

RICHLAND COUNTY

DEVELOPMENT & SERVICES COMMITTEE AGENDA

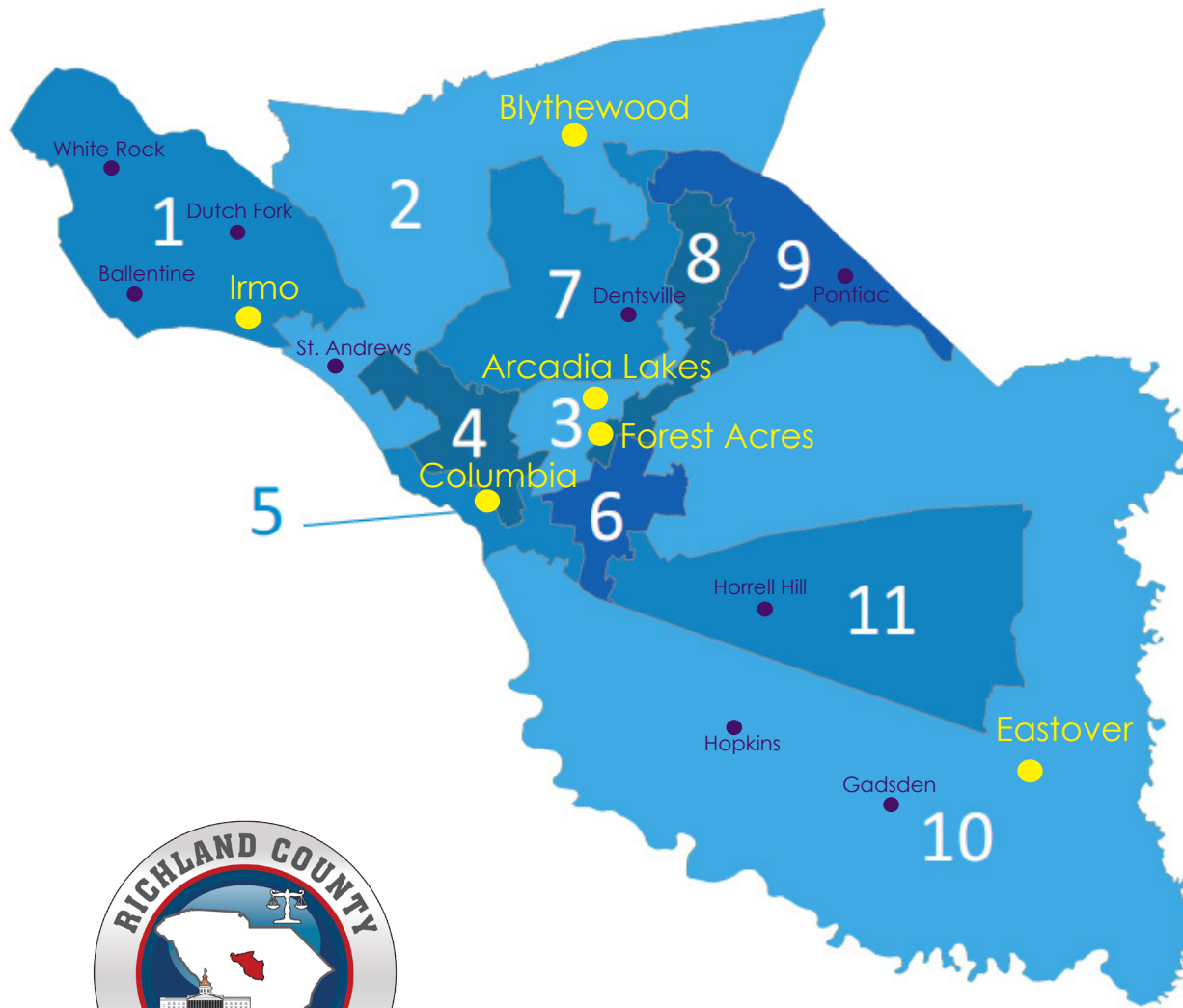


TUESDAY, MAY 23, 2017

5 P.M.

COUNCIL CHAMBERS

RICHLAND COUNTY COUNCIL 2017-2018



VICE CHAIR
Bill Malinowski
District 1



CHAIR
Joyce Dickerson
District 2



Yvonne McBride
District 3



Paul Livingston
District 4



Seth Rose
District 5



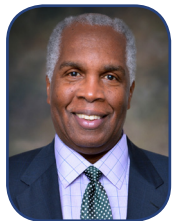
Greg Pearce
District 6



Gwendolyn Kennedy
District 7



Jim Manning
District 8



Calvin "Chip" Jackson
District 9



Dalhi Myers
District 10



Norman Jackson
District 11



Richland County Development & Services Committee

May 23, 2017 – 5:00 PM

Council Chambers

2020 Hampton Street, Columbia, SC 29201

Yvonne McBride District 3	Gwen Kennedy District 7	Seth Rose (Chair) District 5	Chip Jackson District 9	Dalhi Myers District 10
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1. **CALL TO ORDER** The Honorable Seth Rose, Chair,
Development & Services Committee

2. **APPROVAL OF MINUTES** The Honorable Seth Rose
 - a. Development & Services Committee Meeting: April 25, 2017
[PAGES 5-7]

3. **ADOPTION OF AGENDA** The Honorable Seth Rose

4. **ITEMS FOR ACTION** The Honorable Seth Rose
 - a. Legal Department: Petition to Close Portion of Appleton Lane
[PAGES 8-24]

 - b. Legal Department: Petition to Close Portion of Jilda Drive
near Olga Road [PAGES 25-29]

 - c. Legal Department: Road Closing of an Alleyway in the
Vicinity of 5313 Two Notch Road [PAGES 30-48]

 - d. An Ordinance authorizing deed to the City of Columbia water
lines for Ballentine Branch Library Dutch Fork Road; Richland
County TMS#03303-01-06 & 02 (Portion); CF#336-15
[PAGES 49-51]

 - e. Council Motion: Require that all municipal utility service
providers must request consent and approval from Richland
County Council prior to extending or accepting water and
sewer infrastructure within the unincorporated boundaries of
Richland County [PAGES 52-53]

 - f. **Richland County lost millions of dollars by not collecting taxes
on (SOB) for the past five years. I move that the Legal
Department along with Administration explore recovering the
funds from Sexual Oriented Businesses directly [PAGES 54-
65]**

5. **ADJOURN**

Note: Pursuant to Council Rules, Council will record non-electronic roll call voting for all votes that are not unanimous for second and third reading or one time votes; and which are not merely procedural in nature.



Special Accommodations and Interpreter Services Citizens may be present during any of the County's meetings. If requested, the agenda and backup materials will be made available in alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), as amended and the federal rules and regulations adopted in implementation thereof. Any person who requires a disability-related modification or accommodation, including auxiliary aids or services, in order to participate in the public meeting may request such modification, accommodation, aid or service by contacting the Clerk of Council's office either in person at 2020 Hampton Street, Columbia, SC, by telephone at (803) 576-2061, or TDD at 803-576-2045 no later than 24 hours prior to the scheduled meeting.

RICHLAND COUNTY COUNCIL

SOUTH CAROLINA



DEVELOPMENT & SERVICES COMMITTEE

April 25, 2017
5:00 PM
County Council Chambers

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

CALL TO ORDER

Mr. Rose called the meeting to order at approximately 5:02 PM

APPROVAL OF MINUTES

Regular Session: March 28, 2016 – Ms. McBride moved, seconded by Ms. Myers, to approve the minutes as distributed. The vote in favor was unanimous.

ADOPTION OF AGENDA

Ms. Myers moved, seconded by Ms. Kennedy, to adopt the agenda as published.

ITEMS FOR ACTION

Council Motion: Richland County lost millions of dollars by not collecting taxes on (SOB) for the past five years. I move that the Legal Department along with Administration explore recovering the funds from Sexual Oriented Businesses directly – Mr. Brandon stated this item was deferred at the March D&S Committee meeting due to some concerns regarding the language in the agenda packet. Staff reviewed the minutes of the meeting where the motion was made and updated the agenda packet accordingly.

Ms. Kennedy moved, seconded by Ms. Myers, to forward this item to Council with a recommendation to approve this item.

Mr. Rose made a substitute motion, seconded by Ms. Kennedy, to forward to the Legal Department and have them bring back a recommendation to the next committee meeting.

Mr. Smith stated the collection of delinquent taxes would be the responsibility of the Business Service Center and therefore, not necessarily a legal matter.

Mr. Rose suggested the Legal Department work with the Business Service Center and report back to the committee.

Council Members Present

Seth Rose, Chair
District Five

Yvonne McBride
District Three

Gwendolyn Davis-Kennedy
District Seven

Dalhi Myers
District Ten

Others Present:

Joyce Dickerson
Norman Jackson
Paul Livingston
Jim Manning
Brandon Madden
Michelle Onley
Kimberly Williams-Roberts
Larry Smith
Ismail Ozbek
Brad Farrar
Tracy Hegler

Development & Services Committee

Tuesday, April 25, 2017

Page Two

Mr. Rose restated his motion to have the Legal Department, as well as, the Business Service Center to bring back a recommendation to the next committee meeting.

Mr. N. Jackson stated it was brought to his attention that one business sector was not paying taxes, while other businesses are paying their fair share. If the taxes cannot be collected from the business, then to explore what legal recourse the County has to recoup the taxes.

Mr. Malinowski stated certainly there is something already in place to collect delinquent taxes and could, and should, have been provided by the Business Service Center.

The vote in favor was unanimous.

Award of the Summit Sidewalk 2017 Project – Mr. Madden stated this is a request to award the Summit Sidewalk project to Armstrong Contractors, LLC in the amount of \$486,128.29.

Ms. Myers moved, seconded by Mr. Rose, to forward this item to Council with a recommendation to approve the request to award the Summit Sidewalk 2017 Project in the amount of \$486,128.29 to Armstrong Contractors, LLC. The vote in favor was unanimous.

Council Motion: Adjust mandated funding for programs and agencies by the percentage reduced by the Local Government Fund – Mr. N. Jackson stated over the years the legislators have cut the Local Government Fund and the County is struggling to makeup what the legislators have cut. The recommendation is if the legislators are going to cut the Local Government Fund by 10%, 15%...to cut the programs mandated by the State by the same percentage. At the end of the legislative session they have money to do "pork projects".

Mr. Rose stated he agrees in principal with Mr. N. Jackson's motion. The State Legislature continually cut the Local Government Fund and the County is left trying to find a way to fund essential services. However, he does not feel the legislators are going to get the message and the intent of this motion; therefore, he cannot support cutting funding to these agencies, especially those that ensure the safety of the County's constituents.

Ms. Myers stated philosophically she agrees with Mr. N. Jackson, but her concern is that we educate the constituents on the connection between the Local Government Fund and the legislature's failure to fund it fully, keeping the millage at the cap and the strain on services. There is not going to be enough pressure coming from County Council to move them, but pressure coming from the public might. Perhaps educating the constituents on what the Local Government Fund actually is. Explain to them why it matters and encourage them to encourage their representatives to vote to fully fund it, we might get better traction.

Mr. Malinowski stated in previous years the public has been advised of this through public information articles. In the end the only thing they're being advised of is your taxes keep going up because your State representatives are not doing what they should.

Mr. N. Jackson stated either Council takes a stand and make a statement or just continue to fund the agencies without complaining. Because of their failure with the retirement system, now the County has to come up with additional funding.

Mr. Livingston suggested putting on the tax bills a statement of what the taxes would have been had the LGF been fully funded.

Development & Services Committee

Tuesday, April 25, 2017

Page Three

Ms. Myers moved, seconded by Ms. Kennedy, to forward to Council a recommendation to leave the funding of the mandated programs and agencies up to Council's discretion and to consider placing a statement on next year's tax bill stating what the tax bill would have been had the LGF been fully funded.

Ms. Dickerson stated she fully supports any efforts to bring this matter to the attention of the State legislators.

Mr. Rose stated the problem is compounded every year. There are agencies like the Department of Mental Health that are being cut at the State level. Then there are mentally ill inmates at the Detention Center, who should be in the Department of Mental Health, but there is not bed space so they are in a local detention center, which is now being used to serve as a mental health facility.

The vote in favor was unanimous.

ADJOURNMENT

The meeting adjourned at approximately 5:23 PM.

The Minutes were transcribed by Michelle M. Onley, Deputy Clerk of Council



REQUEST OF ACTION SUMMARY SHEET

Agenda Item No.: 4a Meeting Date: May 23, 2017

To: Seth Rose, Chair, Development and Services Committee
 From: Lauren Hogan, Assistant County Attorney
 Department: County Legal Department

Item Subject Title: Legal Department: Petition to Close Portion of Appleton Lane

Action Taken by None.

Committee previously:

- Options:**
1. Approve petitioner’s request to close the subject road and direct Legal to answer the suit accordingly.
 2. Deny petitioner’s request to close the road, state reasons for such denial, and direct Legal to answer the suit accordingly.

Motion Requested Today: Staff does not have a recommended motion as this is related to a petition to close a portion of a road in accordance with Richland County Code of Ordinances (Roads, Highways and Bridges) section 21-14

Staff Recommendation: Council discretion. Staff will proceed as directed by County Council.

Impact of Action: Operating Budget: Not applicable.

Capital Budget: Not applicable.

Funding Amount/Source: There is no apparent financial impact associated with this request.

Requested by: County Legal Department

Staff Representative: Larry Smith, County Attorney

Outside Representative: None.

List of Attachments:

1. Detailed Request of Action
2. Notice of Intention to File a Petition and accompanying documents
3. Relevant Pictures

5/15/17
Date Submitted

Brandon Madden
Approved by the County Administrator’s Office

10
Council District



REQUEST OF ACTION

Subject: Legal Department: Petition to Close Portion of Appleton Lane

A. Purpose

County Council is requested to approve, deny or make a recommendation with respect to a Petition to Close a portion of Appleton Lane in accordance with Richland County Code of Ordinances (Roads, Highways and Bridges) section 21-14. The road is more particularly described in the attached Notice of Intention to File a Petition and accompanying documents.

B. Background / Discussion

Richland County Code of Ordinances (Roads, Highways and Bridges) section 21-14 requires the County Attorney to consult with the County's Planning, Public Works and Emergency Services departments and to forward the request to abandon or close a public road or right-of-way to County Council for disposition. All afore-mentioned departments have been informed of the ROA for input and none have an objection. This portion of Appleton Lane is a dirt road that runs through a piece of property owned by one individual. Owner contends the dirt road is constantly used for dumping. See attached pictures.

There is no apparent financial impact associated with this request.

C. Legislative / Chronological History

There is no legislative / chronological history associated with this request.

D. Alternatives

1. Approve petitioner's request to close the subject road and direct Legal to answer the suit accordingly.
2. Deny petitioner's request to close the road, state reasons for such denial, and direct Legal to answer the suit accordingly.

E. Final Recommendation

Council's discretion.



Assessor Data View

The information provided on this page reflects data as of December 31, 2016 and should be used for reference only. For official assessment information, please contact the Richland County Assessor's Office.

Information presented on the Assessor's Database is collected, organized and provided for the convenience of the user and is intended solely for informational purposes. **ANY USER THEREOF OR RELIANCE THEREON IS AT THE SOLE DISCRETION, RISK AND RESPONSIBILITY OF THE USER.** While every attempt is made to provide information that is accurate at the date of publication, portions of such information may be incorrect or not current. **RICHLAND COUNTY HEREBY DISCLAIMS ANY AND ALL WARRANTIES, EXPRESS OR IMPLIED, AS TO ITS ACCURACY, COMPLETENESS OR FITNESS FOR ANY PARTICULAR PURPOSE.** All official records of the County and the countywide elected officials are on file in their respective offices and may be viewed by the public at those offices.

Owner Information

Tax Map Number: R27400-03-04
 Owner: JACKSON CLEVELAND
 Address 1: PO BOX 831
 Address 2:
 Address 3:
 City/State/Zip: UNION SC 29379
 Property Location/Code: B/S APPLETON LN

Tax Information

Year: 2016
 Property Tax Relief: \$0.00
 Local Option Sales Tax Credit: (\$28.67)
 Tax Amount: \$330.75
 Paid: Yes
 Homestead: No
 Assessed: \$780.00

Assessment Information

Year Of Assessment: 2017 Legal Residence: No
 Tax District: 1LR Sewer Connection: CITY
 Acreage Of Parcel: 126.00 Water Connection: CITY
 Non-Agriculture Value: \$340,200.00 Agriculture Value: \$19,400.00
 Building Value: \$0.00 Improvements: \$0.00
 Taxable Value: \$19,400.00
 Zoning: RU RURAL DISTRICT

Property Information

Legal Description: TRACT E #SU
 #PR X-1349
 Land Type: CROP LAND-C2

Sales History

Current Owner Name	Sale Date	V/I	Book/Page	Sale Price	Qual Code
JACKSON CLEVELAND	05/31/2013	V	R1865/ 1802	\$340,200.00	A
JACKSON CLEVELAND &	03/25/2002		R0641/ 1653	\$0.00	
JACKSON RICHARD JR ET AL	01/26/1976		D0376/ 278	\$0.00	

[Qualification Code Definitions](#)

Structure Information

Building Number	Year Structure Was Assessed	Building Description	Actual Year Built	Number Of Bathrooms	Number Of Bedrooms	Total Number Of Stories	Heated Square Footage	Total Square Footage
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Structure Details

Structure Type	Structure Description	Building Number
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Exemptions

Exemption Year	Exemption Description
----------------	-----------------------

STATE OF SOUTH CAROLINA)
)
 COUNTY OF RICHLAND)
)
Clelveland Jackson)
)
 Petitioner (s))
)
 v.)
)
Richland County, South Carolina and The)
State of South Carolina (S.C. Department of)
Transportation))
 Respondent(s))

IN THE COURT OF COMMON PLEAS

CIVIL ACTION COVERSHEET

2017-CP-40-

Submitted By: J. Kershaw Spong SC Bar #: 5289
 Address: Sowell Gray Robinson Stepp & Laffitt Telephone #: (803) 929-1400
LLC Fax #: (803) 929-0300
P.O. Box 11449 E-mail: kspong@sowellgray.com
Columbia, SC 29211

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- JURY TRIAL demanded in complaint. NON-JURY TRIAL demanded in complaint.
- This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
- This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

- | | | | |
|--|--|---|--|
| <p>Contracts</p> <ul style="list-style-type: none"> <input type="checkbox"/> Constructions (100) <input type="checkbox"/> Debt Collection (110) <input type="checkbox"/> General (130) <input type="checkbox"/> Breach of Contract (140) <input type="checkbox"/> Fraud/Bad Faith (150) <input type="checkbox"/> Failure to Deliver/Warranty (160) <input type="checkbox"/> Employment Discrim (170) <input type="checkbox"/> Employment (180) <input type="checkbox"/> Other (199) _____ | <p>Torts - Professional Malpractice</p> <ul style="list-style-type: none"> <input type="checkbox"/> Dental Malpractice (200) <input type="checkbox"/> Legal Malpractice (210) <input type="checkbox"/> Medical Malpractice (220) Previous Notice of Intent Case #
20 ___-NI-___-___ <input type="checkbox"/> Notice/ File Med Mal (230) <input type="checkbox"/> Other (299) _____ | <p>Torts – Personal Injury</p> <ul style="list-style-type: none"> <input type="checkbox"/> Conversion (310) <input type="checkbox"/> Motor Vehicle Accident (320) <input type="checkbox"/> Premises Liability (330) <input type="checkbox"/> Products Liability (340) <input type="checkbox"/> Personal Injury (350) <input type="checkbox"/> Wrongful Death (360) <input type="checkbox"/> Assault/Battery (370) <input type="checkbox"/> Slander/Libel (380) <input type="checkbox"/> Other (399) _____ | <p>Real Property</p> <ul style="list-style-type: none"> <input type="checkbox"/> Claim & Delivery (400) <input type="checkbox"/> Condemnation (410) <input type="checkbox"/> Foreclosure (420) <input type="checkbox"/> Mechanic’s Lien (430) <input type="checkbox"/> Partition (440) <input type="checkbox"/> Possession (450) <input type="checkbox"/> Building Code Violation (460) <input checked="" type="checkbox"/> Other (499) _____ |
| <p>Inmate Petitions</p> <ul style="list-style-type: none"> <input type="checkbox"/> PCR (500) <input type="checkbox"/> Mandamus (520) <input type="checkbox"/> Habeas Corpus (530) <input type="checkbox"/> Other (599) _____ | <p>Administrative Law/Relief</p> <ul style="list-style-type: none"> <input type="checkbox"/> Reinstate Driver’s License (800) <input type="checkbox"/> Judicial Review (810) <input type="checkbox"/> Relief (820) <input type="checkbox"/> Permanent Injunction (830) <input type="checkbox"/> Forfeiture-Petition (840) <input type="checkbox"/> Forfeiture—Consent Order (850) <input type="checkbox"/> Other (899) _____ | <p>Judgments/Settlements</p> <ul style="list-style-type: none"> <input type="checkbox"/> Death Settlement (700) <input type="checkbox"/> Foreign Judgment (710) <input type="checkbox"/> Magistrate’s Judgment (720) <input type="checkbox"/> Minor Settlement (730) <input type="checkbox"/> Transcript Judgment (740) <input type="checkbox"/> Lis Pendens (750) <input type="checkbox"/> Transfer of Structured Settlement Payment Rights Application (760) <input type="checkbox"/> Confession of Judgment (770) <input type="checkbox"/> Petition for Workers Compensation Settlement Approval (780) <input type="checkbox"/> Other (799) _____ | <p>Appeals</p> <ul style="list-style-type: none"> <input type="checkbox"/> Arbitration (900) <input type="checkbox"/> Magistrate-Civil (910) <input type="checkbox"/> Magistrate-Criminal (920) <input type="checkbox"/> Municipal (930) <input type="checkbox"/> Probate Court (940) <input type="checkbox"/> SCDOT (950) <input type="checkbox"/> Worker’s Comp (960) <input type="checkbox"/> Zoning Board (970) <input type="checkbox"/> Public Service Comm. (990) <input type="checkbox"/> Employment Security Comm (991) <input type="checkbox"/> Other (999) _____ |
| <p>Special/Complex /Other</p> <ul style="list-style-type: none"> <input type="checkbox"/> Environmental (600) <input type="checkbox"/> Automobile Arb. (610) <input type="checkbox"/> Medical (620) <input type="checkbox"/> Other (699) _____ <input type="checkbox"/> Sexual Predator (510) <input type="checkbox"/> Permanent Restraining Order (680) <input type="checkbox"/> Pharmaceuticals (630) <input type="checkbox"/> Unfair Trade Practices (640) <input type="checkbox"/> Out-of State Depositions (650) <input type="checkbox"/> Motion to Quash Subpoena in an Out-of-County Action (660) <input type="checkbox"/> Pre-Suit Discovery (670) | | | |

Submitting Party Signature: _____

Date: May 5th, 2017

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRPC, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

Effective January 1, 2016, Alternative Dispute Resolution (ADR) is mandatory in all counties, pursuant to Supreme Court Order dated November 12, 2015.

SUPREME COURT RULES REQUIRE THE SUBMISSION OF ALL CIVIL CASES TO AN ALTERNATIVE DISPUTE RESOLUTION PROCESS, UNLESS OTHERWISE EXEMPT.

Pursuant to the ADR Rules, you are required to take the following action(s):

1. The parties shall select a neutral and file a “Proof of ADR” form on or by the 210th day of the filing of this action. If the parties have not selected a neutral within 210 days, the Clerk of Court shall then appoint a primary and secondary mediator from the current roster on a rotating basis from among those mediators agreeing to accept cases in the county in which the action has been filed.
2. The initial ADR conference must be held within 300 days after the filing of the action.
3. Pre-suit medical malpractice mediations required by S.C. Code §15-79-125 shall be held not later than 120 days after all defendants are served with the “Notice of Intent to File Suit” or as the court directs.
4. Cases are exempt from ADR only upon the following grounds:
 - a. Special proceeding, or actions seeking extraordinary relief such as mandamus, habeas corpus, or prohibition;
 - b. Requests for temporary relief;
 - c. Appeals
 - d. Post Conviction relief matters;
 - e. Contempt of Court proceedings;
 - f. Forfeiture proceedings brought by governmental entities;
 - g. Mortgage foreclosures; and
 - h. Cases that have been previously subjected to an ADR conference, unless otherwise required by Rule 3 or by statute.
5. In cases not subject to ADR, the Chief Judge for Administrative Purposes, upon the motion of the court or of any party, may order a case to mediation.
6. Motion of a party to be exempt from payment of neutral fees due to indigency should be filed with the Court within ten (10) days after the ADR conference has been concluded.

Please Note: You must comply with the Supreme Court Rules regarding ADR. Failure to do so may affect your case or may result in sanctions.

STATE OF SOUTH CAROLINA)	
)	IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND)	
Cleveland Jackson,)	Case No. 2017-CP-40-
)	
Petitioner,)	
)	
v.)	SUMMONS
)	
Richland County, South Carolina and The State)	
of South Carolina (S.C. Department of)	
Transportation),)	
)	
Respondents.)	

TO: THE RESPONDENTS ABOVE NAMED:

YOU ARE HEREBY SUMMONED and required to answer the Petition to Close Road in the above entitled action, copy of which is herewith served upon you, and to serve copy of your answer upon the undersigned at their offices, Sowell Gray Robinson Stepp & Laffitte, LLC, P.O. Box 11449, Columbia, South Carolina 29211, within Thirty (30) days after service hereof upon you, exclusive of the day of such service, and if you fail to answer the Complaint within the time aforesaid, judgment will be rendered against you for the relief demanded in the Petition to Close Road.

YOU WILL ALSO TAKE NOTICE that the undersigned attorney on behalf of the Plaintiff herein, will seek the agreement and stipulation of all parties not in default for an Order of Reference to Master in Equity for Richland County stipulating that said Master may enter a final judgment in this case.



 J. Kershaw Spong [SC Bar # 5289]
 SOWELL GRAY ROBINSON STEPP & LAFFITTE, LLC
 P.O. Box 11449
 Columbia, SC 29211
 (803) 929-1400
 Email: kspong@sowellgray.com

Attorneys for the Petitioner

Columbia, South Carolina

May 5, 2017

STATE OF SOUTH CAROLINA)	
)	IN THE COURT OF COMMON PLEAS
COUNTY OF RICHLAND)	
Cleveland Jackson,)	Case No. 17-CP-40-
)	
Petitioner,)	
)	
v.)	PETITION TO CLOSE STREETS
)	(S.C. Code of Laws
Richland County, South Carolina and)	§57-9-10 et. seq.)
The State of South Carolina (S.C.)	
Department of Transportation),)	Non-Jury
)	
Respondents.)	
)	
)	

Petitioner, Cleveland Jackson alleges the following:

1. Petitioner is a citizen and resident of the County of Richland, State of South Carolina and owns property in Richland County, South Carolina.
2. This petition action is brought pursuant to S.C. Code of Laws §57-9-10 et. seq. for the closure of all or a portion of a certain public road.
3. Pursuant to that chapter of the S.C. Code of Laws, Petitioner has published the requisite newspaper notice of the closing of that portion of Appleton Lane, including any unopened portion thereof, as this road lies on his property.
4. A copy of the Affidavit of the publisher of The Columbia Star newspaper is attached as **Exhibit A** stating that the Notice of Intention To File Petition to Close Road was published on April 14, 21, and 28, 2017 (once a week for three consecutive weeks as required by statute) in that newspaper of general circulation in Richland County.
5. The said County is named as a Respondent in this petition as it may claim an interest in Appleton Lane (the "Road") to be closed and the road on information and belief is a

county maintained road; the road to be closed is roughly shown on **Exhibit B** attached hereto which designates Appleton Lane.

6. The land located on all sides of the Road (or portions thereof) to be closed, is owned by the Petitioner. No other landowners abut Appleton Lane.

7. The State of South Carolina through its agency, the South Carolina Department of Transportation, may have all or some of the affected Road within the state system for maintenance; and if so, it would be a necessary party to this action; and, therefore, it has been named as a party Respondent.

8. Petitioner has received no inquiries from anyone as a result of the newspaper notice publication. Petitioner seeks to close the road to prevent ongoing illegal dumping of trash which is creating a public safety and health hazard.

WHEREFORE, Petitioner prays that the Court make all inquiries it may require to execute an order to close all public and private rights in and to the Road, being all of Appleton Lane (as shown on **Exhibit B**) running through the Petitioner's land shown on Tract E on a plat recorded in the Office of the Register of Deeds on December 23, 1970 in Plat Book X at Page 1349.



J. Kershaw Spong [SC Bar #5289]
SOWELL GRAY ROBINSON STEPP &
LAFFITTE, LLC
P.O. Box 11449
Columbia, SC 29211
(803) 929-1400
Email: kspong@sowellgray.com

Attorneys for Petitioner

Columbia, South Carolina
May _____, 2017

Exhibit A

**NOTICE OF
INTENTION TO FILE
A PETITION TO
CLOSE ROAD**

State of South Carolina
County of Richland

NOTICE is hereby given that after publication of this Notice of Intention to File a Petition to Close Road once a week for three (3) consecutive weeks, Cleveland Jackson, will file in the Richland County Court of Common Pleas a Petition, pursuant to South Carolina Code Section 57-9-10, et. seq. (1976, as amended), to close that portion of Appleton Lane, including any unopened portion thereof, within the boundaries of real property owned by Cleveland Jackson as shown on a Boundary Survey prepared by Samuel G. Henry, dated February 26, 1886 and Jas. C. Covington dated February 4, 1927, compiled by J. P. Gaillard dated October 1933 and recorded in the Office of the Richland County Register of Deeds on December 23, 1970 in Plat Book X at Page 1349, and further described as: that certain piece, parcel or tract lying, being, situate, shown and designated as Tract "E" on said survey and containing one hundred twenty-six (126) acres, bounded and measured as follows: on the Northeast by Tract "F" designated Mrs. Ann F. D. Weston; on the Southeast by lands designated Harry W. Adams; on the Southwest by Trace "D", designated John A. Weston; and Northwest by lands designated Peter Garick.

TMS No. R27400-03-04

April 6, 2017

Cleveland Jackson

By his Attorney

J. Kershaw Spong, Esquire

Sowell Gray Robinson

Stepp & Laffitte, LLC

Post Office Box 11449

Columbia, South Carolina

29211

(803) 227-1101

THE COLUMBIA STAR

COLUMBIA, SOUTH CAROLINA

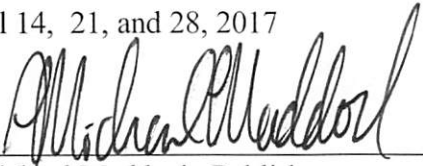
State of South Carolina
County of Richland

Personally appeared before me,
J. MICHAEL MADDOCK,
PUBLISHER OF THE COLUMBIA STAR,
who makes oath that the advertisement

NOTICE OF INTENTION TO FILE A PETITION TO CLOSE ROAD
Cleveland Jackson will file in Richland County to close a portion of
Appleton Lane, et al.

a clipping of which is attached hereto, was printed in
THE COLUMBIA STAR, a weekly newspaper of general circulation
published in the City of Columbia, State and County aforesaid, in the issues of

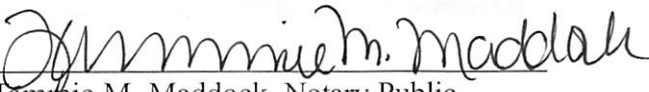
April 14, 21, and 28, 2017



J. Michael Maddock, Publisher

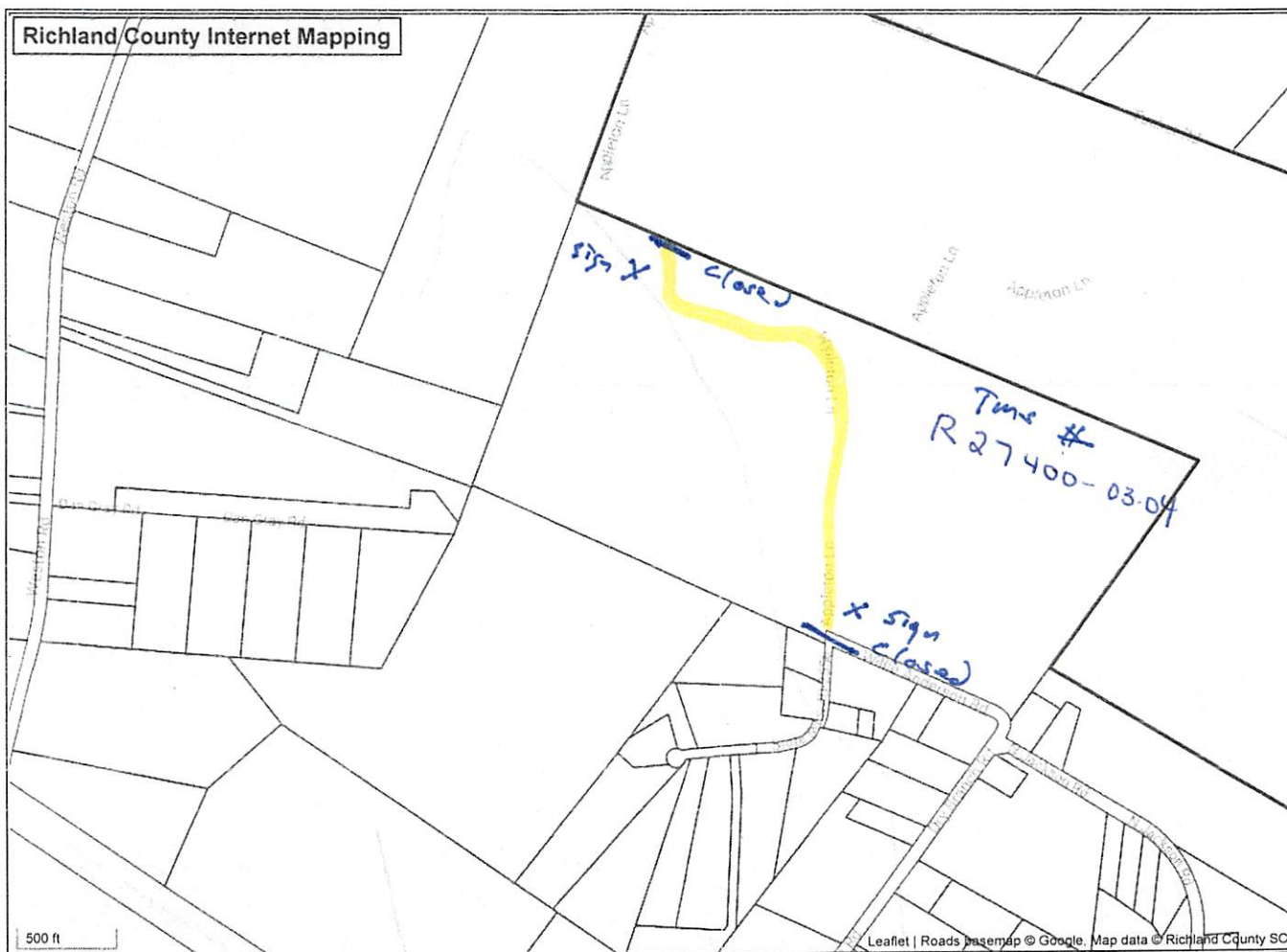
Sworn to before me on this

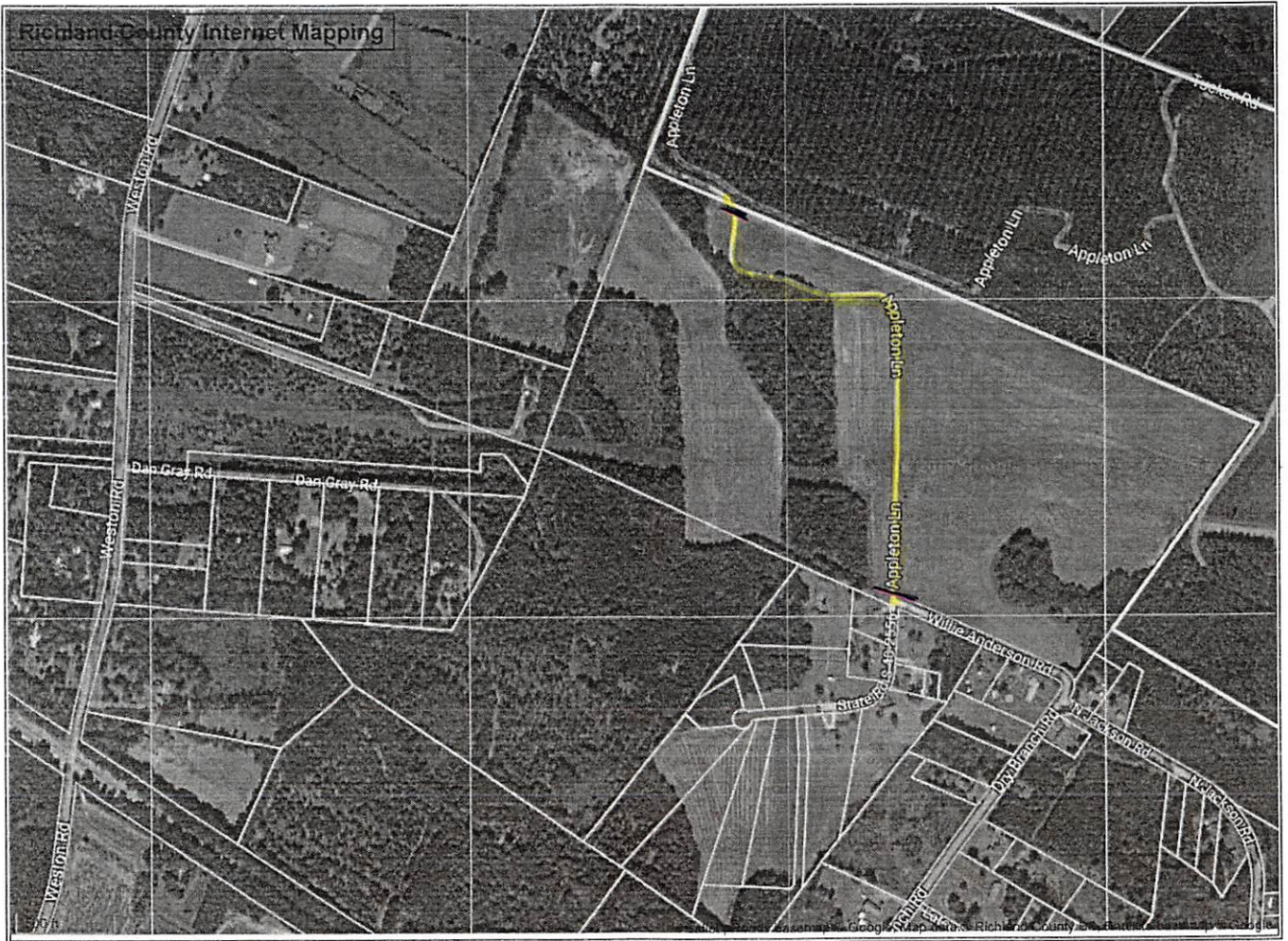
28th day of April, 2017.



Tammy M. Maddock, Notary Public
My commission expires June 27, 2026

Exhibit B







**RICHLAND COUNTY
GOVERNMENT**
Office of the County Administrator

REQUEST OF ACTION SUMMARY SHEET

Agenda Item No.: 4b Meeting Date: May 23, 2017

To: Seth Rose, Chair, Development and Services Committee
From: Lauren Hogan, Assistant County Attorney
Department: County Legal Department

Item Subject Title: Legal Department: Petition to Close Portion of Jilda Drive near Olga Rd.
Action Taken by None.
Committee previously:

- Options:**
1. Approve the request to close the portion of Jilda Drive near Olga Road.
 2. Do not approve the request and contest the matter in circuit court.

Motion Requested Today: Staff does not have a recommended motion as this is related to a petition to close a portion of a road in accordance with Richland County Code of Ordinances (Roads, Highways and Bridges) section 21-14

Staff Recommendation: Council discretion. Staff will proceed as directed by County Council.

Impact of Action: Operating Budget: Not applicable.

Capital Budget: Not applicable.

Funding Amount/Source: There is no apparent financial impact associated with this request.

Requested by: County Legal Department

Staff Representative: Larry Smith, County Attorney

Outside Representative: None.

List of Attachments:

1. Detailed Request of Action
2. Proposed Petition

5/15/17
Date Submitted

Brandon Madden
Approved by the County Administrator's Office

7
Council District



REQUEST OF ACTION

Subject: Legal Department: Petition to Close Portion of Jilda Drive near Olga Road.

A. Purpose

County Council is requested to approve, deny or make a recommendation with respect to a Petition to close a portion of Jilda Dr. near Olga Rd. in accordance with Richland County Code of Ordinances (Roads, Highways and Bridges) section 21-14. See attached for proposed Petition.

B. Background / Discussion

Richland County Code of Ordinances (Roads, Highways and Bridges) section 21-14 requires the County Attorney to consult with the County's Planning, Public Works and Emergency Services departments and to forward the request to abandon or close a public road or right-of-way to County Council for disposition. All afore-mentioned departments have been informed of the ROA for input and none have an objection. The surrounding property will have one owner as the Plaintiff is under contract to purchase all property outlined in blue (see attachments). Although the dirt road is located in Richland County, it does not appear to be owned by Richland County, nor has there been any maintenance by Richland County. Additionally, another portion of Jilda Drive was previously closed with Council consent in 2016.

There is no apparent financial impact associated with this request.

C. Legislative / Chronological History

There is no legislative / chronological history associated with this request.

D. Alternatives

1. Approve the request to close the portion of Jilda Drive near Olga Road.
2. Do not approve the request and contest the matter in circuit court.

E. Final Recommendation

Council's discretion.

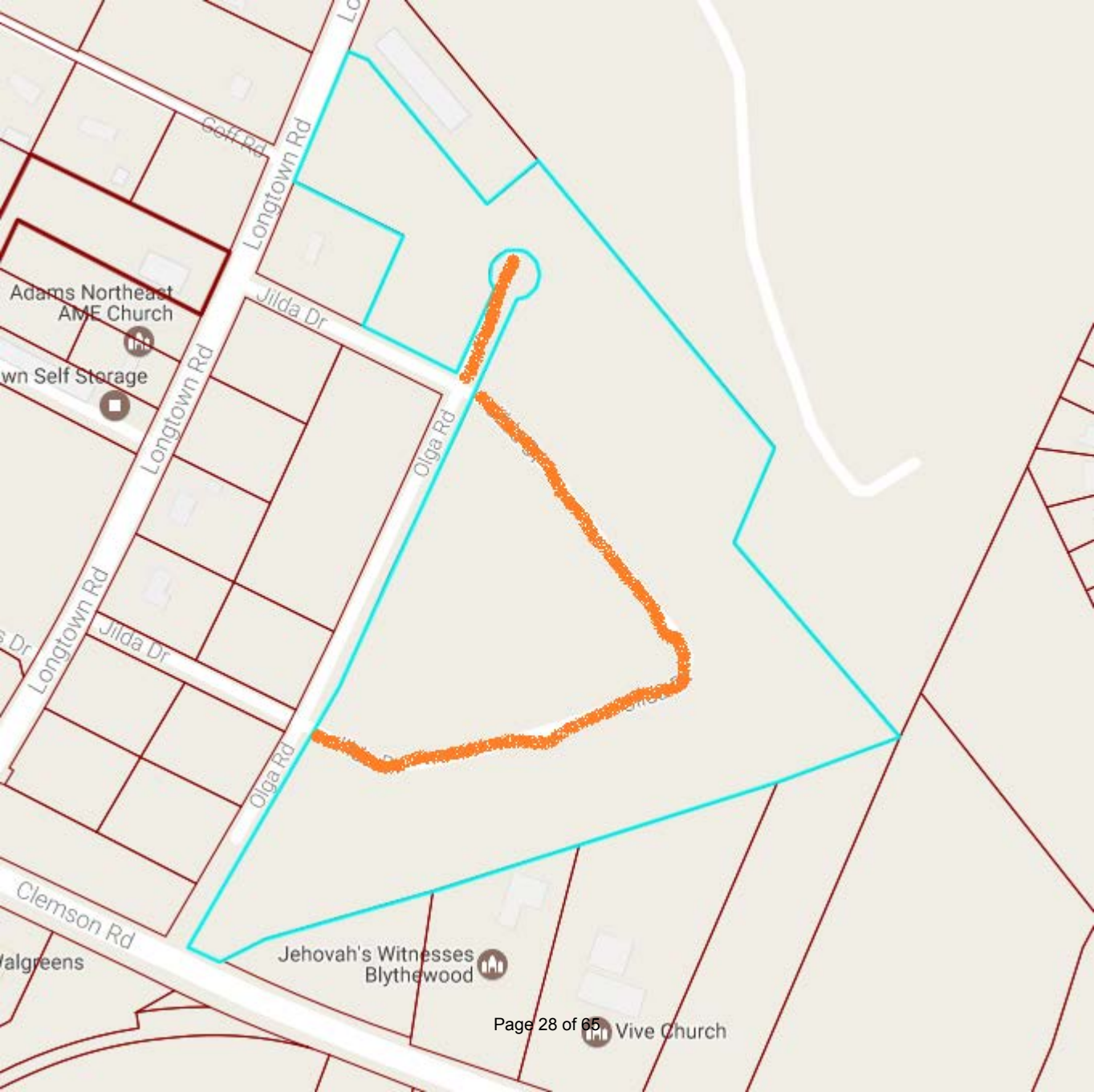


The Subdivision Plat shown hereon has been found to be exempt from the Richland County Subdivision Regulations.
 May 17 1973
 J. D. Stump, Staff Advisor
 Name, Title

Plat Of Suggested Subdivision For
"TERRY ACRES"
 Killian Community, Near Columbia, S.C.
 W. D. Grimsley, Developer
 Scale: 1" = 100' March 15, 1969
 By Cecil Engineering Co.

Note:
 Location of Station Points
 Indicated by ©
 Location of Survey
 Indicated by *





Adams Northeast
AME Church

Self Storage

Jehovah's Witnesses
Blythewood

Vive Church





**RICHLAND COUNTY
GOVERNMENT**
Office of the County Administrator

REQUEST OF ACTION SUMMARY SHEET

Agenda Item No.: 4c Meeting Date: May 23, 2017

To: Seth Rose, Chair, Development and Services Committee
From: Brad Farrar, Assistant County Attorney
Department: County Legal Department

Item Subject Title: Legal Department: Road Closing of an Alleyway in the Vicinity of 5313 Two Notch Road.

Action Taken by Committee previously: None.

- Options:**
1. Approve the request to close the alleyway in the vicinity of 5313 Two Notch Road.
 2. Do not approve the request to close the alleyway in the vicinity of 5313 Two Notch Road.

Motion Requested Today: Staff does not have a recommended motion as this is related to a petition to close a portion of a road in accordance with Richland County Code of Ordinances (Roads, Highways and Bridges) section 21-14

Staff Recommendation: Council discretion. Staff will proceed as directed by County Council.

Impact of Action: Operating Budget: Not applicable.

Capital Budget: Not applicable.

Funding Amount/Source: There is no apparent financial impact associated with this request.

Requested by: County Legal Department

Staff Representative: Larry Smith, County Attorney

Outside Representative: None.

List of Attachments:

1. Memorandum from County Legal Department

4/21/17
Date Submitted

Brandon Madden
Approved by the County Administrator's Office

3
Council District

The County of Richland



OFFICE OF THE COUNTY ATTORNEY

MEMORANDUM

From: Bradley T. Farrar, Chief Deputy County Attorney

To: Richland County Council

Date: April 21, 2017

Re: Road Closing Action Pursuant to S.C.Code Ann. 57-9-10 *et seq.* and Richland County Code of Ordinances Section 21-14

This memorandum is intended to provide non-attorney-client privileged information relative to a road closing action Richland County is a party to in the Circuit Court case of *Larry A. Pyle et al. vs. Richland County, South Carolina et al.*, Civil Action No.: 2017-CP-40-0431. Our Office received the attached complaint for this road closing involving an alleyway in the vicinity of 5313 Two Notch Road, Albritton Road and Ferrell Drive, as described in the lawsuit.

Richland County Code of Ordinances (Roads, Highways and Bridges) Section 21-14, "Abandonment of public roads and right-of-ways," provides:

- (a) Any person or organization wishing to close an existing public street, road, or highway in the county to public traffic shall Petition a court of competent jurisdiction in accordance with section 57-9-10 *et seq.*, of the state code of laws...The county attorney shall advise the court with regard to the county's concurrence or opposition after consultation with the county's planning, public works, and emergency services departments, and after consideration by county council.

County Public Works, Planning and Emergency Services officials have reviewed the road closing complaint and have advised that they do not oppose the relief requested by the Plaintiff.

Consideration by County Council is the remaining step in the review process outlined above. Thank you.

2020 Hampton Street, Suite 4018*Post Office Box 192*Columbia, South Carolina 29202
(803)576-2070*Fax (803)576-2139

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

**LARRY A. PYLE AND ASSOCIATES, INC.
A/K/A LARRY A. PYLE & ASSOCIATES,
INC.,**

Plaintiff,

vs.

**RICHLAND COUNTY, SOUTH CAROLINA;
MADDOX, NEAL & DAY, INC.; HATTIE
KINLEY; COMMUNITY ASSISTANCE
PROVIDER; CLIF ANDERSON; CURTIS
COLLINS; WILLIE L. COLLINS; IZOLA D.
GIST; BETTY G. HALL; RUFFTH R. SHELL;
BARBARA M. SHELL; CECILY BAXLEY
JOHNSON, HER UNKNOWN HEIRS,
DEWISEES, GRANTEES OR ASSIGNEES;
BANKERS TRUST OF SOUTH CAROLINA,
NOW BANK OF AMERICA, AS TRUSTEE
UNDER THE TRUST AGREEMENT
BETWEEN MANNING H. BAXLEY AND
BEULAH B. BAXLEY DATED NOVEMBER 2,
1977, ANY UNKNOWN BENEFICIARIES OR
ASSIGNEES OF SUCH TRUST OR
SUCESSOR TRUSTEE(S) ; ROCKY WAYNE
OWEN; MICHAEL LAYNE OWEN;
RHONDALYN S. OWEN; THE HEIRS OR
DEWISEES OF ANY PARTY NOW
DECEASED; AND ANY TOTHER PERSONS
OR ENTITIES UNKNOWN CLAIMING ANY
RIGHT, TITLE, INTEREST, IN OR LIEN
UPON THE REAL ESTATE, ROADWAY,
DRIVEWAY OR ALLEY DESCRIBED
HEREIN, ALL BEING AS A CLSSS
DESIGNATED AS "JOHN DOE" AND ANY
UNKNOWN INFANTS OR PERSONS UNDER
A DISABILITY, BEING AS A CLASS
DESIGNATED AS "RICHARD ROE",**

Defendants.

**IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT**

Case# 2017-CP-40-00431

COMPLAINT

(NON-JURY)

ALLEYWAY/DRIVEWAY

CLOSURE

QUIET TITLE

2017 MAR 15 PM 3:26
JANETTE R. HOGAN
CLERK, C.S.

The Plaintiff, complaining of the Defendants above-named would respectfully show unto this Honorable Court as follows:

1. Plaintiff Larry A. Pyle and Associates, Inc. a/k/a Larry A. Pyle & Associates (herein collectively Pyle and Associates) is a corporation organized and existing under the laws of the State of South Carolina, and doing business and owning property in the County of Richland, State of South Carolina.

2. Defendant Richland County is a political entity and subdivision of the State of South Carolina.

3. Defendant Maddox, Neal and Day, Inc. is a South Carolina corporation doing business in South Carolina and owns property adjacent to and abutting the Property which is the subject to this action.

4. Defendant Community Assistance Provider is a South Carolina nonprofit corporation doing business in South Carolina and owns property adjacent to and abutting the Property which is the subject to this action.

5. Defendants Hattie Kinley, Clif Anderson, Curtis Collins, Willie L. Collins, Izola D. Gist, Betty G. Hall, Ruffth R. Shell, and Barbara M. Shell are, on information and belief, residents of the State of South Carolina and own property adjacent to and abutting the Property which is the subject to this action.

6. Cecily Baxley Johnson, on information and belief, is or was a resident of the State of South Carolina and she or her heirs, devisees, grantees or assigns may have an interest in and to the Property which is the subject to this action.

7. Bankers Trust of South Carolina, now Bank of America, as Trustee under the Trust Agreement between Manning H. Baxley and Beulah B. Baxley dated November 2, 1977, and any unknown beneficiaries or assigns of such Trust or successor Trustee(s) may have an interest in the Property which is the subject to this action.

8. Rocky Wayne Owen, Michael Layne Owen, and Rhondalyn S. Owen are, on information and belief, residents of the State of South Carolina and may claim some interest in the Property which is the subject to this action.

9. Any and all persons unknown or heirs or devised of any party now deceased claiming any right, title, interest, estate in or lien upon the Property, alleyway or driveway, and any unknown adults are made Defendants in this action by designation as a class as John Doe. Any unknown infants or persons under legal disability are made defendants in this action and designated as a class as Richard Roe.

10. Any Defendant described herein as a judgment creditor(s) has, by filing the judgment(s), designated the attorney(s) entering the judgment(s) as their agent for service of process pursuant to the provisions of Section 15-35-840 of the S.C. Code of Laws (1976) as amended.

11. The real property hereinafter described, which is the subject of this action, is situated and located in the County of Richland, State of South Carolina and described as follows:

All that certain piece, parcel, alleyway or driveway of land situate, lying and being in the County of Richland, State of South Carolina, lying northwest of U.S. Highway Number 1, being approximately twenty (20) feet in width and running between the southwestern right-of-way of Street (now Albritton Road) and the property formerly of Gee, latter of Faust (now the rear property lines of property designated as 401 Ferrell Drive (Richland County Tax Map Numbers 14108-1-32 and 403 Ferrell Drive (Richland County Tax Map Numbers 14108-1-33) as shown and designated as a "Driveway" on that certain plat prepared for M. H. Baxley by

James C. Covington dated May 4, 1946 recorded in the Office of the Register of Deeds for Richland County in Book K at page 170 and also shown on Richland County Tax Map Sheet 14108, Block 1 (the "Property").

12. A copy of that certain plat prepared for M. H. Baxley by James C. Covington dated May 4, 1946 recorded in the Office of the Register of Deeds for Richland County in Book K at page 170, being attached hereto as **Exhibit A** and incorporated herein by reference as if fully set forth herein.

13. A copy of Richland County Tax Map Sheet 14108, Block 1, being attached hereto as **Exhibit B** and incorporated herein by reference as if fully set forth herein.

14. On or about January 29, 1986, the Plaintiff acquired title to 5313 Two Notch Road (TMS 14108-01-38) by deed of James C. Harrison, Jr. as Master for Richland County on Complaint of I. S. Levy Johnson, as Trustee, recorded in the Office of the Register of Deeds for Richland County on January 31, 1986 in Book D778 at Page 459, the property being continuous to and abutting the Property on the Southeast. A copy of the deed being attached hereto as **Exhibit C** and incorporated herein by reference as if fully set forth herein.

15. Thereafter on or about June 11, 2015, the Plaintiff acquired title to 5311 Two Notch Road (TMS 14108-01-37) and 405 Ferrell Drive (TMS 14108-01-34) by deeds of Michael Wayne Owen and Rhondalyn S. Owen dated June 11, 2015 recorded in the Office of the Register of Deeds for Richland County on June 15, 2015 in Book 2035 at Pages 1296 and 1262, the property being the greater portion of Lot A more fully shown on a plat of West Bayview by J. C. Covington, C.E. dated March 18, 1949, recorded in Book L at page 166. The 5311 Two Notch Road (TMS 14108-01-37) property being continuous to and abutting the Property on the Southeast. A copy of the deed being attached hereto as **Exhibit D** and incorporated herein by

reference as if fully set forth herein.

16. Based upon a search of the public records of Richland County, all persons or entities having the right to utilize, an interest or lien or possible claim in or upon the Property as of the date and time of the filing of the Lis Pendens and Amended Lis Pendens herein have been made Defendants.

17. Defendant Richland County is a party to this action in that the driveway or alleyway, described as the Property, may have been dedicated for public use by the recording of plats of record showing the "Driveway" or the use thereof which could be construed as a dedication to the public; however, neither a dedication to nor accepted by Defendant Richland County has been found of record; further Richland County has neither maintained nor asserted control over the Property.

18. Plaintiff is informed and believes that the claims and rights, if any, of the Defendants and those of Defendants unknown designated as a class as John Doe and Richard Roe are inferior or extinguished and subject to the rights of the Plaintiff, but such persons are made party Defendants in order that they may be present and assert any rights and claims they may have with respect to the Property.

FOR A FIRST CAUSE OF ACTION
(Closure of Driveway/Alleyway)

19. Each and every allegation of the Complaint as set forth in paragraphs 1 through 18 is hereby reiterated as if set forth herein verbatim.

20. The Plaintiff is informed and believes that use of the Property, if any, as a public

street or thoroughfare either by the general public or the abutting property owners has been extremely limited since its construction.

21. The terminus of the Property has always been and continues to be at the rear lot line of private property known as 403 Ferrell Drive (TMS 14108-01-33) thereby forever preventing the Property from use as a "through street".

22. Following acquisition of 5313 Two Notch Road (TMS 141098-01-38) by the Plaintiff in 1986, access to the Property has been and continues to be controlled by gates located both at the terminus of Plaintiff's property line and at the entrance from Albritton Road, said gates having been erected by the Plaintiff in approximately 1987 and have been locked or otherwise provided controlled access to the Property.

23. All parties adjacent to and abutting the Property, except for the Plaintiff, have access to their property for purposes of ingress and egress, without utilizing the Property which is the subject of this action for such purposes.

24. The only party having access to the Property, other than the Plaintiff, are agents of SC Electric & Gas Company for purposes of meter reading with permission of the Plaintiff and via keys, provided by Plaintiff, to the locked gates.

25. Notice of Intent to File Petition for Closure of Alleyway/Driveway relative to the Property was duly sent, by registered mail, return receipt requested, on January 26, 2017 to the last known address of all abutting property owners whose property adjoins, abuts or would be affected by the closure of the alleyway/driveway as required by S.C. Code of Laws, Section 57-9-10.

26. A Notice of Intent to File Petition for Closure of Alleyway/Driveway relative to

the Property was duly made and published in the Columbia Star, a newspaper of general circulation in Richland County on February 10, 17 and 24, 2017, an affidavit of publication thereof by the publisher of the Columbia Star having been duly filed with the Court.

27. The Plaintiff is informed and believes that the interest of all concerned would be best served by this Court issuing its order closing the Alleyway/Driveway, terminating any county easement or right-of-way, releasing the county from any and all obligations to maintain the roadway, if any, and forever barring future use by the general public or abutting property owners as a street, thoroughfare, driveway, alleyway or for any other purposes.

FOR A SECOND CAUSE OF ACTION
(Quiet Title Adverse Possession)

28. Each and every allegation of the Complaint as set forth in paragraphs 1 through 27 is hereby reiterated as if set forth herein verbatim.

29. Upon information and belief, the Plaintiff has possessed the Property to the exclusion of all others since 1987 through the present day and that such period of the Plaintiff's holding and adversely possessing of the Property has exceeded the term of the (10) years.

30. Upon information and belief, the Plaintiff has had actual possession of the Property from 1987 through the present date, that such actual possession consisted of daily control of the Property, exclusive access and enjoyment of the Property, construction, maintenance and replacement of gates deny access to others, and all other elements of ownership.

31. The Plaintiff has had open and notorious possession of the Property from 1987 through the present, and that such open and notorious possession consisted of, but not limited to, the Plaintiff's complete and sole control over the Property.

32. That all other parties had notice thereof or should have had notice thereof, or would have been aware of the adverse character of the Plaintiff's possession of the Property with the exercise of reasonable and ordinary diligence.

33. The Plaintiff has had hostile possession of the Property from 1987 through the present time, that such hostile possession consists of the Plaintiffs' exclusive control of the Property as its own property and the installation of gates that have existed since 1987 controlling ingress and egress exclusively for use by the Plaintiff and its permittees, invitees, and otherwise exercising all incidents of ownership.

34. That the Plaintiff has had continuous possession and control of the Property from 1987 through the present, consisting of the exclusive use, possession and control of the Property except for limited periods for gate replacement or use by vagrants.

35. That the Plaintiff has had exclusive possession of the Property from 1987 through the present, such exclusive possession was without permission or acknowledgement of any other party.

36. The Plaintiff's possession and use of the Property for a period greater than ten (10) years and that such possession was actual, open, notorious, hostile, continuous, and exclusive.

**FOR A THIRD CAUSE OF ACTION
(Quiet Title Presumption of Grant)**

37. Each and every allegation of the Complaint set forth in paragraphs 1 through 36 is hereby reiterated as if set forth herein verbatim and specifically all allegations set forth in the

First and Second Causes of Action.

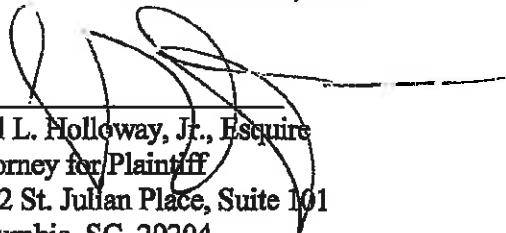
38. That the Plaintiff has had continuous possession, use and control of the Property, as set forth herein, for a period greater than twenty (20) years.

HEREFORE, having fully set forth its complaint, the Plaintiff prays that this Honorable Court inquire into the matters set forth herein and that:

- (1) Closing the alleyway/driveway and terminating any easement or right-of-way granted to Richland County due to recording of any plat or otherwise;
- (2) Declaring the Plaintiff to be the lawful and sole owner of the Roadway and the Property, in fee simple absolute to the complete exclusion of all others for any and all purposes, including, but not limited to, any right, title, claim, interest, or lien in and to the Property which may be claimed by any Defendant, or by any other person or entity, and /or barring any basis to assert same, together with any interest of the classes of persons herein described a John Doe or Richard Row who may be entitled to or claim any interest therein, and all other Defendants; and
- (3) For such other and further relief as may be just and proper.

HOLLOWAY LAW OFFICES, LLC

By: _____


Carl L. Holloway, Jr., Esquire
Attorney for Plaintiff
1712 St. Julian Place, Suite 101
Columbia, SC 29204
(803) 929-1191

Columbia, South Carolina
March 14, 2017

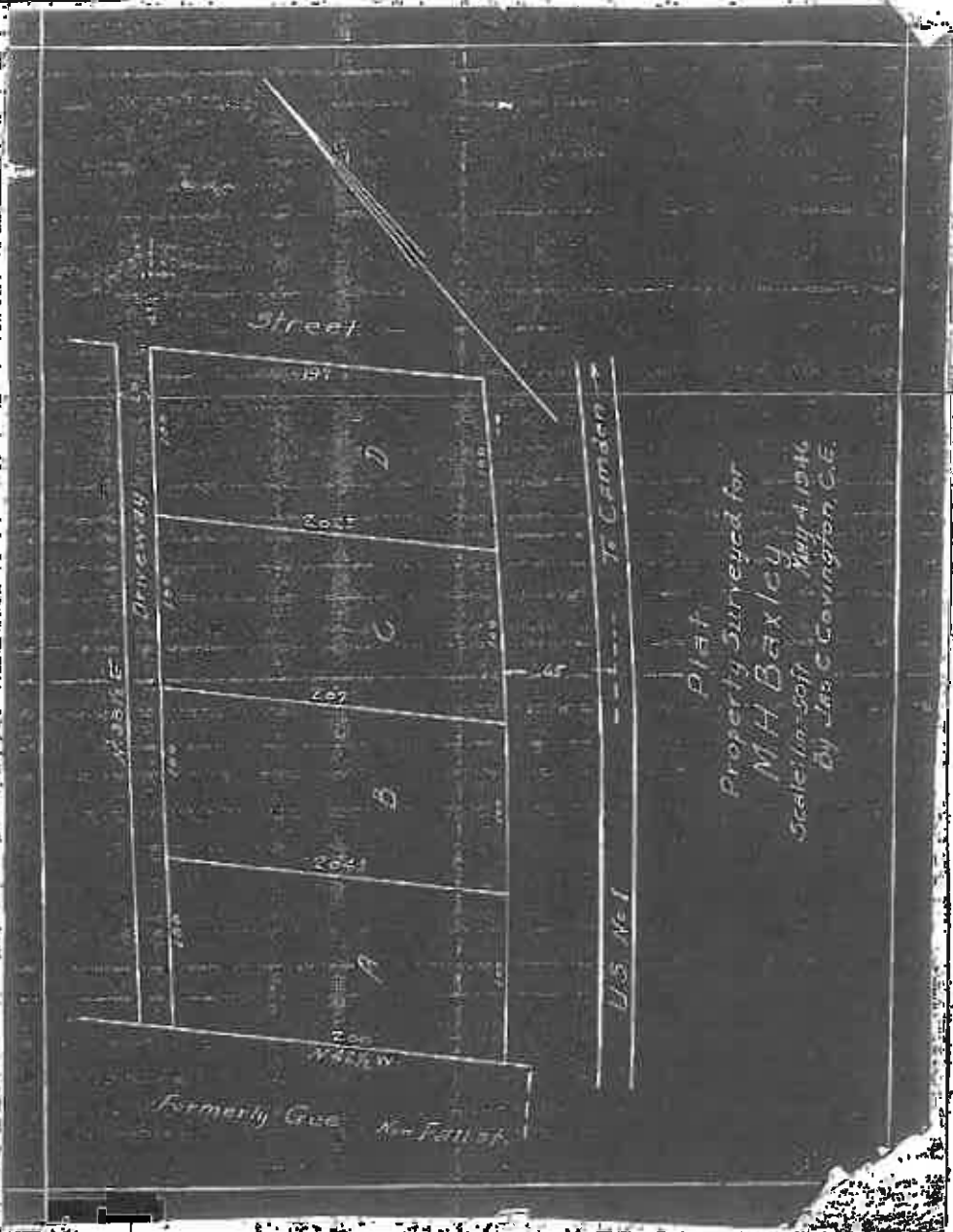
SPANN HAMMOND \$1.00

DEPT. OF REVENUE

CHICAGO, ILL.

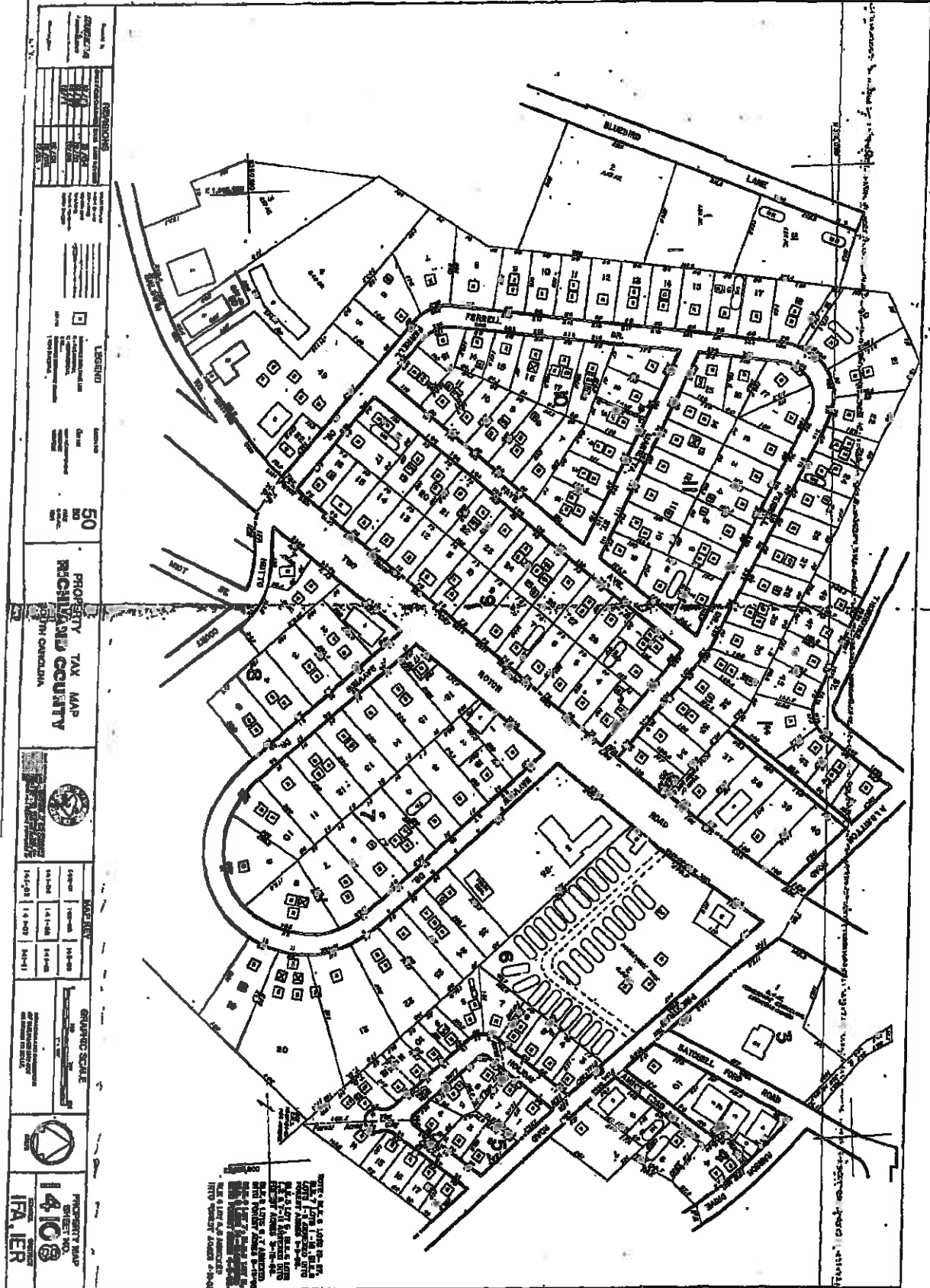
Kp 170

Kp 170



Plat
 Property Surveyed for
 M.H. Baxley
 Scale 1/4" = 50' May 4, 1916
 By Jas. C. Covington C.E.

EXHIBIT



890 D0778-159

D778 p. 459



1986 JAN 31 11:32

STATE OF SOUTH CAROLINA
RICHLAND COUNTY

To all to whom these Presents shall come, or be made known, or whom the same may in any wise concern:

I, JAMES C. HARRISON, JR., Master in Equity for the County of Richland, in the said State, send Greetings:

WHEREAS, I. S. Leevy Johnson, on behalf of himself as Executor of the Estate of Robert L. Simons, deceased, and as Representative of the Beneficiaries named in Item 7 of the Last Will and Testament of Robert L. Simons, deceased, etc.,

as Plaintiff/s, on or about the 30th day of August, 19 85, did file his

Complaint in the Court of Common Pleas at Columbia, in the County of Richland, and State aforesaid against, Mae Duncan, Mollie Brown, Jennie Williams, Ruth Taylor, Louise Harrison, Alma Hart, Vivienne S. Adams, Alton Harrison, Mabie Mabry, Corrine Risdon and Pearl Cummings; also, all other persons claiming any right, title, interest in or lien upon the real estate described herein; any unknown adults as a class being designated John Doe; and any unknown infants or ~~persons~~ persons under disability as a class being designated Richard Roe, as defendants.

And after full hearing of the issues, the Honorable JAMES C. HARRISON, JR., Judge of said Court, on December 31, 1985 Did Order, Adjudge, and Decree that the property more particularly hereinafter set forth and described, should be sold by said JAMES C. HARRISON JR., as Master in Equity for Richland County, on the term and for the purposes mentioned in the order and/or orders in the case made;

And pursuant to said order, I, JAMES C. HARRISON, JR., as Master in Equity for Richland County, do hereby convey the entire fee simple interest

the said premises unto Larry A. Pyle & Associates, Inc., Its Successors and Assigns

for the sum of Twenty-four Thousand (\$24,000.00) Dollars.

NOW, KNOWN ALL MEN, That I, the said JAMES C. HARRISON, JR., Master in Equity for the said County, in consideration of the aforesaid premises, and also in consideration of the said sum of Twenty-four Thousand (\$24,000.00)

Dollars to me paid by the said Larry A. Pyle & Associates, Inc., Its Successors
and Assigns

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

LARRY A. PYLE & ASSOCIATES, INC.
Its Successors and Assigns

All that certain piece, parcel or lot of land situate, lying and being on the northern side of U.S. Highway No. 1, about three (3) miles East of the City of Columbia, in the County of Richland, State of South Carolina, commonly known as No. 5313 Two Notch Road, TMS #14108-1-38; shown and designated as Lot "B" on a plat of property of M.H. Baxley, made by J.C. Covington, C.E., dated May 4, 1946 and recorded in the office of Register of Mesne Conveyance for Richland County in Plat Book "K", at page 170; bounded North by a driveway, measuring thereon one hundred (100') feet; East by Lot "C", measuring thereon two hundred seven (207') feet; South by U.S. Highway No. 1, fronting thereon one hundred (100') feet; and West by Lot "A", measuring thereon two hundred seven (207') feet; be all said measurements more or less.

This is identical property conveyed to Albertha H. Simons a/k/a Bertha H. Simons by deed of M. H. Baxley of record in Richland County R.M.C. office in Deed book "GP", page 304. See also Estate of Robert L. Simons, Richland County Probate Court Box 1115, Package 30117.

This conveyance is made subject to all liens for taxes and assessments due on said property.

This conveyance is also made subject to all restrictions and easements ~~of record~~ and all easements and restrictions of record.

TOGETHER with all and singular the hereditaments, rights, members and appurtenances whatsoever to the said lot or tract of land belonging, or in any wise incident or appertaining, and the reversions and remainders, rents,

issues and profits thereof; and also any estate, right, title, interest, dower, possession, benefit, claim the same or any part thereof, by, from or under them, or either of them.

TO HAVE AND TO HOLD the said property, with its hereditaments, privileges, and appurtenances, unto the said LARRY A. Pyle & Associates, Inc., Its Successors and Assigns

for their own proper use, benefit and behoof, forever.

IN WITNESS WHEREOF, I, the said JAMES C. HARRISON, JR.,

Master in Equity for Richland County, under and by virtue of the said Decree, have hereunto set my Hand and Seal, at Columbia, S.C., the 29th day of January in the year of our Lord one thousand nine hundred ^{two} eighty-six, and in the 505 hundred and tenth year of Sovereignty and Independence of the United States of America.

SIGNED, SEALED and DELIVERED in the Presence of:

Edna R. Vaughn
Joyce F. Goodwin

James C. Harrison, Jr. (L.S.)
As Master in Equity for Richland County

STATE OF SOUTH CAROLINA }
RICHLAND COUNTY }

PERSONALLY appeared Edna R. Vaughn and made oath that she saw JAMES C. HARRISON, JR., as Master in Equity for Richland County, sign, seal, and deliver the within deed; and that deponent together with Joyce F. Goodwin, signed their names as witnesses thereto.

SWORN to and SUBSCRIBED before me, this 29 day of January A.D. 1986

Joyce F. Goodwin (L.S.)
NOTARY PUBLIC FOR SOUTH CAROLINA

Edna R. Vaughn

Prepared by, recorded by,
and to be returned to:

Smith, McLean & Hungiville, P.A.
1404 Laurel Street
Columbia, SC 29201-2516

15RE0225

Book 2035-1296
2015044116 06/15/2015 13:45:38:737
Fee: \$10.00 County Tax: \$24.75 Deed
State Tax: \$58.90

2015044116 John T. Hopkins II
Richland County R.O.D.

Space above this line for recording information

State of South Carolina)
County of Richland)

TITLE TO REAL ESTATE

KNOW ALL MEN BY THESE PRESENTS, that Michael Layne Owen and Rhondalyn S. Owen, (hereinafter called "Grantor"), in consideration of Twenty Two Thousand Five Hundred and 00/100 Dollars (\$22,500.00), to the Grantor in hand paid at and before the sealing of these presents, by Larry A. Pyle and Associates, Inc. (hereinafter called Grantee) in the State aforesaid, the receipt of which is hereby acknowledged, has granted, bargained, sold, and released, and by these presents does grant, bargain, sell and release unto

Larry A. Pyle and Associates, Inc.,

All that piece, parcel or lot of land, with the improvements thereon, situate, lying and being near the City of Columbia, County of Richland, State of South Carolina, being and comprising the greater portion of Lot A as shown on a plat of Re-Subdivision of Lots 1 and 2 of West Bayview made by J. C. Covington, C.E., dated March 18, 1947 and recorded in the Office of the Register of Deeds for Richland County in Plat Book L at page 166. Said lot being most recently shown on a plat prepared for Larry A. Pyle and Associates, Inc., by Baxter Land Surveying Co., Inc., dated May 29, 2015, to be recorded. Said plats are specifically incorporated herein and reference is craved thereto for a more complete and accurate description of the premises. Be all measurements a little more or less.

DERIVATION: This being the same property conveyed to Michael Layne Owen (1/3) and Rhondalyn S. Owen (2/3) by deed of J. Edward Joye and William Roberts Green, dated October 5, 1976 and recorded in the Office of the ROD for Richland County on October 5, 1976 in Record Book D399 at page 416; and by deed of The Estate of Joyce

15RE0225

Diane Simmons Owen, dated January 19, 2000 and recorded in the Office of the ROD for Richland County on February 22, 2000 in Record Book 386 at page 634; and by deed of Marie Louise Pedings dated August 13, 1986 and recorded in the Office of the ROD for Richland County on August 13, 1986 in Record Book D805 at page 276; and also by deed of The Estate of Joyce Dianne Simmons Owen dated January 19, 2000 and recorded in the Office of the ROD for Richland County on February 22, 2000 in Record Book 386 at page 634; and also by deed of The Estate of Wallace Whaley Owen dated October 4, 2002 and recorded in the Office of the ROD for Richland County on October 23, 2002 in Record Book 717 at page 185; and also by deed of Rocky Wayne Owen ET AL, Trustees, dated October 2, 2002 and recorded in the Office of the ROD for Richland County on October 23, 2002 in Record Book 717 at page 191; and also by deed of Rocky Wayne Owen to Richard Steve Owen (1/3), dated May 9, 2005 and recorded in the Office of the ROD for Richland County on June 22, 2005 in Record Book 1065 at page 3698; and also by deed of The Estate of Richard Steve Owen to Rhondalyn S. Owen, dated March 5, 2015 and recorded in the Office of the ROD for Richland County on March 5, 2015 in Record Book 2010 at page 373.

TMS# 14108-01-37

Property Address: 5311 Two Notch Road, Columbia, SC 29223

This conveyance is made subject to any restrictions, reservations, zoning ordinances or easements that may appear of record on the recorded plats or on the premises.

Grantee's Address: ~~5226 Two Notch Road~~ PO Box 4720
~~Columbia, SC 29204~~ Columbia SC 29240

TOGETHER with all and singular the rights, members, hereditaments and appurtenances to said premises belonging or in any wise incident or appertaining;

TO HAVE AND TO HOLD all and singular the premises before mentioned unto the Grantee, and the Grantee's heirs and assigns forever. And the Grantor do hereby bind the grantor and the grantor's heirs or successors, executors and administrators to warrant and forever defend all and singular said premises unto the Grantee and the Grantee's heirs or successors and against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Any reference to this instrument to the singular shall include the plural, and vice versa. Any reference to one gender shall include the others, including the neuter. Such words of inheritance shall be applicable as are required by the gender of the Grantee.

WITNESS the Grantor's hands and seals this the 11 day of June, 2015.

SIGNED, SEALED AND DELIVERED
in the presence of:

Michael Layne Owen
Michael Layne Owen

Rhondalyn S. Owen
Rhondalyn S. Owen

Natele B. Bawd
Witness to both

C
Witness to both

State of South Carolina)
County of Richland)

PROBATE

PERSONALLY APPEARED BEFORE ME the undersigned witness and made oath that (s)he saw the within-named Michael Layne Owen and Rhondalyn S. Owen sign, seal, and, as their act and deed, deliver the within-written Title to Real Estate, and that (s)he, with the other witness subscribed above, witnessed the execution thereof.

Natele B. Bawd
Witness

SWORN to before me this 11
June, 2015.

C (SEAL)
Notary Public for the State of South Carolina
My Commission Expires: 8-8-21



**RICHLAND COUNTY
GOVERNMENT**
Office of the County Administrator

REQUEST OF ACTION SUMMARY SHEET

Agenda Item No.: 4d Meeting Date: May 23, 2017

To: Seth Rose, Chair, Development and Services Committee
From: Elizabeth McLean, Assistant County Attorney
Department: County Legal Department

Item Subject Title: An Ordinance authorizing deed to the City of Columbia water lines for Ballentine Branch Library Dutch Fork Road; Richland County TMS#03303-01-06 & 02 (Portion); CF#336-15

Action Taken by Committee previously: None.

- Options:**
1. Consider the request and recommend that Council provide first reading of the ordinance.
 2. Consider the motion and do not recommend that Council provide first reading of the ordinance.

Motion Requested Today: Staff recommends Council approval of the ordinance

Staff Recommendation: Approve motion request.

Impact of Action: Operating Budget: Not applicable.

Capital Budget: Not applicable.

Funding Amount/Source: There is no apparent financial impact associated with this request.

Requested by: County Legal Department

Staff Representative: Larry Smith, County Attorney

Outside Representative: None.

List of Attachments:

1. Detailed Request of Action
2. Draft Ordinance

5/15/17
Date Submitted

Brandon Madden
Approved by the County Administrator's Office

1
Council District



REQUEST OF ACTION

Subject: An Ordinance authorizing deed to the City of Columbia water lines for Ballentine Branch Library Dutch Fork Road; Richland County TMS#03303-01-06 & 02 (Portion); CF#336-

15

A. Purpose

County Council is requested to consider An Ordinance authorizing deed to the City of Columbia water lines for Ballentine Branch Library Dutch Fork Road; Richland County

B. Background / Discussion

County Council authorized the purchase of the referenced property for the purpose of a new location of Richland Library in the community of Ballentine. Richland Library has built a new library on the property. Water meters have been purchased from the City of Columbia, who is supplying water service, for the project. The City requires that a deed be executed conveying the water lines including valves, valve boxes, fire hydrants, meter boxes, service lines to meter boxes and easement boundaries leading to fire hydrant lines and all components to complete the system.

This transfer is typical of all projects serviced by the City of Columbia Water Department and is a requirement for the Library to receive a Certificate of Occupancy and open to the public.

C. Legislative / Chronological History

There is no legislative / chronological history associated with this request.

D. Alternatives

1. Consider the request and recommend that Council provide first reading of the ordinance.
2. Consider the motion and do not recommend that Council provide first reading of the ordinance.

E. Final Recommendation

Staff recommends Council approval of the ordinance.

STATE OF SOUTH CAROLINA
COUNTY COUNCIL FOR RICHLAND COUNTY
ORDINANCE NO. _____-17HR

AN ORDINANCE AUTHORIZING DEED TO THE CITY OF COLUMBIA FOR CERTAIN WATER LINES TO SERVE THE BALLENTINE BRANCH LIBRARY DUTCH FORK ROAD; RICHLAND COUNTY TMS #03303-01-06 & 02 (PORTION).

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

SECTION I. The County of Richland and its employees and agents are hereby authorized to grant a deed to certain water lines to The City of Columbia, as specifically described in the attached DEED TO WATER LINES FOR BALLENTINE BRANCH LIBRARY DUTCH FORK ROAD; RICHLAND COUNTY TMS#03303-01-06 & 02 (PORTION); CF#336-15, which is attached hereto and incorporated herein.

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

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

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

RICHLAND COUNTY COUNCIL

By: _____
Joyce Dickerson, Chair

Attest this _____ day of
_____, 2017.

Michelle Onley
Assistant Clerk of Council

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



REQUEST OF ACTION SUMMARY SHEET

Agenda Item No.: 4e Meeting Date: May 23, 2017

To: Seth Rose, Chair, Development and Services Committee
From: Vice-Chairman Bill Malinowski, District 1
Department: County Council

Item Subject Title: Council Motion: Require that all municipal utility service providers must request consent and approval from Richland County Council prior to extending or accepting water and sewer infrastructure within the unincorporated boundaries of Richland County

Action Taken by None.

Committee previously:

Options: 1. Consider the motion and approve accordingly.

2. Consider the motion and do not approve.

Motion Requested Today: Council’s discretion as this request is pursuant to a Council motion.

Staff Recommendation: Council’s discretion as this request is pursuant to a Council motion. Staff will proceed as directed by County Council.

Impact of Action: Operating Budget: Not applicable.

Capital Budget: Not applicable.

Funding There is no apparent financial impact associated with this request.

Amount/Source:

Requested by: Vice-Chairman Bill Malinowski, District 1

Staff Representative: County Administrator Gerald Seals

Outside Representative: None.

List of Attachments:

- Detailed Request of Action

4/4/17
Date Submitted

Brandon Madden
Approved by the County Administrator’s Office

All
Council District



REQUEST OF ACTION

Subject: Council Motion: Require that all municipal utility service providers must request consent and approval from Richland County Council prior to extending or accepting water and sewer infrastructure within the unincorporated boundaries of Richland County

A. Purpose

County Council is requested to consider a Council motion relative to utility infrastructure.

B. Background / Discussion

At the April 4, 2017 Council meeting, Vice-Chairman Malinowski brought forth the following motion:

“I move to require that all municipal utility service providers must request consent and approval from Richland County Council prior to extending or accepting water and sewer infrastructure within the unincorporated boundaries of Richland County.”

There is no apparent financial impact associated with this request.

C. Legislative / Chronological History

There is no legislative / chronological history associated with this request.

D. Alternatives

1. Consider the motion and approve accordingly.
2. Consider the motion and do not approve.

E. Final Recommendation

Council’s discretion. Staff will proceed as directed by County Council.

REQUEST OF ACTION SUMMARY SHEET

Agenda Item No.: 4a Meeting Date: April 25, 2017

To: The Honorable Seth Rose, Chair, Development and Services Committee

From: Norman Jackson, Councilmember, District 11
Bill Malinowski, Councilmember, District 1

Department: County Council

Item Subject Title: Council Motion: Richland County lost millions of dollars by not collecting taxes on (SOB) for the past five years. I move that the Legal Department along with Administration explore recovering the funds from Sexual Oriented Businesses directly.

Action Taken by Committee previously: The Committee deferred this item to a future Committee meeting at its March 28, 2017 meeting.

Options:

1. Consider the motion proceed accordingly.
2. Consider the motion and do not proceed.

Motion Requested Today: This is a Councilmember initiated request.

Staff Recommendation: Staff does not have a specific recommendation. Staff will proceed as directed by County Council relative to this item.

Impact of Action: Operating Budget: The impact of this action on the County operating budget is dependent upon Council's action relative to this item.

Capital Budget: None.

Funding Amount/Source: None identified at this time.

Requested by: Norman Jackson, Councilmember, District 11
Bill Malinowski, Councilmember, District 1

Staff Representative: County Administrator Gerald Seals.

Outside Representative: None.

List of Attachments:

1. Detailed Request of Action

2/7/17
Date Submitted

Brandon Madden
Approved by the County Administrator's Office

All
Council District



REQUEST OF ACTION

Subject: Council Motion: Richland County lost millions of dollars by not collecting taxes on (SOB) for the past five years. I move that the Legal Department along with Administration explore recovering the funds from Sexual Oriented Businesses directly

A. Purpose

Council is requested to consider a Council motion from Councilmember Jackson regarding the not collecting taxes on Sexual Oriented Businesses (SOB) for the past five years and exploring the recovery the funds from businesses directly.

B. Background / Discussion

At the February 7, 2017 Council meeting, Councilmember Jackson brought forth the following motion:

“Richland County lost millions of dollars by not collecting taxes on Sexual Oriented Businesses (SOB) for the past five years. I move that the Legal Department along with Administration explore recovering the funds from businesses directly [JACKSON and MALINOWSKI]”

Council sent this item to the D&S Committee for consideration.

This matter was initially brought to the Council’s attention in November 2016, at which time staff developed an impact statement inclusive of the following subjects:

- Businesses Inspected by the Zoning Administrator
- Other Suspected Sexually Oriented Businesses
- Financial Impact
- Current Status of Inspected and Possible Sexually Oriented Businesses
- Next Steps

As it relates to this motion, the following excerpt from the November 2016 document is presented here.

Depending upon the type of business, there may be various fees and taxes associated with the business. These include business licenses, Hospitality Taxes (food), and Business Personal Property Taxes. Businesses subject to the Local Accommodation Tax (such as motels) have not been included here. The sum for each year for each tax of what was paid and not paid by these businesses is shown below.

Summary: Fees and Taxes Paid				
Year	Business License Tax	Hospitality Tax	Business Personal Property Tax	Total
2010	14,273.55	115,298.64	3,875.53	133,447.72

2011	77,513.20	84,956.28	4,826.41	167,295.89
2012	234.00	103,178.93	4,476.61	107,889.54
2013	1,101.45	64,603.75	2,574.19	68,279.39
2014	1,294.07	100.00	3,154.88	4,548.95
2015	1,289.48	369,385.79	3,660.22	374,335.49
2016	1,354.48	22,686.25		24,040.73
Total	97,060.23	760,209.64	22,567.84	879,837.71
Summary: <u>Delinquent</u> Fees and Taxes				
Year	Business License Tax	Hospitality Tax	Business Personal Property Tax	Total
2010	200.90	4,191.96	4,191.96	8,584.82
2011	5,062.89	4,201.73	1,762.13	11,026.74
2012	78,304.03	2,238.93	2,014.73	82,557.68
2013	46,946.49	450.00	2,152.57	49,549.06
2014	46,497.00	100.00	250.01	46,847.01
2015	41,321.83	1,632.65	203.10	43,157.58
2016	30,257.52	1,878.21		32,135.73
Total	248,590.66	14,693.47	10,574.49	273,858.63

- Business license, Hospitality Tax, and Local Accommodation Tax revenues, when missing, are estimated based on any revenues that are reported (for any of the three “revenue” taxes) and on revenues reported to the SC Department of Revenue.
- Delinquent business license fees do not include any under-reporting of revenue for business license purposes.
- Delinquent business license fees do not include the shortage of payments that were made using a rate for a non-sexually oriented business activity.
- Hospitality Taxes for 2016 are as of June 2016.
- Business Personal Property Taxes for 2016 are not due until January 2017. Therefore, no payments are considered delinquent until after that time.
- Payment for Business Personal Property Taxes, when missing, are estimated based on previous payments for this tax. If no payments were ever made, payments were estimated based on their business peers’ payments.

Other Considerations

Whether to collect these funds is a policy decision. The collection of these funds is the responsibility of the County’s Business Service Center. However, the decision of whether or not to collect back taxes and fees is a policy decision of Council. There is a statute of limitations, so the back taxes and fees can only be collected for the last three years.

C. Legislative / Chronological History

There is no legislative history relative to this motion.

D. Alternatives

1. Consider the motion and proceed accordingly.
2. Consider the motion and do not proceed.

E. Final Recommendation

This is a policy decision of Council.



Richland County Business Service Center

2020 Hampton Street, Suite 1050
 P.O. Box 192
 Columbia, SC 29202

Phone: (803) 576-2287
 Fax: (803) 576-2289
bsc@rcgov.us
<http://www.rcgov.us/bsc>

Sexually Oriented Businesses (SOB's): A Compliance Summary

- I. Who's Who
 - a. Businesses Inspected by the Zoning Administrator
 - b. Other Suspected Sexually Oriented Businesses
- II. Financial Impact
- III. Current Status of Inspected and Possible Sexually Oriented Businesses
- IV. Next Steps
- V. **Recommendation** (as of 5/22/2017)

Who's Who

Sexually oriented businesses are typically initially brought to County staff's attention as a result of a complaint, either by a citizen, the Richland County Sheriff's Department, or by a County Council member. Some of these businesses were identified in 2011 as sexually oriented businesses (as defined by the Land Development Code) by the Zoning Administrator following inspection(s) of the businesses. These businesses are listed below.

DBA Name	Address	Open Date
Adult Nightclubs		
Boom Boom Room Studio 54	6212 Two Notch Rd	8/18/1998
Club Liquid	5511 Forest Dr	5/30/2003
Club Pleazers	3050 Bluff Rd	10/15/1998

DBA Name	Address	Open Date
Chastity's (then Savannah's)	3722 River Drive	4/1/1997
Crush Gentleman's Club	3722 River Drive	7/20/2012
Heart Breaker's	800 Bush River Rd	10/3/2003
Mr. Lucky's	2605 Seminole Rd	4/11/2002
Laroice	106 Carrie Anderson Rd	10/2/2006
Lenox VIP Club, The (Mahogany)	6023 Two Notch Rd	10/18/2005
Platinum Plus	362 Jacob Rd	12/4/1992
Raw Night Club	5024 Two Notch Rd	3/25/2009
Stiletto's	7375 Two Notch Rd	8/26/2005
Adult Novelty Shops		
Fantasy Lingerie	800 Bush River Rd	9/27/2001
Nancy's Nook	3311 Broad River Rd	2/1/2000
This Is IT, Broad River	2831 Broad River Rd	7/1/2005
This Is IT, Two Notch	5024 Two Notch Rd	9/1/1997
Videos and Beyond	2729 Two Notch Rd	7/15/1998

Other businesses are suspected or known to be sexually oriented businesses, or associated with criminal activity by the Sheriff's Department, but have not yet been inspected by the Zoning Division to verify sexually oriented business activity. These businesses are listed below – some of which may have since closed its operations, or changed owners, prior to being further investigated. This list is not intended to be an all-inclusive list, as others may exist that have not yet come to the County's attention.

DBA Name	Address	Open Date
Bars and Nightclubs		
803 Event Center (Club Wet)	3717 Pine Belt	07/31/2014
Bada Bing	3717 Pinebelt	03/10/2005

DBA Name	Address	Open Date
Bliss	8605 Two Notch Rd	1/08/2010
Grind Out	Two Notch	
Taqueria Guadalajara	1807 Decker Blvd.	05/12/2003
Thee Whiskey Tavern	200 Zimalcrest Dr	12/01/2009
Novelty Shops		
Disturbin Da Peace	1945 Decker Blvd	8/1/2005
Foxes Video Rental	5445 Two Notch Rd	1/1/1993
Motels		
America's Best Inn	200 Zimalcrest Dr	6/19/2000
Grand Motel	3003 Two Notch Rd	8/1/2002
Star Motel	3727 Pine Belt Rd	1/3/2006
Western Inn & Suites	827 Bush River Rd	7/2/2000
Massage Parlors		
Best Massage Therapy New Energy Massage Therapy	1168 St Andrews Rd Unknown	10/1/2003 unknown

- This list of businesses does not include:
 - escort services that are advertised regularly in the *Free Times* newspaper
 - exotic dancers (contractors) at sexually oriented businesses.
- Be aware that some businesses, such as motels, will change owners, but the same name will be shown to the public. From an SOB standpoint, a business that once operated as an SOB with one owner may still be operating, but no longer as an SOB with a different, later owner.

Financial Impact

Depending upon the type of business, there may be various fees and taxes associated with the business. These include business licenses, Hospitality Taxes (food), and Business Personal Property Taxes. Businesses subject to the Local Accommodation Tax (such as motels) have not been included here. The sum for each year for each tax of what was paid and not paid by these businesses is shown below.

Summary: Fees and Taxes Paid

Year	Business License Tax	Hospitality Tax	Business Personal Property Tax	Total
2006	14,273.55	115,298.64	3,875.53	133,447.72
2011	77,513.20	84,956.28	4,826.41	167,295.89
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Summary: Delinquent Fees and Taxes

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2011	5,062.89	4,201.73	1,762.13	11,026.74
2012	78,304.03	2,238.93	2,014.73	82,557.68
2013	46,946.49	450.00	2,152.57	49,549.06
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- Delinquent business license fees do not include the shortage of payments that were made using a rate for a non-sexually oriented business activity.
- Hospitality Taxes for 2016 are as of June 2016.
- Business Personal Property Taxes for 2016 are not due until January 2017. Therefore, no payments are considered delinquent until after that time.
- Payment for Business Personal Property Taxes, when missing, are estimated based on previous payments for this tax. If no payments were ever made, payments were estimated based on their business peers’ payments.

Current Status of Sexually Oriented Businesses

The current status of businesses identified by the Zoning Division in 2011 as operating as sexually oriented businesses are shown below:

DBA	Corporate Business Name	Open Date	Current Known Business Status	Business Close Date
Bars and Nightclubs				
Platinum Plus	Shadow Management Co., Inc.	12/4/1992	Open – Not Licensed	n/a
Laroice	Laroice, LLC	10/2/2006	Open – Not Licensed	n/a
Mr. Lucky's	Show Luv, Inc.	4/11/2002	Open – Not Licensed	n/a
Chastity's (then Savannah's)	S & B of Columbia, Inc.	4/1/1997	Closed	4/2/2012
Heart Breaker's	K.E.G., Inc	10/3/2003	Closed	4/2/2012

DBA	Corporate Business Name	Open Date	Current Known Business Status	Business Close Date
Boom Boom Room Studio 54	L & B Dynasty, Inc.	8/18/1998	Closed	9/8/2011
Club Liquid	Caldwell Entertainment	5/30/2003	Closed	2/11/2008
Club Pleazers	Rick's of S.C., Inc.	10/15/1998	Closed	12/19/2011
Crush Gentleman's Club	Blue Willow Group Inc	7/20/2012	Closed	9/20/2013
Lennox VIP Club, The (Mahogany)	Mahogany Group, Inc., The	10/18/2005	Closed	7/31/2012
Raw Night Club		3/25/2009	Closed	7/30/2012
Stiletto's	Universal Media 2, LLC	8/26/2005	Closed	4/16/2008
Novelty Shops				
Nancy's Nook	D.B.B.B., Inc	2/1/2000	Open – Licensed as Gift Store	n/a
This Is IT, Broad River	Broad River Video, LLC	7/1/2005	Open – Not Licensed	n/a
This Is IT, Two Notch	Flank III, LLC	9/1/1997	Open – Not Licensed	n/a
Fantasy Lingerie	R. J. K. & L Ventures, Inc	9/27/2001	Closed	5/29/2013
Videos and Beyond	Video Management, Inc.	7/15/1998	Closed	3/6/2012

The current status of other businesses, not initially inspected by the Zoning Division to verify sexually oriented business activities, are shown in the table below.

DBA	Corporate Business Name	Open Date	Current Known Business Status	Business Close Date
Bars and Nightclubs				
Bliss	Carolina Diversity, Inc.	1/8/2010	Open – Licensed as a Drinking Place	n/a
803 Event Center (Club Wet)		7/31/2014	Open – Licensed as a Promotor	n/a

DBA	Corporate Business Name	Open Date	Current Known Business Status	Business Close Date
Thee Whiskey Tavern	Fat Poodle Enterprises, Inc.	12/1/2009	Open – Licensed as a Drinking Place	n/a
Taqueria Guadalajara		5/12/2003	Closed	4/30/2014
Bada Bing	More Than Black Olives, Inc.	3/10/2005	Closed	11/5/2013
Grind Out		unknown	Closed	unknown
Novelty Shops				
Disturbin Da Peace	Retro-Fever	8/1/2005	Closed	12/28/2010
Foxes Video Rental	Video Magic and Mags, II	1/1/1993	Closed	6/26/2008
Hotels				
Grand Motel	Luba Properties, LLC	8/1/2002	Open – Licensed as a Hotel	n/a
Star Motel	Shri Jairam, Inc	1/3/2006	Open – Licensed as a Hotel	n/a
America's Best Inn	AAA Hospitality, LLC	6/19/2000	Closed	11/20/2009
Western Inn & Suites	Mindip, Inc	7/2/2000	Closed	11/8/2012
Massage Parlors				
Best Massage Therapy		10/1/2003	Open	
New Energy Massage Therapy		Unknown	Unknown	Unknown

Next Steps

On November 10, 2016, several departments met to discuss how to coordinate efforts to address sexually oriented businesses. These departments included Administration, the Business Service Center, the Fire Marshal, the Legal Department, the Zoning Division, and the Sheriff's Department.

From the discussions that took place, four key avenues for greater efficiency and effectiveness of addressing sexually oriented businesses were identified:

- 1) Modify appropriate business license forms (i.e., Application for a New Business License and the Business License Renewal Form) to include questions regarding whether convictions exist for certain crimes;
- 2) Clarify through an ordinance the Sheriff's Department authority to enforce the County Codes;
- 3) Include the Sheriff's Department in the review process as business license renewal applications from businesses located on properties or business activities of interest identified by the Sheriff's Department are received; and
- 4) Reinststitute the practice of collaborative stakeholders' compliance inspections of properties or businesses of interest (including the Fire Marshal, Business Service Center, Sheriff's Department, Zoning, and the State Law Enforcement Agency as possible).

It is anticipated that as these avenues are planned and implemented, further collaboration among the relevant departments will continue.

Recommendation

- I recommend that this report be updated with the most current business information available.
- Once that information is updated, I recommend that efforts commence to collect past business license taxes from all applicable businesses *which are still open and operating* in accordance with the State Statute of Limitations, i.e., current year and three prior years.
- I further recommend that, to avoid potential legal liabilities, no efforts be initiated to collect business license penalties for business licenses not currently paid for and obtained from all applicable businesses which are still open and operating.