



AGENDA
KERSHAW COUNTY COUNCIL MEETING
APRIL 25, 2017 ~ 5:30 P.M.
COUNTY COUNCIL CHAMBERS
KERSHAW COUNTY GOVERNMENT CENTER
515 Walnut Street, Camden, SC 29020

Call to Order

Invocation/Pledge of Allegiance
Councilman Dennis Arledge

Public Comments

Adoption of Agenda

Public Presentation

- 1. Kershaw County School District – Dr. Frank Morgan & Chairman Ron Blackmon
2. ATAX Committee – Mr. Chip Galloway

Approval of Minutes April 11, 2017A

Resolution

- A Resolution by Kershaw County Council Authorizing the Extension of the Memorandum of Understanding between Kershaw County and Central Carolina Technical College B

Ordinances

- 1. Third Reading of an Ordinance Authorizing Kershaw County to Abate Rubbish, Debris, Junk and Other Materials that Constitute a Common Public Nuisance and Affect the General Health and Welfare of the Citizens of Kershaw CountyC
2. First Reading of an Ordinance of the County Council of Kershaw County, South Carolina to Amend the County's Official Zoning Map Designation for Tax Parcel # 321-01-00-006 SPW for C and C Builders from RD-2 to R-15 and Providing an Effective DateD
3. First Reading in Title Only of an Ordinance to Provide Budget Appropriations for County Ordinary Purposes in the County of Kershaw for the Fiscal Year Beginning July 1, 2017 and Ending June 30, 2018 and Adopt and Implement the Charge and Collection of Service and User Fees; and for Other Tax Purposes and County Appropriation Purposes

New Business

- 1. Recommendation of a Lease/PurchaseE
2. ATAX Committee Discussion and VoteF
3. Tremble Branch Road Culvert ReplacementG

Council Briefings

Administrator's Briefing

Legal Briefing

Executive Session (Action may be taken on issues discussed in Executive Session)

Adjournment

Individuals who need auxiliary aids for effective communication concerning the above meeting should contact the Clerk to Council at 425-1500, 24 hours prior to the scheduled meeting. This institution is an equal opportunity provider and employer. The public may access the internet as a guest through the County's Wi-Fi and locate the agenda on the County website.: www.kershaw.sc.gov

The regular meeting of the Kershaw County Council was held on Tuesday, April 11, 2017, at 5:30 p.m. in Council Chambers at the Kershaw County Government Center.

Council Present: Julian Burns Dennis Arledge Tom Gardner
Al Bozard Jimmy Jones
Absent: Sammie Tucker, Jr. Ben Connell

Staff Present: Vic Carpenter Danny Templar Merri Seigler Ken DuBose
Judge Branham Lauren Reeder Barry Nelson Craig Hudson
Michael Conley Peter Furlong Barbara Ray Holly Kelly
Patty Truesdale Kirk Stropes Angie Helms Gene Faulkenberry
Trisha Crawford Tina Hand Daisy Faulkenberry Lacey Shadrick
Lana Howell Sonya Shepard Austin Watson

Members of the public and representatives of the media were also present.

In accordance with the Freedom of Information Act, the agenda was sent to the newspapers, TV and radio stations, citizens of the county, department heads, and posted on the county website and in the lobby of the Kershaw County Government Center.

Chairman Burns called the meeting to order and welcomed those in attendance, after which Councilman Arledge gave the invocation and led the pledge of allegiance.

PUBLIC COMMENTS

Ms. Suzet Cassidy has problems with her neighbor's yard and is in favor of the "debris" ordinance.

Ms. Angela Hough is opposed to the "debris" ordinance.

Mr. Tom Webb expressed his opposition to the "debris" ordinance.

Mr. Earl Kersey stated his opposition to the "debris" ordinance.

Mr. Jim Steele is also opposed to the "debris" ordinance.

Mr. Justin Jones supports the Sheriff's request for funding with the stipulation that citizens are enlisted to assist in crime prevention. He questioned the "civility" statement made at the last Council meeting by one of the Councilmen.

Mr. Terry Sheppard with the robotics team informed Council the Kershaw County Robotics team was in attendance to observe how county government works. He requested introductions to County industries in order to solicit partnering.

Mr. Randy Armentrout again expressed his frustration with turkey feathers along the roadways.

Mr. Jeff Mattox feels we no longer own our property. He is opposed to the "debris" ordinance.

ADOPTION OF AGENDA

Councilman Gardner moved to adopt the agenda, seconded by Councilman Arledge.

In favor: Julian Burns Dennis Arledge Tom Gardner
Al Bozard Jimmy Jones

PUBLIC HEARING

A Public Hearing in Regards to an Ordinance Authorizing Kershaw County to Abate Rubbish, Debris, Junk and Other Materials that Constitute a Common Public Nuisance and Affect the General Health and Welfare of the Citizens of Kershaw County

Mr. Justin Jones voiced his opposition to the ordinance.

Mr. Tom Webb is opposed to the ordinance.

PUBLIC PRESENTATION

S. C. Equine Park – Mr. John Cushman

Mr. Cushman provided an update on the status of the Equine Park. He thanked Council for their foresight in assuming ownership of the Park ten years ago.

South Carolina Association County Veterans Affairs Officer of the Year – Mrs. Barbara Ray

Mrs. Barbara Ray was recognized for being named the S. C. Veterans Affairs Officer of the Year.

APPROVAL OF MINUTES

Councilman Arledge moved to approve the minutes of March 28, 2017, seconded by Councilman Bozard.

In favor: Julian Burns Dennis Arledge Tom Gardner
 Al Bozard Jimmy Jones

PROCLAMATION

National Telecommunicators Week

Councilman Jones moved to approve the proclamation, seconded by Councilman Bozard.

In favor: Julian Burns Dennis Arledge Tom Gardner
 Al Bozard Jimmy Jones

Chairman Burns recognized Boy Scout Troop #2 in attendance. They are attending to earn a merit badge.

ORDINANCES

Second Reading of an Ordinance Authorizing Kershaw County to Abate Rubbish, Debris, Junk and Other Materials that Constitute a Common Public Nuisance and Affect the General Health and Welfare of the Citizens of Kershaw County

Councilman Bozard moved to adopt the ordinance, seconded by Councilman Arledge.

In favor: Julian Burns Dennis Arledge Tom Gardner
 Al Bozard

Opposed: Jimmy Jones (Supports a “debris” ordinance, but would like some language in the current one better defined.)

NEW BUSINESS

Approval of Knights Hill Allocation – Councilman Al Bozard

Councilman Bozard moved to donate \$1850 from his District 1 funds for an air conditioning unit for the Knights Hill Community building, seconded by Councilman Jones.

In favor: Julian Burns Dennis Arledge Tom Gardner
 Al Bozard Jimmy Jones

Kershaw County School District Robotics Team

Councilman Jones moved to allocate \$1000 from his District 4 funds to the Robotics Team, seconded by Councilman Bozard. Councilman Arledge moved to amend the motion to include \$1000 from his District 5

funds, seconded by Councilman Jones. Councilman Bozard moved to amend the motion to include \$1000 from his District 1 funds, seconded by Councilman Arledge.

In favor: Julian Burns Dennis Arledge Tom Gardner
 Al Bozard Jimmy Jones

Councilman Jones moved to approve the motion as amended, seconded by Councilman Bozard.

In favor: Julian Burns Dennis Arledge Tom Gardner
 Al Bozard Jimmy Jones

COUNCIL BRIEFINGS

Councilman Arledge

None

Councilman Gardner

Mr. Gardner informed Council of his participation in the Honorary Commander program at Shaw Air Force Base. He and Camden Mayor Alfred Mae Drakeford are the first participants from Kershaw County.

Councilman Bozard

Mr. Bozard commended the Camden Military Academy for the "Pass & Review" on Sunday honoring Governor McMasters. He thanked everyone involved in the Knights Hill project.

Councilman Jones

Mr. Jones attended the Bethune High School class reunions. (All graduating classes were recognized.) He was also impressed with the Cadets at Camden Military Academy on Sunday. Mr. Jones stated we have great employees in Kershaw County and recognized Mr. Nick Anderson of Public Works in particular. He thanked Mrs. Barbara Ray for her help with the veterans of the County.

Chairman Burns

Mr. Burns stated Kershaw County Council works for the people of the County. He thanked Economic Development, Planning & Zoning and the Planning Commission. He applauded the "team" for their effort in organizing the County's participation in the Carolina Cup. He commended Judge Branham and Judge Todd for their work with the underprivileged of the County. Mr. Burns announced the Sheriff's Department received the Agency of the Year award for the sixth consecutive year. He noted the Recreation Department is holding baseball clinics this week.

ADMINISTRATOR'S BRIEFING

Mr. Carpenter thanked Council for the recognition of staff. He introduced Mrs. Peggy McLean of Economic Development. Mrs. McLean announced the addition by Weylchem of \$13 million in new capital investment.

LEGAL BRIEFING

Mr. DuBose requested and Executive Session to discuss legal updates on an Economic Development land purchase and a Pacolet Milliken contractual matter.

Councilman Bozard moved to go into Executive Session, seconded by Councilman Gardner.

In favor: Julian Burns Dennis Arledge Tom Gardner
 Al Bozard Jimmy Jones

EXECUTIVE SESSION

Legal Update on Economic Development Land Purchase Contractual Matters

No votes were taken.

Discussion Related to Pacolet Milliken Contractual Matter

No votes were taken.

Councilman Gardner moved to come out of Executive Session, seconded by Councilman Bozard.

In favor: Julian Burns Dennis Arledge Tom Gardner
 Al Bozard Ben Connell (joined the meeting) Jimmy Jones

ADJOURNMENT

Councilman Gardner moved to adjourn, seconded by Councilman Bozard.

In favor: Julian Burns Dennis Arledge Tom Gardner
 Al Bozard Ben Connell Jimmy Jones

The meeting adjourned at 7:12 p.m.

Date Approved

Clerk to Council

A RESOLUTION NO. 118.2017

**A RESOLUTION BY KERSHAW COUNTY COUNCIL AUTHORIZING THE
EXTENSION OF THE MEMORANDUM OF UNDERSTANDING BETWEEN
KERSHAW COUNTY AND CENTRAL CAROLINA TECHNICAL COLLEGE**

WHEREAS, Kershaw County as Owner and Central Carolina Technical College as Occupant entered into a Memorandum of Understanding “for the use of part of the building located at 1125 Little Street, Camden, South Carolina,....”; and

WHEREAS, the term of the Memorandum of Understanding expires on June 30, 2017;
and

WHEREAS, Owner and Occupant wish to extend the term of the Memorandum of Understanding.

NOW, THEREFORE, BE IT RESOLVED by Kershaw County Council that:

1. The Kershaw County Administrator is authorized to execute an extension of the Memorandum of Understanding for a term beginning July 1, 2017 and ending December 31, 2017.
2. That upon written request of Central Carolina Technical College the Kershaw County Administrator is authorized to further extend the Memorandum of Understanding for a term no longer than July 1, 2018.
3. In all other respects the Memorandum of Understanding shall remain as written.

DONE, RATIFIED AND ADOPTED by Kershaw County Council this 25th day of April, 2017.

KERSHAW COUNTY, SOUTH CAROLINA

ATTEST:

Merri M. Seigler,
Clerk to County Council

ORDINANCE NO. 305.2017

AN ORDINANCE

AUTHORIZING KERSHAW COUNTY TO ABATE RUBBISH, DEBRIS, JUNK, AND OTHER MATERIALS THAT CONSTITUTE A COMMON PUBLIC NUISANCE AND AFFECT THE GENERAL HEALTH AND WELFARE OF THE CITIZENS OF KERSHAW COUNTY

WHEREAS, the County of Kershaw finds that accumulation of debris, rubbish, junk, solid waste, and/or other materials may create unsanitary conditions, fire hazards, offensive or obnoxious odors, insect breeding places, harboring places for rodents, be a nuisance to the public or in any other way adversely affect the health, safety, sanitation or welfare of the public and/or constitute a detriment, danger or hazard to the health, safety and welfare of residents of the County; and

WHEREAS, the existing ordinances of Kershaw County are inadequate to address all issues regarding abatement of nuisance public health hazards; and

WHEREAS, the County of Kershaw finds that it would be in the best interest and welfare of the residents of the County of Kershaw to adopt an ordinance allowing for the abatement of debris, rubbish, junk, solid waste, and/or other materials that constitute a common public nuisance and affects the general health and welfare of the public; and

WHEREAS, the Code of Laws of South Carolina empowers Kershaw County to protect, promote and preserve the health, security, general welfare and safety of its citizens.

NOW, THEREFORE, BE IT ORDAINED by Kershaw County Council the following:

Sec. 1. - Title.

This article shall be known and may be cited as the "Debris, Rubbish, and Junk Abatement Ordinance of Kershaw County, South Carolina."

Sec. 2 – Authority.

This article is adopted pursuant to the provisions of S.C. Code Ann. § 4-9-30 and the laws of the State of South Carolina.

Sec. 3. – Administration.

It shall be the responsibility and duty of all citizens of Kershaw County to abide by and comply with this chapter. The Kershaw County Department of Special Services has primary responsibility for the enforcement of this chapter. This chapter shall not alter or amend the primary duties and enforcement responsibilities of any law enforcement agency as delineated in the fields and subjects already established by the Kershaw County Ordinances and the laws of the State of

South Carolina, including those duties and enforcement responsibilities of the Kershaw County Planning and Zoning Department.

Sec. 10-4. – Applicability.

The provisions of this chapter shall apply to the unincorporated portions of Kershaw County.

Sec 10-5. – Definitions.

For the purpose of this chapter, the following terms have the respective meanings ascribed to them in this section, except in those instances where the context indicates a different meaning. Debris, rubbish, junk, solid waste, and/or other materials shall include the following:

Abandonment. The relinquishment of property or a cessation of the use of the property by the owner, without either the intention of transferring rights to the property to another or of resuming the use of the property.

Appliances. Those mechanical devices used in households and/or commercial establishments to perform various tasks including, but not limited to, washing clothes, drying clothes, washing eating and cooking utensils, refrigerating foodstuffs, freezing foodstuffs, cleaning or vacuuming flooring materials or cooking foodstuffs.

Debris. All rubbish, trash, garbage, hazardous materials, junk, solid waste, litter, or, that are determined to be deleterious to good health and public sanitation and constitute a common nuisance.

Garbage. All organic or inorganic material remaining as a result of the consumption or use of products or natural resources, manufacturing processes, or the preparation, storage or handling of food. It shall also include household solid waste materials, tree cuttings, leaves, garden vegetation or other types of trash. It shall not include human or animal feces.

Hazardous material. Any waste, combination of wastes or residue resulting from a manufacturing or product preparation process consisting of solid, liquid, contained gaseous or semisolid form which, due to its quantity, concentration physical, chemical or biological characteristics may:

- (1) Cause or significantly contribute to an increase in mortality or an increase in serious, irreversible or incapacitating illness; or
- (2) Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed. Such wastes may include, but are not limited to, those which are persistent in nature, assimilated or concentrated in tissue or which generate pressure through decomposition, heat or other means of chemical or physical breakdown. The term does not include solid or dissolved in sewage or solid or dissolved materials in irrigation return flows or industrial discharges which are origination point sources subject to state or federal permits.

Junk. Any material appliance, vehicle, non-consumable household item that is discarded or is in a state of disrepair precluding further use of the item in its normal and ordinary application.

Litter. All solid waste material, including but not limited to, disposable packaging or containers, trash, and garbage which are improperly disposed of and exposed to public view.

Nuisance. A condition or occurrence prejudicial to the health, comfort, safety, property, sense of decency or morals of a reasonable person resulting either from an act not warranted by law or the neglect of a duty imposed by law.

Person. A citizen, resident or visitor to Kershaw County who is a natural being or any entity created by a state or nation and is recognized at law as state-created entity.

Property. Real property or private property whose fee simple absolute interest is held by an individual, business entity or some entity recognized at law as capable of maintaining a fee simple absolute interest in real property and which is not a political subdivision or entity of The United States of America, The State of South Carolina, or Kershaw County. This shall include, but is not limited to, yards, grounds, walkways, driveways, entrances and passageways, parking areas, working areas, storage areas, vacant lots, bodies of water or recreational facilities, buildings, portions of buildings, appurtenances, and the fixtures thereon.

Rubbish. Solid waste consisting of both combustible and non-combustible waste including, but not limited to, paper, cardboard, tin cans, wood, bricks, glass, bedding, crockery, automobiles, household appliances or litter of any other kind.

Scrap tire. A tire that has been removed from use on a motor vehicle. Any tire that is not a new tire or a reprocessed tire is considered a scrap tire for the purposes of this article. A scrap tire is solid waste material for the purposes of this article.

Solid waste. Garbage, litter, rubbish or any other waste resulting from industrial, commercial, agricultural, household, or land clearing operations, including from any improvements to real or personal property or the destruction, demolition or removal of any structure, improvement or building on/to real or personal property activities, not disposable by means of a sewage system operated in accordance with state and federal regulations.

Trash. Any combustible or noncombustible item of solid waste that will not fit properly into an approved garbage container.

Sec. 10-6 – Declaration of Nuisance.

Debris, rubbish, junk, solid waste, and/or other materials allowed to accumulate and remain on any property in an unincorporated area within the county may be deemed and declared a nuisance.

Sec. 10-7 – Accumulation prohibited.

It shall be unlawful for any person, owner or occupant, or any agent, representative or employee of such owner having control of any occupied or unoccupied property within any of the unincorporated areas of the county, to permit the accumulation of debris, rubbish, junk, solid waste, and/or other materials on any such property in a manner that creates unsanitary conditions, fire hazards, offensive or obnoxious odors, insect breeding places, harboring places for rodents, be a nuisance to the public or in any other way adversely affect the health, safety, sanitation or welfare of the public.

Sec. 10-8 – Inspection of Property.

Upon receiving a complaint from any person or upon notice by Kershaw County personnel of a nuisance, as defined herein, a code enforcement officer of Kershaw County may enter upon the property in question for the purposes of determining whether the property in question contains a nuisance.

Sec. 10-9 – Notice to owner to remove.

Whenever Kershaw County code enforcement officers code shall find that debris, rubbish, junk, solid waste, and/or other materials have been allowed to accumulate and remain upon any property in an unincorporated within the county in such a manner as to constitute a nuisance, s/he may serve written notice upon the owner, or the occupant of the property, or upon the agent or representative of the owner of such property having control thereof (owner) to comply with the provisions of this ordinance. It shall be sufficient notification to hand-deliver the notice to the owner to whom it is addressed or to deposit a copy of such in the United States mail, properly stamped, certified, and directed to the owner to whom the notice is addressed, or to post a copy of the notice upon such property.

Sec. 10-10 – Second notification to owner as to failure to remove and warning of upcoming fine.

If the owner to whom the notice is directed, under the provisions of this ordinance, fails or neglects to cause such debris, rubbish, junk, solid waste, and/or other materials to be removed from any such property within twenty (20) days after such initial notice has been served or deposited in the United States mail, or posted upon property, such owner(s) shall be served a second written notice and be deemed as violating this ordinance and subject to a civil fine/penalty.

If the owner or occupant of the property or the agent or representative of owner of such property having control thereof fails to comply with the provisions of this ordinance after notice is provided in Section 10-9, then such owner shall be provided a second notification to comply with the provisions of this ordinance and been given a further ten (10) days in which to comply. It shall be sufficient notification to hand-deliver the notice to the person to whom it is addressed or to deposit a copy of such in the United States mail, properly stamped, certified, and directed to the person to whom the notice is addressed, or to post a copy of the notice upon such property.

Sec. 10-11 – Duty of owner remove.

It shall be the duty of any owner, lessee, occupant, agent, or representative of the owner of any property in an unincorporated within Kershaw County (owner) to remove such debris, rubbish, junk, solid waste, and/or other materials as often as may be necessary to prevent the accumulation of such debris and upon notice of a nuisance condition.

Sec. 10-12 – Notice of Nuisance.

Upon confirmation by inspection of the property and a determination that a nuisance exists in violation this ordinance and after notice(s) as provided in Section 10-9 and Section 10-10, appropriate Kershaw County personnel shall issue a uniform citation to cease and desist in the

maintenance of a nuisance to the owner and/or occupier of the property. The citation shall contain the date of the inspection and the date by which the property must be brought into compliance, however, the person receiving the violation shall have no less than ten (10) days to correct the violation. Such citation shall constitute adequate notice of the violation of this chapter.

Sec. 10-13 – Interference with personnel.

It shall be unlawful for any person to interfere, harass or otherwise impede any officer or inspector who is carrying out or acting within the scope of his duties when conducting an investigation and/or when carrying out the enforcement provisions of this article. Such interference shall be punishable under the appropriate sections of the Code of Laws of South Carolina, 1976, as amended.

Sec. 10-14 – Civil penalties for failure to comply with notice and enforcement provisions.

- (1) First offense. Any person who is found in a court of competent jurisdiction to be in violation of any provisions of this chapter shall be fined not less two hundred dollars (\$200.00) or more than five hundred dollars (\$500.00).
- (2) Second and subsequent offenses. Any person who is found in a court of competent jurisdiction to be in violation of any provisions of this chapter shall be fined not less than five hundred dollars (\$500.00).
- (3) Continuing violations. Each day that any person is found to be in violation of any provisions of this chapter after sufficient notification to abate shall constitute a separate violation.
- (4) Violations deemed a public nuisance. Any violations of any of the provisions of this chapter are deemed a threat to the health and/or safety of the public and are hereby deemed a public nuisance.

Sec. 10-15 – Injunctive relief.

- (1) Injunctive relief for future violations authorized. In addition to the above penalties, the county council or its duly appointed representative may apply to a court of competent jurisdiction to obtain injunctive relief restraining any person or governmental unit or agency of any act which is prohibited by any provisions of this chapter.
- (2) Injunctive relief authorized for imminent danger. In the event that any property, any occupant of a property, or any citizen is in danger or is threatened by probable imminent danger because of an apparent violation of this chapter, the county attorney and/or person in danger may in addition to other remedies, request injunction or other appropriate legal action or proceedings to prevent such unlawful occurrence or to correct or to abate the violation.

Sec. 10-16 – Inconsistent Ordinances

Chapter 10 Nuisances of the Kershaw County Codified Code is repealed

Sec. 10-17 – Effective Date

This Ordinance is effective thirty (30) days after third reading and its enactment.

ADOPTED BY KERSHAW COUNTY COUNCIL THIS 27th DAY OF APRIL, 2017.

KERSHAW COUNTY COUNCIL

ATTEST:

Merri M. Seigler
Clerk to County Council

First Reading: March 14, 2017
Second Reading: April 11, 2017
Public Hearing: April 11, 2017
Third Reading: April 25, 2017

ORDINANCE NO. _____

AN ORDINANCE OF THE COUNTY COUNCIL OF KERSHAW COUNTY, SOUTH CAROLINA TO AMEND THE COUNTY'S OFFICIAL ZONING MAP DESIGNATION FOR TAX PARCEL #321-01-00-006 SPW FOR C and C Builders FROM RD-2 TO R-15 AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Article VIII of the South Carolina Constitution and Section 4-9-30 of the Code of Laws of South Carolina (the Home Rule Act) gives Kershaw County broad authority to provide a variety of services and functions within its jurisdiction, including but not limited to, utility planning, programming, and construction; transportation planning, programming and construction; land use planning and regulation; economic development planning and programming; and similar activities and services; and

WHEREAS, Title 6, Chapter 29, et. seq., Code of Laws of South Carolina (SCCL), the South Carolina Local Government Comprehensive Planning Enabling Act of 1994, herein after referred to as Section 6-29, provides the statutory enabling authority for Kershaw County to engage in planning and regulation of development within its jurisdiction; and

WHEREAS, the County Council adopted a Comprehensive Plan on August 14, 2007 pursuant to the requirements of Section 6-29-510, et. seq. SCCL; and

WHEREAS, the Planning and Zoning Commission is the designated local planning commission pursuant to the requirements of Section 6-29-310, et. seq.; and

WHEREAS, Section 6-29-710 SCCL and Article 6 of the Kershaw County Unified Code of Zoning and Land Development Regulations provide the authority and process for Kershaw County to prepare, periodically amend and enforce zoning regulations that are consistent with and implement the latest version of the adopted Comprehensive Plan; and

WHEREAS, pursuant to the requirements of Section 6-29-540, all public and private development proposals shall be reviewed by the Kershaw County Planning and Zoning Commission to ensure the proposed project is compatible with and implements the latest version of the Comprehensive Plan; and

WHEREAS, the Kershaw County Planning and Zoning Commission reviewed the proposed map amendment on April 10, 2017 and made findings of fact that the proposed amendment conforms to the requirements of the Comprehensive Plan and recommended the County Council adopt this Ordinance; and

WHEREAS, the Planning and Zoning Commission conducted a public hearing on April 10, 2017 as required by Article 6 of the Kershaw County Unified Code of Zoning and Land Development Regulations to consider the comments from the interested public and subsequently voted to recommend this Ordinance to County Council.

NOW THEREFORE, BE IT ORDAINED that the Official Zoning Map of Kershaw County, South Carolina is hereby amended to change the zoning classification for the property shown as TMS# 321-01-00-006 SPW from RD-2 to R-15 in conformance with the requirements stated above.

SEVERABILITY

Should any section or provision of this ordinance be declared unconstitutional, or invalid for any reason, such declaration shall not affect the validity of the ordinance as a whole, or any part thereof, which is not specifically declared to be invalid, or unconstitutional.

EFFECTIVE DATE

This ordinance shall take effect immediately upon adoption.

ADOPTED THIS ____ DAY OF _____, 2017

KERSHAW COUNTY, SOUTH CAROLINA

ATTEST:

Merri M. Seigler
Clerk to Council

First Reading April 25, 2017
Second Reading _____
Third Reading _____

Kershaw County Planning and Zoning Commission

APPLICATION FOR A ZONING MAP AMENDMENT STAFF REPORT TO THE PLANNING COMMISSION Cecil Brazell - 1007 Sessions Road - RD-2 to R-15

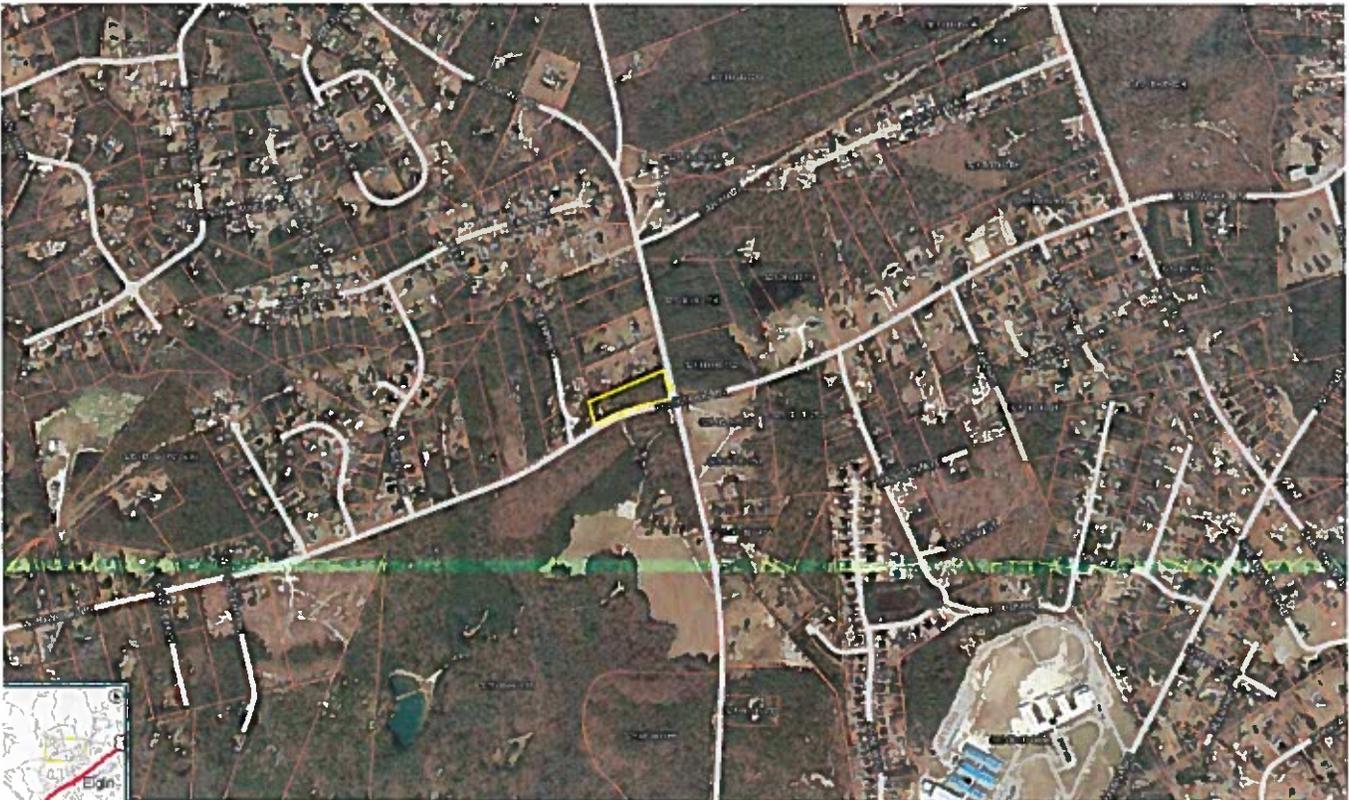
MAP AMENDMENT NUMBER: 17-1

RD-2 to R-15

HEARING DATE: April 10, 2017

A. LOCATION OF PROPERTY

1. Name of Community: Elgin
2. Address and TMS#: 1007 Sessions Road
3. TMS# 321-01-00-006 SPW
3. Lot size: 2.68 acres
4. Subdivision (if applicable): Kershaw County Farms
5. Water District: Lugoff-Elgin Water Authority
6. Sewer District: Water –Sewer – Kershaw County
7. Name and Distance to Nearest Municipality: Approximately 1.5 miles from the Elgin Town Hall
8. County Council District: 4



Zoning map showing 1007 Sessions Road TMS# 321-01-00-006 SPW

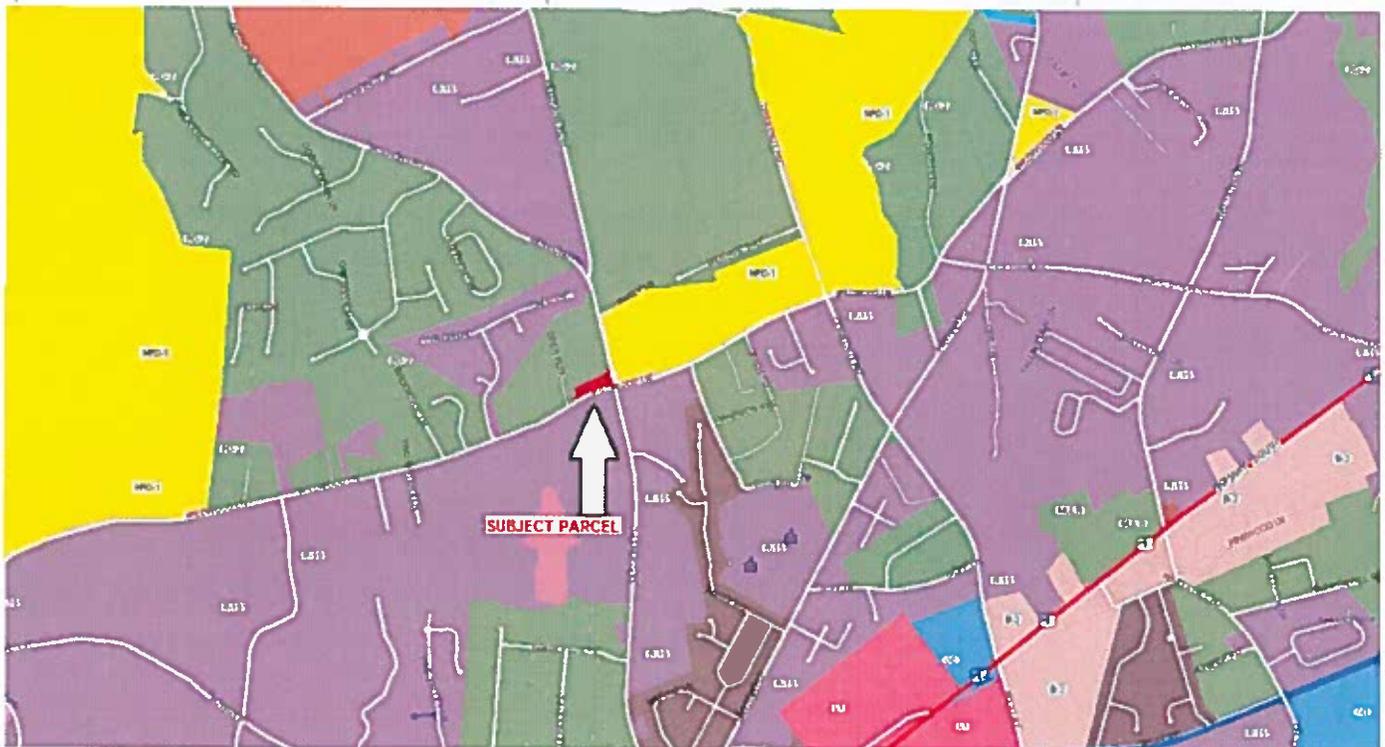
B. PROPERTY OWNER/APPLICANT: The property is currently owned by the Cambridge Hall Preschool. Mr. Cecil Brazell, the applicant, plans to purchase the property.

C. ZONING

1. Present Zoning Classification: RD-2 (Rural Resource District)
2. Proposed Zoning Classification: R-15 (Single-Family, Site Built Residential)

RD-2, Rural Resource Districts - The value of agricultural lands, woodlands, wetlands, and other resources which characterize this district are important to clean water, air, and to many natural cycles. These lands provide much of the character that makes Kershaw County an attractive place to live. The intent of this district, therefore, is to protect these area resources from development, which would needlessly alter their rural state and contribution to a balanced environment.

R-15, Low Density, Single-Family Residential District - The R-15 Residential district is intended to foster, preserve, and protect at low densities, areas of the community/County in which the principal use of land is for detached, single-family dwellings and limited residential support facilities at low densities.



D. BACKGROUND AND DISCUSSION

Cecil Brazell plans to purchase this 2.68 acre property which has been owned by Cambridge Hall Preschool, Inc. since 1996. He would like to divide it into five residential lots, one facing Sessions Road and four facing Wildwood Lane (refer to proposed site plan on the next page). Under its current RD-2 zoning, the minimum lot size is 1 acre. In order to create five smaller lots, the property needs to be rezoned to R-15 zoning which allows one-half acre lots with 80 feet of road frontage for property that is served by public water, but no public sewer. He plans to build new single-family homes on lots 1, 2, 3, and 4. Proposed lot 5 is on the far western end of the property where a manufactured home is currently located. If the rezoning is approved, he plans to deed that proposed lot to the owner of the manufactured home.

E. SUBJECT PROPERTY LAND USE

As seen in the photographs on the following pages, the property is a long narrow wooded lot. The only structure on the lot is a manufactured home located on the western end.



Subject property – 1007 Sessions Road TMS# 321-01-00-006 SPW



Subject property – 1007 Sessions Road TMS# 321-01-00-006 SPW



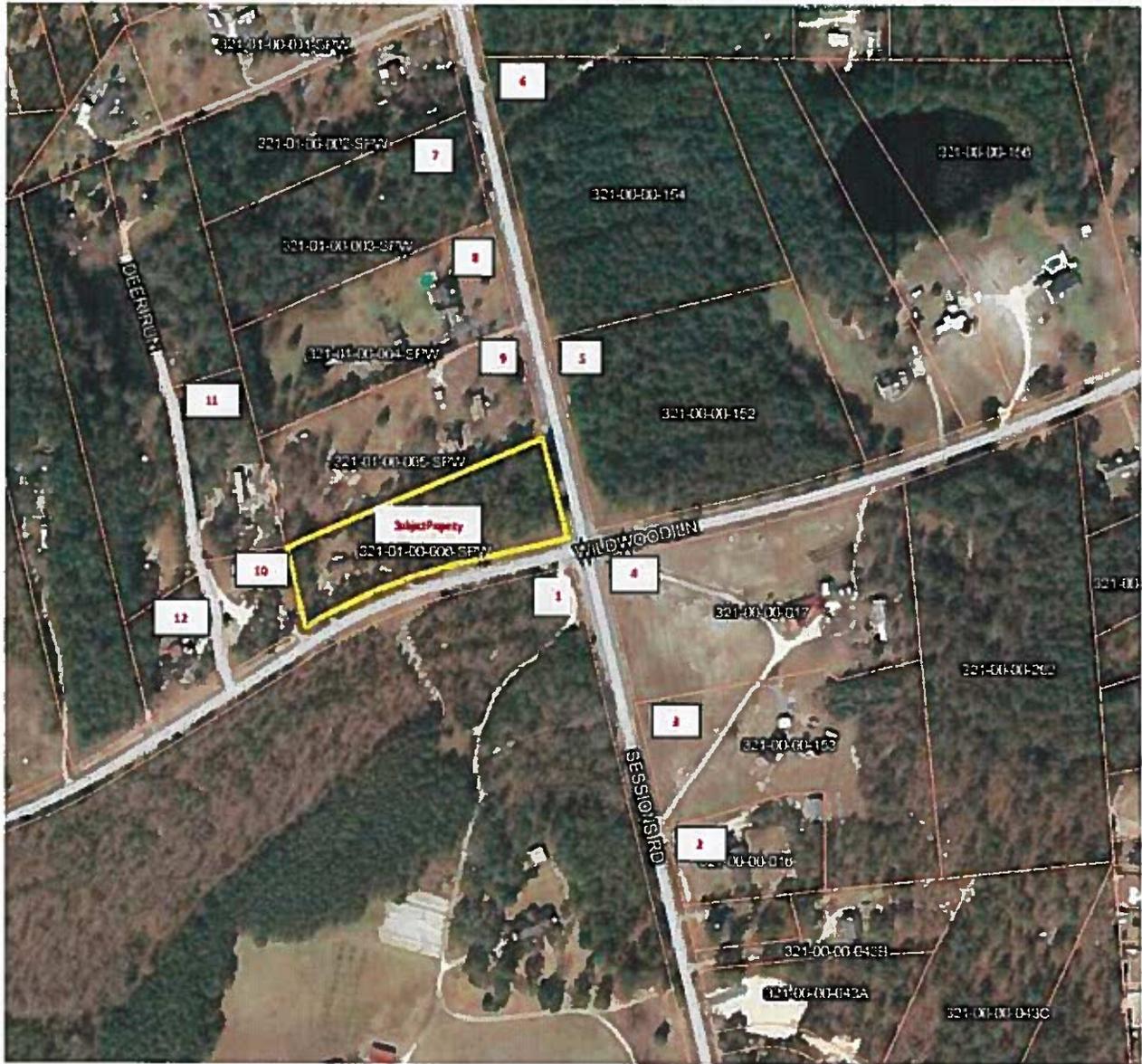
Subject property



Manufactured home on subject property

F. VICINITY ZONING AND LAND USE

Zoning and Land Use in the General Vicinity of 1007 Sessions Road	
NORTH	.3 miles north of the property, Veterans Row splits off of Sessions Road. 1.4 miles north of the property, Sessions Road crosses Chestnut Road. On the eastern side of Sessions Road, the majority of property consists of large forested parcels with few smaller residential parcels, all zoned RD-2. The exception is the Silicate Way development, zoned RD-2.
EAST	Chestnut Road is .7 miles to the east, Eskie Dixon Road is 1.1 miles, and Smyrna Road is 1.4 miles. Immediately to the east on the northern side of Wildwood Lane is a band of large and small parcels with a mix of individual residential lots and forested land, mostly zoned MRD-1 with some RD-2 zoning. On the southern side of Wildwood Lane are massive areas of R-15 zoning. There is a small section of RD-2 zoning around Madison Avenue, Tweety Street, and Dixon Road. Subdivisions to the east are Pine Forest, located in the Town of Elgin, zoned the equivalent of R-15 and Idlewood, zoned R-15. Other housing is located on individual R-15 lots. Blaney Elementary and Stover Middle Schools are located a short distance away.
SOUTH	The town of Elgin is 1.5 miles down Sessions Road to the south. Properties to the immediate south consist of large undeveloped parcels on the western side of Sessions Road with residential development increasing as one approaches Elgin. The zoning is predominately R-15 with the exception of Englewood Subdivision which is zoned RD-2. On the eastern side of Sessions Road to the south is Pine Forest subdivision and R-15 zoning is predominant
WEST	Immediately west are a few individually developed RD-2 parcels. R-15 zoned Laurel Ridge Subdivision and many other R-15 parcels follow. Further west are large agricultural and forested parcels with residential uses mixed in where the zoning changes to MRD-1 and RD-1. To the northwest are Old Farm and Rocky Branch subdivisions, both zoned RD-2.



Site 1 – 1039 Sessions Road – Goff residence and forest land, zoned R-15



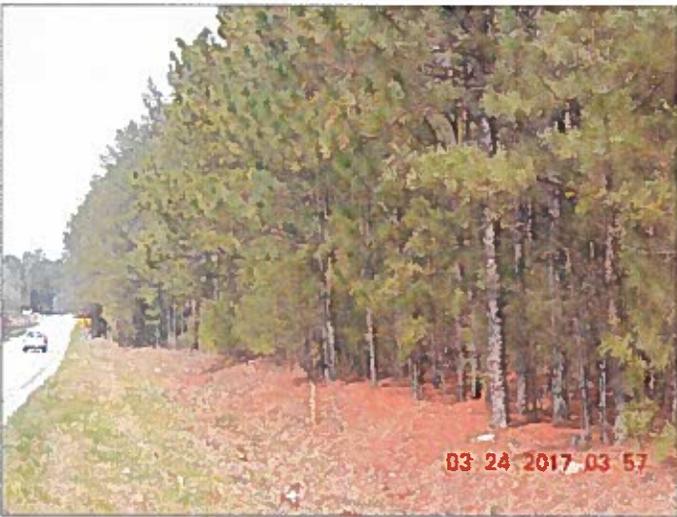
Site 2 – 1040 Sessions Road – Bean Residence, zoned R-15



Site 3 – 1036 Sessions Road – Whitfield Residence, zoned R-15



Site 4 – 1022 Sessions Road – Branham residence, zoned R-15



Sites 5 and 6 – 1004 and 990 Sessions Rd. – Branham (Site 5) and Fenton (Site 6) - vacant forested land



Site 7 – 997 Sessions Rd. – Bednarski residence, zoned RD-2



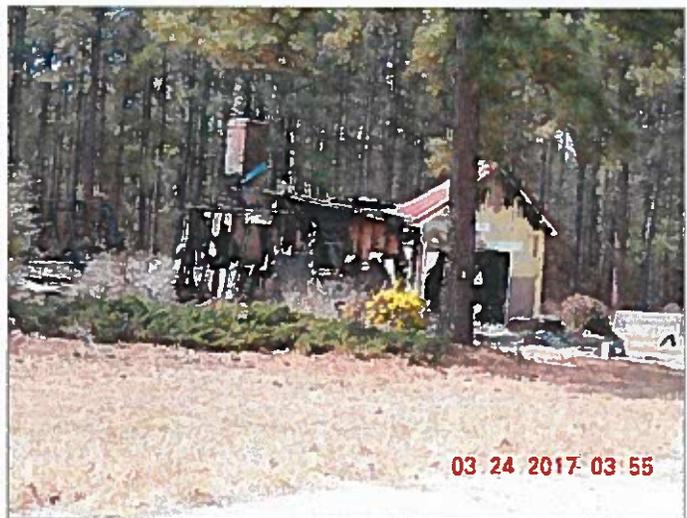
Site 8 – 991 Sessions Road, Case residence, zoned RD-2



Site 9 – 999 Sessions Road – Williams residence, zoned RD-2



Sites 10 and 11 – 6 & 18 Deer Run – Vacant land (6 Deer Run) and residence (18 Deer Run) of Donna and Earline Brown, zoned RD-2



Site 12 – 5 Deer Run – Brown residence, zoned RD-2



Wildwood Lane looking southwest



Wildwood Lane looking northeast



Sessions road looking south



Sessions Road looking north

Sessions Road south



Wildwood Ln. west



Wildwood Ln. east



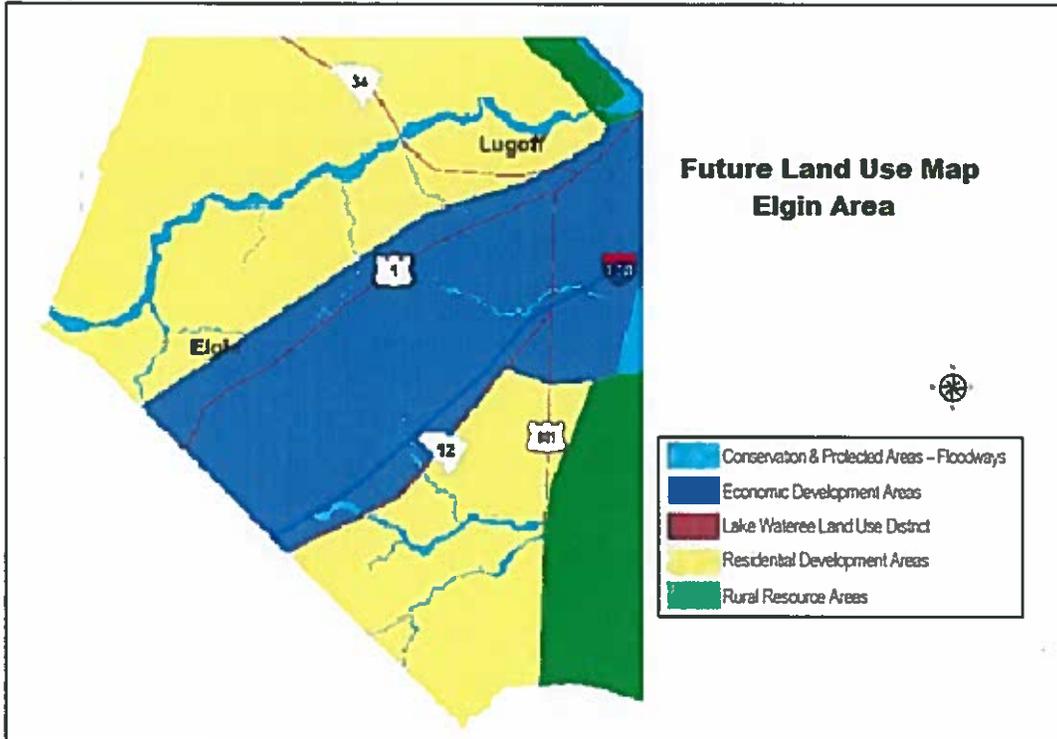
Subject property

Sessions Road north



G. FUTURE LAND USE MAP

The subject property is located within an area designated for Residential Development, on the Future Land Use Map.



RD - RESIDENTIAL DEVELOPMENT AREAS

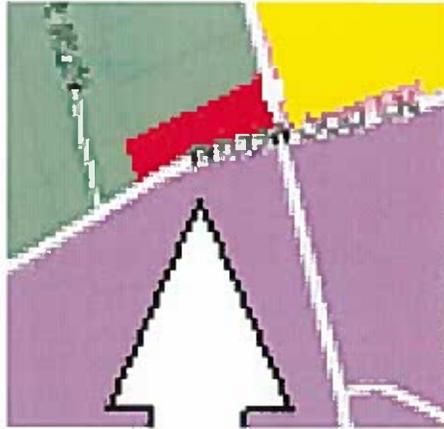
In unincorporated Kershaw County, residential development is typically characterized by suburban developments beginning on the periphery of the urban core and spreading outward into the incorporated areas of the County, although some suburban areas are under municipal jurisdiction. Also included in the Residential Development land use classification are the associated non-residential uses that support the residents such as institutional, retail and office commercial, and service businesses. Regional commercial centers and industrial development would typically be reserved for areas receiving Economic Development land use classifications. Also areas designated for Conservation and Protection (CP) land uses can be found within areas generally designated as Residential Development areas.

Staff Analysis

This low density residential rezoning is in an area that is already residentially developed. It is in compliance with the Future Land Use Map as it is located in an area designated for future residential land development.

- H. ZONING ANALYSIS:** The subject property is adjacent to RD-2 zoned properties directly to the north and west. The property directly to the east is zoned MRD-1. Across the street to the south and diagonally across the street to the southeast, the properties are zoned R-15. While the subject parcel has a Sessions Road address, the majority of the property fronts Wildwood Lane. Wildwood Lane, which is mostly residentially developed, is approximately 9.1 miles long. Of that 9.1 miles, there are only four locations totaling .3 mile where R-15 isn't the zoning designation on one or both sides of the road. The subject parcel is on the western edge of suburban growth that is pushing to the north

from Elgin and to the west from the more heavily developed areas of Wildwood Lane. The majority of the single family residences being built are site built or modular residences. With the area in transition, the property being contiguous to single family zoning, and in the vicinity of large areas of R-15 zoning, the most appropriate zoning for the subject parcel would be R-15.



I. APPLICABLE COMPREHENSIVE PLAN GOALS AND OBJECTIVES

Comprehensive Plan Objective on Infill Housing

Infill opportunities will be predominantly on vacant lots or underutilized land. Infill houses in residential areas should be compatible with existing housing types while incorporating the desired modern amenities, style, and decors. This means that the predominant housing type will be the single-family detached unit. Town houses, apartments, and other higher density units should be encouraged in locations where they can appropriately blend into the fabric of the neighborhood. This can be accomplished through re-zoning, density bonuses, and other regulatory strategies.

Staff Analysis

The proposed rezoning meets the objectives of infill housing. This low density project blends with the existing and growing residential housing in the area.

Comprehensive Plan Goals on Land Use

- *Maintain a balanced environment, providing for both rural and urban lifestyles. This goal is directed at the heart of planning, deciding what land will be developed and the intensity of that development. It is a matter of directing growth and development in such a manner as to preserve and perpetuate both rural and urban environs, neighborhood, and natural resource areas.*
- *Deal effectively with projected growth and development - to enhance the outcome and promote land use compatibility. Not all development is compatible with, or complementary to, existing land use. Unless properly screened, controlled, and mitigated, the development process could compromise prevailing lifestyles and environs. This goal is intended to avert such a compromise.*

Staff Analysis

The proposed project meets these land use objectives in that it places residential development in an area adjacent to similar existing development and does not encroach into natural areas. Residential use of this property will be compatible with its neighboring uses.

J. COMMENT RECEIVED FROM PUBLIC NOTICES

As of April 3, 2016 when this report was printed, the Planning and Zoning Department Staff has received one comment from the public regarding this proposed rezoning. Byron Goff of 1039 Sessions Road owns property across the road. He told Staff that the only concern he has about the rezoning of

the property and addition of five residences on the property is the amount of additional traffic they would create at the intersection of Wildwood Lane and Sessions Road where the subject property is located. He said his property is also located on that intersection and reported the large volume of traffic that passes through the intersection at high rates of speed. He said the Department of Transportation had recently installed turn lanes that had somewhat alleviated congestion at the intersection, but expressed his concern about the safety of driveways entering Wildwood Lane and Sessions road in such close proximity.

K. STAFF ANALYSIS AND RECOMMENDATION

As the Town of Elgin pushes its boundaries north along Sessions Road, the Rural Resource District (RD-2) will naturally be pushed out further from the town center. RD-1, RD-2 and MRD-1 are by description a valued agricultural land, woodland, wetland, and other resource that is important to clean water, air, and other natural cycles. Generally speaking rural districts have larger lots with less density and are commonly used for agriculture. Low density single family residential zoning is contiguous to the property and abundant in the area.

The planning staff used to two different criteria to analyze the rezoning request: First, does the rezoning conform to the county's future land use plan? An existing rural zoning district by its very nature is intended to be vague to allow both agricultural activities and unrestrained growth. The residential development area is pushing further north and west as the populations of Elgin and Lugoff increase along Sessions Road and Wildwood Lane. The trend of growth away from rural will continue as more people move into the area and density increases which depicts exactly the area's Future Land Use Map.

Second, is the property contiguous to the requested rezoning district? The traditional zoning methodology prevails when discussing contiguous zoning districts. When discussing rezoning, a contiguous zoning district, zoning districts abutting one another, is a baseline for the consideration. This rezoning request does meet that criteria. The subject parcel is contiguous to traditional single family residential (R-15) zoning as well as an ever increasing amount of R-15 zoning in the area. The request is compatible for future growth in the area.

Staff, however, does have one concern. Because of the subject property's location at the intersection of Sessions Road and Wildwood Lane, as well as the speed and volume of traffic at this particular location, Staff wants to emphasize to the applicant that the rezoning request's recommendation and/or approval is in no way approving the accompanied site plan.. Staff feels that driveways for five individual lots so close to this intersection, as presented, will present a hazard.

Since the rezoning request does meet the criteria in the Future Land Use Map and is contiguous to existing zoning, **Staff recommends that the Planning and Zoning Commission approve the rezoning of the property from RD-2 to R-15 under the condition that SCDOT curb cut permits are issued prior to issuance of any construction permits for any portion of the property.**

L. STAFF REPORT TO COUNTY COUNCIL

On April 10, 2017 the Planning and Zoning Commission held a public hearing on the request of Cecil Brazell of C and C Builders to rezone 2.68 acres of land at 1007 Sessions Road from RD-2 (rural resource district) to R-15 (single-family residential district).

During the hearing, Michael Conley, Planning and Zoning Director, gave the Staff Report and recommended approval of the rezoning. Prior to the hearing, two adjacent property owners asked Planning and Zoning Staff members the effect the rezoning would have on their property. Neither was

opposed to the rezoning. During the hearing, no one from the general public spoke for or against the request. The applicant stated he wanted to divide the property into residential lots. After a brief discussion, Henry Walker motioned to recommend that the Planning Commission approve the rezoning of the property from RD-2 to R-15. Kate Denton seconded. On 7-0 vote, the motion to approve the rezoning passed unanimously.

Lease Proposals FY 16/17

<u>Lessor</u>	<u>Tax-Exempt amount</u>	<u>Rate</u>	<u>Payments</u>	<u>Terms</u>	<u>Total Payments</u>																																																						
Carolina Alliance Bank	\$ 820,590.68	2.03%	\$ 211,771.64	4 years	\$ 847,086.56																																																						
Heritage Community	\$ 820,590.68				Decided not to RFP																																																						
BB & T	\$ 820,590.68	1.59%	\$ 210,027.17	4 years	\$ 840,108.68																																																						
First Citizens	\$ 820,590.68	1.61%	\$ 210,107.17	4 years	\$ 840,428.68																																																						
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Statute

**TITLE 6. LOCAL GOVERNMENT--PROVISIONS APPLICABLE TO SPECIAL PURPOSE
DISTRICTS AND OTHER POLITICAL SUBDIVISIONS**

CHAPTER 4. ALLOCATION OF ACCOMMODATIONS TAX REVENUES

SECTION 6-4-5. Definitions. [SC ST SEC 6-4-5]

As used in this chapter:

- (1) "County area" means a county and municipalities within the geographical boundaries of the county.
- (2) "Cultural", as it applies to members of advisory committees in Section 6-4-25, means persons actively involved and familiar with the cultural community of the area including, but not limited to, the arts, historical preservation, museums, and festivals.
- (3) "Hospitality", as it applies to members of the committees in item (2), means persons directly involved in the service segment of the travel and tourism industry including, but not limited to, businesses that primarily serve visitors such as lodging facilities, restaurants, attractions, recreational amenities, transportation facilities and services, and travel information and promotion entities.
- (4) "Travel" and "tourism" mean the action and activities of people taking trips outside their home communities for any purpose, except daily commuting to and from work.

SECTION 6-4-10. Allocation to general fund; special fund for tourism; management and use of special fund. [SC ST SEC 6-4-10]

The funds received by a municipality or a county in county areas collecting more than fifty thousand dollars from the local accommodations tax provided in Section 12-36-2630(3) must be allocated in the following manner:

- (1) The first twenty-five thousand dollars must be allocated to the general fund of the municipality or county and is exempt from all other requirements of this chapter.
- (2) Five percent of the balance must be allocated to the general fund of the municipality or county and is exempt from all other requirements of this chapter.
- (3) Thirty percent of the balance must be allocated to a special fund and used for advertising and promotion of tourism to develop and increase tourist attendance through the generation of publicity. To manage and direct the expenditure of these tourism promotion funds, the municipality or county shall select one or more organizations, such as a chamber of commerce, visitor and convention bureau, or regional tourism commission, which has an existing, ongoing tourist promotion program. If no organization exists the municipality or county shall create an organization with the same membership standard in Section 6-4-25. To be eligible for selection the organization must be organized as a nonprofit organization and shall demonstrate to the municipality or county that it has an existing, ongoing tourism promotion program or that it can develop an effective tourism promotion program. Immediately upon an allocation to the special fund, a municipality or county shall distribute the tourism promotion funds to the organizations selected or created to receive them. Before the beginning of each fiscal year, an organization receiving funds from the accommodations tax from a municipality or county shall submit for approval a budget of planned expenditures. At the end of each fiscal year, an organization receiving funds shall render an accounting of the expenditure to the municipality or county which distributed them.
- (4)(a) The remaining balance plus earned interest received by a municipality or county must be allocated to a

special fund and used for tourism-related expenditures. This section does not prohibit a municipality or county from using accommodations tax general fund revenues for tourism-related expenditures.

(b) The funds received by a county or municipality which has a high concentration of tourism activity may be used to provide additional county and municipal services including, but not limited to, law enforcement, traffic control, public facilities, and highway and street maintenance, as well as the continual promotion of tourism. The funds must not be used as an additional source of revenue to provide services normally provided by the county or municipality but to promote tourism and enlarge its economic benefits through advertising, promotion, and providing those facilities and services which enhance the ability of the county or municipality to attract and provide for tourists.

"Tourism-related expenditures" include:

1. advertising and promotion of tourism so as to develop and increase tourist attendance through the generation of publicity;
2. promotion of the arts and cultural events;
3. construction, maintenance, and operation of facilities for civic and cultural activities including construction and maintenance of access and other nearby roads and utilities for the facilities;
4. the criminal justice system, law enforcement, fire protection, solid waste collection, and health facilities when required to serve tourists and tourist facilities. This is based on the estimated percentage of costs directly attributed to tourists;
5. public facilities such as restrooms, dressing rooms, parks, and parking lots;
6. tourist shuttle transportation;
7. control and repair of waterfront erosion;
8. operating visitor information centers.

(c) Allocations to the special fund must be spent by the municipality or county within two years of receipt. If the allocations are not spent within two years, the municipality or county is subject to the provisions of Section 6-4-30(6). However, the time limit may be extended upon the recommendation of the county or municipality and approval of the South Carolina Accommodations Tax Oversight Committee in Section 6-4-30. An extension must include provisions that funds be committed for a specific project or program.

(d) In the expenditure of these funds, counties and municipalities are required to promote tourism and make tourism-related expenditures primarily in the geographical areas of the county or municipality in which the proceeds of the tax are collected where it is practical.

SECTION 6-4-15. Use of revenues to finance bonds. [SC ST SEC 6-4-15]

A municipality or county may issue bonds, enter into other financial obligations, or create reserves to secure obligations to finance all or a portion of the cost of constructing facilities for civic activities, the arts, and cultural events which fulfill the purpose of this chapter. The annual debt service of indebtedness incurred to finance the facilities or lease payments for the use of the facilities may be provided from the funds received by a municipality or county from the accommodations tax in an amount not to exceed the amount received by the municipality or county after deduction of the accommodations tax funds dedicated to the general fund and the advertising and promotion fund. However, none of the revenue received by a municipality or county from the

accommodations tax may be used to retire outstanding bonded indebtedness unless accommodations tax revenue was obligated for that purpose when the debt was incurred.

SECTION 6-4-20. Administration account established; State Treasurer's duties; distribution of account revenues; exceptions to tourism spending mandate. [SC ST SEC 6-4-20]

(A) An accommodations tax account is created to be administered by the State Treasurer.

(B) At the end of each fiscal year and before August first a percentage, to be determined by the State Treasurer, must be withheld from those county areas collecting four hundred thousand dollars or more from that amount which exceeds four hundred thousand dollars from the tax authorized by Section 12-36-2630(3), and that amount must be distributed to assure that each county area receives a minimum of fifty thousand dollars. The amount withheld from those county areas collecting four hundred thousand dollars or more must be apportioned among the municipalities and the county in the same proportion as those units received quarterly remittances in Section 12-36-2630(3). If the total statewide collections from the local accommodations tax exceeds the statewide collections for the preceding fiscal year then this fifty thousand dollar figure must be increased by a percentage equal to seventy-five percent of the statewide percentage increase in statewide collections for the preceding fiscal year. The difference between the fifty thousand dollars minimum and the actual collections within a county area must be distributed to the eligible units within the county area based on population as determined by the most recent United States census.

(C) At the end of each fiscal year and before August first, the State Treasurer shall distribute to each county area collecting more than fifty thousand dollars but less than four hundred thousand dollars an additional fifteen thousand dollars. If the total statewide collections from the local accommodations tax exceed the statewide collections for the preceding fiscal year, this fifteen thousand dollar figure must be increased by a percentage equal to seventy-five percent of the statewide percentage increase in statewide collections for the preceding fiscal year. This amount must be distributed in the same manner as the fifty thousand dollars in subsection (B). The amount paid those qualified county areas under this subsection must be paid from the account created under this section.

(D) The amount withheld in excess must be distributed to the county areas whose collections exceed four hundred thousand dollars based on the ratio of the funds available to the collections by each county area.

(E) The accommodations tax funds received by a municipality or county in county areas collecting fifty thousand dollars or less are not subject to the tourism-related provisions of this chapter.

(F) Two percent of the local accommodations tax levied pursuant to Section 12-36-2630(3) must be remitted quarterly and equally to the eleven agencies designated by law and regional organizations to administer multi-county tourism programs in the state tourism regions as identified in the promotional publications of the South Carolina Department of Parks, Recreation and Tourism. This remittance is in addition to other funds that may be allocated to the agencies by local governments.

(G) The State Treasurer may correct misallocations to counties and municipalities from accommodations tax revenues by adjusting subsequent allocations, but these adjustments may be made only in allocations made in the same fiscal year as the misallocation.

SECTION 6-4-25. Advisory Committee; guidelines for expenditures; annual reports; reports to Accommodations Tax Oversight Committee. [SC ST SEC 6-4-25]

(A) A municipality or county receiving more than fifty thousand dollars in revenue from the accommodations tax in county areas collecting more than fifty thousand dollars shall appoint an **advisory committee** to make recommendations on the expenditure of revenue generated from the accommodations tax. The **advisory**

committee consists of seven members with a majority being selected from the hospitality industry of the municipality or county receiving the revenue. At least two of the hospitality industry members must be from the lodging industry where applicable. One member shall represent the cultural organizations of the municipality or county receiving the revenue. For county advisory committees, members shall represent the geographic area where the majority of the revenue is derived. However, if a county which receives more in distributions of accommodations taxes than it collects in accommodations taxes, the membership of its **advisory committee** must be representative of all areas of the county with a majority of the membership coming from no one area.

(B) A municipality or county and its **advisory committee** shall adopt guidelines to fit the needs and time schedules of the area. The guidelines must include the requirements for applications for funds from the special fund used for tourism-related expenditures. A recipient's application must be reviewed by an **advisory committee** before it receives funds from a county or municipality.

(C) Advisory committees shall submit written recommendations to a municipality or county at least once annually. The recommendations must be considered by the municipality or county in conjunction with the requirements of this chapter.

(D) Municipalities and counties annually shall submit to the South Carolina Accommodations Tax Oversight Committee:

- (1) end-of-the-year report detailing **advisory committee** accommodations tax recommendations;
- (2) municipality's or county's action following the recommendations;
- (3) list of how funds from the accommodations tax are spent, except for the first twenty-five thousand dollars and five percent of the balance in Section 6-4-10(2) allocated to the general fund. The list is due before October first and must include funds received and dispersed during the previous fiscal year;
- (4) list of **advisory committee** members noting the chairman, business address if applicable, and representation of the hospitality industry including the lodging industry and cultural interests.

(E) The regional tourism agencies in Section 6-4-20 annually shall submit reports on their budgets and annual expenditure of accommodations tax funds pursuant to this chapter to the Accommodations Tax Oversight Committee.

SECTION 6-4-30. Repealed by 2003 Act No. 96, § 3.MM, eff June 18, 2003. [SC ST SEC 6-4-30]

SECTION 6-4-35. Tourism Expenditure Review Committee. [SC ST SEC 6-4-35]

(A) There is established the Tourism Expenditure Review Committee consisting of eleven members as follows:

- (1) one member appointed by the Speaker of the House;
- (2) one member appointed by the President Pro Tempore of the Senate;
- (3) the Director of the South Carolina Department of Parks, Recreation and Tourism, or his designee, ex officio;
- (4) eight members appointed by the Governor as follows:
 - (a) one member on the recommendation of the South Carolina Association of Tourism Regions;
 - (b) one member on the recommendation of the South Carolina Association of Convention and Visitors Bureaus;

- (c) one member on the recommendation of the South Carolina Travel and Tourism Coalition;
- (d) one member on the recommendation of the Municipal Association of South Carolina;
- (e) one member on the recommendation of the South Carolina Association of Counties;
- (f) one member on the recommendation of the Hospitality Association of South Carolina;
- (g) one member on the recommendation of the South Carolina Arts Commission; and
- (h) one member at large.

Appointed members shall serve for terms of four years and until their successors are appointed and qualify, except that of those first appointed by the Governor, four shall serve for a term of two years and the term must be noted on the appointment. Regardless of the date of appointment, all terms expire July first of the applicable year. Members shall serve without compensation but may receive the mileage, subsistence, and per diem allowed by law for members of state boards, committees, and commissions. Vacancies must be filled in the manner of original appointment for the unexpired portion of the term.

(B)(1)(a) The Tourism Expenditure Review Committee shall serve as the oversight authority on all questionable tourism-related expenditures and to that end, all reports filed pursuant to Section 6-4-25(D)(3) must be forwarded to the committee for review to determine if they are in compliance with this chapter. The municipality or county must be notified if an expenditure is questioned, and the committee may consider any further supporting information the municipality or county may provide. If the committee finds an expenditure to be in noncompliance, it shall certify the noncompliance to the State Treasurer, who shall withhold the amount of the expenditure found in noncompliance from subsequent distributions in accommodations tax revenue otherwise due the municipality or county. An appeal from an action of the committee under this subitem lies with the Administrative Law Judge Division.

(b) If the committee determines that a municipality or county has failed to file the reports required pursuant to Section 6-4-25(D)(3), it may impose a fee of five hundred dollars a month or part of a month for each month the report is not filed, but not more than five thousand dollars. The committee shall certify the penalty to the State Treasurer, who shall withhold the amount of the penalty from subsequent distributions otherwise due the municipality or county. An appeal from an action of the committee under this subitem lies with the Administrative Law Judge Division.

(c) Allocations withheld must be reallocated proportionately to all other recipients.

(2) The committee has jurisdiction to investigate and research facts on written complaints submitted to it with regard to the appropriate tourism-related expenditures and resolve these complaints as provided in item (1) of this subsection.

(3) The committee shall forward copies of information submitted by the local governments and regional tourism agencies pursuant to Section 6-4-25 arising under the tourism provisions of this chapter to the Department of Parks, Recreation and Tourism, which shall publish an annual report on the information submitted.

Award Notice



515 Walnut Street
Camden, SC 29020

Tel. (803) 425-1500
FAX (803) 425-1546

April 27, 2016

Fine Arts Center of Kershaw County
ATTN: Kristin Cobb
P. O. Box 1498
Camden, South Carolina 29021

Ms. Cobb:

This letter is to inform you that your organization has been awarded by Kershaw County \$10,000 of Accommodations Tax Funds for the 2016-2017 fiscal year for the Carolina Downhome Blues Festival. The award amount was approved based on the amount of funds available in the 2015-2016 budget cycle. Any shortage between the actual amount of accommodations tax received for the 2015-2016 fiscal year and total amount approved will be applied proportionately to each event/organization. Any surplus will be carried forward for awarding in the following year as allowed by Section 6-4-10 of the 1976 South Carolina Code of Laws, as amended.

In order to receive the accommodations tax funds awarded to your organization, you **MUST** fill out the Accommodations Tax Grantee Final Reporting Form enclosed with this award letter. *Please fill out the form completely and include all required information and documentation.* Failure to properly submit your reimbursement request could result in the denial of future grant awards. This reimbursement request must be received by our Finance Department by December 9, 2016 (or 60 days after the date of publicity, festival or project).

Sincerely,

A handwritten signature in cursive script that reads 'Merri M. Seigler'.

Merri M. Seigler
Executive Administrative Assistant
Clerk to County Council, CCC

Resolution

ATAX Committee Reorganization

The ATAX Committee has determined the process of screening applications for ATAX funds is in need of revamping. The State provides clear guidelines and we, as a committee, are dedicated to following the process as outlined. Due dates and requirements will be adhered to strictly. The Chairman of the ATAX Committee and the Clerk to Council will screen all applications for adherence to guidelines. Then the qualifying applications will be presented to the full Committee for their consideration.

Some of our applicants have developed a habit of depending on the Kershaw County Finance Department to remind them to request reimbursement and then they expect the Finance Department to make corrections to errors in their reimbursement requests, thereby creating an undue burden on this department. Occasionally we have awards that go unclaimed. Failure to follow instructions will result in loss of participation for a year.

It is our belief that these monies benefit our community and should be awarded to entities who are eager and willing to invest them back into the community.

RESOLUTION No. 104.2016
A JOINT RESOLUTION BY KERSHAW COUNTY COUNCIL AND
KERSHAW COUNTY ACCOMMODATION TAX ADVISORY COMMITTEE
ADOPTING GUIDELINES

WHEREAS, Kershaw County pursuant to Section 6-4-25 appoints an advisory committee to make recommendations on the expenditure of revenue generated from Accommodations Tax; and

WHEREAS, the advisory committee pursuant to Section 6-4-25 submits written recommendations to Kershaw County Council on an annual basis; and

WHEREAS, Kershaw County pursuant to Section 6-4-25 considers the recommendations from the advisory committee as to the appropriation of accommodation tax funds as recommended by the advisory committee; and

WHEREAS, pursuant to Section 6-4-25 Kershaw County Council and Kershaw County ATAX Advisory Committee adopt guidelines to fit the needs and time schedule of Kershaw County which includes the requirements for applications for funds; and

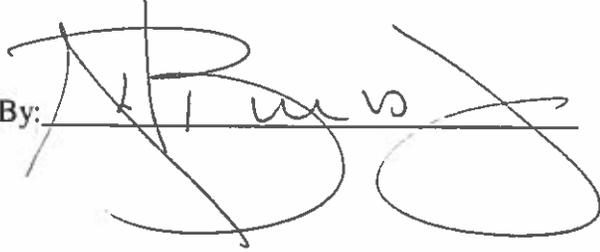
WHEREAS, the Kershaw County Accommodations Tax (ATAX) Advisory Committee has made recommendations to Kershaw County Council as to guidelines and the requirements for applications for funds.

NOW, THEREFORE, IT IS HEREBY RESOLVED, by Kershaw County Council and the Kershaw County ATAX Advisory Committee:

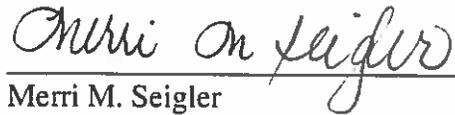
1. The Kershaw County Accommodation Tax Grant Application 2015-2016 attached hereto as Exhibit A is hereby approved and adopted.
2. The Kershaw County Accommodation Tax Advisory Committee 2015-2016 Grant Cycle Schedule attached hereto as Exhibit B is hereby approved and adopted.
3. That in addition to the state guideline the following process as to consideration of applications will be strictly adhered to:
 - a) The Chairman of the ATAX Committee and the Clerk to Council will screen all applications for adherence to guidelines.
 - b) After screening the applications the qualifying applications will be presented to the full ATAX Committee for its consideration and recommendations to Kershaw County Council. Applications must be complete to be eligible for consideration.
 - c) Funds awarded must be disbursed pursuant to disbursement requests from the applicant to whom an award is given by _____.
 - d) Failure to expend the funds and ask for reimbursement of the funds by Kershaw County Council by _____ will result in forfeiture of the award.
 - e) After the recommendations have been adopted or adopted as amended by Kershaw County Council the successful applicants will be notified and will be provided a copy of the guidelines for request for reimbursement and expenditure of funds.

IT IS SO RESOLVED by Kershaw County Council this 24th day of May, 2016.

KERSHAW COUNTY COUNCIL

By: 

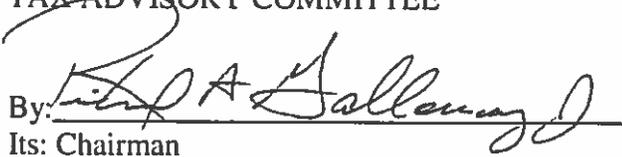
ATTEST:



Merri M. Seigler
Clerk to County Council

IT IS SO RESOLVED by the Kershaw County Accommodations Tax Advisory Committee this 24th day of May, 2016.

KERSHAW COUNTY ACCOMMODATIONS
TAX ADVISORY COMMITTEE

By: 

Its: Chairman

Reminder



515 Walnut Street
Camden, SC 29020

Tel. (803) 425-1500
FAX (803) 425-1546

August 9, 2016

To whom it may concern:

The ATAX Committee has committed to strictly following the guidelines set forth by the State for application and reimbursement of all Accommodation Taxes. Failure to follow proper procedures may result in loss of future awards. Please carefully check your numbers for the previous and current years to be sure they are accurate. Your award amount for the year 2015-2016 was \$10,000.00. The amount for 2016-2017 was \$10,000.00. Your reimbursement will be processed if all information provided is correct.

Sincerely,

A handwritten signature in blue ink that reads 'Merri M. Seigler'. The signature is written in a cursive, flowing style.

Merri M. Seigler
Clerk to County Council
Administrative Assistant

Final Reminder



515 Walnut Street
Camden, SC 29020

Tel. (803) 425-1500
FAX (803) 425-1546

November 10, 2016

To Whom it May Concern:

As a courtesy to our applicants and in light of the new guidelines, we are giving you a one-time extension to file your reimbursement for ATAX funds awarded in 2016. Reimbursement requests are due **60 days** after the event for which ATAX funds were allocated.

I have included a reimbursement form and the new guidelines. Please follow the instructions carefully.

If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in blue ink that reads 'Merri M. Seigler'. The signature is written in a cursive, flowing style.

Merri M. Seigler
Clerk to County Council

REQUEST FOR REIMBURSEMENT

ACCOMMODATIONS TAX GRANTEE FINAL REPORTING FORM 2016-2017

I. Grantee Information:

Organization: _____

Non-profit status: _____

Contact: _____

Mailing Address: _____

City: _____ ST _____ Zip Code _____

Phone: _____ Fax: _____

II. Project Information:

Project Name: _____

Project Director: _____

Project Description, with description of how ATAX funds were used to attract or provide for tourists*: _____

Project Dates: _____

Grant Amount Requested 2016-2017: _____

Grant Amount Awarded 2016-2017: _____

III. Budget Information:

	<u>Previous year</u>	<u>Current year</u>
Total Project Budget:	_____	_____
ATAX Grant Amount awarded:	_____	_____
Amount of ATAX Grant spent:	_____	_____
ATAX funds awarded from other sources**:	_____	_____

Other sources of funding for project: _____

* Tourists are defined as those who travel at least 50 miles to attend.

** Includes all A-TAX funded from all sources.

In order to receive reimbursement, each of the following items ***MUST*** accompany your request. This reimbursement request must be received by our Finance Department 60 days after the date of publicity, festival or project. Failure to submit correct information and to follow proper procedures may result in loss of future awards:

- A. Itemized invoice for reimbursable expenditures
- B. Copy of canceled check for each invoice
- C. Proof of advertisement, brochure, etc. (i.e. Original tear sheets for each advertisement, two samples of each brochure, picture of each billboard, etc.)
- D. Copy of non-profit credentials (Treasury Department letter) and a W-9.

By my signature, I do affirm, agree, and understand that all statements on this form are true and accurate. Any misrepresentation, falsification, or material omission of information or data on this request for reimbursement may result in exclusion from further consideration for Kershaw County Accommodations Tax funding by this organization.

Project Director, Signature

Date

For Office use only:

Approved by:

Finance Director, Kershaw County

Date

RESOLUTION No. 104.2016
A JOINT RESOLUTION BY KERSHAW COUNTY COUNCIL AND
KERSHAW COUNTY ACCOMMODATION TAX ADVISORY COMMITTEE
ADOPTING GUIDELINES

WHEREAS, Kershaw County pursuant to Section 6-4-25 appoints an advisory committee to make recommendations on the expenditure of revenue generated from Accommodations Tax; and

WHEREAS, the advisory committee pursuant to Section 6-4-25 submits written recommendations to Kershaw County Council on an annual basis; and

WHEREAS, Kershaw County pursuant to Section 6-4-25 considers the recommendations from the advisory committee as to the appropriation of accommodation tax funds as recommended by the advisory committee; and

WHEREAS, pursuant to Section 6-4-25 Kershaw County Council and Kershaw County ATAX Advisory Committee adopt guidelines to fit the needs and time schedule of Kershaw County which includes the requirements for applications for funds; and

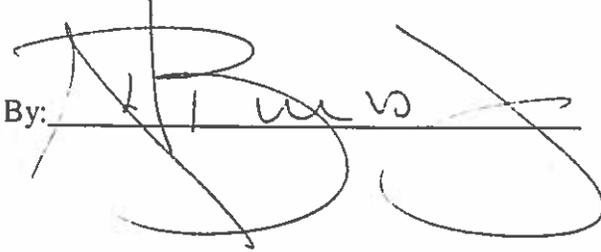
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NOW, THEREFORE, IT IS HEREBY RESOLVED, by Kershaw County Council and the Kershaw County ATAX Advisory Committee:

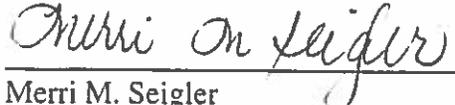
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2. The Kershaw County Accommodation Tax Advisory Committee 2015-2016 Grant Cycle Schedule attached hereto as Exhibit B is hereby approved and adopted.
3. That in addition to the state guideline the following process as to consideration of applications will be strictly adhered to:
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 - b) After screening the applications the qualifying applications will be presented to the full ATAX Committee for its consideration and recommendations to Kershaw County Council. Applications must be complete to be eligible for consideration.
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 - d) Failure to expend the funds and ask for reimbursement of the funds by Kershaw County Council by _____ will result in forfeiture of the award.
 - e) After the recommendations have been adopted or adopted as amended by Kershaw County Council the successful applicants will be notified and will be provided a copy of the guidelines for request for reimbursement and expenditure of funds.

IT IS SO RESOLVED by Kershaw County Council this 24th day of May, 2016.

KERSHAW COUNTY COUNCIL

By: 

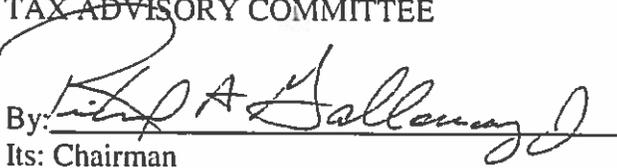
ATTEST:



Merri M. Seigler
Clerk to County Council

IT IS SO RESOLVED by the Kershaw County Accommodations Tax Advisory Committee this 24th day of May, 2016.

KERSHAW COUNTY ACCOMMODATIONS
TAX ADVISORY COMMITTEE

By: 

Its: Chairman

Letter to Chairman of Organization



Accommodations Tax Advisory Committee

February 24, 2017

Dear Board Chair,

Applications for the Kershaw County Accommodations Tax funding cycle have been mailed to your organization. The ATAX Committee Guidelines will be strictly adhered to; therefore, we have requested that the guidelines be carefully reviewed prior to filling out the application. Failure to follow guidelines will result in loss of funds. Grant applicants from the past year are receiving this notification and any other interested parties are encouraged to apply.

The deadline to return applications is March 24, 2017 by 5:00 p.m. Please note that the **original application** and **7 copies** must be received by that date. **PLEASE DO NOT STAPLE.** Mail your applications to:

Attn: Accommodations Tax Advisory Committee
Kershaw County Administration
515 Walnut Street
Camden, S.C. 29020

The ATAX committee is comprised of seven community leaders from the hospitality industry, cultural interest affiliation, and county business representatives as specified in the state law. The committee's purpose is to review potential projects and make recommendations to County Council for use of ATAX funds.

If you should have any questions please contact me at your convenience. I can be reached at (803)425-1500 ext. 5309 for further assistance.

Sincerely,

Merri M Seigler
Clerk to County Council
Executive Administrative Assistant



515 Walnut Street
Camden, South Carolina 29020
803-425-1500
803-425-1546 (FAX)

MEMORANDUM

To: Vic Carpenter

From: Sarah Williams

Date: April 19, 2017

Re: **Tremble Branch Road Culvert Replacement**

Seven bids were received for Bid # 16-111-17:

AOS Specialty Contractors, Inc., Lexington SC	\$350,921.25
Armstrong Contractors, Columbia SC	\$474,539.25
Cherokee, Inc., Columbia SC	\$404,224.00
Dellinger, Inc., Monroe NC	\$838,464.00
Richardson Construction Co., Columbia SC	\$993,026.00
Rowe Incorporated of Blythewood, Lynchburg, SC	\$698,344.00
Site Concepts, Lugoff SC	\$287,293.40

Recommend award to Site Concepts for \$287,293.40

For this 2015 flood repair project, FEMA will reimburse 75% and the State 25%.