

Lancaster County Council Administration Committee

Thursday, April 14, 2016

County Council Conference Room

Council Administration Building

101 N. Main Street

Lancaster, SC 29720

1. Call to Order – Committee Chair Brian Carnes 4:30 p.m.
2. Approval of the agenda *[deletions and additions of non-substantive matters]*
3. Minutes of the March 31, 2016 meeting – pgs. 2-6
4. Citizens Comments
5. Discussion / Action Items
 - a. Draft Hospitality Tax Ordinance. *Steve Willis – pgs. 7-16*
 - b. Business Registration Ordinance. *Steve Willis – pgs. 17-24*
 - c. Amendment to the Financial Policy. *Kimberly Hill – pgs. 25-26*
 - d. Review of the 2016-2017 FY Budget. *Kimberly Hill*
 - e. Resolution 0915-R2016 – A Resolution to approve the last filing by Charles R. Joyner, Jr. for the 2015 Special Assessment as agricultural real property. *John Weaver – pgs. 27-32*
6. Adjournment

Anyone requiring special services to attend this meeting should contact 285-1565 at least 24 hours in advance of this meeting. Lancaster County Council Administration Committee agendas are posted at the Lancaster County Administration Building and are available on the Website: www.mylancaster-sc.org



MINUTES OF THE LANCASTER COUNTY COUNCIL ADMINISTRATION
COMMITTEE
COUNTY ADMINISTRATION BUILDING
COUNCIL CONFERENCE ROOM
101 N. MAIN STREET, LANCASTER

Members of the Lancaster County Council Administration Committee

Brian Carnes, Committee Chairman – District 7
Bob Bundy, Council Member – District 3
Charlene McGriff, Council Member – District 2

DRAFT

Thursday, March 31, 2016

The Committee Members present were Brian Carnes and Bob Bundy. Committee Member Charlene McGriff was absent. Also present was Steve Willis, Veronica Thompson, Kimberly Hill, Brenisha Wells and other spectators. A quorum of the Lancaster County Council Administration Committee was present for the meeting.

The following press was notified of the meeting by e-mail or by fax in accordance with the Freedom of Information Act: Lancaster News, Kershaw News Era, The Rock Hill Herald, Fort Mill Times, Cable News 2, Channel 9 and the local Government Channel. The agenda was also posted in the lobby of the County Administration Building the required length of time and on the county website.

Call to Order

Chairman Brian Carnes called the meeting to order at 4:30 p.m.

Approval of Agenda

Councilman Bundy moved to approve the agenda. Passed 2-0.

Minutes of the March 17, 2016 Meeting

Councilman Bundy moved to approve the minutes of the March 17, 2016 meeting. Passed 2-0.

Citizen Comments

There were no citizens present.

Discussion/Action

Review of the 2016-2017 FY Budget

Handwritten: Done

County Administrator Steve Willis stated that there wasn't a lot of growth and the budget is pretty much the same as last year. There are four persons coming off grants and there have been salary adjustments to reflect those.

Councilman Carnes asked Kim Hill, Budget Analyst, to include revenues in FY 2016 for a side by side comparison.

Ms. Hill provided a brief overview of the following fund and departments:

General Fund

Ms. Hill stated that a grant match was decreased. Also, a transfer of \$2.1 million to the bond fund for potential fleet operations building.

Economic Development

Travel, training, and dues have been added to this department.

Council

Ms. Hill stated that she added a line item for food supplies.

Direct Assistance

Ms. Hill stated that the Solicitor's budget went up \$116,000. She stated that this is due to the Juvenile Drug Court being transferred from the Clerk of Court Office to the Solicitor's office. Clerk of Court Jeff Hammond found that this type of court normally falls under the Solicitor's Office. The \$116,000 includes salary/fringe, drug testing, etc.

Administration

Ms. Hill stated that the salaries went up due to the transferred position from the Attorney's budget.

Nurse Practitioner

Ms. Hill stated that this budget was decreased based on trend, we've been under budget.

Attorney

Ms. Hill stated that the salaries decreased due to the transfer of the position to the Administrator's Office.

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Finance

There were no major changes.

Human Resources

There were no major changes.

Risk Management

Ms. Hill stated that security upgrades for the County Administration Building will be approximately \$107,000.

There was a discussion about the security issues at the County Administration Building. Mr. Willis stated that one of the problems is that the building was built before 911. He asked Risk Safety Manager, Ryan Whitaker to look at what we could do to make the building more safe.

Mr. Whitaker stated that the insurance company came out to look at the security issues and suggested installing glass to counter tops and more card readers. Mr. Whitaker passed out a handout from the insurance company attached as schedule A. The current system will only hold four (4) card readers and we are currently using three (3) of the four (4). Comporium came out to look at adding more card readers and it was determined that an upgrade is needed to do so. An estimate from Comporium is attached as schedule B.

IT

Ms. Hill stated that funds were transferred from several line items to Salaries/Fringe for the network position approved this year.

GIS

There were no major changes.

Zoning

There were no major changes.

Building

There were no major changes.

Planning

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Decreased, mostly because of UDO (Unified Development Ordinance) costs – contractual services and advertising.

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Assessor

There were no major changes.

Auditor

There were no major changes

Treasurer

There were no major changes.

Delinquent Tax

There were no major changes.

Election

Added a part-time employee.

ROD (Register of Deeds)

There were no major changes.

Circuit Court

There were no major changes.

Clerk of Court

Salaries decreased due to the transfer of the Juvenile Drug Court.

Family Court

There were no major changes.

Coroner's Office

Salaries increased due to changing a part-time position to full-time. Also increased due to professional services.

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Probate Court

There were no major changes.

Magistrate Court

There were no major changes

Mr. Willis passed out a handout regarding two potential items with revenue sources attached as schedule C.

1. Pictometry – this is the enhanced 3-D aerial imagery that would replace the current aerial photography. The cost for this would be approximately \$60,000 per year over six (6) years. Mr. Willis proposed that it'll be paid for through an increase in the Zoning fee.
2. EMS Biller – Mr. Willis explained that the county is losing money by not having the staff to bill in a timely fashion. He believes that the county could generate enough income from an extra person to cover their salary and more, a minimum of \$60,000 or more a year.

There was a brief discussion about storm warm utility.

The next meeting is scheduled for Thursday, April 7th with an Economic Development Executive Session prior to the meeting.

Adjournment

There being no further business, Councilman Bundy moved to adjourn the meeting at 5:35 p.m. Passed 2-0.

Respectfully Submitted:

Approved by Committee Chair

Brenisha S. Wells
Deputy Clerk to Council

Brian Carnes, Committee Chair

Agenda Item Summary

Ordinance # / Resolution#:	Discussion Item
Contact Person / Sponsor:	Steve Willis
Department:	Admin
Date Requested to be on Agenda:	April 2016 Administration Committee meeting

Issue for Consideration:

Initial draft of Local Hospitality Tax ordinance.

Points to Consider:

This is the first draft of the ordinance. There may well be some modifications desired by the Committee prior to being considered by Council.

This would impose a 2% hospitality tax on prepared foods except within the City of Lancaster.

This is modeled on the City of Lancaster ordinance with the exception of a provision allowing county staff to audit the books of a business.

Attached is information on what foods are covered. This comes from the City of Lancaster website.

Funding and Liability Factors:

Unknown at this time as we have no master list of covered businesses. Using Department of Revenue data I feel comfortable with a conservative estimate of \$800,000 per year in revenue.

The funding can only be used for specific purposes and not as General Fund revenue.

Council Options:

Adopt or reject the ordinance.

Staff Recommendation:

Approve the ordinance with such modifications that Council may desire.

I know that there has been some interest in bonding this revenue source for a major park. I would recommend for the first year that funds simply accrue to that account in order to build a fund balance and to develop a track record for revenue in order to more accurately gauge what amount could reasonably be bonded.

Committee Recommendation:

To be determined.

ARTICLE V. - LOCAL HOSPITALITY TAX

Sec. 28-60. - Declaration of policy, purpose, intent.

This article is enacted to preserve the general health, safety, and welfare of the general public and to promote the tourism industry within the County of Lancaster, South Carolina, by imposing a local tax for the purpose of creating a fund which will be utilized for purposes enumerated in Section 6-1-730(A) of the Code of Laws of South Carolina as such may be amended.

Sec. 28-61. - Imposition of a two percent local hospitality tax.

There is hereby imposed within the County of Lancaster, except within the city limits of the City of Lancaster, a two (2) percent local hospitality tax upon the gross proceeds derived from the sale of all prepared meals and beverages served within the County of Lancaster, except within the city limits of the City of Lancaster, by any establishment. In addition, the tax shall be imposed on all prepared foods and beverages sold in establishments licensed for the consumption of alcoholic beverages, beer, or wine within the County of Lancaster, except within the city limits of the City of Lancaster.

Sec. 28-62. - Payment of tax.

(a) Responsibility for collecting the tax established herein shall be the liability of the provider of the services for items described in section 28-61. The tax shall be paid at the time of delivery of the services or items to which the tax applies and shall be collected by the provider or seller of the service, services, or items.

(b) The tax collected by the seller or provider of services or items as required under section 28-61 shall be remitted to the Lancaster County Finance Department as follows:

(1) On a monthly basis when the estimated amount of tax collected is more than fifty dollars (\$50.00) a month (annual gross revenue in excess of thirty thousand dollars (\$30,000.00)).

(2) On a quarterly basis when the estimated amount of tax collected is between twenty-five dollars (\$25.00) a month to fifty dollars (\$50.00) a month (annual gross revenue between fifteen thousand dollars (\$15,000.00) and thirty thousand dollars (\$30,000.00)).

(3) On an annual basis when the estimated amount of average tax collections is less than twenty-five dollars (\$25.00) a month (annual gross revenue receipts less than fifteen thousand dollars (\$15,000.00)).

(c) Total collections and required reports shall be submitted to the Lancaster County Finance Department by the twentieth day of each month and shall cover sales for the previous month. Payments covered under the provision of subsection (b)(2) shall be submitted quarterly by the twentieth day of January, April, July, and October and shall cover sales for the previous quarter. Payments covered under the provision of subsection (b)(3) shall be submitted by January 20th and shall cover sales for the

previous year. Any collections not remitted by the above stated deadlines shall be subject to a penalty of five (5) percent of the unpaid amount for each calendar month, or portion thereof, after the due date until paid. The failure to collect from patrons the amount imposed by this article shall not relieve any establishment subject to this article from making the required remittance.

Sec. 28-63. - Payment.

Payment of the accommodations tax established herein shall be remitted by the vendor to the County of Lancaster as provided in section 28-62, along with such return or form as may be established by the county for such purposes. Any tax not timely remitted shall be subject to a penalty of five (5) percent of the sum owed for each month or portion thereof until paid.

Sec. 28-52. - Failure to remit.

The failure of any vendor subject to this ordinance to remit to the County the tax imposed by the provisions of this article shall constitute a misdemeanor punishable as provided for in section 1-10 of the Lancaster County Code of Ordinances; and each day a violation continues to exist shall constitute a separate offense.

Sec. 28-53. - Special account.

There is hereby established a special account to be known as the local hospitality account into which the taxes remitted shall be deposited by the county and used solely for the purposes provided by law.

HOSPITALITY TAX

Hospitality Tax is a two percent (2%) local hospitality fee tax upon the gross proceeds derived from the sale of all prepared foods and beverages served within the City of Lancaster by any establishment. In addition, the tax is imposed on all prepared foods and beverages sold in establishments licensed for the consumption of alcoholic beverages, beer, or wine within the City of Lancaster.

Prepared foods means food prepared or modified by an establishment that at the time of sale is ready for consumption by the public, regardless of the food's actual quantity, presentation, or packaging.

Establishment means any business within the City of Lancaster that sells prepared meals and beverages.

What items are taxed?*

All food and/or beverages prepared or modified for immediate consumption, such as:

- Produce (vegetables, fruit) cut, sliced, cored, etc., or prepared/modified on site (vegetable/ fruit trays)
- Meats and cheeses cut, sliced, or prepared on site (meat/cheese trays)
- Salads made on site
- Sandwiches/subs prepared on site
- Bakery items cooked/baked on site
- Coffee brewed on site
- Popcorn made on site
- Ice cream prepared on site
- Seafood steamed/cooked on site
- Grilled hamburgers and hot dogs, pizza, nachos, chicken, etc.
- Packaged dinners cooked on site (Thanksgiving dinners, etc.)
- Fountain drinks
- Any food prepared, modified, or cooked on site by an employee or contractor
- Any prepared foods or meals that are subject to South Carolina Sales Tax
- Any served beverage, inclusive of beer, wine, and liquor

What items are exempt from the tax?*

- * Cold, canned or bottled drinks in a vending machine on site
- * Consolidating fruit into a basket (fruit baskets)
- * Prepackaged items (not prepared or modified on site) consolidated into a larger container to make one package (gift baskets)
- * Prepackaged, ready-to-consume meats, cheeses, and deli salads
- * Packaged dinners that are not cooked or modified on site
- * Items cooked or baked off site without modifications on site
- * Ready-to-eat prepackaged food a customer re-heats on site (customer makes the food consumable)
- * Prepackaged cans, boxes, or jars of food
- * Bags of chips, pretzels, nuts, candy, or other prepackaged food items

If you have any questions, please call 803-289-1462.

** This list serves as an example only and is not an all-inclusive list of exempt items.*



City of Lancaster HOSPITALITY TAX RETURN

Mail This Form and Check To:

City of Lancaster
Hospitality Tax
PO Box 1149
Lancaster, SC 29721-1149

LICENSE NUMBER _____
PREMISES _____

ATTENTION _____
BUSINESS NAME _____
MAILING ADDRESS _____
CITY ST ZIP _____

Reporting Period: _____

TAX DUE DATE:
20th Day of Each Month

A 5% penalty will be added to
payments received after the due date. *

COMPLETE, SIGN, AND RETURN THIS FORM EACH MONTH EVEN IF NO TAX IS DUE!

If you use a tax or other accounting service, it is YOUR responsibility to forward this CURRENT form to them EACH MONTH!

1. Gross Receipts (Gross Receipts from sale of prepared food and beverages - DO NOT ROUND)	\$
2. Hospitality Tax Due (Multiply Gross Receipts times .02 - DO NOT ROUND)	\$
3. Balance Due From Previous Reporting Period(s)	\$
4. Penalty Amount Due (Multiply unpaid amount times .05 for EACH month or PORTION thereof) *	\$
5. Enter Total Amount Submitted	\$

ENTER
CHECK
NUMBER

*The 5% penalty is applied to the unpaid amount for each calendar month, or portion thereof, after the Due Date until paid.

Taxpayer Signature (REQUIRED)	Telephone Number (REQUIRED)	Date
Title	E-mail Address (if applicable)	Fax Number

If no Gross Receipts were received during the Reporting Period, please indicate why.

Business ☐ is not yet open (give expected opening date on line below) ☐ has closed (give date closed on line below)
☐ is under new ownership (give name of new owner and name of new business on line below) ☐ other (explain on line below).

The Hospitality Tax is two percent (2%) applied to Gross Receipts derived from the sale within the City of Lancaster of prepared or modified foods and beverages intended for immediate consumption (whether consumed on-premises or picked up by the customer). The tax is paid by the customer, collected by the establishment, and remitted by the establishment to the City. Tax collected is remitted to the City on a monthly basis using a monthly reporting period.

Please do not remit to the SC Department of Revenue - this fee is not a local option sales tax.

IF YOU HAVE QUESTIONS, NEED A COPY OF THE CITY'S HOSPITALITY TAX GUIDELINES, OR DESIRE OTHER ASSISTANCE,
PLEASE CONTACT THE BUSINESS LICENSE OFFICE AT 803-289-1462.

The City of Lancaster is not responsible for mail delivery.

If you have not received your return by the fifth of the month, please call our office at 803-289-1462.

PLEASE . . .

- USE THE HOSPITALITY TAX RETURN FORM MAILED TO YOU EACH MONTH! The current form sent to you may contain changes in procedures or penalties, review carefully.
- Do not round off numbers, enter actual dollars and cents.
- Notify us of any changes in business name, mailing address, contact person, or ownership.
- Be sure to file a return each month, even if no tax is due; include the reason, e.g., not yet open, seasonal business only, etc.
- Be sure to sign the return and include the contact information requested.

If you have any questions, please contact us at 803-289-1462.

Your cooperation is appreciated.

City of Lancaster
Hospitality Tax
PO Box 1149
Lancaster, SC 29721-1149
803-289-1462 Tel
803-286-6110 Fax

SUBJECT: Hospitality Tax information

Revenue Base:

I contacted the Department of Revenue for information in order to calculate a potential revenue stream. They could not break out prepared food at locations such as grocery stores (deli sandwiches, cooked foods, etc.) nor could they break out what was collected inside the municipalities. Here is the base data from which I am working:

Lancaster County Food Services NAICS Codes

Start Date: 7/1/2014 End Date: 6/30/2015

LANCASTER

NAICS	NAICS TITLE	UNITS	GROSS SALES	NET TAXABLE SALES	3% FOOD NET TAXABLE	TOTAL NET TAXABLE
722110	FULL-SERVICE RESTAURANTS	93	\$52,336,020.05	\$51,835,109.74	\$0.00	\$51,835,109.74
722211	LIMITED-SERVICE RESTAURANTS	25	\$23,434,871.83	\$23,246,480.47	\$0.00	\$23,246,480.47
722212	CAFETERIAS, GRILL BUFFETS, AND BUFFETS	5	\$1,768,174.17	\$1,751,384.17	\$0.00	\$1,751,384.17
722213	SNACK AND NONALCOHOLIC BEVERAGE BARS	1	\$9,309.00	\$9,309.00	\$0.00	\$9,309.00
722310	FOOD SERVICE CONTRACTORS	5	\$12,781.16	\$11,689.21	\$0.00	\$11,689.21
722320	CATERERS	7	\$28,494.63	\$28,494.63	\$0.00	\$28,494.63
722330	MOBILE FOOD SERVICES	10	\$99,988.52	\$96,910.52	\$0.00	\$96,910.52
			\$77,689,639.36	\$76,979,377.74	\$0.00	\$76,979,377.74

Using \$76,979,377.74 as my base number, a 2% (maximum allowed – Council could certainly decide to utilize 1%) Hospitality Tax would yield \$1,539,587.55. Keeping in mind that this would include locations inside the City of Lancaster, and that we could not charge a county tax inside the city limits as they are already capturing the maximum allowable amount, we would need to deduct \$797,921 which was their collections from the above time period. That yields a balance of \$741,666.55.

Given that this number does not include any prepared foods from locations such as grocery stores, I think a conservative revenue estimate of \$800,000 per year would be in order. I do believe that number is very conservative and would also note that the revenue stream would grow as growth continues in the unincorporated area.

Potential Uses:

This is governed by state law, a copy of which is below. I would note that you mentioned potentially using this revenue for development of large parks. I believe, but would certainly defer to John on legal opinions, that such a use would be permissible. I know that Rock Hill utilizes this funding source for Cherry Park and Manchester. The key is using it for large parks where regional, state, and national tournaments are held since it must be tourism related per section 6-1-730(A)(2). Locally Walnut Creek Park would likely qualify while Roy Hardin Park would absolutely not qualify. There is precedent for bonding these funds to pay for capital projects.

State Law:

ARTICLE 7 Local Hospitality Tax

SECTION 6-1-700. Short title.

This article may be cited as the "Local Hospitality Tax Act".

HISTORY: 1997 Act No. 138, Section 9.

SECTION 6-1-710. Definitions.

As used in the article:

- (1) "Local governing body" means the governing body of a county or municipality.
- (2) "Local hospitality tax" is 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.
- (3) "Positive majority" means a vote for adoption by the majority of the members of the entire governing body, whether present or not. However, if there is a vacancy in the membership of the governing body, a positive majority vote of the entire governing body as constituted on the date of the final vote on the imposition is required.

HISTORY: 1997 Act No. 138, Section 9.

SECTION 6-1-720. Imposition of local hospitality tax.

(A) A local governing body may impose, by ordinance, a local hospitality tax not to exceed two percent of the charges for food and beverages. However, an ordinance imposing the local hospitality tax must be adopted by a positive majority vote. The governing body of a county may not impose a local hospitality tax in excess of one percent within the boundaries of a municipality without the consent, by resolution, of the appropriate municipal governing body.

(B) All proceeds from a local hospitality tax must be kept in a separate fund segregated from the imposing entity's general fund. All interest generated by the local hospitality tax fund must be credited to the local hospitality tax fund.

HISTORY: 1997 Act No. 138, Section 9.

SECTION 6-1-730. Use of revenue from local hospitality tax.

(A) The revenue generated by the hospitality tax must be used exclusively for the following purposes:

- (1) tourism-related buildings including, but not limited to, civic centers, coliseums, and aquariums;
- (2) tourism-related cultural, recreational, or historic facilities;
- (3) beach access and renourishment;
- (4) highways, roads, streets, and bridges providing access to tourist destinations;
- (5) advertisements and promotions related to tourism development; or
- (6) water and sewer infrastructure to serve tourism-related demand.

(B)(1) In a county in which at least nine hundred thousand dollars in accommodations taxes is collected annually pursuant to Section 12-36-920, the revenues of the hospitality tax authorized in this article may be used for the operation and maintenance of those items provided in (A)(1) through (6) including police, fire protection, emergency medical services, and emergency-preparedness operations directly attendant to those facilities.

(2) In a county in which less than nine hundred thousand dollars in accommodations taxes is collected annually pursuant to Section 12-36-920, an amount not to exceed fifty percent of the revenue in the preceding fiscal year of the local hospitality tax authorized pursuant to this article may be used for the additional purposes provided in item (1) of this subsection.

HISTORY: 1997 Act No. 138, Section 9; 1999 Act No. 93, Section 14; 2006 Act No. 314, Section 2, eff June 1, 2006; 2010 Act No. 290, Section 36, eff January 1, 2011.

SECTION 6-1-740. Cumulative rate of local hospitality tax.

The cumulative rate of county and municipal hospitality taxes for any portion of the county area may not exceed two percent, unless the cumulative total of such taxes was in excess of two percent or were authorized to be in excess of two percent prior to December 31, 1996, in which case the cumulative rate may not exceed the rate that was imposed or adopted as of December 31, 1996.

HISTORY: 1997 Act No. 138, Section 9.

SECTION 6-1-750. Local hospitality tax revenue upon annexation.

In an area of the county where the county has imposed a local hospitality tax that is annexed by a municipality, the municipality must receive only that portion of the revenue generated in excess of the county local hospitality tax revenue for the previous twelve months in the area annexed.

HISTORY: 1997 Act No. 138, Section 9.

SECTION 6-1-760. Ordinances prior to March 15, 1997; calculation; revenue.

(A) With respect to capital projects and as used in this section, "tourist" means a person who does not reside in but rather enters temporarily, for reasons of recreation or leisure, the

jurisdictional boundaries of a municipality for a municipal project or the immediate area of the project for a county project.

(B) Notwithstanding any provision of this article, any ordinance enacted by county or municipality prior to March 15, 1997, imposing an accommodations fee which does not exceed the three percent maximum cumulative rate prescribed in Section 6-1-540, is calculated upon a base consistent with Section 6-1-510(1), and the revenue from which is used for the purposes enumerated in Section 6-1-530, remains authorized and effective after the effective date of this section. Any county or municipality is authorized to issue bonds, pursuant to Section 14(10), Article X of the Constitution of this State, utilizing the procedures of Section 4-29-68, Section 6-17-10 and related sections, or Section 6-21-10 and related sections, for the purposes enumerated in Section 6-1-530, to pledge as security for such bonds and to retire such bonds with the proceeds of accommodations fees imposed under Article 5 of this chapter, hospitality fees imposed under this chapter, state accommodations fees allocated pursuant to Section 6-4-10(1), (2), and (4), or any combination thereof, and the pledge of such other nontax revenues as may be available for those purposes for capital projects used to attract and support tourists.

HISTORY: 1997 Act No. 138, Section 10; 2010 Act No. 284, Section 1, eff upon approval (became law without the Governor's signature on June 28, 2010).

SECTION 6-1-770. Remitting tax to local governing body; frequency determined by estimated average amounts.

The tax provided for in this article must be remitted to the local governing body on a monthly basis when the estimated amount of average tax is more than fifty dollars a month, on a quarterly basis when the estimated amount of average tax is twenty-five dollars to fifty dollars a month, and on an annual basis when the estimated amount of average tax is less than twenty-five dollars a month.

HISTORY: 1998 Act No. 419, Part II, Section 63B.

Agenda Item Summary

Ordinance # / Resolution#:	Discussion Item/ Potential Ordinance
Contact Person / Sponsor:	Steve Willis
Department:	Admin
Date Requested to be on Agenda:	April 2016 Administrative Committee

Issue for Consideration:

Adoption of a Business Registration ordinance.
FOLLOW-UP INFORMATION ON PAGE 2

Points to Consider:

This would be a Business Registration ordinance and not a Business License.

The Business Registration has no mandatory fee and is capped at \$15.00 per year. The fee is a flat fee related to registering the business and is not related to gross revenue. There would never be a need to examine a company's books with a Business registration.

A draft ordinance and application form is attached. Obviously these are still in draft stage awaiting discussion by the Committee prior to any consideration by Council.

The program would be administered by the Delinquent Tax Collection office. There would be some expense related to the program involving printing of the permit and mailing it to the business. We are still working to quantify that but we do not anticipate it being a major cost.

We have purposely limited the applicability of the ordinance to avoid small businesses. This can certainly be changed if Council members desire it to be comprehensive.

Funding and Liability Factors:

Unknown at this time as we do not have a good estimate of how many businesses would be impacted. We can certainly guarantee that even at the maximum of fee of \$15 per year that it will not be a major revenue source. The main financial impact would be assisting the Auditor's Office with Business Personal Property tax collection and the Delinquent Tax Office with delinquent tax collection.

Council Options:

Adopt or not adopt the ordinance; if adopted determine what fee, if any, would be charged.

Staff Recommendation:

Adopt the ordinance with no fee. Collection and financial tracking of the fee may well cost more and be more trouble than it is worth. If a business only has to register and certify they are in compliance, and can do so online without even a trip to the County Building, they certainly won't have much to complain about.

Committee Recommendation:

To be determined.

Attached is a PT-100 form from the South Carolina Department of Revenue. In checking with Auditor Cheryl Morgan there is no minimum gross receipts under state law for filing the form. If you are a business that has reportable property then you must file per state law. The referenced form PT-300 is the same form but for manufacturing facilities. It is also attached as information.

1350



STATE OF SOUTH CAROLINA
DEPARTMENT OF REVENUE
**BUSINESS PERSONAL PROPERTY
RETURN**

PT-100
(Rev. 10/1/07)
7002

IMPORTANT - A separate return must be filed for each location on forms approved by the Department of Revenue. This is a scannable form, which must be completed with black ink only.

Tax Year _____ (See instructions on back)

Owner Name and Mailing Address:

Business Name and Location:

- ☐ New Account ☐ Amended ☐ Final; Closing Acct. ☐ Return Due to Change in Accounting Closing Period
☐ Individual ☐ Corporation ☐ Partnership * ☐ LLC/LLP ☐ Leasing Company
 * (A listing of partners and social security number is required)

Property File No. _____ Accounting Closing Period (mo/da/yr) _____

Sales Tax No. _____ Date Business Open (mo/da/yr) _____

* Federal EI/SS No. _____ Telephone No. _____

County _____ NAICS Code _____

Tax Dist _____ Date Business Closed _____

***If you have a new account, your FEI/SSN must be provided in the space above. **If you have a retail license and are making changes, please contact (803) 896-1350.**

****CHANGES ONLY**

Owner Name	Business Name
Mailing Address	Business Location
City/State - Mail Zip	City/State/Zip

1. Total Acquisition Cost 1. .00
 (Excluding Licensed Vehicles and Leasehold Improvements)
2. Less: Income Tax Depreciation
 (Accumulated Depreciation Not To Exceed 90% For Each Item) 2. .00
3. Net Depreciated Value
 (The Net Depreciated Value Must Include At Least 10% Of Each Item)..... 3. .00

Lines 1, 2, and 3 must be completed. The preprinted zeros will not be considered as a completed return.

Office Use Only

I declare that this return has been examined by me, and to the best of my knowledge and belief, is a true and complete return, made in good faith, pursuant to the provisions, of the Code of Laws, 1976 and amendments.

Taxpayers Signature _____ Title _____ Date _____

Accountant Signature _____ Date _____

Mail to SC Department of Revenue, Property Division, Columbia, SC 29214-0301 or contact by phone (803) 898-5222.

This return cannot be processed without taxpayer signature.

70021027

INSTRUCTIONS

Complete your social security number or federal employer's identification number and county in which the property is located. If you are producing your own form it **MUST** be **PRE-APPROVED** by the Department of Revenue.

If there is a change of Ownership/Mailing Address or Business Name/Location, please make those changes in the area blocked off and marked **For Changes Only**.

A file number will be assigned to you by the Department and appear as the property tax file number on the front of a preprinted return. **Always** refer to this number when writing the Property Division.

Zeros have been preprinted in the cents column of this form, therefore you must round off cents to the nearest whole dollar.

- Line 1: All costs associated with the acquisition of furniture, fixtures and equipment that are used in the business; **EXCLUDING** licensed vehicles.
- Line 2: Deduct the adjusted depreciation. The depreciation allowed is the same as used for income tax purposes, except the depreciation may **not exceed 90%** of the total acquisition cost for **EACH** item.
- Line 3: Total acquisition cost less the adjusted depreciation.

FILING REQUIREMENTS

Any business which opens after the end of the accounting period must file an initial return as of December 31st with the return being due the last day of April. After the initial return, businesses are required to file on or before the last day of the fourth month after the close of the accounting period regularly employed by the taxpayer, for income tax purposes.

THERE ARE NO PROVISIONS FOR EXTENSIONS FOR FILING BUSINESS PERSONAL PROPERTY RETURNS.

Failure to File or List Property - Section 12-54-44 provides: A person who willfully attempts to evade or defeat any tax or property assessment, in addition to other penalties provided by law, is guilty of a **FELONY** and, upon conviction, must be fined not more than ten thousand dollars or imprisoned not more than five years, or both, together with the cost of prosecution. The assessment may be estimated from the best available information.

Revocation of License for Failure to Comply - Section 12-54-90 provides: Failure to comply with the law may result in revocation of licenses within 10 days after notification.

Number of locations in SC _____

Location of records _____

Street

City

State

Do you lease equipment from another company? Yes ☐ No ☐ (Attach List if needed)

If yes, from whom? _____

Lessor

Address

City

State

Do you own equipment which is leased to other businesses? Yes ☐ No ☐

The net depreciate value from line 3 (front of form) will be assessed by the Property Division at the rate of 10.5%. The assessment will be certified to the county in which the property is located, and the district millage applied to determine your tax bill for the coming year. No further notice will be sent prior to the mailing of a tax bill by the county and/or district.

Signature - If someone other than the taxpayer prepares the return, then the property tax return must also contain the signature of the return preparer.

Social Security Privacy Act Disclosure

It is mandatory that you provide your social security number on this tax form if you are an individual taking this credit. 42 U.S.C 405(c)(2)(C)(i) permits a state to use an individual's social security number as means of identification in administration of any tax. SC Regulation 117-201 mandates that any person required to make a return to the SC Department of Revenue shall provide identifying numbers, as prescribed, for securing proper identification. Your social security number is used for identification purposes.

The Family Privacy Protection Act

Under the Family Privacy Protection Act, the collection of personal information from citizens by the Department of Revenue is limited to the information necessary for the Department to fulfill its statutory duties. In most instances, once this information is collected by the Department, it is protected by law from public disclosure. In those situations where public disclosure is not prohibited, the Family Privacy Protection Act prevents such information from being used by third parties for commercial solicitation purposes.



TAX YEAR 2016
STATE OF SOUTH CAROLINA
DEPARTMENT OF REVENUE
PROPERTY RETURN

PT-300
(Rev. 11/6/15)
7012

SID NUMBER _____ COUNTY _____

Office Use Only

▶ RETURN FILING STATUS: (check one)

☐ 1 Initial ☐ 2 Annual ☐ 3 Amended☐ 4 Final☐ 5 Return Due to Change in Accounting Closing Period

OWNER NAME AND MAILING ADDRESS

Report name and address corrections on Page 2. Ownership changes should be reported in the Change in Ownership section.

1. FEIN _____ SSN _____		2. Accounting Closing Date _____ (Month/Year) Start Up Date _____ (Month/Day/Year)	
3. Property Location _____ Business Phone No. _____ _____ Street _____ _____ City _____ State _____ Zip _____		4. Type of Ownership <input type="checkbox"/> Sole Proprietor (one owner) <input type="checkbox"/> Partnership (two or more owners, other than LLP) <input type="checkbox"/> LLC/LLP filing as: <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Single Member <input type="checkbox"/> South Carolina Corporation Date Incorporated _____ <input type="checkbox"/> Foreign Corporation State and Date Incorporated _____ <input type="checkbox"/> Other (explain) _____ _____ _____	
5. Contact Person _____		6. Contact Phone No. _____	
7. Name Used to File Income Tax _____			

CHANGE IN OWNERSHIP (See application for exemption page 2)

☐ Facility Sold To: _____ FEIN/SSN _____

☐ Facility Purchased From: _____ FEIN/SSN _____

Street _____

City _____ State _____ ZIP _____

Date of Sale _____ Contact Person _____ Phone Number (_____) _____

SCHEDULE SUMMARY (Enter TOTAL GROSS COST below from PLANT/OPERATION Schedules A through F, S and T.)

[illegible]

***MUST ATTACH ALL APPROPRIATE SCHEDULES**

▶ ADDITIONAL SCHEDULES (Check if the following schedules are attached.)

☐ **Schedule X Improvement Schedule**☐ Schedule Z Lease Schedule

See page 2 for required signature.

Our records indicate the following leases are associated with your account. All additional leases should be reported on Schedule Z.

Page 2

Mail to:

South Carolina Department of Revenue
Manufacturing Section
Columbia, SC 29214-0302

Report changes, corrections and omissions below.

FEIN or SS No. _____

Property Location

Street _____

City _____ ZIP _____

Phone No. _____

Accounting Closing Date _____ (Month/Year)

Start Up Date _____ (Month/Day/Year)

Mailing Address

ATTN: _____

Name _____

Street _____

City, State, ZIP _____

Contact Person _____

Contact Person Phone No. (_____) _____

APPLICATION FOR FIVE YEAR PARTIAL EXEMPTION

Change In Ownership: The purchaser of an existing facility is required to obtain approval for exemption from the local county governing body for the five year partial exemption in accordance with SC Code section 12-37-220(C). A properly executed Department of Revenue form PT-444 must be furnished to the Department of Revenue within the time prescribed by law for the filing of an application for exemption. Forms are available on the website: www.dor.sc.gov

No Change In Ownership: Owners of existing facilities that have not been purchased within this reporting period are not required to obtain approval from the local county governing body. The filing of the PT-300 with appropriated schedules within the time prescribed by law for filing of application for exemption is deemed to be the application for the partial exemption under SC Code sections 12-37-220(A)(7), (A)(8), (B)(32) and (B)(34).

APPLICATION FOR SPECIAL ASSESSMENT OF WAREHOUSING (PT-465)

Taxpayers are required to file form PT-465 with the Property Division of SCDOR by July 1st of the tax year requesting the special classification. See SC Code Sections 12-43-220 (a)(4) and form PT-465 for qualifications and application procedures.

Section 12-54-44 (B)(I) A person who wilfully attempts in any manner to evade or defeat a tax or property assessment imposed by a title administered by the department or the payment of that tax or property assessment, in addition to other penalties provided by law, is guilty of a felony and, upon conviction, must be fined not more than ten thousand dollars or imprisoned not more than five years, or both, together with the cost of prosecution.

I declare that this return, including any accompanying schedules and statements, has been examined by me and to the best of my knowledge and belief is a true and complete return reflecting gross capitalized costs and net book values, if applicable, as used for income tax, made in good faith pursuant to the provisions of the Code of Laws, and amendments.

TAXPAYER:

PREPARED BY:

Please print

Please print

Signature

Signature

Date

Phone Number

Date

Phone Number

All returns must be signed and dated by the preparer and the taxpayer or an officer of the company.

70122031

Draft Business Registration Ordinance

Sec. 13-3. - Business registration.

(a) Definitions:

“Business” means a calling, occupation, profession, or activity engaged in with the object of gain, benefit or advantage, either directly or indirectly and which is operating in the unincorporated part of Lancaster County and which is required to file either a PT-100 or PT-300 with the South Carolina Department of Revenue or file a Business Personal Property Return with the Lancaster County Auditor’s Office.

“Person” means any individual, firm, partnership, LLP, LLC, cooperative non-profit membership, corporation, joint venture, 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 principal.

(b) The owner, agent or legal representative of every business subject to this ordinance shall register the business using the approved form on or before July 1st of each year; *provided*, a new business shall be required to have a business registration prior to operation within the county. All business personal property, corporate, manufacturers, and merchants’ taxes due must be paid prior to registering with the county.

A registration for a bar (NAICS 722410) must be issued in the name of the individual who has been issued a State alcohol, beer or wine permit or license and will have actual control and management of the business.

A business cannot operate in the county without meeting these requirements.

(c) A Business Registration is not transferrable under any conditions. Businesses that change ownership will be allowed thirty (30) days to register. Businesses that change their location will be allowed thirty (30) days to notify the County of their new address.

(d) If business is conducted at more than one location or place, each such location or place shall be considered a separate business upon which a separate business registration will be required. One registration is required for each separate business location. Persons working for a registered business are not required to maintain a separate registration with the County.

(e) Each business shall display the registration issued to them on the original form provided by the registration official in a conspicuous place in the business establishment at the address shown on the form.

(f) Any person violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than two hundred (\$200.00) dollars for each such violation. A person shall be allowed thirty (30) days to register the business upon notification of his failure to register before the penalties may be assessed.

In addition, the county may take action as allowed by law to prevent the business from operating until such time that the business registers with the county, including but not limited to, requesting the appropriate utility company terminate service to the business.

Draft Business Registration Form Data Collection

Name of Business

Physical location of Business

Mailing address of Business

Telephone number of Business

SC Department of Revenue PT 100 or PT 300 number of Business

Name of owner of the Business

Mailing address of owner

Telephone number of owner

Type of Business – check boxes with NAICS code

Fire Department – check box if the location stores reportable hazardous materials and/or compressed gas cylinders

Sheriff's Office – name and telephone number for emergency contact person(s)

Name and signature for person completing the form. This will include the following certification:

I attest, under penalty of perjury, that the information given in this application is true and that the business personal property, corporate, manufacturers, and merchants taxes due and payable to Lancaster County pursuant to SC Code of Laws section 12-37-210 et.al. have been paid. I further attest that issuance of a Business Registration does not relieve me of compliance with all applicable zoning and building code requirements and that I am subject to all the provisions of the Business Registration Ordinance of Lancaster County.

Agenda Item Summary

Ordinance # / Resolution#:

Contact Person / Sponsor: Kimberly Hill

Department: Finance

Date Requested to be on Agenda: 4/14/2016

Issue for Consideration:

Amendment of the Financial Policy to reflect new fund balance limits. This includes a proposed ideal range of unassigned fund balance (28-32% of operating budget).

Points to Consider:

Current policy states that we retain a minimum of 3 months of expenditures in fund balance. There is no maximum and no timeline for replenishment.

Benchmarking shows that counties are moving toward using a percentage rather than a period of time to determine the appropriate amount of reserves.

During the bond rating process last year, 30% of the budget in unassigned fund balance was the mentioned ideal amount to have.

Other experts in the field recommend a minimum of 2 months, but list other factors that could warrant needing more (i.e. predictability of revenues and expenditures, exposure to disaster or state budget cuts, potential drain on general fund from other funds, the impact on bond ratings, etc.)

Funding and Liability Factors:

This will provide a better outline for the use of fund balance in the budget process, while improving the County's policy alignment with best practices.

Currently, there is \$2,860,000 in fund balance being proposed in FY 2017 budget based on this policy.

Council Options:

Whether or not to recommend moving forward to full Council with updated policy.

Recommendation:

Fund balance is a measurement of financial resources available. Fund balance reporting shall be consistent with Statement No. 54 of the Governmental Accounting Standards Board. It is the policy of the County to maintain adequate levels of fund balance to mitigate current and future risks and to ensure stable tax rates. For this reason, it is the County's objective to:

(a) Maintain a general fund unassigned fund balance at a level of 28-32 percent of the general fund operating budget;

(b) If the year-end unassigned fund balance is more than 32 percent of the general fund operating budget, then the Administrator will assess and recommend to council ways in which the excess will be allocated during the next annual operating and capital budget process. The surplus can only be allocated for one of the following purposes:

(i) One-time capital expenditures which do not increase ongoing operational costs;

(ii) Establishing or increasing reserves for special purposes;

(iii) Other one-time costs; and

(iv) Debt reduction.

(c) If the unassigned fund balance falls below 28 percent of the general fund operating budget, the Administrator will pursue and recommend to Council ways of increasing revenues or decreasing expenditures, or a combination of both until the threshold is attained within a time period not to exceed three years. At the inception of the implementation of this policy, such recommendations, and implementation of plans to increase the fund balance(s) of the County may be through the annual County budget ordinance(s), or through separate ordinances of the County.

(d) County council may authorize the expenditure of fund balance that would cause the unassigned fund balance to decrease to below 28 percent of regular general fund expenditures by a supermajority (five to two vote of Council). After such vote the Administrator will plan and recommend to Council ways to replenish the balance to 28-32 percent. The threshold must be reached within a period not to exceed three years.

(e) Committed fund balance, self imposed limitations, can only be established by County Council. Once resources are committed, the purpose can only be changed by action of Council. The action to commit the funds must take place before the end of the fiscal year, though the actual can be determined after the close of the fiscal year.

(f) The County's intended use of resources, Assigned fund balance, can be assigned by the County Administrator and Finance Director. The County Administrator must inform the Council of assigned resources during the fiscal year.

STATE OF SOUTH CAROLINA)
COUNTY OF LANCASTER)

RESOLUTION NO. 0915-R2016

A RESOLUTION

TO APPROVE THE LATE FILING BY CHARLES R. JOYNER, JR. FOR 2015 SPECIAL ASSESSMENT AS AGRICUTURAL REAL PROPERTY

WHEREAS, SC Code §12-43-220 (d)(3) of the state statutory law permits the governing body to extend the time for filing for a special assessment as Agricultural Real Property; and

WHEREAS, Charles R. Joyner Jr., did file late for the 2015 for the reasons noted in his counsel's letter dated March 8, 2016, said letter being attached hereto and incorporated herein by reference; and

WHEREAS, Council hereby finds the explanation to be plausible under the circumstances.

NOW, THEREFORE, BE IT RESOLVED that the 2015 Application of Charles R. Joyner, Jr. shall be accepted by the appropriate county officials and that the parcel noted on the application shall be assessed as Agricultural Real Property.

AND IT IS SO RESOLVED

Dated this ____ day of _____, 2016

LANCASTER COUNTY, SOUTH CAROLINA

LANCASTER COUNTY, SOUTH CAROLINA

[SEAL]

Bob Bundy, Chair, County Council

Steve Harper, Secretary, County Council

Attest:

Debbie C. Hardin, Clerk to Council



Brian O'Neal Trimnal
brian.trimnal@tmlawsc.com

P.O. Box 2078
Lancaster, SC 29721
P: 803-285-6000
F: 803-285-4501
C: 803-287-4558

March 8, 2016

Lancaster County
Attn: Attorney John Weaver and Steve Willis
PO Box 1809
Lancaster, SC 29721

RE: Agricultural Application for Charles R. Joyner, Jr. for 2015

Dear John and Steve,

I am writing this letter requesting for you to consider approving the 2015 Agricultural Application for Charles R. Joyner, Jr. Mr. Joyner missed the deadline for filing his application; however, I believe his reasons for not filing were reasonable.

South Carolina Code Section 12-43-220(d) 3 was provided to me by Brad Carnes, the Lancaster County Assessor. It says in pertinent part that "the governing body may extend the time for not filing upon a showing of reasonable cause for not filing on or before the first penalty date" Mr. Joyner purchased the property in May of 2014 and received an Agricultural tax bill in October of 2014. Mr. Joyner assumed that everything was taken care of for the Agricultural Rate in 2015 since the bill was Agriculture for 2014. He simply failed to apply. This was a mistake and one that is reasonable under the circumstances. Mr. Joyner is one of our local farmers and can show to Lancaster County that he was farming the subject property at all times and can produce his farming tax return if needed. Mr. Joyner lives in Steve Harper's district. I spoke to Steve about this matter and he concurred that under the circumstances, Mr. Joyner should receive the Agricultural Rate for 2015. Thank you for your consideration in this matter and I am requesting your approval. Brad indicated that he would accept your seal of approval on the application. The application is attached as is the statute for your approval.

Sincerely

A handwritten signature in black ink, appearing to read 'Brian Trimnal', written over a horizontal line.

Brian Trimnal,

Attorney

**APPLICATION FOR SPECIAL ASSESSMENT
AS AGRICULTURAL REAL PROPERTY**

Please file this application by May 1st to assure your property is listed at the correct assessment ratio.

O.K.

Approved - Howard
5-9-2016

(Property Owner and Mailing Address) Charles Joyner 2450 S. Potter Rd Heath Springs, SC 29
--

Total Acr.	Tax Yr.	Location	Dist	Map	Sh	Blk	Parcel
34.817	2015	Potter Rd		101			86

Property Owner _____ Soc. Sec. No. _____

Property Owner or Spouse's Name Charles R. Joyner, Jr Soc. Sec. No. _____

If more than two (2) owners, attach a separate sheet with above information on each owner.

Total number of acres 34.817

Timberland: Yes ☒ No _____ Number of Acres all

Cropland: Yes ☒ No _____ Number of Acres all

(Optional Question)

If this is a timber tract and size is less than 5 acres, do you own any other timberland tracts which are contiguous to or under the same management system as this tract? Yes _____ No ☒

(Optional Question)

Do you own any other non-timberland tracts which qualify as agricultural real property? Yes ☒ No _____

Did you have gross farm income of \$1,000 or more? Yes ☒ No _____

Is any portion of the entire tract being used for other than agricultural profit? Yes _____ No ☒ If yes, explain _____

Did you file a farm income tax return? Yes ☒ No _____

It is unlawful for a person to knowingly and willfully make a false statement on this application. A person violating the provisions of this section is guilty of a misdemeanor and upon conviction, must be fined not more than \$200. In making this application, I certify the property which is the subject of this application meets the requirements to qualify as agricultural real property as of January 1 of the current tax year. I also authorize the assessor to verify farm income with the Department of Revenue and Taxation, the Internal Revenue Service, or the Agricultural Stabilization and Conservation Service.

Date 3/7/16
Phone: 863 287 4558

[Signature]
Signature of Owner or Agent

3) Agricultural real property does not come within the provisions of this section unless the owners of the real property or their agents make a written application therefor on or before the first penalty date for taxes due for the first tax year in which the special assessment is claimed. The application for the special assessment must be made to the assessor of the county in which the agricultural real property is located, on forms provided by the county and approved by the department and a failure to apply constitutes a waiver of the special assessment for that year. The governing body may extend the time for filing upon a showing satisfactory to it that the person had reasonable cause for not filing on or before the first penalty date. No additional annual filing is required while the use of the property remains bona fide agricultural and the ownership remains the same. The owner shall notify the assessor within six months of a change in use. For failure to notify the assessor of a change in use, in addition to any other penalties provided by law, a penalty of ten percent and interest at the rate of one-half of one percent a month must be paid on the difference between the amount that was paid and the amount that should have been paid, but not less than thirty dollars nor more than the current year's taxes.

12-43-220(d)3

DEED DRAWN BY TRIMNAL & MYERS, LLC

LANCASTER COUNTY ASSESSOR
Tax Map:
0101 00 086 00

State of SOUTH CAROLINA)
County of LANCASTER)

TITLE TO REAL E

2014006224

DEED
RECORDING FEES \$10.00
STATE TAX \$247.00
COUNTY TAX \$104.50
PRESENTED & RECORDED:
05-16-2014 11:13 AM
JOHN LANE
REGISTER OF DEEDS
LANCASTER COUNTY, SC
By: CANDICE PHILLIPS DEPUTY
BK: DEED 796
PG: 337-338

Know All Men by These Presents, That Rickey David Riggins

hereinafter referred to as grantor for and in consideration of the sum of Ninety Five Thousand and no/100ths (\$95,000.00) Dollars-----

to grantor paid by

Charles R. Joyner, Jr.
2450 S. Potter Road
Heath Springs, SC 29058

RECORDED THIS 19th DAY
OF MAY, 2014
IN BOOK 2014 PAGE R-1

Cheryl A. Morgan
Auditor, Lancaster County, SC

hereinafter referred to as grantee, the receipt whereof is hereby acknowledged, have granted, bargained, sold and released, and by these presents do grant, bargain, sell and release unto the said grantee and grantee's heirs, successors and assigns, the following described property, to wit:

All that piece, parcel or lot of land lying, being and situate in Lancaster County, South Carolina, being shown and described as Lot Number A, containing 36 acres, more or less, on plat made by Paul Clark, RLS, dated December 1, 1974 and recorded as Plat No. 1990. LESS AND EXCEPT: that certain piece, parcel or lot of land containing 1.183 acres, more or less, as shown on Plat No. 13142 conveyed to Joyce B. Riggins recorded in Deed Book D-11 at Page 12, Register of Deeds Office for Lancaster County, South Carolina.

Being a portion of the property conveyed to Rickey David Riggins by Deed recorded in Deed Book B-6 Page 5643 in the Register of Deeds Office for Lancaster County, South Carolina.

For reference only: TAM# 101/86

The within described property is conveyed subject to existing easements and rights of way, whether of record or not, and to restrictions, if any, appearing in the chain of title which said restrictions, if any, are not intended to be reimposed hereby.

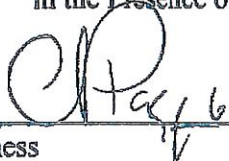
TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular the premises before mentioned unto the said grantee and grantee's Heirs, Successors and Assigns forever.

And grantor does hereby bind grantor's Heirs, Successors, Executors and Administrators, to warrant and forever defend all and singular the said premises unto the said grantee and grantee's Heirs, Successors and Assigns, against grantor and whomsoever lawfully claiming or to claim, the same or any part thereof.

WITNESS the Grantor's Hand and Seal this 13 day of May, 2014,
and in the two hundred and thirty eighth of the Sovereignty and Independence of the United States of America.

Signed, Sealed and Delivered
in the Presence of

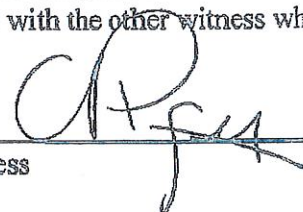

Witness

 (SEAL)
Rickey David Riggins



Witness

STATE OF SOUTH CAROLINA)
COUNTY OF LANCASTER)

PERSONALLY appeared before me the undersigned witness and made oath that (s)he saw the within named Grantor sign, seal and as Grantor's act and deed, deliver the within-written Deed for the uses and purposes therein mentioned and that (s)he with the other witness whose signature appears above witnessed the execution thereof.


Witness

SWORN to before me this 13
day of May, 2014


NOTARY PUBLIC FOR SOUTH CAROLINA
My Commission Expires: 4/20/2020

