



RICHLAND COUNTY COUNCIL REGULAR SESSION AGENDA

**OCTOBER 28, 2008
6:00 PM**

CALL TO ORDER HONORABLE JOSEPH MCEACHERN, CHAIRMAN

INVOCATION HONORABLE JOSEPH MCEACHERN, CHAIR

PLEDGE OF ALLEGIANCE HONORABLE JOSEPH MCEACHERN, CHAIR

Presentations

- a. Farm City Presentation

Citizen's Input

Approval Of Minutes

- . Regular Session: October 21, 2008 [**PAGES 6-14**]

Adoption Of The Agenda

Report Of The Attorney For Executive Session Items

- a.
 - Farmers' Market Update

Report Of The County Administrator

- a.
 - Election Update
 - Animal Shelter Groundbreaking
 - Personnel Matter
 - EngenuitySC Invitation

Report Of The Clerk Of Council

- a.
 - Joint CMRTA Public Hearing, Chambers, October 30th at 6:00 p.m.
 - Urban League, October 30th at 6:00 p.m.

Report Of The Chairman

- a.
 - Strategic Plan Update

Open/Close Public Hearings

- a. None.

Approval Of Consent Items

- a. Report of Hospitality Tax Advisory Committee:

An Ordinance Amending the Richland County Code of Ordinances; Chapter 23, Taxation; Article VI, Local Hospitality Tax; Section 23-69, Distribution of Funds; and Section 23-71, Oversight and Accountability [**PAGES 30-34**]

Third Reading Items

1. An Ordinance to amend the Richland County Code of Ordinances; Chapter 18, Offenses; Section 18-6, Smoking of Tobacco Products; so as to decrease the fine for an infraction **[PAGES 21-23]**

Second Reading Items

2. An Ordinance Amending the Fiscal Year 2008-2009 Budget Ordinance for the Fund Balance Policy **[PAGES 24-29]**

3. Report of Hospitality Tax Advisory Committee:

An Ordinance Amending the Richland County Code of Ordinances; Chapter 23, Taxation; Article VI, Local Hospitality Tax; Section 23-69, Distribution of Funds; and Section 23-71, Oversight and Accountability **[CONSENT][PAGES 30-34]**

Report Of Development And Services Committee

4. Items from October 28th Development & Services Committee Meeting

Report Of Administration And Finance Committee

5. Items from October 28th Administration & Finance Committee meeting

Old Business

Citizen's Input

Executive Session

6.

Motion Period

7.

Adjournment



Richland County Council Request of Action

Subject

Farm City Presentation

Purpose

Committee Recommendation

Council Action (First Reading)

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item

No

On Agenda For Public Hearing

No

Richland County Council Request of Action

Subject

Regular Session: October 21, 2008 [PAGES 6-14]

Purpose

Committee Recommendation

Council Action (First Reading)

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item No

On Agenda For Public Hearing No

MINUTES OF



RICHLAND COUNTY COUNCIL REGULAR SESSION TUESDAY, OCTOBER 21, 2008 6:00 p.m.

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

MEMBERS PRESENT:

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

OTHERS PRESENT – Michelle Cannon-Finch, Milton Pope, Tony McDonald, Roxanne Matthews, Joe Cronin, Stephany Snowden, Jennifer Dowden, Tamara King, Larry Smith, Amelia Linder, Latasha Hopper, Daniel Driggers, Angie McInchok, Lashedra Toole, Becky Knotts, Pam Davis, John Hixson, Lillian McBride, Joe Kocy, Anna Almeida, Monique Walters, Michelle Onley

CALL TO ORDER

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

INVOCATION

The Invocation was given by the Honorable Valerie Hutchinson

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by the Honorable Valerie Hutchinson

Item# 2

PRESENTATION

Appearance Counts Awards Presentation – Ms. Ryan Nevis made a brief presentation and recognized the Appearance County Award recipients.

Dr. Mack, Richland School District I Superintendent – Dr. Mack made brief comments regarding the school districts accomplishments and thanked Council for their continuing support.

CITIZENS' INPUT

No one signed up to speak.

APPROVAL OF MINUTES

Regular Session: October 7, 2008 – Mr. Livingston moved, seconded by Ms. Dickerson, to approve the minutes as corrected. The vote in favor was unanimous.

ADOPTION OF AGENDA

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

REPORT OF THE COUNTY ATTORNEY FOR EXECUTIVE SESSION ITEMS

The following items were potential Executive Session items:

- a. **King vs. Richland County**
- b. **Personnel Matter**
- c. **Lower Richland Sewer Update**

REPORT OF THE COUNTY ADMINISTRATOR

Smoking Ban Enforcement – Mr. Pope stated that the Clerk's Office is working with the Sheriff's Office to schedule a meeting with the Sheriff, staff and the Ad Hoc Committee.

Election Update – Mr. Pope stated the needs of Voter's Registration and the Election Commission appeared to have been addressed.

Lower Richland Sewer Update – Mr. Pope stated that the proposed MOU will be forwarded to the City of Columbia for response and a meeting or a teleconference will be held with the principals involved.

Cayce Taxation /Auditor's Office – Mr. Pope stated that Cayce is included in the tax bills and the intergovernmental agreement has been forwarded to the City of Cayce.

Solid Waste Contractual Matter – Mr. Pope stated that the agreement has been signed and staff is awaiting some additional information from the principal. Once this additional information has been received the agreement can be facilitated.

Joint City/County Ad Hoc Committee Meeting Update – Mr. Pope stated that the Clerk's Office and his office are attempting to schedule the meeting of the joint Ad Hoc committees. The Transportation Ad Hoc meeting has been scheduled for October 30th at 9:30 a.m. in the Mayor's Conference Room. The Detention Drop-Off meeting is still being coordinated

Eastover Sewer Billing and Collections – Mr. Pope stated that Mayor Faber and a town representative met and they requested some additional information. Negotiations are continuing regarding this matter.

Special Called Meeting Reminder – Mr. Pope reminded Council of the Special Called meeting on October 28th.

Strategic Planning Session Reminder – Mr. Pope reminded Council of the Strategic Planning Visioning session on October 22nd at 1:00 p.m.

Clerk of Court Audit Update – Mr. Pearce stated that the auditor had been engaged and the audit should be completed by January 2009.

Budget Book Presentation – Mr. Pope recognized the Budget staff for their hard work.

Budget Cut Update – Mr. Pope stated that the department heads and elected officials have voluntarily made the necessary budget reductions.

REPORT OF THE CLERK OF COUNCIL

IT Training – Ms. Finch stated that the IT Conference Room has been reserved for agenda software training on October 30th from 9:00 a.m.-5:00 p.m.

Smoking Ban Enforcement Meeting – Ms. Finch stated that a meeting has been scheduled for October 31st at 11:30 a.m. with the Sheriff and the Ad Hoc Committee.

CMRTA Public Hearing – Ms. Finch reminded Council that the CMRTA Public Hearing will be held on October 30th at 6:00 p.m.

Columbia Urban League – Ms. Finch stated that the Columbia Urban League's Annual Gala will be held on October 30th at 6:00 p.m.

Benedict College Groundbreaking – Ms. Finch stated that Benedict College will be holding a groundbreaking on Thursday, October 23rd, 1:30-2:30 p.m. at the Community Development Corporation Building.

REPORT OF THE CHAIRMAN

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

PUBLIC HEARING ITEMS

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

- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Section 26-104, FP Floodplain Overlay District; Subsection (D), Standards in the Floodplain; Paragraph (2), Specific Standards; Subparagraph (J), Fill; so as to allow the use of fill in the floodplain – No one signed up to speak**
- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 12, Garbage, Trash and Refuse; Article II, Collection and Disposal; Section 12-16, Yard Trash and Other Household Articles – No one signed up to speak.**
- **An Ordinance to Amend the Richland County Code of Ordinances; Chapter 18, Offenses; Section 18-6, Smoking of Tobacco Products; so as to decrease the fine for an infraction – No one signed up to speak.**

The public hearings were closed.

APPROVAL OF CONSENT ITEMS

Mr. Pearce moved, seconded by Mr. Montgomery, to approve the following consent items:

- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Section 26-104, FP Floodplain Overlay District; Subsection (D), Standards in the Floodplain; Paragraph (2), Specific Standards; Subparagraph (J), Fill; so as to allow the use of fill in the floodplain [Third Reading]**
- **08-24MA, Frank Chapman, M-1 to GC (.70 Acres), Commercial, 22914-06-34, 10240 Two Notch Rd. [Third Reading]**
- **08-25MA, New Covenant Church, RU to OI (3.30 Acres), Multi-Use Family Life Center, 04913-03-03 & 10, Piney Woods & Piney Grove Rd. [Third Reading]**
- **An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article IV, Amendments and Procedures; Section 26-52, Amendments; Subsection (D), Staff Review; so as to clarify the application submission process [Third Reading]**
- **An Ordinance Authorizing deed to Clemson NE Associates, LLC, for certain parcels of land known as Lot 18 and a portion of Lot 17 (approximately 7.55**

Acres) in the Richland Northeast Industrial Park, a portion of Richland County TMS #25800-04-01 [Third Reading]

- **Project Walter [Holopack]: Ordinance Authorizing the Extension of the Investment Period Under Each of the Revised and Restated Fee Agreement** [Third Reading]
- **An Ordinance Authorizing a Utility Easement to South Carolina Electric & Gas Company on property identified as TMS #24700-09-06** [Second Reading]

The vote in favor was unanimous.

THIRD READING ITEMS

08-01MA, Stan Mack, OI to PDD (9 Acres), Construction Company & Commercial Mixed Use 03300-07-06, Farming Creek Road – Mr. Malinowski moved, seconded by Ms. Hutchinson, to approve this item. The vote in favor was unanimous.

SECOND READING ITEMS

An Ordinance Amending the Richland County Code of Ordinances; Chapter 12, Garbage, Trash and Refuse; Article II, Collection and Disposal; Section 12-16, Yard Trash and other Household Articles – A discussion took place.

Ms. Smith moved, seconded by Ms. Scott, to defer this item until additional information is obtained. The vote in favor was unanimous.

An Ordinance to amend the Richland County Code of Ordinances; Chapter 18, Offenses; Section 18-6, Smoking of Tobacco Products; so as to decrease the fine for an infraction – Ms. Smith moved, seconded by Mr. Jeter, to approve this item. The vote was in favor.

REPORT OF DEVELOPMENT AND SERVICES COMMITTEE

An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; Article III, Administration; Section 26-34, Development Review Team; Subsection (A), Established Duties; and Article IV, Amendment and Procedures; Section 26-59, Planned Development Review/Approval; Subsections (D) and (K); so as to remove the requirement of Development Review Team Review prior to PDD approval and to specify that when a PDD District expires, it reverts to the previous zoning district classification – Mr. Montgomery moved, seconded by Mr. Malinowski, to approve the ordinance that states that when a PDD expires it remains a PDD and to forward the item to the November 6th Planning Commission meeting. A discussion took place.

The vote in favor was unanimous.

An Ordinance Amending the Richland County Code of Ordinances; Chapter 26, Land Development; so as to improve Richland County's water quality, protect the environment, and comply with the County's National Pollution Discharge Elimination System (NPDES) permit requirements – Ms. Smith moved, seconded by Ms. Hutchinson, to approve this item and await Planning Commission's guidance before being placed on the agenda for Second Reading. A discussion took place.

The vote was in favor.

REPORT OF ECONOMIC DEVELOPMENT COMMITTEE

Village at Sandhills Improvement District Annual Assessment Levy Resolution – Mr. Jeter stated that the Committee recommended approval. The vote in favor was unanimous.

REPORT OF RULES AND APPOINTMENTS COMMITTEE

Usage for Council Members' Discretionary Accounts – Mr. Montgomery stated that this item is being held in Committee.

REPORT OF HOSPITALITY TAX ADVISORY COMMITTEE

An Ordinance Amending the Richland County Code of Ordinances; Chapter 23, Taxation; Article VI, Local Hospitality Tax; Section 23-69, Distribution of Funds; and Section 23-71, Oversight and Accountability – The committee recommended approval. The vote in favor was unanimous.

CITIZENS' INPUT

No one signed up to speak.

EXECUTIVE SESSION

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Council went into Executive Session at approximately 7:26 p.m. and came out at approximately 8:22 p.m.
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- a. **Kings vs. Richland County** – No action taken.
- b. **Personnel Matter** – No action taken.
- c. **Lower Richland Sewer Update** – No action taken.

MOTION PERIOD

Back-up Material for Council Agendas – Mr. Malinowski moved to have any information relating to a matter on Council’s agenda be provided to each Council member by Friday at 5:00 p.m. This will allow members time to review the information so they will be able to vote in a responsible and informed manner. Information provided on any matter beyond that time will cause the item to be deleted from the agenda or go forward as written in the agenda. This motion was forwarded to the Rules & Appointments Committee.

South Carolina Residential Improvement District Act (H4745) Benefits – Mr. Malinowski moved to have staff determine how H4745 (South Carolina Residential Improvement District Act) can be used to the benefit of Richland County in funding construction and maintenance of infrastructure and improvements related to new development. This motion was forwarded to the D&S Committee.

Bids to Operate CMRTA – Mr. Malinowski moved to re-direct Mr. Jackson’s motion for bids to operate the CMRTA from A&F to staff. This motion was taken up at the October A&F Committee meeting.

Homelessness Initiative – Mr. Pope stated the \$100,000 reserved in the fund balance for the previous homelessness initiative has been requested for the benefit of the new homelessness initiative. This item was sent to the October A&F Committee meeting.

ADJOURNMENT

The meeting adjourned at approximately 8:30 p.m.

Joseph McEachern, Chair

Valerie Hutchinson, Vice-Chair

Joyce Dickerson

Norman Jackson

Damon Jeter

Paul Livingston

Bill Malinowski

Mike Montgomery

L. Gregory Pearce, Jr.

Bernice G. Scott

Kit Smith

The minutes were transcribed by Michelle M. Onley

Richland County Council Request of Action

Subject

- Farmers' Market Update

Purpose

Committee Recommendation

Council Action (First Reading)

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item

No

On Agenda For Public Hearing

No

Richland County Council Request of Action

Subject

- Election Update
- Animal Shelter Groundbreaking
- Personnel Matter
- EngenuitySC Invitation

Purpose

Committee Recommendation

Council Action (First Reading)

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item

No

On Agenda For Public Hearing

No

Richland County Council Request of Action

Subject

- Joint CMRTA Public Hearing, Chambers, October 30th at 6:00 p.m.
- Urban League, October 30th at 6:00 p.m.

Purpose

Committee Recommendation

Council Action (First Reading)

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item No

On Agenda For Public Hearing No

Richland County Council Request of Action

Subject

- Strategic Plan Update

Purpose

Committee Recommendation

Council Action (First Reading)

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item

No

On Agenda For Public Hearing

No

Richland County Council Request of Action

Subject

None.

Purpose

Committee Recommendation

Council Action (First Reading)

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item

No

On Agenda For Public Hearing

No

Richland County Council Request of Action

Subject

Report of Hospitality Tax Advisory Committee:

An Ordinance Amending the Richland County Code of Ordinances; Chapter 23, Taxation; Article VI, Local Hospitality Tax; Section 23-69, Distribution of Funds; and Section 23-71, Oversight and Accountability **[PAGES 30-34]**

Purpose

Committee Recommendation

Council Action (First Reading)

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item No

On Agenda For Public Hearing No

Richland County Council Request of Action

Subject

An Ordinance to amend the Richland County Code of Ordinances; Chapter 18, Offenses; Section 18-6, Smoking of Tobacco Products; so as to decrease the fine for an infraction [**PAGES 21-23**]

Purpose

Committee Recommendation

THE COMMITTEE RECOMMENDED APPROVAL

Council Action (First Reading)

THIS ITEM RECEIVED FIRST READING OCTOBER 7, 2008

Council Action (Second Reading)

THIS ITEM RECEIVED SECOND READING OCTOBER 21, 2008

Public Hearing

On Agenda As A Consent Item No

On Agenda For Public Hearing No

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

AN ORDINANCE TO AMEND THE RICHLAND COUNTY CODE OF ORDINANCES; CHAPTER 18, OFFENSES; SECTION 18-6, SMOKING OF TOBACCO PRODUCTS; SO AS TO DECREASE THE FINE FOR AN INFRACTION.

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

SECTION I. The Richland County Code of Ordinances; Chapter 18, Offenses; Section 18-6. Smoking of Tobacco Products; Subsection (h)(3); is hereby amended to read as follows:

(3) An infraction is punishable by a fine of twenty-five dollars (\$25). Each day on which a violation of this Section occurs shall be considered a separate and distinct infraction. A violation of this Section is furthermore declared to be a public nuisance.

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

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

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

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE _____ DAY

OF _____, 2008

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

First Reading: September 16, 2008
Second Reading:
Public Hearing:
Third Reading:

Richland County Council Request of Action

Subject

An Ordinance Amending the Fiscal Year 2008-2009 Budget Ordinance for the Fund Balance Policy [**PAGES 24-29**]

Purpose

Committee Recommendation

Council Action (First Reading)

THIS ITEM RECEIVED FIRST READING BY TITLE ONLY ON OCTOBER 7, 2008.

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item No

On Agenda For Public Hearing No

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

AN ORDINANCE AMENDING THE FISCAL YEAR 2008-2009 BUDGET
ORDINANCE FOR THE FUND BALANCE POLICY.

**Richland County
Fund Balance Policy**

Current Policy:

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

The minimum undesignated General Fund balance should be maintained at a level sufficient to maintain a prudent level of financial resources to protect against reducing service levels or rising taxes and fees because of temporary revenue shortfalls or unpredicted onetime expenditures. As a financial goal, the General Fund balance for GASB 34 reporting purposes should equal at least 15% of the total audited General Fund expenditures for the previous fiscal year. The cash portion of the reported General Fund balance should equal at least 4 months operating expenditures. These funds are needed in the county’s general operating cash account for the purpose of funding the county’s operations throughout the fiscal year.

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

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

Suggested Changes to Policy:

- Establish a % range for minimum and maximum. Suggested minimum GASB 34 reporting purposes of 15% of the total audited GF expenditures for the previous fiscal year and maximum of 35%. Based on analysis of the last two calendar years, we recommend a minimum of 25% and a maximum of 35% in order to ensure appropriate funds for ongoing cash flow requirements.
- Establish actions if fall below minimum of 25%. The Finance Director will prepare a report after the fiscal year audit for the Administrator. A plan to identify expenditure cuts in the current fiscal year and recommended budget reductions for the following fiscal year will be recommended to Council to restore the minimum within 1 year.

- Establish actions if fund balance exceeds maximum of 35%. The Finance Director will prepare a report after the fiscal year audit for the Administrator that includes options to fund specific allowable activities including one-time capital expenditures or other non-recurring costs.

Other scenarios used by local governments identified through research:

- Excess is set aside and available for use as determined by Council
- Excess is set aside for subsequent year's expenditures for Council to fund capital, operating, or debt service expenditures
- Excess credited to capital reserve account until set dollar amount is accumulated. Once minimum goal is reached additional funds can be used for operating capital expenditures.
- Debt reduction
- Evaluate opportunity to provide a rebate (credit) to citizen on tax bill

Notes:

- No formula to determining an appropriate fund balance. The 15% GASB 34 goal only guidelines. The GFOA recommends that governments establish a formal policy on the level of unreserved fund balance in the general fund, including maintaining unreserved fund balance in the GF of no less than 5 – 15% of regular GF operating revenues. The NACSLB standards of excellence in state and local government budgeting includes an element of adopting financial policies including the development of a policy on stabilization funds.
- Most research and recommendations based on review of policies of other local governments.
- We recommend reviewing the fund balance policies for all special revenue and enterprise funds during the FY09 budget process.

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

AN ORDINANCE AMENDING THE FISCAL YEAR 2008-2009 BUDGET
ORDINANCE FOR THE FUND BALANCE POLICY.

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

SECTION I. That the fiscal year 2008-2009 Budget Ordinance be amended to change the fund balance policy. Therefore, Section 11 of the fiscal year 2008-2009 budget ordinance is hereby amended as follows:

Section 11. The minimum undesignated General Fund balance should be maintained at a level sufficient to maintain a prudent level of financial resources to protect against reducing service levels or rising taxes and fees because of temporary revenue shortfalls or unpredicted onetime expenditures. As a financial goal, the General Fund minimum balance for GASB 34 reporting purposes should equal at least 25% of the total audited General Fund expenditures for the previous fiscal year and a maximum of 35%. The cash portion of the reported General Fund balance should equal at least 4 months operating expenditures. These funds are needed in the county's general operating cash account for the purpose of funding the county's operations throughout the fiscal year.

All fund designations and reserves will be evaluated annually by the Finance Director for long-term adequacy and use requirements with a report provided to the County Administrator after the fiscal yearend.

- a. If the reported General Fund balance falls below the minimum targeted level the report shall include a plan to identify expenditure reductions in the current fiscal year and recommended budget reductions for the following fiscal year to be recommended to Council in order to restore the minimum within 1 year.
- b. If the reported General Fund balance exceeds the maximum the report shall include options to fund specific allowable activities including one-time capital expenditures or other non-recurring costs. Any General Fund balance determined to be in excess of the financial goals for fund balance and for investment strategies may be available for expenditure, but only under specific qualifications. These qualifications include uses for one-time capital and special project costs and should never be used to fund operating costs. One-time capital and special projects should be carefully considered to insure that they add to the efficiency, development or cost effectiveness of the county. Unpredicted, one-time expenditures directly caused by and related to natural or man-made disasters may be considered necessary for prudent use of excess fund balance.

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

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

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

RICHLAND COUNTY COUNCIL

BY: _____
Joseph McEachern, Chair

ATTEST THIS THE _____ DAY

OF _____, 2008

Michielle R. Cannon-Finch
Clerk of Council

RICHLAND COUNTY ATTORNEY'S OFFICE

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

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

Richland County Council Request of Action

Subject

Report of Hospitality Tax Advisory Committee:

An Ordinance Amending the Richland County Code of Ordinances; Chapter 23, Taxation; Article VI, Local Hospitality Tax; Section 23-69, Distribution of Funds; and Section 23-71, Oversight and Accountability **[CONSENT][PAGES 30-34]**

Purpose

Committee Recommendation

Council Action (First Reading)

This item received 1st Reading on October 21, 2008.

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item No

On Agenda For Public Hearing No

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

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

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

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

Sec. 23-69. Distribution of Funds.

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

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

- (2) The amounts distributed to the Columbia Museum of Art, Historic Columbia, and EdVenture Museum, shall be paid quarterly beginning October 1, 2003. The amount distributed to organizations receiving County Promotions 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~~ the Columbia Museum of Art, Historic Columbia, and EdVenture Museum 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. Each Agency shall also, to the fullest extent possible, make a good faith effort to expand programs and events into the unincorporated areas of Richland County. This plan shall be due to the county administrator no later than March 1 of each year. 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)~~ (f) below.

(4) For the amounts distributed under the County Promotions program, a minimum of seventy-five percent (75%) shall be dedicated to organizations and projects that generate tourism in the unincorporated areas of Richland County. These shall include:

- a. Organizations that are physically located in the unincorporated areas of Richland County and sponsor projects or events within those areas;
- b. Organizations that are not physically located in the unincorporated areas of Richland County but sponsor projects or events within those areas; and
- c. Regional marketing organizations whose primary mission is to bring tourists to the region, including the unincorporated areas of Richland County.

~~(4)~~ (5) In the event Local Hospitality Tax revenues are not adequate to fund the Agencies listed above in the prescribed amounts, each Agency will receive a proportionate share of the actual revenues received, with each Agency's share to be determined by the percentage of the total revenue it would have received had the revenues allowed for full funding as provided in subsection (a)(1) above.

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

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

(d) Beginning in fiscal years 2007-2008 and 2008-09 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 rate as determined by trend analysis of the past three years, but in any event not more than 3%.

(e) Beginning in fiscal year 2009-2010 and continuing thereafter, the amount of Local Hospitality Tax to be distributed annually to each Agency named above shall be increased based on the projected revenue growth rate from the previous year, but in any event not more than 3%. If projected revenues shall decrease from the previous year, the amount distributed to each Agency named above shall be decreased proportionately.

~~(e)~~ (f) All Local Hospitality Tax revenue not distributed pursuant to subsections (a) through ~~(d)~~ (e) above shall be retained in the Richland County Local Hospitality Tax Revenue Fund and distributed as directed by County Council for projects related to tourism development, including, but not limited to, the planning, development,

construction, promotion, marketing, operations, and financing (including debt service) of the State Farmer's Market (in lower Richland County), Township Auditorium, a new recreation complex (in northern Richland County), recreation capital improvements, Riverbanks Zoo, and other expenditures as provided in Article 7, Chapter 1, Title 6, Code of Laws of South Carolina 1976 as amended.

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

Sec. 23-71. Oversight and accountability.

The following organizations: the Columbia Museum of Art, Historic Columbia, and EdVenture Museum must submit a detailed report to the Richland County administrator on or before March 1 of each year. This report must provide a detailed accounting of all hospitality tax fund expenditures, and the impact on tourism for the preceding calendar year, and a plan for the upcoming year. This report shall be submitted with the agency's affirmative marketing plan for the upcoming year, as outlined in Sec. 23-69(a)(2).

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

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

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

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

RICHLAND COUNTY COUNCIL

By: _____
Joseph McEachern, Chair

Attest this _____ 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.

Richland County Council Request of Action

Subject

Items from October 28th Development & Services Committee Meeting

Purpose

Committee Recommendation

Council Action (First Reading)

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item No

On Agenda For Public Hearing No

Richland County Council Request of Action

Subject

Items from October 28th Administration & Finance Committee meeting

Purpose

Committee Recommendation

Council Action (First Reading)

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item No

On Agenda For Public Hearing No

Richland County Council Request of Action

Subject

Purpose

Committee Recommendation

Council Action (First Reading)

Council Action (Second Reading)

Public Hearing

On Agenda As A Consent Item

No

On Agenda For Public Hearing

No