| 3. Hospitality Taxes | 7. Tourism Development Fees |
| 4. Hazardous Materials Permits | |

The requirements relating to Business Personal Property Taxes and Precious Metals Permits are set forth by State law and cannot be revised at the County level.

However, the remaining requirements are established by County Council. The ordinances establishing these requirements have been reviewed in light of the Business Service Center's establishment in 2006, and revisions to the ordinance are recommended for greater consistency among these ordinances and for greater opportunities for enforcement by the Business Service Center.

Note that these requirements are not new, and no new requirements are recommended. However, adding the same enforcement language that is currently in the business license ordinance to some of the aforementioned County's ordinances regarding business requirements would result in a new level of enforcement for these requirements and greater compliance by businesses.

Additionally, further legal review has been provided to the business license ordinance to enhance its legal integrity. These revisions largely involve sexually oriented businesses, but do involve a few other issues as well. This business license revision could be considered a timely review of the business license ordinance that was passed in July 2007. These recommendations will be submitted in a separate Council Request of Action due to the extent of the changes.

Summary of Recommended Changes: (Specific revisions for each ordinance section with revisions appear on the following pages in underline and strikethrough format. The full text

of each ordinance with the proposed revisions in underline and strikethrough format, is attached.)

Hospitality Taxes: (1) specify the documents that shall accompany each payment, as with Tourism Development Fees and business licenses, (2) clearly state that Hospitality Tax penalties shall not be waived, the same as with business licenses and (3) establish provisions for violations.

Peddlers Licenses: (1) prohibit anyone from selling goods of any kind on County rights-of-way, (2) make the Peddlers License fee a flat fee rather than based on revenues generated, (3) authorize the County Administrator or other authorized agent to enforce this ordinance, and (4) establish provisions for violations.

Tourism Development Fees:

- (1) designate the County Administrator or other authorized agent to enforce this ordinance,
- (2) designate that revenue and expenditures will be with the Richland County Tourism Development Fee Special Revenue Fund,
- (3) remove the cap on penalties, to be consistent with business license and Hospitality Taxes,
- (4) clearly state that penalties shall not be waived, the same as with business licenses and Hospitality Taxes (if approved), and
- (5) make the violation section consistent with the Business License and Hospitality Tax violation sections.

C. Financial Impact

Adopting the recommended revisions to the Hospitality Taxes, Peddlers Licenses, and Tourism Development Fees ordinances would have a positive financial impact to the County as the Business Service Center is authorized to enforcement these business requirements.

Revisions to the business license ordinance are not expected to have any financial impact to the County or to businesses.

D. Alternatives

1. Adopt all the ordinance revisions as recommended.
2. Adopt some of the ordinance revisions as recommended, or develop new revisions.
3. Leave the ordinances as currently written.

E. Recommendation

It is recommended that Council give three readings to approve all the ordinance revisions as recommended on the following pages.

Recommended by: Pam Davis **Department:** BSC **Date:** 01/14/08

F. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 1/24/08

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Additional review required therefore a recommendation and comments will be provided at the committee meeting.

Legal

Reviewed by: Amelia Linder

Date: 1/24/08

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Additional review required; therefore, a recommendation and comments will be provided at the committee meeting. Also, the multiple ordinance changes that are being recommended do not appear to be in proper ordinance format, so additional time is needed to accomplish that task.

Administration

Reviewed by: Roxanne Matthews

Date: 1/25/08

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: The proposed ordinance revisions will provide greater consistency and greater opportunities for enforcement by the Business Service Center. No new requirements are recommended; the proposed revisions are merely a matter of consistency across the board. Further, adopting the recommended revisions to the Hospitality Taxes, Peddlers Licenses, and Tourism Development Fees ordinances would have a positive financial impact to the County as the Business Service Center is authorized to enforcement these business requirements. A recommendation will be provided at the Committee meeting, based upon further review from Finance and Legal.

Recommendations for Ordinance Revisions

Hospitality Taxes

Richland County Code of Ordinances, Section 23-67:

(c) The provider of services shall remit the local hospitality tax voucher form, a copy of the State of South Carolina sales tax computation form, and the Hospitality Taxes when due, to ~~the~~ Richland eCounty on the 20th of the month, or on the next business day if the 20th is not a business day.

Section 23-73 Violations and Penalties.

- (a) It shall be a violation of this Article to:
- (1) fail to collect the Local Hospitality Tax as provided in this Article.
 - (2) fail to remit to the County the Local Hospitality Tax collected, pursuant to this Article,
 - (3) knowingly provide false information on the form of return submitted to the County, or
 - (4) fail to provide books and records to the County Administrator or other authorized agent of the County for the purpose of an audit upon twenty-four (24) hours' notice.
- (b) The penalty for violation of this Article shall be five percent (5%) per month, charged on the original amount of the Local Hospitality Tax due. Penalties shall not be waived.
- (c) Any persons violating the 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.

Peddlers Licenses

Sec. 16-30. Peddler's license required for non-charitable purposes.

- (a) *License required.* Any person desiring to ~~hawk or~~ peddle goods, wares, and/or merchandise for non-charitable purposes, anywhere in the unincorporated area of the county, shall first acquire the state hawkers and peddlers license; and meet all

regulations pursuant to the provisions of S.C. Code §§ 40-41-10, et seq., as amended; and shall also meet all local and state laws and regulations.

- (b) *Application for license.* An applicant for a hawkers and peddlers license shall be required to furnish information concerning his/her business, including, but not limited to the following: gross receipts, as reflected on federal tax returns, for the previous calendar year; type of merchandise sold; address of considered place of business; and companies, firms, or corporations with which the applicant is affiliated or for which s/he is a representative. Falsification of any information on a permit application shall be grounds for the revocation of any permit issued.

(c) Location of Business Activity. No person or business is authorized to peddle goods, wares, and/or merchandise of any kind on or in the County rights-of-way of highways and streets located within the unincorporated area of the county.

- (d) *Fees.* The fee for a hawkers and peddlers license shall be based upon the dollar value of gross receipts during the previous calendar year, as reflected on federal tax returns.

(1) ~~The amount of fees payable annually shall be as follows~~

a. ~~On gross receipts not exceeding five thousand dollars (\$5,000), thirty-six dollars (\$36).~~

b. ~~On each additional one thousand dollars (\$1,000), five dollars (\$5), or fraction thereof.~~

(2) ~~For any applicant who has not been engaged in hawking or peddling during the entirety of the previous calendar year, the license fee shall be based on the average of monthly receipts while so engaged, times twelve (12).~~

(3) ~~For any applicant who has not been engaged in hawking or peddling during any portion of the previous calendar year, the license fee shall be thirty-six dollars (\$36).~~

The fee for a Peddler's License shall be \$50.00.

(e) Enforcement. The County Administrator or other authorized agent of the County may make systematic inspections of people or businesses governed by this ordinance within the County to ensure compliance with this ordinance. Records of inspections shall not be deemed public records.

(f) Violations. Any persons violating the 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.

Tourism Development Fees

SECTION III. PAYMENT OF TOURISM DEVELOPMENT FEE.

The provider of the services shall remit the form, a copy of the State of South Carolina sales tax computation form, and the tourism development fees due not later than the 20th of each month to the Richland County Finance Department, 2020 Hampton Street, Columbia, South Carolina 29204 **Business Service Center**.

SECTION VI: INSPECTIONS, AUDITS, AND ADMINISTRATION. For the purpose of enforcing the provisions of this Ordinance, the ~~Director of Finance~~ **County Administrator** or other authorized agent of the County is empowered to enter upon the premises of any person subject to this Ordinance and to make inspections, examine and audit books and records. It shall be unlawful for any person to fail or refuse to make available the necessary books and records during normal business hours upon twenty-four (24) hours written notice. In the event an audit reveals that false information has been filed by the remitter, the cost of the audit shall be added to the correct amount of fees determined to be due.

All operational and administrative costs associated with the billing and collection of this Tourism Development Fee will be charged to the ~~Richland County Finance Department and will be paid for from the earned interest to the County.~~ **“Richland County Tourism Development Fee Special Revenue Fund.”** The ~~Finance Director~~ **County Administrator or other authorized agent of the County** may make systematic inspections of all accommodations within the County to ensure compliance with this Ordinance. Records of inspections shall not be deemed public records.

SECTION VII: VIOLATIONS AND PENALTIES.

1. It shall be a violation to:
 - c. Fail to collect the Tourism Development Fee in connection with the rental of any accommodations to transients,
 - d. Fail to remit to the County of Richland the Tourism Development Fee collected, pursuant to this Ordinance on a monthly basis,
 - e. Knowingly provide false information on the form of return submitted to the County of Richland, **and/or**
 - f. Fail to provide books and records to the ~~Richland County Finance Department~~ **County’s authorized agent** for the purpose of an audit upon **twenty-four (24)** hours written notice.
2. The penalty for violation of this ordinance shall be five percent (5%) per month, charged on the original amount of the Tourism Development Fee due, ~~up to a maximum of 100%. Penalties shall not be waived. Additionally, violators may be deemed guilty of a misdemeanor, subject to a \$500 fine and/or imprisonment for up to thirty (30) days for violation of this Ordinance.~~
3. **Violations. Any persons violating the 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.

CHAPTER 26: TAXATION
ARTICLE VI. LOCAL HOSPITALITY TAX
Sec. 23-65. Definitions.

Whenever used in this article, unless a contrary intention is clearly evidenced, the following terms shall be interpreted as herein defined.

Richland County means the county and all of the unincorporated areas within the geographical boundaries of the county and all of the incorporated municipalities of the county.

Local Hospitality Tax means a tax on the sales of prepared meals and beverages sold in establishments or sales of prepared meals and beverages sold in establishments licensed for on-premises consumption of alcoholic beverages, beer, or wine, within the incorporated municipalities and the unincorporated areas of the county.

Prepared Meals and Beverages means the products sold ready for consumption either on or off premises in businesses classified as eating and drinking places under the Standard Industrial Code Classification Manual and including lunch counters and restaurant stands; restaurants, lunch counters, and drinking places operated as a subordinate facility by other establishments; and bars and restaurants owned by and operated for members of civic, social, and fraternal associations.

(Ord. No. 025-03-HR, § I, 5-6-03)

Sec. 23-66. Local hospitality tax.

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

(Ord. No. 025-03-HR, § I, 5-6-03)

Sec. 23-67. Payment of local hospitality tax.

(a) Payment of the local hospitality tax established herein shall be the liability of the consumer of the services. The tax shall be paid at the time of delivery of the services to which the tax applies, and shall be collected by the provider of the services. The county shall promulgate a form of return that shall be utilized by the provider of services to calculate the

amount of local hospitality tax collected and due. This form shall contain a sworn declaration as to the correctness thereof by the provider of the services.

(b) The tax provided for in this article must be remitted to the county on a monthly basis when the estimated amount of average tax is more than fifty dollars (\$50.00) a month, on a quarterly basis when the estimated amount of average tax is twenty-five dollars (\$25.00) to fifty dollars (\$50.00) a month, and on an annual basis when the estimated amount of average tax is less than twenty-five dollars (\$25.00) a month.

(c) The provider of services shall remit the local hospitality tax voucher form, a copy of the State of South Carolina sales tax computation form, and the Hospitality Taxes when due, to ~~the~~ Richland eCounty on the 20th of the month, or on the next business day if the 20th is not a business day.

(Ord. No. 025-03-HR, § I, 5-6-03)

Sec. 23-68. Local Hospitality Tax Special Revenue Fund.

An interest-bearing, segregated and restricted account to be known as the "Richland County Local Hospitality Tax Revenue Fund" is hereby established. All revenues received from the local hospitality tax shall be deposited into this Fund. The principal and any accrued interest in this Fund shall be expended only as permitted by this article.

(Ord. No. 025-03-HR, § I, 5-6-03)

Sec. 23-69. Distribution of funds.

(a)

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

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

(2) The amounts distributed to the Columbia Museum of Art, Historic Columbia, and EdVenture Museum shall be paid quarterly beginning October 1, 2003. The amount distributed for to organizations receiving County Promotions funding shall be paid to the organization as a one-time expenditure beginning in fiscal year 2008-09.

(3) As a condition of receiving its allocation, each Agency must annually present to the County an affirmative marketing plan for the inclusion of all citizens of Richland County and

must also annually offer some “free” or discounted services to Richland County citizens. If an Agency fails to comply with these requirements, its portion of the Local Hospitality Tax shall be retained in the Richland County Local Hospitality Tax Revenue Fund and distributed as provided in subsection (d) below.

(4) In the event Local Hospitality Tax Revenues are not adequate to fund the Agencies listed above in the prescribed amounts, each Agency will receive a proportionate share of the actual revenues received, with each Agency's share to be determined by the percentage of the total revenue it would have received had the revenues allowed for fill funding as provided in subsection (a)(1) above.

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

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

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

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

(Ord. No. 025-03-HR, § I, 5-6-03; Ord No. 081-06HR, § I, 9-12-06)

Sec. 23-70. Re-distribution of the county's general fund.

A portion of the general fund revenue that was historically appropriated for the agencies and purposes identified in section 23-69, subsections (a) and (d), shall in fiscal year 2004 be appropriated in an amount equivalent to one-quarter mill to each of the following entities, subject to approval of the general fund budget: 1) the Richland County Conservation Commission, and 2) the Neighborhood Redevelopment Commission. Thereafter, beginning in fiscal year 2005, an amount equivalent to one-half mill shall be appropriated to each of these two agencies, subject to approval of the general fund budget. Each such entity shall be established and accounted for as a Special Revenue Fund. There shall be no additions to the Statutory and Contractual Agencies funded through the County's General Fund Budget, except as required by state or federal law.

(Ord. No. 025-03-HR, § I, 5-6-03)

Sec. 23-71. Oversight and accountability.

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

Sec. 23-72. Inspections, audits and administration.

For the purpose of enforcing the provisions of this article, the county administrator or other authorized agent of the county is empowered to enter upon the premises of any person subject to this article and to make inspections, examine, and audit books and records. It shall be unlawful for any person to fail or refuse to make available the necessary books and records during normal business hours upon twenty-four (24) hours' written notice. In the event that an audit reveals that the remitter has filed false information, the costs of the audit shall be added to the correct amount of tax determined to be due. All operational and administrative costs associated with the billing and collection of the local hospitality tax will be charged to the "Richland County Local Hospitality Tax Special Revenue Fund." The county administrator or other authorized agent of the county may make systematic inspections of all service providers that are governed by this article. Records of inspections shall not be deemed public records.

(Ord. No. 025-03-HR, § I, 5-6-03)

Sec. 23-73. Violations and penalties.

- (a) It shall be a violation of this article to:
 - (1) Fail to collect the local hospitality tax as provided in this article;
 - (2) Fail to remit to the county the local hospitality tax collected, pursuant to this article;
 - (3) Knowingly provide false information on the form of return submitted to the county; or
 - (4) Fail to provide books and records to the county administrator or other authorized agent of the county for the purpose of an audit upon twenty-four (24) hours' notice.
- (b) The penalty for violation of this article shall be five percent (5%) per month, charged on the original amount of the local hospitality tax due. Penalties shall not be waived.
- (c) Any persons violating the 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.

(Ord. No. 025-03-HR, § I, 5-6-03)

CHAPTER 16: LICENSES AND MISCELLANEOUS BUSINESS REGULATIONS
ARTICLE III. SOLICITORS, PEDDLERS AND HAWKERS

Editor's note--Ord. No. 1701-87, § 3, effective Dec. 15, 1987, repealed Art. II, §§ 16-11--16-16, concerning peddlers, hawkers, and transient merchants, which derived from Ord. No. 804-81, effective April 15, 1981.

Editor's note--Ord. No. 031-02HR, § III, effective July 9, 2002, repealed former Art. III, §§ 16-28--16-33, concerning solicitors, which derived from the 1976 Code, §§ 11-5001--11-5005; Ord. No. 341-76, effective Sept. 15, 1976; and Ord. No. 788-81, effective April 1, 1981.

Sec. 16-28. Definitions.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Charitable organization means a person:

- (1) Determined by the Internal Revenue Service to be a tax exempt organization pursuant to Section 501(c)(3) of the Internal Revenue Code; or
- (2) That is or holds itself out to be established for any benevolent, social welfare, scientific, educational, environmental, 2003 S-8 303§ 16-28 Richland County Code philanthropic, humane, patriotic, public health, civic, or other eleemosynary purpose, or for the benefit of law enforcement personnel, firefighters, or other persons who protect the public safety; or
- (3) That employs a charitable appeal as the basis of solicitation or an appeal that suggests that there is a charitable purpose to a solicitation, or that solicits or obtains contributions solicited from the public for a charitable purpose.

Charitable purpose means a purpose described in Section 501(c)(3) of the Internal Revenue Code or a benevolent, social welfare, scientific, educational, environmental, philanthropic, humane, patriotic, public health, civic, or other eleemosynary objective, including an objective of an organization of law enforcement personnel, firefighters, or other persons who protect the public safety if a stated purpose of the solicitations includes a benefit to a person outside the actual service membership of the organization.

~~Hawk or p~~Peddle means to offer goods for sale from door-to-door, or on the streets by outcry, or by attracting the attention of persons by exposing goods in a public place, or by placards, labels, or signals.

Panhandle or panhandling means to go door-to-door or on the streets asking for monetary contributions for the personal benefit of the individual asking.

Person means an individual, an organization, a trust, a foundation, a group, an association, a partnership, a corporation, a society, or a combination of them.

Solicit and solicitation means to request and the request for money, credit, property, financial assistance, or other thing of value, or a portion of it, to be used for a charitable purpose or to benefit a charitable organization. A solicitation takes place whether or not the person making the request receives a contribution.

(Ord 031-02HR, § I, 7-9-02)

Sec. 16-29. Administration.

No person shall solicit, or ~~hawk or~~ peddle, anywhere in the unincorporated areas of the county unless they have met the requirements of this article.

(Ord 031-02HR, § I, 7-9-02)

Sec. 16-30. Peddler's license required for non-charitable purposes.

(a) *License required.* Any person desiring to ~~hawk or~~ peddle goods, wares, and/or merchandise for non-charitable purposes, anywhere in the unincorporated area of the county, shall first acquire the state hawkers and peddlers license; and meet all regulations pursuant to the provisions of S.C. Code §§ 40-41-10, et seq., as amended; and shall also meet all local and state laws and regulations.

(b) *Application for license.* An applicant for a hawkers and peddlers license shall be required to furnish information concerning his/her business, including, but not limited to the following: gross receipts, as reflected on federal tax returns, for the previous calendar year; type of merchandise sold; address of considered place of business; and companies, firms, or corporations with which the applicant is affiliated or for which s/he is a representative. Falsification of any information on a permit application shall be grounds for the revocation of any permit issued.

(c) Location of Business Activity. No person or business is authorized to peddle goods, wares, and/or merchandise of any kind on or in the County rights-of-way of highways and streets located within the unincorporated area of the county.

~~(e) Fees. The fee for a hawkers and peddlers license shall be based upon the dollar value of gross receipts during the previous calendar year, as reflected on federal tax returns.~~

~~—(1) The amount of fees payable annually shall be as follows:~~

~~— a. On gross receipts not exceeding five thousand dollars (\$5,000), thirty six dollars (\$36).~~

~~— b. On each additional one thousand dollars (\$1,000), five dollars (\$5), or fraction thereof.~~

~~—(2) For any applicant who has not been engaged in hawking or peddling during the entirety of the previous calendar year, the license fee shall be based on the average of monthly receipts while so engaged, times twelve (12).~~

~~—(3) For any applicant who has not been engaged in hawking or peddling during any portion of the previous calendar year, the license fee shall be thirty six dollars (\$36).~~

The fee for a Peddler's License shall be \$50.00.

(e) Enforcement. The County Administrator or other authorized agent of the County may make systematic inspections of people or businesses governed by this ordinance within the County to ensure compliance with this ordinance. Records of inspections shall not be deemed public records.

(f) Violations. Any persons violating the 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.

(Ord 031-02HR, § I, 7-9-02)

Sec. 16-31. Solicitation of charitable funds.

Any charitable organization desiring to solicit contributions within the unincorporated area of the county shall comply with the requirements of S.C. Code §§ 33-56-10, et seq., as amended.

(Ord 031-02HR, § I, 7-9-02)

Sec. 16-32. Permit required prior to soliciting funds from motorists.

(a) Only rescue squads, volunteer fire departments, and charitable organizations in this State may solicit funds from motorists on highways and streets located within the unincorporated area of the county.

(b) Prior to soliciting such funds, the organization shall apply for and acquire a permit from the County Council. All provisions of Section 5-27-910 of the S.C. Code of Laws, as amended, shall be followed.

(c) The organization shall complete the permit application form, including the specific date(s), time(s), and location(s) of the desired solicitation.

(d) No more than two (2) permits shall be issued to an organization in any one calendar

year, and each permit shall be valid for no longer than seven (7) consecutive days.
(Ord 031-02HR, § I, 7-9-02; Ord 014-04HR, § I, 4-6-04)

Sec. 16-33. Panhandling prohibited.

No person shall engage in panhandling activities in the unincorporated areas of the county.

(Ord 031-02HR, § I, 7-9-02)

Sec. 16-34. Solicitation and/or peddling goods on county property.

In addition to the requirements of this article, any person who wishes to solicit funds and/or peddle goods in county-owned buildings or on county-owned property, shall comply with the following:

(a) County employees shall first obtain approval from their department directors.

(b) All other persons shall first obtain approval from the county administrator or the county administrator's designee.

(Ord 031-02HR, § I, 7-9-02)

**STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. 96-096HR**

AN ORDINANCE ESTABLISHING A THREE PERCENT (3%) TOURISM DEVELOPMENT FEE TO BE LEVIED ON ALL BUSINESSES PROVIDING TRANSIENT ACCOMMODATIONS IN THE UNINCORPORATED AREA OF RICHLAND COUNTY. FURTHER, TO ESTABLISH A SPECIAL REVENUE FUND TO ACCOUNT FOR THESE COLLECTIONS.

WHEREAS, Richland County desires to more strongly support advertising and promotion to potential tourists and service to tourists, convention delegates and the public at large through the enhancement of meeting and public assembly facilities, and

WHEREAS, tourists and other non-residents account for the overwhelming majority of the use of lodging facilities in Richland County and further that tourism is a year-round industry in the County, and

WHEREAS, the Richland County Council finds and concludes that the imposition of a three percent (3%) tourism development fee upon the rental of hotels, motels, and other lodging establishments in Richland County that offer accommodations to tourists and travelers, to be dedicated to the purpose of increasing the attraction of and improving the services provided to tourists will provide appropriate and efficient means of funding additional meeting and public assembly facilities as well as other enhancements to services for tourists and convention delegates,

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

SECTION I. DEFINITION: Accommodation is defined as any room (excluding meeting and conference rooms), campground spaces, recreational vehicles spaces, lodgings or sleeping accommodations furnished to transients by any hotel, motel, inn, condominium, “bed and breakfast”, residence, or any other place in which rooms, lodgings, or sleeping accommodations are furnished for consideration within the unincorporated area of Richland County, South Carolina. The gross proceeds received from the lease or rental of sleeping accommodations supplied to the same person or persons for a period of thirty (30) continuous days are not considered proceeds from transients.

SECTION II. TOURISM DEVELOPMENT FEE. A uniform fee equal to three percent (3%) is hereby imposed on the gross proceeds derived from the rental of any accommodations within the unincorporated area of Richland County.

SECTION III. PAYMENT OF TOURISM DEVELOPMENT FEE. Payment of the tourism development fee established herein shall be the liability of the consumer of the services. The fee shall be paid at the time of delivery of the services to which the fee applies, and shall be

collected by the provider of the services. The County shall promulgate a form of return which shall be utilized by the provider of the services to calculate the amount of tourism development fees collected and due. This form shall contain a sworn declaration as to the correctness thereof by the provider of the services.

The provider of the services shall remit the form, a copy of the State of South Carolina sales tax computation form, and the tourism development fees due not later than the 20th of each month to the Richland County ~~Finance Department, 2020 Hampton Street, Columbia, South Carolina 29204~~ **Business Service Center**.

SECTION IV. TOURISM DEVELOPMENT FEE SPECIAL REVENUE FUND. An interest bearing, segregated and restricted account to be known as the “Richland County Tourism Development Fee Special Revenue Fund” is hereby established. All revenues received from the tourism development fee shall be deposited into this fund. The principal and any accrued interest in this fund shall be expended only as permitted by this Ordinance.

SECTION V. DISTRIBUTION OF FUNDS.

- (a.) All fund placed in the Richland County Tourism Development Fee Special Revenue Fund including accrued interest shall be expended only for the purpose of investigating the feasibility of the construction of public meeting facilities, the construction of public meeting facilities and for other enhancements to services used by tourists and convention delegates in Richland County. Any such expenditure shall be authorized by a subsequent ordinance indicating a specific amount and purpose by the Richland County Council.
- (b.)
 - (1) No funds shall be expended until the impact of any such expenditure on the operation of the Township Auditorium has been determined;
 - (2) The county shall not be held liable for any operating deficit of any facilities beyond the amount generated by this fee;
 - (3) An agreement be reached that the City of Columbia sewer and water rates shall not be increased for County residents to offset any operating deficits incurred by any facility constructed and operated with these funds.
- (c.) In the event an ordinance has not been enacted by this Council to expend these funds in compliance with paragraph A, the funds would then revert to the general Accommodations Tax Fund and this act be repealed.

SECTION VI. INSPECTIONS, AUDITS, AND ADMINISTRATION. For the purpose of enforcing the provisions of this Ordinance, the ~~Director of Finance~~ **County Administrator** or other authorized agent of the County is empowered to enter upon the premises of any person subject to this Ordinance and to make inspections, examine and audit books and records. It shall be unlawful for any person to fail or refuse to make available the necessary books and records during normal business hours upon twenty-four (24) hours written notice. In

the event an audit reveals that false information has been filed by the remitter, the cost of the audit shall be added to the correct amount of fees determined to be due.

All operational and administrative costs associated with the billing and collection of this tourism development fee will may be charged to the ~~Richland County Finance Department and will be paid for from the earned interest to the County~~ “Richland County Tourism Development Fee Special Revenue Fund.” The ~~Finance Director~~ County Administrator or other authorized agent of the County may make systematic inspections of all accommodations within the County to ensure compliance with this Ordinance. Records of inspections shall not be deemed public records.

SECTION VII. VIOLATIONS AND PENALTIES.

(1) It shall be a violation to:

- a. Fail to collect the tourism development fee in connection with the rental of any accommodations to transients,
- b. Fail to remit to the County of Richland the tourism development fee collected, pursuant to this Ordinance on a monthly basis,
- c. Knowingly provide false information on the form of return submitted to the County of Richland, and/or
- d. Fail to provide books and records to the ~~Richland County Finance Department~~ County’s authorized agent for the purpose of an audit upon twenty-four (24) hours written notice.

(2) Penalties. The penalty for violation of this ordinance shall be five percent (5%) per month, charged on the original amount of the tourism development fee due, ~~up to a maximum of 100%.~~ Penalties shall not be waived. ~~Additionally, violators may be deemed guilty of a misdemeanor, subject to a \$500 fine and/or imprisonment for up to thirty (3) days for violation of this Ordinance.~~

3. Violations. Any persons violating the 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.

SECTION VIII. Separability. 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 IX. 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 January 1, 1997.

RICHLAND COUNTY COUNCIL

Harriet Gardin Fields, Chair

ATTEST THIS THE 10th DAY

OF December, 1996

Michielle Cannon-Finch, Clerk of Council

Richland County Council Request of Action

Subject: Business Service Center – Ordinance Revisions

A. Purpose

Council is requested to give three readings and approval of revisions to several ordinances relating to business requirements for improved enforcement efforts.

B. Background / Discussion

Further legal review has been provided to the business license ordinance to enhance its legal integrity. These revisions largely involve sexually oriented businesses, but do involve a few other issues as well.

Summary of Recommended Changes: (The ordinance being submitted specifying the revisions appear on the following pages in underline and strikethrough format.)

Business Licenses:

- (1) add several prefacing, “whereas” sections to provide context relating to sexually oriented businesses,
- (2) add a few definitions for clarification,
- (3) clarify the general purpose,
- (4) clarify requirements relating to County indebtedness,
- (5) clarify requirements relating to compliance with other County codes (applicable state and local health, fire, zoning and building codes or regulations),
- (6) clarify reasons for denial of a business license,
- (7) place regulations relating to sexually oriented businesses in its own section and adding the regulations from the Land Development Code relating to sexually oriented businesses to the business license ordinance,
- (8) clarify business types that are exempt from business licenses by State law,
- (9) place regulations relating to Drinking Places in its own section,
- (10) clarify reasons for revocation of a business license,
- (11) clarify process for appeals, and
- (12) correct an error referring to the Business License Fee Schedule.

C. Financial Impact

Revisions to the business license ordinance are not expected to have any financial impact to the County or to businesses.

D. Alternatives

1. Adopt the business license ordinance revisions as recommended.

2. Adopt some of the ordinance revisions as recommended, or develop new revisions.
3. Leave the ordinance as currently written.

E. Recommendation

It is recommended that Council give three readings to approve the business license ordinance revisions as recommended on the following pages.

Recommended by: Pam Davis **Department:** BSC **Date:** 01/14/08

F. Reviews

Finance

Reviewed by: Daniel Driggers Date: 1/22/08
✓ Recommend Council approval Recommend Council denial
Comments regarding recommendation: Recommend approval based on there being no financial impact as stated in section c.

Legal

Reviewed by: Amelia Linder Date: 1/25/08
✓ Recommend Council approval Recommend Council denial
Comments regarding recommendation:

Administration

Reviewed by: Roxanne Matthews Date: 1/25/08
✓ Recommend Council approval Recommend Council denial
Comments regarding recommendation: It is recommended that Council approve the business license ordinance revisions as presented. The ordinance revisions should assist enforcement efforts.

**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 AMEND REQUIREMENTS PERTAINING TO SEXUALLY ORIENTED BUSINESSES, AND MAKE CLARIFICATIONS PERTAINING TO ALL BUSINESSES.

WHEREAS, sexually oriented businesses require special supervision from the public safety agencies of the County in order to protect and preserve the health, safety, and welfare of patrons of such businesses as well as citizens of the County; and

WHEREAS, upon review of numerous studies, case law, analyses, and observations, the County concludes that sexually oriented businesses, as a category of business, are associated with a wide variety of negative secondary effects, including but not limited to, personal and property crimes, public safety risks, prostitution, potential spread of disease, lewdness, public indecency, illicit sexual activity, illicit drug use and drug trafficking, undesirable and criminal behavior associated with alcohol consumption, adverse impacts on surrounding properties, litter, and sexual assault and exploitation; and

WHEREAS, the Richland County Council has a substantial government interest in minimizing and controlling these adverse effects and thereby protecting the health, safety and welfare of the citizenry; protect the citizens from crime; preserve the quality of life; preserve the property values and character of surrounding neighborhoods and deter the spread of urban blight; and

WHEREAS, the County's interest in regulating sexually oriented businesses extends to future secondary effects that could occur in the County related to current sexually oriented businesses as well as sexually oriented businesses that may locate in the County in the future; and

WHEREAS, the County recognizes its constitutional duty to interpret, construe, and amend its laws and ordinances to comply with constitutional requirements as they are announced; and

WHEREAS, it is not the intent of this ordinance to suppress any speech activities protected by the United States Constitution or the South Carolina Constitution, but to enact an ordinance to further the content-neutral governmental interests of the County, to wit, the controlling of secondary effects of sexually oriented businesses.

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

SECTION 1. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-1, License Required; is hereby amended to read as follows:

Section 16-1. License Required.

- (1) —Every person engaged or intending to engage in any calling, business, occupation or profession, whether or not it is listed in the rate classification index portion of ~~this chapter~~ the Business License Fee Schedule, in whole or in part, within the unincorporated areas of the county is required to submit a completed application for a business license accompanied by the appropriate fees for the privilege of doing business in the county and to obtain a business license as herein provided, except those as noted in Section 16-7.
- (2) —~~Any business holding a state occupational license or registering with the Secretary of State's Office listing an address in unincorporated Richland County creates a presumption of business conduct and thus requires the business to have a business license. Other State agencies, professional organizations, or County departments who have a record for the business listing an address in unincorporated Richland County also create a presumption of business conduct and requires the business to have a business license.~~

SECTION II. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-2, Definitions; is hereby amended to read as follows:

Section 16-2. Definitions.

The following words, terms, and phrases, when used in this article shall have the meaning ascribed herein, except where the context clearly indicates or requires a different meaning:

- (1) “*Business*” means a calling, occupation, profession or activity engaged in with the object of gain, benefit or advantage, either directly or indirectly. A charitable organization shall be deemed a business unless the entire proceeds of its operation are devoted to charitable purposes.
- (2) “*Charitable organization*” means a person:
- (a) determined by the Internal Revenue Service to be a tax exempt organization pursuant to Section 501(c)(3) of the Internal Revenue Code; or
 - (b) that is or holds itself out to be established for any benevolent, social welfare, scientific, educational, environmental, philanthropic, humane, patriotic, public health, civic, or other eleemosynary purpose, or for the benefit of law

enforcement personnel, firefighters, or other persons who protect the public safety; or

(c) that employs a charitable appeal as the basis of solicitation or an appeal that suggests that there is a charitable purpose to a solicitation, or that solicits or obtains contributions solicited from the public for a charitable purpose.

- (3) “*Charitable purpose*” means a purpose described in Section 501(c)(3) of the Internal Revenue Code or a benevolent, social welfare, scientific, educational, environmental, philanthropic, humane, patriotic, public health, civic, or other eleemosynary objective, including an objective of an organization of law enforcement personnel, firefighters, or other persons who protect the public safety if a stated purpose of the solicitations includes a benefit to a person outside the actual service membership of the organization.
- (4) “*Classification*” means a division of businesses by major groups subject to the same license rate as determined by a calculated index of ability to pay based on national averages, benefits, equalization of tax burden, relationships of services, or other basis deemed appropriate by County Council.
- (5) “*Construction Manager*” means any self-employed individual, firm, partnership, corporation, or group which supervises or coordinates construction of any building, highway, sewer, grading, improvement, re-improvement, structure, or part thereof. Notwithstanding payment by fixed price, commission, fee, or wage, said “construction manager” shall be classified in the category of “construction contractors” for purposes of this article and shall pay a license fee based upon the total cost of the undertaking supervised or coordinated, except as otherwise exempted.
- (6) “*Contractor*” means any self-employed individual (not reporting income taxes on the IRS Form W2), firm, partnership, corporation, or group performing a service or providing a product subsequent to a contract signed by that party and another party.
- (7) “*County*” means the County of Richland.
- (8) “*Drinking Place*” means any business which obtains the majority, not necessarily at least 50.1%, of its gross income from the sale or provision of alcohol.
- (89) “*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 therefrom 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 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.

- (910) “*Gross receipts*” means the value proceeding or accruing from the sale of tangible personal property, including merchandise and commodities of any kind and character and all receipts, by the reason of any business engaged in, including interest, dividends, discounts, rentals of real estate or royalties, without any deduction on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid, or any other expenses whatsoever, and without any deductions on account of losses.
- (11) “Insurance company” refers to a businesses which meets the definition established in South Carolina Code of Laws, § 38-1-20, Definitions: an insurer defined as “any corporation, ... or aggregation of individuals engaging or proposing or attempting to engage as principals in any kind of insurance [defined as a “contract whereby one undertakes to indemnify another or pay a specified amount upon determinable contingencies”] or surety business, including the exchanging of reciprocal or interinsurance contracts between individuals, partnerships, and corporations”, and does not meet the criteria for a health maintenance organization as covered by South Carolina Code of Laws, § 38-33-140(D).
- (4012) “*License official*” means a county employee who is designated to administer this article, and/or his/her designee(s).
- (413) “*Person*” means any individual, firm, partnership, LLP, LLC, cooperative, nonprofit membership, corporation, joint venture, professional association, estate, trust, business trust, receiver, syndicate, holding company, or other group or combination acting as a unit, in the singular or plural, and the agent or employee having charge or control of a business in the absence of the principals.
- (14) “Sexually Oriented Business” means a sexually oriented business as defined within Section 26-22 of the Richland County Code of Ordinances.

SECTION III. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-3, Purpose and Duration; is hereby amended to read as follows:

Section 16-3. General Purpose and Duration.

- (1) The requirement of a business license levied by this article is for the purpose of assuring that a business conducted within unincorporated Richland County complies with all applicable County regulations and requirements in order to protect the health, safety and welfare of the citizens of the County providing such regulation as may be required by the businesses subject thereto and for the purpose of raising revenue for the general fund through a privilege tax. Each license that is issued shall be valid for one calendar year, beginning on January 1 and expiring on December 31. This time period shall be considered a license year. The provisions of this article and the rates set out in this article shall remain in effect from year to year as amended by the County Council. Additionally, the requirement of a business license fee levied by this article serves to establish an excise tax for the privilege of doing business within unincorporated Richland County.
- (2) Each license that is issued shall be valid for one calendar year, beginning on January 1 and expiring on December 31. This time period shall be considered a license year. The provisions of this article and the rates set out in this article shall remain in effect from year to year as amended by the County Council.

SECTION IV. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-6, Registration Required; is hereby amended to read as follows:

Section 16-6. Registration Required.

- (1) The owner, agent, or legal representative of every business subject to this article, whether listed in the classification index or not, shall register the business and make application for a business license on or before the due date of each year. A new business shall be required to have a business license prior to operation within any unincorporated area of the county.
- (2) Application shall be on a form provided by the License Official, which shall contain the Social Security Number and/or the Federal Employer's Identification Number, the South Carolina Retail License Number (if applicable), the business name as reported on the South Carolina income tax return, the business name as it appears to the public at the physical location, and all information about the applicant and the business deemed reasonably necessary ~~appropriate~~ to carry out the purpose of this article by the License Official. Applicants may be required to submit copies of portions of state and federal income tax returns reflecting gross income figures.
- (3) The applicant shall certify ~~under oath~~ that the information given in the application is true, that the gross income is accurately reported, or estimated for a new business, without any unauthorized deductions, that all funds due to the County have been paid, and that all other licenses and permits required by the County or State to do business in the County have been obtained.

- (4) ~~No business license shall be issued until the applicant satisfies all indebtedness to the County, has obtained all other licenses and/or permits required by the County or State to do business in the County, have been obtained, first submits documents necessary to establish compliance with Richland County Zoning Ordinance, Building Code, Electrical Code, Mechanical Code, Plumbing Code, Roofing Code and other regulatory Codes as adopted by the County Council and paid in full any associated license and permit fees or business-related fees and taxes, including any late fees or penalties.~~
- (5) As a prerequisite to submittal of a business license application, the premises and real property to be used as a business must be in compliance with all applicable state and local health, fire, zoning and building codes or regulations. The applicant must submit to the License Official any documentation in the possession of the applicant or that can be reasonably obtained by the applicant that shows that the premises is currently in compliance with the Richland County Zoning Ordinance, Building Code, Electrical Code, Mechanical Code, Plumbing Code, Roofing Code and other applicable regulatory Codes as adopted by the County Council.

The License Official may provide a form on which compliance shall be certified by the officials administering the aforementioned codes or regulations. In the event that such a compliance form is used, the applicable aforementioned officials shall determine compliance with their respective codes or regulations and inform the License Official of their determination within thirty (30) calendar days from the earliest date of receipt of the compliance form by any one of the health, fire, zoning and building officials.

If the License Official does not receive a particular determination of compliance from an official administering the aforementioned codes and regulations on or before this thirty-day time period, that compliance determination not received by the License Official shall be deemed approved. All other compliance determinations received before the thirty-day period expires shall be unaffected by any other compliance determination that fails to meet the thirty-day time period.

- (56) Insurance agents and brokers shall report the name of each insurance company for which a policy was issued and the total premiums collected for each company for each type of insurance coverage on a form approved by the License Official. An insurance agent not employed by an insurance company or employed by more than one insurance company shall be licensed as a broker.
- (67) Fireworks Sales: Any establishment desiring to sell fireworks must first acquire the Annual State Board of Pyrotechnic Safety License and must meet all regulations pursuant to the provisions of Regulation 19-405, S.C. Code of Laws for 1976. Prior approval of the Richland County Sheriff's Department is required

as governed by regulations of the State Fire Marshal pursuant to the 1976 Code, Chapter 9 of Title 23, and Chapter 43 of Title 39, governing the transportation and use of pyrotechnics.

- (78) Miscellaneous Sales (Antique Malls, Flea Markets or Leased Space Sales): Any person leasing space for the sale of merchandise from an established business shall be required to have a business license, whether or not the sales are made through a central cash register. Furthermore, it shall be the responsibility of the ~~lesor~~ lessor of the spaces to advise the business license office of persons leasing space.

SECTION V. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-7, Deductions, Exemptions, Charitable Organizations, and Determination of Classification; Subsection (2); is hereby amended to read as follows:

- (2) (a) No person shall be exempt from the requirements of this article by reason of the lack of an established place of business within the County, unless exempted by State or Federal law. ~~No person shall be exempt from this article by reason of the payment of any other tax or fee, unless exempted by State law, and no person shall be relieved of the liability for the payment of any other tax or fee by reason of the application of this article.~~ The following businesses, occupations or professions are exempt from the requirements of this article:
1. Teachers;
 2. Ministers, pastors, preachers, rabbis and other leaders of religious faiths;
 3. Telephone, telegraph, gas and electric and other utilities or providers regulated by the South Carolina Public Service Commission;
 4. Insurance companies; and
 5. An entity which is exempt from license tax under any state law other than South Carolina Code of Laws, § 4-9-30(12), or a subsidiary or affiliate of any such exempt entity.
- ~~(b) No person shall be exempt from this article by reason of the payment of any other tax or fee, unless exempted by State law, and no person shall be relieved of the liability for the payment of any other tax or fee by reason of the application of this article.~~

SECTION VI. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-15, Denial of License; Subsection (1); is hereby amended to read as follows:

- (1) The License Official ~~may~~ shall deny a license to an applicant ~~when~~ if:

- (a) the application is incomplete;
- (b) the application contains a misrepresentation, false or misleading statement, evasion or suppression of a material fact;
- (c) the applicant has given a bad check or tendered illegal consideration for any license fee;
- (d) within five years from the date of application, the applicant has been convicted of or pled guilty or nolo contendere any crime(s) or offense(s) under a law or article regulating or relating to business, a crime involving moral turpitude, or an unlawful sale of merchandise or prohibited goods; South Carolina Code of Laws, Title 16, Crimes and Offenses, Chapter 13, Forgery, Larceny, Embezzlement, False Pretenses and Cheats; Chapter 14, the Financial Transaction Card Crime Act; or South Carolina Code of Laws, § 39-15-1190, Sale of Goods or Services with a Counterfeit Mark; or the same crime or offense in another jurisdiction;
- ~~(e) — the applicant has been convicted of engaging in an unlawful activity or nuisance related to the business;~~
- (e) the premises and parcel of real property to be used for the business activity for which a license is sought is not in compliance with applicable state and/or local health, fire, zoning, and building codes and regulations.
- (f) the business activity for which a license is sought ~~by a business~~ is unlawful ~~or constitutes a public nuisance per se; or~~
- ~~(g) — the business, regardless of ownership, has proven to be a public nuisance; or~~
- (g) the business constitutes a public nuisance as determined by a court of law.
- ~~(h) — the business owner has proven to be a public nuisance.~~

A decision of the License Official shall be subject to appeal to the Business Service Center Appeals Board as herein provided. Denial shall be written with reasons stated.

SECTION VII. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-16, Sexually Oriented Businesses, Drinking Places, or other similar establishments; is hereby amended to read as follows:

Section 16-16. Sexually Oriented Businesses, Drinking Places, or other similar establishments.

- ~~(1) No license to operate a sexually oriented business, drinking place, or other similar establishment shall be issued to, or in the name of, a corporation, association, or a trade name as such. Any application for a corporation, association, or trade name shall be made by the officers for its use, and such officers shall identify in the application the name by which the business will be operated. In addition, such officers in making an application shall be held to assume all responsibility there under as individuals, and shall be subject to all the provisions and penalties set forth herein or in any other article of the Richland County Code of Ordinances.~~
- ~~(2) No person shall be eligible for such license if he/she or the person who will have actual control and management of the business proposed to be operated:
 - ~~(a) is a minor;~~
 - ~~(b) is not of good repute, as evidenced by a background check or by conducting a reference check with law enforcement agencies; or~~
 - ~~(c) has had a license revoked or denied under the provisions of this article within a three year period immediately preceding the filing of the application.~~~~
- ~~(3) Applicants for businesses herein described, in addition to the license application(s) required under Section 16-1 of this article, shall complete a sworn, notarized statement on a form prepared by the License Official for the purpose of establishing his/her qualifications to operate a business identified in this section. The owner(s) of the premises whereon such business is proposed to be located shall signify their consent to the application by signing and notarizing the form in an appropriate place provided therein or on a separate form established for this purpose.~~
- ~~(4) Owners of sexually oriented businesses and/or drinking establishments are responsible for ensuring all their contractors have current, valid business licenses and maintain a list of their current contractors' names, business license numbers, and a copy of a photo ID for each contractor on file.~~
- (1) No license to operate a drinking place shall be issued to, or in the name of, a corporation, association, or a trade name as such. Any application for a corporation, association, or trade name shall be made by the officers for its use, and such officers shall identify in the application the name by which the business will be operated. In addition, such officers in making an application shall be held to assume all responsibility there under as individuals, and shall be subject to all the provisions and penalties set forth herein or in any other article of the Richland County Code of Ordinances.
- (2) In addition to the reasons for denial of a license set forth in Section 16-15 of this article, the License Official shall deny a business license to an applicant for a

Drinking Place if the applicant or an agent of such applicant who has or will have actual authority to control and manage the business proposed to be operated:

- (a) is a minor;
- (b) has had an alcohol liquor license issued in the name of the applicant or other officer pursuant to South Carolina Code of Laws, § 61-6-10 et seq. suspended, revoked, or not renewed within a two-year period immediately preceding the filing of the application; or
- (c) has had a license revoked or denied under the provisions of this article within a three-year period immediately preceding the filing of the application.

SECTION VII. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-17, Suspension or Revocation of License; is hereby amended to read as follows:

Section 16-17. Sexually Oriented Businesses.

- (1) The purpose of this section is to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of Richland County, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the County. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of or reasonable access to any communicative materials or expression. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials or expression protected by the First amendment of the United States Constitution, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution or exhibition of obscenity.
- (2) Based on evidence of the adverse secondary effects of sexually oriented businesses presented in hearings and reports made available to the Richland County Council, and on the findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, LLC*, 124 S. Ct. 2219 (2003); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *Pap's A.M. v. City of Erie*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *Chesapeake B & M, Inc. v. Harford County*, 58 F.3d 1005 (4th Cir. 1995); *Centaur v. Richland County*, 392 S.E.2d 165 (S.C. 1990); and other cases; and on reports of secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Phoenix, Arizona (1979); Minneapolis, Minnesota (1980); Houston, Texas (1987); Indianapolis, Indiana (1984); Amarillo, Texas (1977); Garden Grove, California (1991); Los Angeles, California (1977); Whittier, California

(1978); Austin, Texas (1986); Seattle, Washington (1989); Oklahoma City, Oklahoma (1986); Dallas, Texas (1997); Newport News, Virginia (1996); New York Times Square Study (1994); Phoenix, Arizona (1995-1998); Centralia, Washington 2004; Greensboro, North Carolina (2003); and also from the reports of “Sexually Oriented Businesses: An Insider’s View,” by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, January 12, 2000; and the Report of the Attorney General’s Working Group on the Regulation of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota), the Richland County Council finds:

- (a) Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, public safety risks, prostitution, potential spread of disease, lewdness, public indecency, illicit sexual activity, illicit drug use and drug trafficking, undesirable and criminal behavior associated with alcohol consumption, negative impacts on surrounding properties, litter, and sexual assault and exploitation.
- (b) Each of the foregoing negative secondary effects constitutes a harm which the County has a substantial government interest in preventing and/or abating in the future. This substantial government interest in preventing secondary effects, which is the County’s rationale for this ordinance, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the County’s interest in regulating sexually oriented businesses extends to future secondary effects that could occur in the County related to current sexually oriented businesses in the future as well as sexually oriented businesses that may locate in the County in the future. The County finds that the cases and secondary effects documentation relied on in this ordinance are reasonably believed to be relevant to said secondary effects.
- (c) No license to operate a sexually oriented business shall be issued to, or in the name of, a corporation, association, or a trade name as such. Any application for a corporation, association, or trade name shall be made by the officers for its use, and such officers shall identify in the application the name by which the business will be operated. In addition, such officers in making an application shall be held to assume all responsibility there under as individuals, and shall be subject to all the provisions and penalties set forth herein or in any other article of the Richland County Code of Ordinances.
- (d) The application must be accompanied by a sketch or diagram showing the configuration of the premises, including a statement of total floor space occupied by the business. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn

with marked dimensions of the interior of the premises to an accuracy of plus or minus six (6) inches.

- (e) During the time in which an application for a pre-existing Sexually Oriented Business is pending, the applicant may continue its business activity and shall not be subject to citations for violations of any provision of this article, nor any enforcement proceedings pursuant to this article or Section 1-8 of this Code of Ordinances.
- (f) The License Official shall approve or deny an application for a license for a Sexually Oriented Business within thirty days (30) calendar days from the date of receipt of the application. If the License Official fails to either approve or deny the application within thirty calendar days, then the application shall be deemed approved and business activity may begin or continue immediately, notwithstanding the fact that no license has been issued.
- (g) In addition to the reasons for denial of a license set forth in Section 16-15 of this article, the License Official shall deny a business license to an applicant for a Sexually Oriented Business if the applicant or an agent of such applicant who has or will have actual authority to control and manage the business proposed to be operated:

 - (a) is under the age of eighteen;
 - (b) within five years of the date of application, has been convicted of or pled guilty or nolo contendere to any of the following crimes: South Carolina Code of Laws, § 16-15-90, § 16-15-100, § 16-15-305, § 16-15-325, § 16-15-335, § 16-15-342, § 16-15-345, § 16-15-355, § 16-15-365, § 16-15-385, § 16-15-387, § 16-15-395, § 16-15-405, § 16-15-410, § 16-15-415, or § 16-15-425, or of the same crime in any other jurisdiction.
- (h) Applicants for a Sexually Oriented Business herein described, in addition to the license application(s) required under Section 16-1 of this article, shall complete a sworn, notarized statement on a form prepared by the License Official for the purpose of establishing his/her qualifications to operate a business identified in this section.
- (i) Owners of sexually oriented businesses are responsible for ensuring all their contractors have current, valid business licenses and maintain a list of their current contractors' names, business license numbers, and a copy of a photo ID for each contractor on file.

SECTION VIII. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-18, Appeals; is hereby amended to read as follows:

Section 16-18.Revocation of License.

When the License Official determines that:

- (a) a license has been mistakenly or improperly issued or issued contrary to law; or
- (b) a licensee has breached any condition upon which the license was issued or has failed to comply with any provision of this article; or
- (c) a licensee has obtained a license through a fraud, misrepresentation, a false or misleading statement, evasion or suppression of a material fact in the license application; ~~or has given a bad check or tendered illegal consideration for any license fee; or~~
- (d) has given a bad check or tendered illegal consideration for any license fee;
or
- ~~(d) a licensee has been convicted of an offense under a law or article regulating or relating to business, a crime involving moral turpitude, or an unlawful sale of merchandise or prohibited goods; or~~
- ~~(e) a licensee has been convicted of engaging in an unlawful activity or nuisance related to the business; or~~
- (f) the business activity for which a license was obtained has proven to be a public nuisance as determined by a court of law per se; or
- (g) the business, ~~regardless of ownership~~, has proven to be a public nuisance as determined by a court of law; ~~or~~
- ~~(h) The business owner has proven to be a public nuisance;~~

~~the License Official shall give written notice to the licensee or the person in control of the business within the County by personal service or certified mail that the license is suspended pending a hearing before the Business Service Center Appeals Board for the purpose of determining whether the license should be revoked. The notice shall state the time and place at which the hearing is to be held, which shall be within thirty (30) days from the date of service of the notice, or as soon as reasonably possible. The notice shall contain a brief statement of the reasons for suspension and proposed revocation and a copy of the applicable provisions of this article.~~

the License Official shall give written notice of intent to revoke to the licensee or the person in control of the business within the County by personal service or certified mail stating the License Official's basis for revocation and setting forth a date and time for a hearing before the Business Service Center Appeals Board for the purpose of determining

whether the license should be revoked. The hearing shall be held within thirty (30) days from the date of service of the notice. A licensee who received proper notice yet fails to appear or defend at the revocation hearing waives his or her right to contest the revocation.

SECTION IX. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-19, Consent, Franchise or Business License Fee Required; is hereby amended to read as follows:

Section 16-19. Appeals.

- (1) Any person aggrieved by a final assessment, charge backs from an audit, or a revocation or a denial of a business license by the License Official wishing to appeal ~~may~~ must first appeal the decision to the Business Service Center Appeals Board by written request stating the reasons therefore. The appeal must be filed with the License Official within ten calendar (10) days after the ~~payment of the assessment, or the charge backs of the audit, under protest~~ or notice of revocation or denial is received by the business. A 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 the 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) 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, to present testimony and evidence, and to cross-examine witnesses. 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.

The Board shall, by majority vote of members present, render a written decision based upon findings of fact and the application of the standards herein 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 X. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-20, Confidentiality; is hereby amended to read as follows:

Section 16-20. Consent, Franchise or Business License Fee Required.

The annual fee for use of streets or public places authorized by a consent agreement or franchise agreement shall be set pursuant to the agreement, and shall be consistent with limits set by State law. Existing franchise agreements shall continue in effect until expiration dates in the agreements. Franchise and consent fees shall not be in lieu of or be credited against business license fees unless specifically provided by the franchise or consent agreement.

SECTION XI. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; Section 16-21, Violations; is hereby amended to read as follows:

Section 16-21. Confidentiality.

Except in accordance with proper judicial order, pursuant to an appeal, or as otherwise provided by law, it shall be unlawful for any official or employee to divulge or make known in any manner the amount of income or any particulars set forth or disclosed in any report or return required under this article. Nothing in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns.

SECTION XII. The Richland County Code of Ordinances; Chapter 16, Licenses and Miscellaneous Business Regulations; Article I, In General; is hereby amended to add a new section to read as follows:

Section 16-22. Violations.

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.

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

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

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE _____ DAY

OF _____, 2008

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

Richland County Council Request of Action

Subject: Microsoft Licensing - Countywide

A. Purpose

County Council is requested to approve an extension to the “Software Assurance” purchase on the Microsoft Enterprise Agreement for licenses owned by the County.

B. Background / Discussion

The Richland County Wide Area Network and Local Area Networks (WAN/LAN) currently consist of 40 servers and approximately 1100 PCs.

In order to comply with federal copyright law, Richland County must have Microsoft licenses for all County servers and all County PCs. Licensing is required for operating systems as well as software applications (such as MS Office).

In the last few years, Microsoft modified its licensing requirements, and it has been increasing its enforcement efforts. Richland County received the same “Microsoft letter” that our neighboring counties received, which outlines a mandatory copyright compliance program. If Richland County were to decide not to participate in the copyright compliance program, the County would put itself at risk for fines and penalties of up to \$150,000 per incident.

Six years ago, the IT Department included a budget request to begin a three year Enterprise Agreement with Microsoft to bring the County into full copyright compliance. During the initial three year period, we were able to achieve compliance with Microsoft’s copyright policies. The County now owns the software license for Microsoft OS and Office products used by County employees. To ensure this software remains current, the County will need to approve a third year of “Software Assurance”. This renewal will ensure our licensed products are current to 06/30/08.

However, in an effort to maintain Federal Copyright compliance on software versions used by the County that comes out after 06/30/07, we must continue our Microsoft Enterprise Agreement through the purchase of Software Assurance. Software Assurance is a maintenance agreement that allows the County to use the latest versions of Microsoft software products as they are made available. This will keep the software technology at Richland County current. The Council is requested to approve the purchase of a Microsoft “Software Assurance” from the vendor ASAP SOFTWARE on South Carolina State Contract in an amount not to exceed \$118,501.

C. Financial Impact

There are sufficient funds in the account 1870.5471 designated for this request.

D. Alternatives

1. Approve the request to purchase Microsoft Software Assurance from vendor ASAP SOFTWARE on South Carolina State Contract in an amount not to exceed \$118,501. This will allow the county to maintain Microsoft Copyright compliance.
2. Do not approve the request. This would mean that the County chooses to stop participating in the copyright compliance program.

E. Recommendation

Recommended by: Janet Claggett **Department:** IT **Date:** 11/26/2007

It is recommended that Council approve the request to purchase Microsoft Software Assurance from vendor ASAP SOFTWARE on South Carolina State Contract in an amount not to exceed \$118501.

F. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 1/16/08

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Procurement

Reviewed by: Rodolfo Callwood

Date: 1/16/08

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Amelia Linder

Date: 1/17/08

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Administration

Reviewed by: Tony McDonald

Date: 1/17/08

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Richland County Council Request of Action

Subject: Hazardous Materials Emergency Preparedness (HMEP) Grant

A. Purpose

The purpose of this report is to obtain Council approval to accept a Hazardous Materials Emergency Preparedness (HMEP) training grant of \$5,000 distributed through the S.C. Emergency Preparedness Division. The grant will purchase course materials used in planning and teaching hazardous materials classes to first responders. The grant requires a 20% “in-kind” match. No funds are required.

B. Background / Discussion

The Hazardous Materials Emergency Preparedness Grant is available to assist in local emergency planning and training for situations involving hazardous materials. Richland County has been approved to receive \$5,000. Richland County is vulnerable to hazardous material transportation and fixed facility incidents. The grant will be used by Richland County for hazardous materials incident planning, reference materials and printing costs for hazardous materials training.

C. Financial Impact

The grant has been approved by the S.C. Emergency Preparedness Division. A 20% “in-kind” match of office space and staff time will be used to satisfy the match requirement. No funding is required. It is a reimbursement grant which requires Richland County to spend the funds and file for reimbursement.

D. Alternatives

1. Accept the grant and improve our ability to plan and respond to hazardous materials emergencies in Richland County.
2. Do not accept the grant funds.

E. Recommendation

It is recommended that Council accept the HMEP grant so that Richland County can improve its emergency response capability.

Recommended by: Michael A. Byrd **Department:** Emergency Services **Date:** 01-07-08

F. Reviews

Grants

Reviewed by: Audrey Shifflett

Date: 01-17-08

✓ Recommend Council approval Recommend Council denial
Comments regarding recommendation: This grant opportunity came up outside the budget process; there are no personnel funded on the grant and no cash match. The “in kind” match will be made by the department.

Finance

Reviewed by: Daniel Driggers Date: 1/17/08
✓ Recommend Council approval Recommend Council denial
Comments regarding recommendation:

Legal

Reviewed by: Amelia Linder Date: 1/17/08
✓ Recommend Council approval Recommend Council denial
Comments regarding recommendation:

Administration

Reviewed by: J. Milton Pope Date: 1-24-08
✓ Recommend Council approval Recommend Council denial
Comments regarding recommendation: Recommend approval

Richland County Council Request of Action

Subject: Appropriation of interest earned on TIF

A. Purpose

County Council is requested to approve a budget amendment to transfer interest earned on the Vista TIF funds to the General Fund and appropriate an increase in the General Fund budget for legal and accounting fees by the amount of money previously spent to finalize the TIF agreement with the City of Columbia.

B. Background / Discussion

As Council is aware a settlement agreement was reached and signed concerning the Congaree Vista Redevelopment District TIF with Richland County and the City of Columbia on November 12, 2007. Section five of the agreement states that interest earnings in the escrow account through November 12, 2007 shall be immediately released to the County upon execution. Action is being requested to approve the transfer and appropriate the funds. The fund included \$229,524.32 in interest earnings at 11/12/07.

C. Financial Impact

The total amount of interest in the TIF escrow as of November 12, 2007 was \$229,524.32. The financial impact will be a budget increase of \$36,091.71 to the Finance budget and \$95,853.00 to non-departmental as indicated on the chart below based on where actual expenditures were paid. The additional \$84,385.75 will be transferred to the General Fund but not appropriated.

Fiscal Year	Accounting Services	Legal Services	Total
2005	5,124.00	.00	5,124.00
2006	43,109.75	5,583.00	48,692.75
2007	14,020.00	16,549.00	30,569.00
2008	<u>36,091.71</u>	<u>95,853.00</u>	<u>131,944.71</u>
Total	98,345.46	117,985.00	216,330.46

D. Alternatives

1. Approve the request to transfer the funds and increase the General Fund appropriation.
2. Approve the request to transfer the funds to the General Fund but not increase the budget.
3. Do not approve

E. Recommendation

It is recommended that Council approve alternative 1 to transfer the funds and increase the General Fund budget.

Recommended by: Administration

Date: 1/9/08

F. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 1/16/08

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Appropriation will require a budget amendment.

Legal

Reviewed by: Amelia Linder

Date: 1/17/08

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Concur with the Finance Director's comments.

Administration

Reviewed by: J. Milton Pope

Date: 1-22-08

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval of this action and to approve the transfer and appropriation of the aforementioned funds.

Richland County Council Request of Action

Subject: EMERGENCY SERVICES STATION CONSTRUCTION PROJECTS

A. Purpose

County Council is requested to authorize the Procurement Director to award a contract to the most responsive, responsible bidders for the Elders Pond and Horrell Hill Stations. The contract for Elders Pond is to Monterey Construction for \$1,722,000 and the contract for Horrell Hill is to Tyler Construction Company for \$740,000. Funds are budgeted and available.

B. Background / Discussion

Both projects were designed by John Bowman Architects and were advertised for bids. Pre-bid conferences were held prior to bid closings. Elders Pond will house a complete fire engine company and EMS station. Horrell Hill will house an EMS station, fire marshal's office and serve as a hub for downloading GIS data updates to the new automatic vehicle location (AVL) systems being installed in fire and EMS vehicles.

The following bids were received:

Elders Pond

Monteray Construction	\$1,722,000
Custom Steel Fabricators	\$1,742,000
Loveless Commercial Contracting	\$1,779,351
Penn Contracting, LLC	\$1,899,000
Crouch Construction	\$2,391,456

Horrell Hill

Tyler Construction	\$ 740,000
Custom Steel Fabrication	\$ 794,000
Lynn Rich Construction	\$ 819,942
Monteray Construction	\$ 835,000
Crouch Construction	\$ 889,000

C. Financial Impact

Both projects exceeded original costs estimates established in 2004 however funding is available in the following accounts so no other funds are needed:

Elders Pond	
7500-5322(Fire)	\$1,722,000

Horrell Hill	
2210348.5322 (EMS Bond)	\$ 200,620

2210-5322 (EMS) \$ 292,000
7500765.5322(Fire) \$ 247,380

Due to construction timelines, only partial operating costs will be needed in the next budget year and those will be included in the 2008-2009 budget request.

D. Alternatives

1. Approve the request to award construction contracts to the most responsive, responsible bidders for each project.
2. Do not approve an award (or awards) for one or both contracts and close out the bids without awarding a contract.
3. Re-bid the projects.

E. Recommendation

It is recommended that County Council award a contract for the Elders Pond station to Monterey Construction for \$1,722,000 and award a contract for the Horrell Hill station to Tyler Construction for \$740,000 with funding from existing accounts.

Recommended by: Michael A. Byrd **Department:** Emergency Services **Date:** 01-14-08

F. Reviews

Finance

Reviewed by: Daniel Driggers Date: 1/22/08
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: Additional review required therefore a recommendation and comments will be provided at the committee meeting.

Procurement

Reviewed by: Rodolfo Callwood Date: 1/24/08
 Recommend Council approval Recommend Council denial
Comments regarding recommendation:

Legal

Reviewed by: Amelia Linder Date: 1/24/08
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: The alternatives appear to be legally sufficient; therefore, this request is at the discretion of County Council.

Administration

Reviewed by: J. Milton Pope Date: 1-24-08
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: Recommend approval

Richland County Council Request of Action

Subject: Funding for Part-time Employees

A. Purpose

County Council is requested to approve a budget amendment to the Board of Voter Registration Department budget for \$20,000.00 for providing for part-time employment.

B. Background / Discussion

In regards to the Voter Registration FY 08 budget, our department is requesting additional funding of (\$20,000.00) because of the increase demand of Elections and the fifteen new precincts and three renaming precinct with over 60,000 voters to be incorporated within the new precinct and mailing new voter registration cards. A list of Elections for FY 08:

- Arcadia Lakes Election – November 6, 2007;
- Irmo Election – November 6, 2007;
- Blythewood Election – January 2008;
- Republican Presidential Preference Primary – January 19, 2008;
- Democratic presidential Preference Primary – January 29, 2008;
- City Of Columbia Election – April of 2008;
- Eastover City Election – May of 2008;
- State Primary Election – June 10, 2008;

There is a possibility of two additional special Elections for Eastover and a special Election for the Incorporation of Ballentine City.

C. Financial Impact

There is a \$20,000.00 impact, based on the amount of the request.

D. Alternatives

1. Approve the request.
2. Do not approve the request.

E. Recommendation

It is recommended that Council approve the request for additional funding for part-time employees.

Recommended by: Lillian McBride **Department:** Voter Registration **Date:** 7/10/07

F. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 1/24/08

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Approval requires the identification of a funding source and may require a budget amendment.

Legal

Reviewed by: Amelia Linder

Date: 1/24/08

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Both alternatives are legally sufficient; therefore, this request is at the discretion of County Council. In addition, I concur with the comments of the Finance Director.

Administration

Reviewed by: Tony McDonald

Date: 1/24/08

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Recommend approval, with funds to come from the General Fund undesignated fund balance.

Richland County Council Request of Action

Subject: Splitting Planning and Development Services Department

A. Purpose

The purpose of this request is to split the Planning and Development Services Department into two separate departments: (1) Planning and Development Services, and (2) Building Codes and Inspections.

B. Background / Discussion

The Planning and Development Services Department is comprised of five operational areas with 54 authorized full-time positions and 2 part-time positions: Administrative Services (3 authorized full-time positions); Planning Services (5 authorized full-time positions and 1 part-time position); Development Services (14 authorized full-time positions); Building Services (27 authorized full-time positions and 1 part-time position); and GIS Services (5 authorized full-time positions).

The County Administrator requests that the Building Services Division of the Planning and Development Services Department become a separate department.

Research indicates that the five largest counties in South Carolina (Greenville, Charleston, Spartanburg, Lexington, and Horry) all have separate departments for Planning and Building functions. The two departments would have more manageable responsibilities that would enable the directors to focus on operational issues that will result in improved management control, customer service delivery, and policy direction.

Further justification and support for splitting the Planning Department was recommended by the County's Independent Auditor, Hammett Consulting, in a 2007 management review of the Richland County Planning Department.

Please see attached organization charts (existing and two separate departments), as well as the corresponding ordinance to enable the split.

C. Financial Impact

There is no financial impact to split the Planning and Development Services Department; however, Administration will have to separate existing funds to provide appropriate operating dollars.

D. Alternatives

1. Approve the request to separate the Building Services Division from the Planning and Development Services Department.
2. Do not approve this request at this time.

F. Recommendation

It is recommended that Council approve the splitting of the Building Services division from the Planning and Development Services Department, and creation of a new Department of Building Codes and Inspections.

Recommended by: J. Milton Pope **Department:** Administration **Date:** 1-15-08

F. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 1/17/08

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

Legal

Reviewed by: Amelia Linder

Date: 1/17/08

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Both alternatives appear to be legally sufficient; therefore, this request is at the discretion of County Council.

Administration

Reviewed by: Tony McDonald

Date: 1/17/08

Recommend Council approval

Recommend Council denial

Comments regarding recommendation:

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

AN ORDINANCE AMENDING THE RICHLAND COUNTY CODE OF ORDINANCES, CHAPTER 2, ADMINISTRATION; ARTICLE V, COUNTY DEPARTMENTS; DIVISION 4, PLANNING AND DEVELOPMENT SERVICES; AND TO ADD A NEW DIVISION ENTITLED “4.A. BUILDING CODES AND INSPECTIONS”; SO THAT A NEW COUNTY DEPARTMENT WILL BE CREATED.

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

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

DIVISION 4. PLANNING AND DEVELOPMENT SERVICES

Sec. 2-216. Creation; director.

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

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

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

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

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

development, ~~and building code~~ regulations, and shall present such recommendations to the Planning Commission and/or the County Council.

Sec. 2-219. Staff; personnel.

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

Sec. 2-220 – 2-221. Reserved.

SECTION II. The Richland County Code of Ordinances, Chapter 2, Administration; Article V, County Departments; is hereby amended to create a new division to read as follows:

DIVISION 4A. BUILDING CODES AND INSPECTIONS

Sec. 2-222. Creation; director.

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

Sec. 2-223. Qualifications of director; selection; compensation.

The Building Codes and Inspections Director shall be a graduate of an accredited college or university, preferably with a degree in engineering, architecture, construction or related field; or in lieu thereof, shall have had at least five (5) years of responsible, practical experience in construction, inspections, administration and/or in a municipal or county regulatory agency. The director shall possess education, training, and experience related to inspections and construction for commercial and residential property and/or code enforcement that is satisfactory to the county administrator. In addition, the director shall hold South Carolina registration as a Certified Building Official.

Sec. 2-224. Responsibilities; powers; duties.

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

Sec. 2-225. Staff; personnel.

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

Sec. 2-226. Reserved.

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

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

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

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE ____ DAY

OF _____, 2008

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

Richland County Council Request of Action

Subject: Referendum for Sunday Beer and Wine Sales

A. Purpose

Council is asked to consider an ordinance that would place a referendum on the November ballot to authorize the SC Department of Revenue to issue temporary permits for off-premises sales of beer and wine without regard to the days or hours of sales.

B. Background / Discussion

During the September 11, 2007 council meeting, councilman Damon Jeter referred to committee the consideration of an ordinance to permit the sale of beer and wine on Sundays in Richland County.

South Carolina Code Ann. §61-6-2010 provides methods to call for a referendum to place the question of authorizing the South Carolina Department of Revenue to issue temporary permits for the sale of beer and wine at permitted off-premises locations without regard to the days or hours of sales on the ballot for a vote by qualified electors voting in the general election

If approved by council, the attached ordinance would call for a referendum as provided for in South Carolina Code Ann. §61-6-2010, and the following question would be placed on the ballot during the November 4, 2008 general election to be voted on by all qualified voters:

“Shall the South Carolina Department of Revenue be authorized to issue temporary permits in the unincorporated areas of Richland County for a period not to exceed twenty-four hours to allow the sale of beer and wine at permitted off-premises locations without regard to the days or hours of sales?”

C. Financial Impact

Approval of this ordinance would result in a referendum being included on the November ballot. Therefore, there is no financial impact associated with this request.

D. Alternatives

1. Approve the ordinance to hold a referendum on the November ballot.
2. Do not approve the ordinance to hold a referendum on the November ballot.

E. Recommendation

Approval of this item is at council's discretion.

Recommended by: Council Motion **Council Member:** Damon Jeter **Date:** 9/11/07

F. Reviews

Finance

Reviewed by: Daniel Driggers

Date: 1/24/08

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: No recommendation and is left to Council discretion.

Legal

Reviewed by: Amelia Linder

Date: 1/24/08

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: Both alternatives are legally sufficient; therefore, this request is at the discretion of County Council.

Administration

Reviewed by: Tony McDonald

Date: 1/24/08

Recommend Council approval

Recommend Council denial

Comments regarding recommendation: This is a policy question and is left, therefore, to the Council's discretion.

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

AN ORDINANCE CALLING FOR A REFERENDUM AND BALLOT QUESTION TO AUTHORIZE THE SOUTH CAROLINA DEPARTMENT OF REVENUE TO ISSUE TEMPORARY PERMITS FOR OFF-PREMISES SALES OF BEER AND WINE WITHOUT REGARD TO THE DAYS OR HOURS OF SALES.

WHEREAS, the South Carolina General Department of Revenue is authorized to issue temporary permits not to exceed twenty-four (24) hours for the possession, sale, and consumption of alcoholic liquors by the drink on premises within the unincorporated areas of Richland County; and

WHEREAS, South Carolina Code Ann. §61-6-2010 provides methods to call for a referendum to place the question of authorizing the South Carolina Department of Revenue to issue temporary permits for the sale of beer and wine at permitted off-premises locations without regard to the days or hours of sales on the ballot for a vote by qualified electors voting in the general election; and

WHEREAS, the next general election for Richland County is to be held on Tuesday, November 4, 2008; and

WHEREAS, Richland County Council desires to call for the referendum by ordinance as provided for by South Carolina Code Ann. §61-6-2010;

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

SECTION I. The Richland County Council does hereby call for a referendum as provided for in South Carolina Code Ann. §61-6-2010 and directs that the following question be placed on the ballot on the November 4, 2008 general election to be voted on by all qualified voters:

“Shall the South Carolina Department of Revenue be authorized to issue temporary permits in the unincorporated areas of Richland County for a period not to exceed twenty-four hours to allow the sale of beer and wine at permitted off-premises locations without regard to the days or hours of sales?”

SECTION II. The Richland County Council does hereby request that the Richland County Election Commission hold the referendum and place the above-requested question on the next general election ballot for the County of Richland on Tuesday, November 4, 2008, and that such Commission conduct the referendum in the manner provided for by law for such general election.

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

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

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST this the ____ day of
_____, 2008.

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)

**A RESOLUTION OF THE
 RICHLAND COUNTY COUNCIL**

A RESOLUTION AUTHORIZING A POLICY ON MUNICIPAL INCORPORATION

WHEREAS, the South Carolina Code of Laws, §5-1-10 et seq., contemplates the incorporation of municipalities for the purpose of providing higher levels of services to the citizens therein; and

WHEREAS, municipalities contain land use patterns characterized by urban commercial centers and higher density residential neighborhoods; and

WHEREAS, Richland County has experienced growth since 1990 that has led to public discussion of the creation of additional municipalities; and

WHEREAS, some citizens of Richland County have begun to explore the possibility of municipal incorporation with dependency on Richland County for the continued delivery of certain essential services; and

WHEREAS, §5-1-30 (6) of the South Carolina Code of Laws requires cities to provide three of nine expressed services, some of which are not currently provided by Richland County; and

WHEREAS, municipal incorporation by any area in Richland County would reduce the Business License Tax and future Accommodations and Hospitality Tax revenues; and

WHEREAS, it is incumbent upon Richland County Council to prescribe a policy under what circumstances the County will facilitate municipal incorporation by contracting to provide any of the nine statutorily required services;

NOW, THEREFORE, BE IT RESOLVED that Richland County Council affirms that the primary purpose of municipal incorporation is to provide enhanced or additional services for its municipal citizens; and

NOW, THEREFORE, BE IT FURTHER RESOLVED that Richland County Council will support municipal incorporation of unincorporated areas of Richland County by entering into discussions to develop intergovernmental agreements to provide agreed upon services when the proposed incorporation can be demonstrated to:

- Develop an urbanized commercial district with adjacent higher density residential areas
- Provide parks and recreation
- Plan for sidewalks
- Provide a higher level of law enforcement with a municipal police force
- Be responsible for garbage and yard debris pick-up and disposal

- Be responsible for maintenance of existing county roads within the proposed municipal boundaries

Such discussions, however, shall not guarantee the execution of any agreement. If the proposed incorporation is primarily motivated by resistance to annexation by an existing municipality and/or the desire to preserve the character of existing communities, Richland County will work with the affected parties to develop a strategy to further those goals and discuss intergovernmental agreements to assist in accomplishing such goals.

ADOPTED THIS _____ day of _____, 2007.

Joseph McEachern, Chair
Richland County Council

ATTEST this ____ day of _____, 2007

Michielle Cannon-Finch
Clerk of Council

Richland County Council Request of Action

Subject: Business License Fee Schedule: Trailer Fee

A. Purpose

Council Member Joseph McEachern requests County Council to amend the Business License Fee Schedule to require all businesses using trailers in the course of doing work in the unincorporated areas of Richland County to obtain a decal for those trailers for some cost.

B. Background / Discussion

Certain kinds of businesses are required to have decals posted on their vehicles as evidence of having obtained a business license. These types of businesses include contractors, taxis, limousines, and shuttles.

Amusement machines (skill, music, or entertainment) such as pin ball machines, pool tables, or other similar machines are required to have decals posted on the machine to evidence of having been registered with the County.

Councilmember McEachern first suggested a “trailer fee” during the development of the Business License Fee Schedule. However, no further discussion by Council on this matter was held until this time.

It is not known at this time whether other cities and counties require a similar decal for trailers used in the course of doing business.

C. Financial Impact

The financial impact to the County would depend upon the cost of the trailer decals. If the objective of the trailer decal is to help businesses with trailers defray the costs of using the streets by their trailers, the cost of the decal could be significant, and the financial impact to the County could be significantly positive.

However, if the objective of the trailer decal is simply to identify all business with trailers as having obtained current business licenses, the cost of the decal may simply be the cost to produce the decals. In this case, the financial impact to the County would be negligible.

It is unknown at this time how many businesses may use trailers in the course of conducting business in the unincorporated areas of Richland County. Additionally, Council will need to decide what the intent of the trailer decal is, and what the cost of each decal should be.

D. Alternatives

1. Amend the Business License Fee Schedule to require businesses using trailers, defined as vehicles which are attached by the use of a ball and hitch to personal or business vehicles

used in the course of conducting business, to obtain a trailer decal at a cost specified by County Council, starting January 1, 2008.

2. Leave the Business License Fee Schedule as it is and do not require a trailer decal to be purchased.

E. Recommendation

The Business Service Center has no recommendation either way for this request. It is recommended that Councilmember McEachern express his recommendation, as this is his request.

Recommended by: Pam Davis Department: BSC Date: 11/13/07

F. Reviews

Finance

Reviewed by: Daniel Driggers Date: 11/15/07
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: No recommendation

Legal

Reviewed by: Amelia Linder Date: 11/16/07
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: In getting further clarification from Mr. McEachern about this request of action, Pam Davis now recommends (and I can support from a legal perspective) that if Council desires to add a requirement for trailers to have decals posted upon them, that the Business License Fee Schedule be amended as follows:

Add Section (4)C. to read thus: "4.C. All trailers, defined as two or more axle, non-motorized vehicles which are attached by the use of a ball and hitch to personal or business vehicles used in the course of conducting business, shall have a decal posted upon it. The cost per decal is \$10."

It should also be noted that in some situations, multiple decals could be required from a business that had multiple vehicles and/or trailers, and the cost to the individual business would rise somewhat.

Administration

Reviewed by: Tony McDonald Date: 11/21/07
 Recommend Council approval Recommend Council denial
Comments regarding recommendation: This is a policy decision to be made at the Council's discretion. If the Council wishes to approve the fee, however, it is recommended that the fee be set at \$10 per trailer, based on input from the Business Service Center Director.

MEMORANDUM

From: Bradley T. Farrar, Deputy County Attorney

To: J. Milton Pope, Administrator

Cc: W. Anthony McDonald, Assistant County Administrator
Larry C. Smith, County Attorney
Rodolfo Callwood, Procurement Director
David Chambers, Risk Manager

Date: January 15, 2008

Re: Sample Policies for Retaining Outside Legal Counsel

In checking with a number of County Attorneys in South Carolina, it appears that many use fee agreements or “engagement letters” submitted by outside counsel in a particular matter, with modifications as needed or negotiated by a given county. Essentially, a county will hire a lawyer for a particular matter (usually one that is labor intensive or requires some specific subject matter expertise, *e.g.*, bond work) and will use that lawyer’s standard fee agreement. However, there is no requirement that such a procedure be followed. Many times a need arises and then the lawyer is hired on short notice because of filing deadlines, *etc.* In cases where more time is available, such services could be procured or negotiated between a county and outside counsel.

Regardless of whether the fee agreement is drafted by a county or by the attorney sought, essential elements typically include the following:

- (1) Authority to retain outside counsel and designation of a particular budget to pay for such services (this may include a funding cap);
- (2) The scope of work to be performed (this assists in clarifying the relationship and in determining the appropriateness of the budget for a given matter);
- (3) The name of the lead counsel and his/her per hour rate, itemized by service or purpose (*e.g.*, trial work, consultation, research, whether travel time is included, *etc.*);
- (4) Identification of and per hour fees for other staff who may be involved in the project (junior counsel, paralegal, *etc.*);
- (5) Billing terms and officer to whom bills should be sent (include checks for accuracy of billing by the department head, county attorney, *etc.*); redact attorney work product and attorney-client information from bills as appropriate;
- (6) Retained counsel must provide proof of malpractice insurance;

(7) Include a date when the retention agreement terminates (provisions for extension or renewal); and

(8) A provision that retains the right for the county to cancel the agreement at any time for any reason (*i.e.*, outside counsel is not a county employee).

I hope this helps. Please contact me if you need anything further in this regard.

btf

**FARROW ROAD BUSINESS ALLIANCE
PO BOX 12332
COLUMBIA, SC 29211**

J. Milton Pope, County Administrator
Richland County
P.O. Box 192
Columbia, S.C. 29202

RECEIVED
07 NOV 28 PM 6:21
RICHLAND COUNTY
ADMINISTRATORS OFFICE

September 26, 2007

Dear Mr. Pope:

The Farrow Road Business Alliance is a non-profit organization that several community leaders formed last year in hopes of improving the climate for businesses and residents along the Farrow Road corridor. As you know, development along the Farrow Road corridor has been neglected for a number of years. The declining business environment is detrimental to the area's future development and the quality of life for residents.

It is the goal of the Farrow Road Business Alliance to reverse this unhealthy trend and improve the area's economic and business potential. After much study and several community meetings, we believe the most efficient and cost effective way to quickly improve the area is to create a Business Improvement District (BID). Existing community models have already proven their effectiveness. The Farrow Road corridor is poised to benefit from a BID as did Columbia's City Center from the City Center Partnership.

We are requesting the county's assistance with this process in the amount of \$50,000. With your assistance, this process and the BID can be completed by late Summer 2008.

Thank you for your consideration of this request. If you need any additional information, please do not hesitate to contact any board member.

With kindest regards, we are,

Sincerely,

Rev. Margie Callman
Rev. Margie Callman
Triumphant Praises Church
Chairman

Alvenia Whaley
Alvenia Whaley
Realtor/WAW Heating & Air
Secretary

Peggy Wilson
Peggy Wilson
Farrow Hills Day Care
Treasurer

**FARROW ROAD BUSINESS ALLIANCE
PO BOX 12332
COLUMBIA, SC 29211**

RECEIVED
07 NOV 28 PM 6:21
RICHLAND COUNTY
ADMINISTRATORS OFFICE

Memorandum

**TO: Milton Pope, County Administrator
Richland County Administration**

FROM: Rev. Margie Gallman, Chairman *MG*
Farrow Road Business Alliance

DATE: November 26, 2007

RE: Farrow Road Business Alliance

Attached is a copy of the request you should have received related to the Farrow Road Business Alliance. This request was mailed to you and members of Richland County Council on September 26, 2007. We have been working with Councilman Jeter and he is the point of contact on this issue.

Thank you for your consideration and we look forward to working with you.

**Department of City & Regional Planning
UNC-Chapel Hill
April 19, 1999**

<http://www.planning.unc.edu/courses/261/actman/bidweb1.html>

**What are
Business Improvement Districts?**

- BIDs are referred to in many ways, depending on the state or city. Terms used include special improvement districts, special assessment districts, business assistance districts, business improvement zones and special services district.
 - Bids are districts are areas in central cities defined by state and local legislation in which, “the private sector delivers services for revitalization beyond what the local government can reasonably be expected to provide.” The properties and/or businesses within this legally constituted district pay a special tax or assessment to cover the cost of providing facilities or services for which the district has a particular need. The benefits are that while the city provides some oversight authority the bids control the purse strings.
-

How are BIDs created?

While state and local legal requirements vary, the creation of special districts involving extra fees usually requires some form of prior approval by a simple majority of district property owners, by owners who control a majority of the land area, or by owners responsible for the majority of the fees assessed. Landowners involved in special assessment district financing may be residents desiring infrastructure improvements, developers interested in preparing property for major projects or commercial businesses helping to fund improvements that will enhance local economic activity.

Special assessment districts can be independent of local government, having almost complete autonomy to finance, construct and manage specific projects. They can also be dependent on local government, created only to raise revenue for specific projects, which are administered and implemented by local government.

Characteristics of BIDs

BIDs can be defined by the services they provide as well as by how they are shaped by legal statutes. Large BIDs (common in cities such as New York and Philadelphia) can almost resemble their own governments, ultimately creating some conflicts of interest with local governments. Some of largest bids have branched out into economic and community development activities that seek to enhance the quality of life of the entire neighborhood, a goal which

ultimately intends to bring benefits both locally and on a more regional level. Smaller BIDs tend to take on roles once played by chambers of commerce and merchant associations with one major difference--they can reliably predict projected costs and revenues in advance due to legally binding payments paid by property owners.

Benefits of BIDs

BIDs represent an entrepreneurial approach on behalf of downtown leaders or participating businesses to solve their own problems. By bypassing the slow movement and cumbersome processes of local government by creating their own organizations, BIDs are able to quickly try and discard or continue different strategies which enhance the district's environment. Some specific benefits of BIDs include:

- finding innovative solutions to problems, such as helping to coordinate and facilitate the movement of homeless citizens into long-term rehabilitation environments;
- protecting and enhancing public spaces through the deployment of "security teams" or "ambassadors";
- initiating services not provided by public agencies such as sidewalk cleaning and snow removal, marketing, promotions, business retention and recruitment;
- advocating on behalf of downtown business allowing them to communicate a unified vision/message that presses local government on issues that would aid the district's revitalization;
- creating cooperation among competitive businesses which allows them to engage in activities that they would not be able to do on their own;
- generating financing for capital improvements for more attractive streetscapes
- researching and planning services such as collecting and analyze economic and demographic data, monitoring progress, setting and revising strategic goals and developing multiyear redevelopment programs.