

# Lancaster County Council Regular Meeting Agenda

Monday, May 18, 2015

County Administration Building  
County Council Chambers  
101 N. Main Street  
Lancaster, SC 29720

1. **Call to Order – Chairman Bob Bundy** 6:30 p.m.
2. **Welcome and Recognition – Chairman Bob Bundy**
3. **Pledge of Allegiance and Invocation – Council Member Larry McCullough**
4. **Approval of the agenda** *[deletions and additions of non-substantive matter]*
5. **Presentations**
  - a. EMS CPR Presentation
  - b. Thumbs Up presentations
6. **Citizen Comments** *[Speakers are allowed approximately 3 minutes. If there are still people on the list who have not spoken at the end of thirty (30) minutes, Council may extend the citizen comments section or delay it until a later time in the agenda]*
7. **Chairman Comments – Bob Bundy**
8. **Resolutions**
  - a. **0874-R2015 – A Resolution in support of the Lancaster County Sheriff's efforts to determine the community's interest throughout the Indian Land section the county in considering the implementation of a Special Purpose Tax District for an enhanced public safety presence.** *John Weaver – pgs. 5-16*
  - b. **0877-R2015 A Resolution establishing the local option sales tax credit factor for the 2015-2016 tax year.** *Steve Willis – pgs. 17*

## 9. Non-Consent Agenda

### *Ordinance Readings*

a. **Public Hearing and 3rd Reading of Ordinance 2015-1350 regarding road swap with the SCDOT.**

Ordinance Title: An ordinance to approve the donation of certain county roads to the South Carolina Department of Transportation and to accept certain roads from the State of South Carolina into the County Road System; and to authorize county officials to take such actions as necessary to effectuate the proposes of this ordinance. *(Favorable – I&R Committee) Council approved 6-0 at 2nd Reading on May 11, 2015 Steve Willis and Jeff Catoe – pgs. 18-21*

b. **Public Hearing and 3<sup>rd</sup> Reading of Ordinance 2015-1347 regarding the lease of 1033 W. Meeting Street to Economic Development Corporation**

Ordinance Title: An ordinance to approve the lease of certain real property located at 1033 W. Meeting Street to the Lancaster County Economic Development Corporation; and to authorize county officials to take such actions as necessary to effectuate the purposes of this ordinance. *(Favorable – I&R Committee) Council approved 6-0 at 2nd Reading May 11, 2015. John Weaver – pg. 22-29*

c. **2<sup>nd</sup> Reading of Ordinance 2015-1353 regarding rezoning the property of Ruby D. Catledge**

An Ordinance to amend the official zoning map of Lancaster County so as to rezone property owned by Ruby D. Catledge, represented by Jerry Catledge, located at 1109 Tenth Street from R-15, Moderate Density Residential/Agricultural District to R-15S, Moderate Density Residential/Manufactured Housing/Agricultural District; and to provide for other matters related thereto. *Council approved 6-0 at 1<sup>st</sup> Reading May 11, 2015. (Favorable – Planning Commission) – Penelope Karagounis – pgs. 30-31*

d. **Public Hearing and 1<sup>st</sup> Reading of Ordinance 2015-1351 regarding a land use and moratorium**

An Ordinance to impose a nine (9) month moratorium on the acceptance and processing of applications for district boundary amendments to the unified development ordinance of Lancaster County in the area of the County north of Highway 5; and to provide for other matters related thereto. *The I&R Committee recommended that this ordinance be considered by the Planning Commission first. John Weaver and Penelope Karagounis – pgs. 32-41*



e. **1<sup>st</sup> Reading of Ordinance 2015-1354 regarding a rezoning of property of Red Ventures**

An Ordinance to amend the official zoning map of Lancaster County so as to rezone property of Lancaster Real Estate, LLC/Red Ventures, LLC, located south of Potts Lane and East of YS Highway 521 from R-15P, Moderate Density Residential/Agricultural Panhandle District to B-3, General Commercial District; and to provide for other matters related thereto. *(Favorable – Planning Commission) Penelope Karagounis – pgs. 42-51*

f. **1<sup>st</sup> Reading of Ordinance 2015-1355 regarding the FY 2014-2015 Budget Amendments**

Ordinance Title: An Ordinance to amend Ordinance No. 2014-1276, relating to the appropriation of funds and the approval of a detailed budget for Lancaster County for the fiscal year beginning July 1, 2014 and ending June 30, 2015 (FY 2014-2015), to further provide for revenues and expenditures during the fiscal year; and to provide for matters related thereto. *Veronica Thompson – pgs. 52-55*

g. **1<sup>st</sup> Reading of Ordinance 2015-1356 regarding the FY2015-2016 Budget**

Ordinance Title: An Ordinance to appropriate funds and approve a detailed budget for Lancaster County for the fiscal year beginning July 1, 2015 and ending June 30, 2016 (FY2015-16); to set millage rates for the levy of a ad valorem taxes; to approve a schedule of taxes, fees and charges for FY 2015-16; to make provision for the issuance of tax anticipation notes; and to provide for matters related thereto. *Veronica Thompson – pgs. 56-71*

h. **1<sup>st</sup> Reading of Ordinance 2015-1357 regarding the Collins Road Development Agreement and Ordinance 960**

Ordinance Title: An Ordinance to approve the Second Amendment to the Development Agreement by and among UHF Development Group, LLC, Wachovia Bank, N.A. Successor Trustee for Certain Trusts and Lancaster County, relating to the Collins Road Site Development, so as to change the time when the payment of monies by the Developer is due to the county; to authorize certain county officials to execute and deliver the Second Amendment; and to provide for other matters related thereto. *(Favorable - Administration Committee / Forwarded without recommendation - I&R Committee) John Weaver – pgs. 72-82*

***Discussion and Action Items***

- i. *Board and Commission appointments – Debbie Hardin*
- j. *Minutes of the April 30, 2015 Committee of the Whole meeting – pgs. 83-86*

**k. Committee Reports**

- Administration Committee
- Infrastructure and Regulation Committee
- Public Safety

**10. Status of items tabled, recommitted, deferred or held**

- a. Bridge on Gilroy Drive in Regent Park Subdivision into the County Road System

**11. Miscellaneous Reports and Correspondence – pgs. 87-91**

- a. Time Warner Cable  
b. LARS report

**12. Calendar of Events – pg. 92**

**13. Citizens Comments *[if Council delays until end of meeting]***

**14. Executive Session**

- a. Personnel Matter 30-4-70(a)(1) discussion of a person regulated by a public body – Bob Bundy

**15. Adjournment**

*Anyone requiring special services to attend this meeting should contact 285-1565 at least 24 hours in advance of this meeting.*

*Lancaster County Council agendas are posted at the Lancaster County Administration Building and are available on the Website:*

[www.mylancastersc.org](http://www.mylancastersc.org)



## Agenda Item Summary

**Ordinance # / Resolution#:** N/A

**Contact Person / Sponsor:** Barry Faile

**Department:** Sheriff

**Date Requested to be on Agenda:** April 21, 2015

**Committee:** Public Safety

**Issue for Consideration:** The Sheriff is considering the implementation of a Special Purpose Tax District for an enhanced public safety presence in the Indian Land section of Lancaster County. Specifically, the District would cover the same boundaries as that of the combined Pleasant Valley Fire District and the Indian Land Fire District. With the ever-increasing population north of Hwy 75, there becomes a greater threat for crime to both person and property. Additionally, traffic control for, not only the growing number of citizens and residents of Lancaster County, but also from the daily commuters passing through Lancaster County that daily travel to and from the greater Charlotte area requires increased attention.

**Points to Consider:** The Administrator reports that the General Fund budget of Lancaster County is insufficient to meet the public safety concerns of the northern area of Lancaster County. Portions of SC Code Section 4-9-30 (attached) provide the guidelines for the establishment of a Special Purpose Tax District. Particular attention is to be given to Section 4-9-30(5)(b) regarding the operation of the special tax district. Because of security issues, it is the Sheriff's position that the district must be operated as an internal administrative division of the county.

**Funding and Liability Factors:** The attached report has been compiled by the Sheriff that provides greater detail as to what the cost of the enhanced service and what will be provided. Should the District be created, it would not be a substitution for the public safety protection already being provided to northern Lancaster, but, rather, the tax would be utilized to establish a well-trained and equipped force of law enforcement officers that would be assigned permanently to the District so as to compliment the public safety efforts already existing.

**Council Options:** 1) Council can determine that additional public safety in the northern areas of Lancaster County is sufficient at this time and decide to delay further consideration of the District's creation until there is statistical evidence to support the need; 2) Council can determine that the general tax revenue is sufficient to provide the additional manpower and equipment noted in the Sheriff's report, allowing the Sheriff to shuffle the resources of that department so as to provide similar law enforcement service throughout the county; 3) Council can determine that additional study surrounding the District's creation and the willingness of the citizenry to accept the additional cost is warranted, thereby approving an undertaking of the various preliminary steps necessary by the Sheriff, the Administrator and county staff as needed.

**Recommendation:** At this point, the Sheriff seeks only the Council's approval through the passage of a Council Resolution for the Sheriff to explore the possibility of creating the District through a series of discussions with the citizens of northern Lancaster County.



STATE OF SOUTH CAROLINA

COUNTY OF LANCASTER

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RESOLUTION NO. 0874-R2015

### **A RESOLUTION**

**IN SUPPORT OF THE LANCASTER COUNTY SHERIFF'S EFFORTS TO DETERMINE THE COMMUNITY'S INTEREST THROUGHOUT THE INDIAN LAND SECTION OF THE COUNTY IN CONSIDERING THE IMPLEMENTATION OF A SPECIAL PURPOSE TAX DISTRICT FOR AN ENHANCED PUBLIC SAFETY PRESENCE.**

**WHEREAS**, the rapid growth in population, residential dwellings and commercial establishments throughout Indian Land have intensified the public's request for additional public safety presence in the area so as to have a more rapid response time from the Lancaster County Sheriff's Department, and

**WHEREAS**, Sheriff Faile has presented a proposal, being attached here to, that appears to support the need for an enhanced public safety presence;

**NOW THEREFORE, BE IT RESOLVED** by Lancaster County Council that its support hereby is voiced for the Lancaster County Sheriff to commence a process of determining the desire of the electorate in Indian Land for a Special Purpose Tax District. It is understood and agreed that the requirements of state law (§4-9-30) will be followed and are as follows:

1. Fifteen percent (15%) of the electors in the proposed Special Tax District must sign and present to County Council a petition requesting the creation of a Special Tax District;
2. If the County Council finds that the petition has been signed by fifteen percent (15%) or more of the electors residing within the area of the proposed District, that fact may be certified via Resolution to the County Election Commission;
3. The Commission shall order a special election within the proposed District pursuant to state law.
4. The Commission shall certify the results of the election to County Council and by Resolution the Council shall publish the results.
5. Thereafter, if the election results favor the creation of a Special Tax District, by ordinance the County Council shall establish the Special Tax District.

**AND IT IS SO RESOLVED**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2015

**LANCASTER COUNTY, SOUTH CAROLINA**

(SEAL)

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Bob Bundy, Chair, County Council

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Steve Harper, Secretary, County Council

**ATTEST:**

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Debbie Hardin, Clerk to Council



*The exception for the Board of Commissioners form no longer applies. That form has been declared unconstitutional by the South Carolina Supreme Court.*

*The General Assembly has substantially modified the revenue raising authority given to county councils in § 4-9-30. The modifications to the council's fiscal authority do not appear as amendments to § 4-9-30 itself, but are found in Chapter 1 of Title 6. Those statutes that address the county council's revenue-raising authority are contained in an SCAC publication entitled Revenue Resources For County Government and relate to real estate transfer fees, the definition of a service fee, limitations on the property tax millage rate for operating purposes, and business license fees.*

*2013 Act No. \_\_\_, Proviso 110.4 in the 2013 budget provides that a county government must fund its legislative delegation budget as approved by the delegation for FY 2013-2014, as authorized by law. If a county council does not meet that funding level, 125% of the shortfall must be deducted from the responsible county's Aid to Subdivisions allocation and forwarded to the legislative delegation of the county.*

**§ 4-9-30. Designation of powers under each alternative form of government except board of commissioners form.**

Under each of the alternate forms of government listed in § 4-9-20, except the board of commissioners form provided for in Article 11, each county government within the authority granted by the Constitution and subject to the general law of this State shall have the following enumerated powers which shall be exercised by the respective governing bodies thereof:

- (1) to adopt, use and revise a corporate seal;
- (2) to acquire real property by purchase or gift; to lease, sell or otherwise dispose of real and personal property; and to acquire tangible personal property and supplies;
- (3) to make and execute contracts;
- (4) to exercise powers of eminent domain for county purposes except where the land concerned is devoted to a public use; provided, however, the property of corporations not for profit organized under the provisions of Chapter 35 of Title 33 shall not be subject to condemnation unless the county in which their service area is located intends to make comparable water service available in such service area and such condemnation is for that purpose. After any such condemnation, the county shall assume all obligations of the corporation related to the property and the facilities thereon which were condemned;
- (5)(a) to assess property and levy ad valorem property taxes and uniform service charges, including the power to tax different areas at different rates related to the nature and level of governmental services provided and make



appropriations for functions and operations of the county, including, but not limited to, appropriations for general public works, including roads, drainage, street lighting, and other public works; water treatment and distribution; sewage collection and treatment; courts and criminal justice administration; correctional institutions; public health; social services; transportation; planning; economic development; recreation; public safety, including police and fire protection, disaster preparedness, regulatory code enforcement; hospital and medical care; sanitation, including solid waste collection and disposal; elections; libraries; and to provide for the regulation and enforcement of the above. However, prior to the creation of a special tax district for the purposes enumerated in this item, one of the following procedures is required:

(i) When fifteen percent of the electors in a proposed special tax district sign and present to the county council a petition requesting the creation of a special tax district, an election must be held in which a majority of the electors in that area voting in the election shall approve the creation of the special tax district, the nature of the services to be rendered and the maximum level of taxes or user service charges, or both, authorized to be levied and collected. The petition must contain a description of the proposed special tax district, the elector's signature and address. If the county council finds that the petition has been signed by fifteen percent or more of the electors resident within the area of the proposed special tax district, it may certify that fact to the county election commission. Upon receipt of a written resolution certifying that the petition meets the requirements of this section, the county election commission shall order an election to be held within the area of the proposed special tax district. The election ordered pursuant to this section is a special election and must be held, regulated, and conducted with the provisions prescribed by Chapters 13 and 17 of Title 7, except as otherwise provided in this section. The county election commission shall give at least thirty days' notice in a newspaper of general circulation within the proposed special tax district. The county election commission shall certify the result of the election to the county council and county council by written resolution shall publish the result of the election.

(ii) When a petition is submitted to the county council signed by seventy-five percent or more of the resident freeholders who own at least seventy-five percent of the assessed valuation of the real property in the proposed special tax district, the county council upon certification of the petition may pass an ordinance establishing the special tax district. For the purposes of this item, 'freeholder' has the same meaning as defined in Section 5-3-240. The petition must contain a designation of the



boundaries of the proposed special tax district, the nature of the services to be rendered, and the maximum level of the taxes or user service charges, or both, authorized to be levied and collected.

(iii) When the area of the proposed special tax district consists of the entire unincorporated area of the county, county council may pass an ordinance establishing a special tax district. For the purposes of this item 'unincorporated area' means the area not included within the corporate boundaries of a municipal corporation created pursuant to Chapter 1 of Title 5 or within a special purpose district created before March 7, 1973, to which has been committed the governmental service which the county council intends to provide through the proposed special taxing district unless the special purpose district has been dormant for five years or more. If, however, the same service intended to be rendered by the special taxing district is being rendered or is intended to be rendered within any portion of the territory of the special purpose district, then no such service may be rendered by the special taxing district without consent of the governing body of the special purpose district.

(b) In the ordinance establishing the special tax district, county council shall provide for the operation of the special tax district. The special tax district may be operated as an administrative division of the county, or county council may appoint a commission consisting of three to five members and provide for their terms of office.

(c) Notwithstanding any provision to the contrary, the county council shall not finance any service not being rendered by the county on March 7, 1973, by a countywide tax where the service is being provided by any municipality within that municipality or where the service has been budgeted or funds have been applied for as certified by the municipal governing body, except upon concurrence of the municipal governing body. For purposes of this subitem, 'municipality' means a municipal corporation created pursuant to Chapter 1 of Title 5.

(d) Before the issuance of any general obligation bonds to provide a service in a special tax district and the levy of a tax to retire the bonds at rates different from those levied in the remainder of the county related to the nature and level of government services to be provided in the special tax district, the county council shall first approve the issuance of the general obligation bonds and the levy of the tax to retire the bonds by ordinance.

(e) County council may by ordinance diminish boundaries of or abolish



## **Proposal for Special Purpose Tax District**

### **Hwy 75 - North, Lancaster County**

#### **Population Estimates:**

According to the most recent Lancaster County Census Data 2010 the estimated population in the 29707 zip code is **17,742** which does not account for areas from Jim Wilson Road south. That estimate excludes several large neighborhoods including Walnut Creek, Bel Air, and all of Van Wyck. After discussing census data with County Administrator Steve Willis, it is estimated that the population of the 29707 zip code is approximately **19,692** which is more than likely an underestimation. Taking those numbers into account we feel that it would be safe to estimate the total population of District 1 (North Corner Rd.-North to the State Line) at around +/- **25,000**.

#### **Additional Considerations:**

The close proximity to the major metropolitan area of Charlotte North Carolina should also be taken into consideration when assessing the need for additional manpower. The expansion of Charlotte has already begun spilling into our county. We have seen an increase in criminal behavior that spans across the state line. We have arrested numerous suspects from North Carolina who have committed crimes within our jurisdiction. We find ourselves having to coordinate almost daily with North Carolina agencies to work cases that either occurred in District 1 or were committed in North Carolina by persons from our county. The South Division of CMPD which borders Lancaster County reports statistical increases in homicides, robberies, aggravated assaults, burglaries, larcenies from automobiles, and motor vehicle thefts for the calendar year 2014.

Charlotte Mecklenburg Police Narcotics Detectives have said that heroin use is exploding in their service area and recently District 1 Deputies have come into contact with persons addicted to heroin with increasing frequency. Most recently we have had several people die of heroin overdoses.

Burglaries and property crimes continue to be a problem and can be directly attributed to drug use. Property crimes will continue to rise as the use of illicit drugs such as heroin increases.

District 1 frequently has what could be described as "Crime Sprees" where numerous incidents occur in a short period of time and need to be addressed very rapidly. By having additional

deputies assigned to District 1 during each shift, our ability to prevent those incidents would be increased. This would also decrease response times to calls for service and ensure that Deputies have adequate backup assistance. Growth is expected to continue and with more growth comes more potential problems. It is our fear that the growth and current trend in South Charlotte will continue to spill over into our county. We must take action so that we will be prepared to deal with impending growth.

#### Per Capita Officer Needs

The FBI Police Employee Data estimate for sworn officers for the South Atlantic U.S. is 2.6 officers per 1000 citizens with a populous of 10,000-24,999 and 2.3 officers with a populous of 25,000-49,999. These estimates are based on all officers in the agency (including support units).

Currently we have 3 Deputies per shift and 1 District Commander for a total of 13. Support Staff and Investigative services are attached to the main complex in Lancaster. One Investigator commonly works District 1 and calls for assistance with major investigations. No narcotics investigators are assigned to the area on a permanent basis. It is therefore not appropriate to apply the 2.6 ratio to only District 1 which would show we needed 52 officers in District 1 just to meet the South Atlantic average.

Based on the current growth, it is our estimation that we will need 25 patrol officers (6 per shift and 1 Commander) to continue to offer the same level of service in District 1 that we currently offer. We have outlined a plan to reach this goal in 5 year staffing plan.

Note: This plan to increase our number to 25 officers in District 1 is designed to catch up/keep up with growth and continue providing the same level of service currently provided. Enhanced services similar to that of a municipal law enforcement agency will require additional resources.

#### Enhanced Services

Municipal police agencies often have the benefit of having more officers than county agencies. In most cases the additional officers are required because you have larger numbers of people living in smaller areas (much like the panhandle area has become). Municipal agencies provide their own support staff, investigations, and patrol divisions. They typically experience much faster response times, have more investigators to dedicate to incidents, and are typically able to offer the citizens a better service. Municipal agencies are able to provide this enhanced

service because the citizens within their jurisdiction pay additional city taxes that fund those services.

It is our belief that we could provide enhanced services to District 1 if the following additional resources were provided. Note: These resources would be in addition to our 5 year plan.

1. 12 Patrol Officers that would be permanently assigned to the special tax district. Three additional patrol officers per shift would greatly reduce our current response times. It would increase our visibility and deter crime. It would allow us to respond to multiple incidents at the same time, increase officer safety, and reduce crime. It would also allow us to expand operations to include functions that we were previously unable to address due to insufficient staff. Examples include: Increased attendance at neighborhood functions/crime watches, proactive patrol to prevent and deter crime, increased presence at our schools, increased presence in problem areas, increased traffic safety measures, etc.
2. 3 Investigators that would be permanently assigned to the special tax district. Responsibilities would include but not be limited to, investigating crimes such as homicides, armed robberies, burglaries, larcenies, fraud, identity thefts' and serious assaults. These three investigators would also be responsible for narcotics investigations within the special tax district. Crime scene units would remain available as well as crime scene analysis and evidence control. Additional investigators and narcotics units would remain available to assist with major investigations.

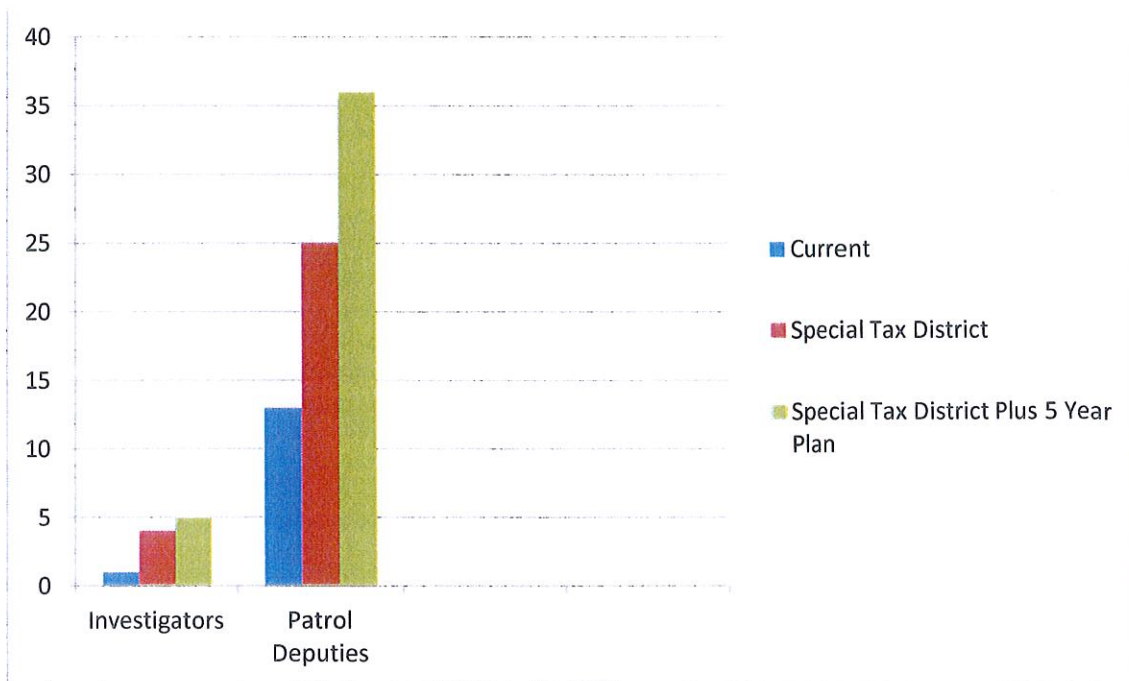
#### By Comparison

Department	Population	Square Miles	Patrol Officers	Sworn Officers
Fort Mill PD	10,811	16.3	18	31
York PD	7,736	7.9	18	25
Clover PD	5,094	4.4	15	19
Lancaster PD	10,160	5.9	24	38
District 1 Current	19,692	31.8 plus	13	13
District 1 Proposal After 5 years	20,000 (at least)	31.8 plus	40	43



The above comparison shows that the current District 1 area encompasses a much larger area and almost twice the population of many of our neighboring municipalities. We are currently covering that area with far fewer officers. The special tax district will allow us to offer enhanced services similar to that found in neighboring municipal jurisdictions.

### Allocation of Resources under Special Tax District



<b>Special District Start-Up and Recurring Costs</b>		
<b>Item</b>	<b>Recurring</b>	<b>Capital Exp.</b>
<b>Deputy</b>		
Wages	\$35,608	
Fringe benefits	\$20,409	
Overtime	\$1,330	
Travel, training	\$834	
Uniforms	\$909	
Equipment		\$3,230
Radio		\$750
Cell phone costs/Modem	\$560	
Body armor		\$700
Vehicle		\$35,320
Gasoline	\$3,200	
Vehicle Maintenance	\$1,200	
Speed Measurement Device		\$4,800
Subtotals	\$64,050	\$44,800
Subtotals for 12	\$768,600	\$537,600
<b>Total for 12</b>		<b>\$1,306,200</b>
<b>Investigator</b>		
Wages	\$39,400	
Fringe benefits	\$21,371	
Overtime	\$1,330	
Travel, training	\$834	
Uniforms	\$909	
Equipment		\$3,230
Radio		\$750
Cell phone costs	\$560	
Body armor		\$700
Vehicle		\$31,000
Gasoline	\$3,200	
Vehicle Maintenance	\$1,200	
Speed Measurement (Not required for Inv.)		\$0
Subtotals	\$68,804	\$35,680
Subtotals for 3	\$206,412	\$107,040
<b>Total for 3</b>		<b>\$313,452</b>
	<b>Total</b>	<b>\$1,619,652</b>

Current Estimates show that there are approximately 9,470 residential rooftops within the geographical area of Pleasant Valley and Indian Land Fire District (Hwy 75 - North to the Stateline). In addition, the planning department has advised us that there are approximately 1,958 housing units listed as under construction in the Panhandle area.

Current Fire Protection Special Tax District numbers show that there are approximately 241 businesses totaling 1850 fee units (Fee Unit=2,000 sq. ft.).

Total Rooftops and Fee Units= 13,278

Initial recurring annual cost= \$975,012

One time equipment Costs= \$644,640

Year 1= \$975,012 / 13,278 Fee Units= \$ 73.43 per Unit/year

A fee of \$75 per unit/per year would generate \$995,850 which would cover the annual recurring costs in addition to allowing funds that would be saved to operate an equipment replacement plan.

The listed figures represent Year 1 of the proposal. It is highly likely that the District 1 area of Lancaster County will continue to grow. As the area continues to grow the amount of money generated by the special tax district will also grow. The additional funds will be used to add additional services in accordance with our 5 year plan.



STATE OF SOUTH CAROLINA )  
 )  
COUNTY OF LANCASTER )

RESOLUTION# 0877 - 2015

**A RESOLUTION ESTABLISHING THE LOCAL OPTION SALES TAX CREDIT  
FACTOR FOR THE 2015-16 TAX YEAR:**

**WHEREAS, COUNTY COUNCIL HAS ESTABLISHED THE LOCAL OPTION SALES  
TAX REVENUE FOR THE 2015 TAX YEAR SHALL BE DISTRIBUTED  
ON THE BASIS OF 71% TO THE PROPERTY TAX CREDIT FUND AND 29% TO THE  
COUNTY REVENUE FUND, AND**

**WHEREAS, A LOCAL OPTION SALES TAX CREDIT FACTOR MUST BE  
ESTABLISHED FOR THE 2015 TAX YEAR, WHICH FACTOR IS THE RESULT,  
CARRIED TO 6 DECIMAL POSITIONS, OF DIVIDING ESTIMATED LOCAL OPTION  
SALES TAX CREDIT FUND REVENUE BY TOTAL TAXABLE APPRAISED VALUE  
WITHIN THE COUNTY AS ESTIMATED BY THE COUNTY AUDITOR.**

**NOW THEREFORE BE IT RESOLVED THAT THE COUNTY AUDITOR WITH  
CONCURRENCE OF THE LANCASTER COUNTY COUNCIL, AS EVIDENCED BY  
SIGNATURE BELOW, HEREBY ESTABLISHES THE LOCAL OPTION SALES TAX  
CREDIT FACTOR AS FOLLOWS:**

CREDIT FUND ESTIMATE	\$ 4,116,187.69
DIVIDED BY	
TAXABLE APPRAISED VALUE	\$ 6,442,277,569
ESTIMATE EQUALS	
TAX CREDIT FACTOR FOR TAX YEAR 2015	.000639

**THIS CREDIT ESTIMATE TO BE REVISED NEAR THE END OF THE FISCAL YEAR  
TO ADJUST FOR ACTUAL CREDIT GIVEN TO TAXPAYERS; AND IT IS SO  
RESOLVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.**

LANCASTER COUNTY AUDITOR

  
CHERYL H. MORGAN

LANCASTER COUNTY COUNCIL

ATTEST:

\_\_\_\_\_  
DEBBIE HARDIN  
CLERK OF COUNCIL

\_\_\_\_\_  
BOB BUNDY  
CHAIRMAN

# The Lancaster News

701 North White Street  
PO Box 640  
Lancaster, SC 29721  
803-283-1133

## NOTICE OF PUBLIC HEARING

### Lancaster County Council

A public hearing has been scheduled by the Lancaster County Council for Monday, May 18, 2015 at 6:30 p.m. in the Lancaster County Council Chambers, second floor, County Administration Building, 101 North Main Street, Lancaster, South Carolina, or at such other location in or around the complex posted at the main entrance. The purpose of the public hearing is to receive public comment on an ordinance titled "AN ORDINANCE TO APPROVE THE DONATION OF CERTAIN COUNTY ROADS TO THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION AND TO ACCEPT CERTAIN ROADS FROM THE STATE OF SOUTH CAROLINA INTO THE COUNTY ROAD SYSTEM; AND TO AUTHORIZE COUNTY OFFICIALS TO TAKE SUCH ACTIONS AS NECESSARY TO EFFECTUATE THE PURPOSES OF THIS ORDINANCE." At the public hearing and any adjournment of it, all interested persons may be heard either in person or by their designee.

This is to certify that the attached Legal Notice was published in The Lancaster News in the issue of 05/01/15

  
Notary Public of South Carolina

My Commission Expires February 10, 2020

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STATE OF SOUTH CAROLINA

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COUNTY OF LANCASTER

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ORDINANCE NO. 2015-1350

**AN ORDINANCE**

**TO APPROVE THE DONATION OF CERTAIN COUNTY ROADS TO THE SOUTH CAROLINA DEPARTMENT OF TRANSPORTATION AND TO ACCEPT CERTAIN ROADS FROM THE STATE OF SOUTH CAROLINA INTO THE COUNTY ROAD SYSTEM; AND TO AUTHORIZE COUNTY OFFICIALS TO TAKE SUCH ACTIONS AS NECESSARY TO EFFECTUATE THE PURPOSES OF THIS ORDINANCE.**

**NOW, THEREFORE,** by the power and authority granted to the Lancaster County Council by the Constitution of the state of South Carolina and the powers granted to the County by the General Assembly of the State, it is ordained and enacted that:

**Section 1. Findings and determinations.**

Council finds and determines that:

(1) Lancaster County owns and maintains certain roads identified in this ordinance as part of the Lancaster County Road System;

(2) the South Carolina Department of Transportation owns and maintains certain roads identified in this ordinance as part of the State Secondary Road System;

(3) the Lancaster County Council and South Carolina Department of Transportation Commission have concurred with the recommendation of the County Public Works Director and the District 4 Administrator that it would be advantageous to both systems if certain roads were moved into the county or state system respectively; and

(4) it is the purpose of this ordinance to approve donation of certain County roads to the South Carolina Department of Transportation and to accept certain roads from the State of South Carolina into the County Road System.

**Section 2. Roads to be donated.**

The Council authorizes and approves the donation of the following roads, which are a part of the Lancaster County Road System, to the South Carolina Department of Transportation:

Belmont Circle (entire length)

Carmel Road (from S-29-853 to S-29-373)

Danlee Drive (entire length)

Hammond Carnes Road (from S-29-875 to S-29-330) (contingent upon developer donating Regent Parkway to SCDOT)  
Hough Road (from S-29-725 to S-29-36)  
Jack Robertson Lane (from S-29-558 to terminus)  
Laurel Avenue (from S-29-485 to terminus)  
Mahaffey Line Connector (from S-29-371 to SC 914)  
Mahaffey Line Extension (from S-29-371 to terminus)  
Pink Dogwood Drive (from S-29-371 to terminus)

**Section 3.**      **Roads to be accepted.**

The Council authorizes and approves the acceptance of the following roads, which are a part of the South Carolina Department of Transportation into the Lancaster County Road System:

Arrowood Road (from Beginning Milepost 0.00 to Ending Milepost 0.33)  
Blackstone Drive (from Beginning Milepost 0.00 to Ending Milepost 0.10)  
Charles Avenue (from Beginning Milepost 0.00 to Ending Milepost 0.40)  
Dogwood Lane (from Beginning Milepost 0.00 to Ending Milepost 0.10)  
Freemont Drive (from Beginning Milepost 0.00 to Ending Milepost 0.42)  
Havenwood Drive (from Beginning Milepost 0.00 to Ending Milepost 1.20)  
Hickory Drive (from Beginning Milepost 0.00 to Ending Milepost 0.25)  
Hilltop Lane (from Beginning Milepost 0.00 to Ending Milepost 0.03)  
Holly Lane (from Beginning Milepost 0.00 to Ending Milepost 0.05)  
Maple Lane (from Beginning Milepost 0.00 to Ending Milepost 0.05)  
Strafford Drive (from Beginning Milepost 0.00 to Ending Milepost 0.33)  
Terra Lane (from Beginning Milepost 0.00 to Ending Milepost 0.10)  
Windsor Drive (from Beginning Milepost 0.00 to Ending Milepost 0.38)  
Woodleaf Lane (from Beginning Milepost 0.00 to Ending Milepost 0.10)

**Section 4.**      **Authority to act.**

The Council Chair, Secretary and Clerk, the County Administrator, County Attorney, and Public Works Director are authorized to take such actions and to execute such documents as may be necessary to effectuate the purposes of this ordinance.

**Section 5.**      **Severability.**

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

**Section 6.**      **Controlling provisions.**

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County orders, resolutions and ordinances, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.



**Section 7.      Effective date.**

This ordinance is effective upon Third Reading and approval of the donation and acceptance by the South Carolina Department of Transportation Commission.

**AND IT IS SO ORDAINED**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

LANCASTER COUNTY, SOUTH CAROLINA

\_\_\_\_\_  
Bob Bundy, Chair, County Council

\_\_\_\_\_  
Steve Harper, Secretary, County Council

ATTEST:

\_\_\_\_\_  
Debbie C. Hardin, Clerk to Council

First Reading:	April 27, 2015	Passed 7-0
Second Reading:	May 11, 2015	Passed 7-0
Public Hearing:	May 18, 2015	Tentative
Third Reading:	May 18, 2015	Tentative

# The Lancaster News

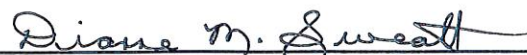
701 North White Street  
PO Box 640  
Lancaster, SC 29721  
803-283-1133

## NOTICE OF PUBLIC HEARING

### Lancaster County Council

A public hearing has been scheduled by the Lancaster County Council for Monday, May 18, 2015 at 6:30 p.m. in the Lancaster County Council Chambers, second floor, County Administration Building, 101 North Main Street, Lancaster, South Carolina, or at such other location in or around the complex posted at the main entrance. The purpose of the public hearing is to receive public comment on an ordinance titled "AN ORDINANCE TO APPROVE THE LEASE OF CERTAIN REAL PROPERTY LOCATED AT 1033 W. MEETING STREET TO THE LANCASTER COUNTY ECONOMIC DEVELOPMENT CORPORATION; AND TO AUTHORIZE COUNTY OFFICIALS TO TAKE SUCH ACTIONS AS NECESSARY TO EFFECTUATE THE PURPOSES OF THIS ORDINANCE" At the public hearing and any adjournment of it, all interested persons may be heard either in person or by their designee.

This is to certify that the attached Legal Notice was published in The Lancaster News in the issue of 05/01/15



Notary Public of South Carolina

My Commission Expires February 10, 2020

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STATE OF SOUTH CAROLINA

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Ordinance No. 2015-1347

COUNTY OF LANCASTER

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AN ORDINANCE

TO APPROVE THE LEASE OF CERTAIN REAL PROPERTY LOCATED AT 1033 W. MEETING STREET TO THE LANCASTER COUNTY ECONOMIC DEVELOPMENT CORPORATION; AND TO AUTHORIZE COUNTY OFFICIALS TO TAKE SUCH ACTIONS AS NECESSARY TO EFFECTUATE THE PURPOSES OF THIS ORDINANCE.

Be it ordained by the Council of Lancaster County, South Carolina:

**Section 1.** Findings.

The Lancaster County Council finds that:

(a) the County owns the property located at 1033 W. Meeting Street in the City of Lancaster being known and identified as Tax Parcel No. 0082C-OA-025.00 (Plat Book 2001, Page 0314) (the "Property");

(b) the Lancaster County Economic Development Corporation (the "LCEDC") proposes to lease from the County a portion of the Property (the "Leased Property") and to use the Leased Property as its office; and

(c) the public benefits to be received by the County for the lease of the Leased Property to the LCEDC are fair and reasonable compensation.

**Section 2.** Approval of Lease; Authority to Execute.

A. The County Administrator is authorized, empowered and directed, in the name of and on behalf of Lancaster County, to execute, acknowledge, and deliver a lease by and between the LCEDC and Lancaster County, providing for the lease of the Leased Property to the LCEDC (the "Lease"). The form of the Lease is attached hereto as Exhibit A and all terms, provisions and conditions of the Lease are incorporated herein by reference as if the Lease were set out in this ordinance in its entirety. By adoption of this ordinance, County Council approves the Lease and all of its terms, provisions and conditions. The Lease is to be in substantially the form as attached to this ordinance and hereby approved, or with such minor changes therein as shall be approved by the officials of Lancaster County executing the same, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of the Lease attached to this ordinance.

B. County Council authorizes and approves the lease 'Of the Leased Property to the LCEDC.

**Section 3.** Authority to Act.

The Council Chair, Secretary and Clerk, the County Administrator and County Attorney, each are authorized to take such actions and to execute such documents as may be necessary to effectuate the purposes of this ordinance,

**Section 4.** Severability.

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

**Section 5.** Conflicting Provisions.

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

**Section 6.** Effective Date.

This ordinance is effective upon Third Reading.

AND IT IS SO ORDAINED, this\_\_ day of\_\_\_\_\_, 2015.

LANCASTER COUNTY, SOUTH CAROLINA

\_\_\_\_\_  
Bob Bundy, Chair, County Council

\_\_\_\_\_  
Steve Harper, Secretary, County Council

ATTEST:

\_\_\_\_\_  
Debbie C. Hardin, Clerk to Council

First Reading: April 27, 2015 Passed 7-0

Second Reading: May 11, 2015 Passed 7-0

Public Hearing: May 18, 2015 Tentative

Third Reading: May 18, 2015 Tentative

Exhibit A  
1033 W. Meeting Street Lease



**State of South Carolina  
County of Lancaster**

**Lease Agreement**

THIS LEASE AGREEMENT effective as of July 1, 2015 between **County of Lancaster (Landlord/County)**, and the **Lancaster County Economic Development Corporation (Tenant)**, a South Carolina 501(c)(4) non-profit corporation.

**Background:** Landlord owns a commercial building containing approximately 5,892 square feet located at 1033 West Meeting Street, Lancaster, SC, tax map number 0082C-0A-025.00. Tenant has requested a lease for the utilization of approximately fifty (50%) of the interior portion of the building for a specific purpose and the parties have agreed on the terms of this Lease.

**Premises:** The approximately 2,950 square feet of the building to be utilized by the Tenant is identified by the drawing of the interior floor plan of the area to be occupied that is attached to this lease and made a part hereof, to include, not only those offices for the exclusive use of the Tenant (blue), but also those common areas (orange) designated as common space of the joint use of Tenant and Landlord's VA department.

**Term/Landlord's Early Termination Right:** Five (5) years, commencing July 1, 2015 through June 30, 2020. Landlord and Tenant agree that Landlord shall have the right to terminate this Lease at any time by notifying Tenant in writing at least ninety (90) days in advance that Landlord desires to terminate this Lease. The notice of termination may be given at any time and the lease termination date can be any date provided the termination date is at least ninety (90) days after the notice. In the event Landlord terminates this Lease upon notice, Tenant shall have no right to any compensation or return of any expenses incurred in connection with its operations.

**Use:** Tenant shall use the leased Premises only as the corporate headquarters and marketing offices of the Lancaster County Economic Development Corporation.

**Rent:** One (\$1.00) Dollar annually.

**Laws/Safety:** Tenant's activities on the Premises shall at all times be conducted in compliance with all applicable laws and Tenant shall not occupy or use, or permit to be occupied or used the said Premises for any purpose deemed extra hazardous on the account of fire or otherwise. Tenant shall comply with all rules and regulations reasonably imposed by Landlord regarding access to the Premises. Tenant shall endeavor to ensure that all safety practices as defined by Federal, State and County regulations shall be observed.

**Assignment/Sublease:** Tenant shall not assign or sublet all or any part of this Lease without the prior written consent of Landlord, which consent Landlord shall have no obligation to provide.

**Utilities:** Landlord will be responsible for the payment of all utilities other than the telephone service selected by the Tenant. Tenant shall pay any connection charges and monthly charges associated with telephone service.

**Fire/casualty:** Tenant shall not do or permit anything to be done on the Premises, or bring or keep anything thereon which will in any way conflict with any of the rules and ordinances of the County of Lancaster, or the laws of the State of South Carolina, or will increase the fire or other insurance rates.

**Access by Landlord:** Landlord, or any of its agents, shall have the right to enter the Premises during all reasonable hours to examine the same.

**Insurance:** Tenant shall be responsible for renter's liability and theft coverage insurance and Tenant's own liability insurance for Tenant's business in an amount necessary to meet the requirements of the South Carolina Property & Liability Trust. Tenant shall provide Landlord with a copy of the certificate of insurance evidencing coverage. Landlord shall not carry and shall have no obligation to carry liability insurance for Tenant or any insurance for any of Tenant's personal property or otherwise.

**Taxes:** Landlord is responsible to pay any real property taxes on the Premises. Tenant shall pay any taxes applicable to Tenant's equipment, business or personal property.

**Quiet enjoyment:** As long as Tenant performs and observes all of the covenants and provisions hereof, Tenant shall quietly enjoy the leased Premises during the term hereof, subject to the terms hereof.

**Default:** In the event Tenant fails to comply with the terms of this Lease and such compliance is not cured within thirty days of written notice from Landlord to Tenant, or if default shall be made in compliance with the covenants herein contained, or if the Premises shall be abandoned, deserted or vacated, then it shall be lawful for Landlord, its agents, attorneys, successors or assigns to re-enter and take possession of the Premises and Tenant and every occupant shall vacate the Premises. Upon re-entry as aforesaid, this Lease shall terminate. In the event of Tenant default and re-entry by Landlord as herein provided, Tenant shall be liable in damages to Landlord for all loss sustained, including payment of Landlord's costs and attorney's fees.

**Hold-over:** Tenant's occupancy of the Premises beyond the term of this Lease shall be considered as a renewal of this Lease only on a month to month basis.

**Release/Indemnity:** Tenant hereby releases Landlord from any and all claims related to Tenant's activities on the Premises. Further, Tenant shall indemnify and hold Landlord harmless against all expenses, liability, and claims of every kind, including reasonable attorney's fees, by or on behalf of any person or entity arising out of (1) a failure by Tenant to perform any of the terms or conditions of this Lease, (2) any injury or damage happening on or about the demised Premises, (3) failure to comply with any law or any governmental authority, (4) any loss, damage or liability incurred by reason of executing this Lease or (5) any mechanic's lien or security interest filed against the demised Premises as a result of Tenant's activities on the Premises.

**Business Purposes:** Tenant acknowledges that this Lease is for business purposes. Tenant agrees that in the event Tenant discontinues its use for any reason, Tenant shall not seek any compensation or return of any expenses incurred in connection with its use of the Premises.

**In Witness Whereof,** the parties have hereunto set their hands and seals effective as of the day and year first above written.

**Tenant:**

Lancaster County Economic Development Corporation

Witnesses:

\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_

Its: \_\_\_\_\_

Address: \_\_\_\_\_

Lancaster, SC \_\_\_\_\_

**Landlord:**

County of Lancaster, South Carolina

Witnesses:

\_\_\_\_\_  
\_\_\_\_\_

By: \_\_\_\_\_

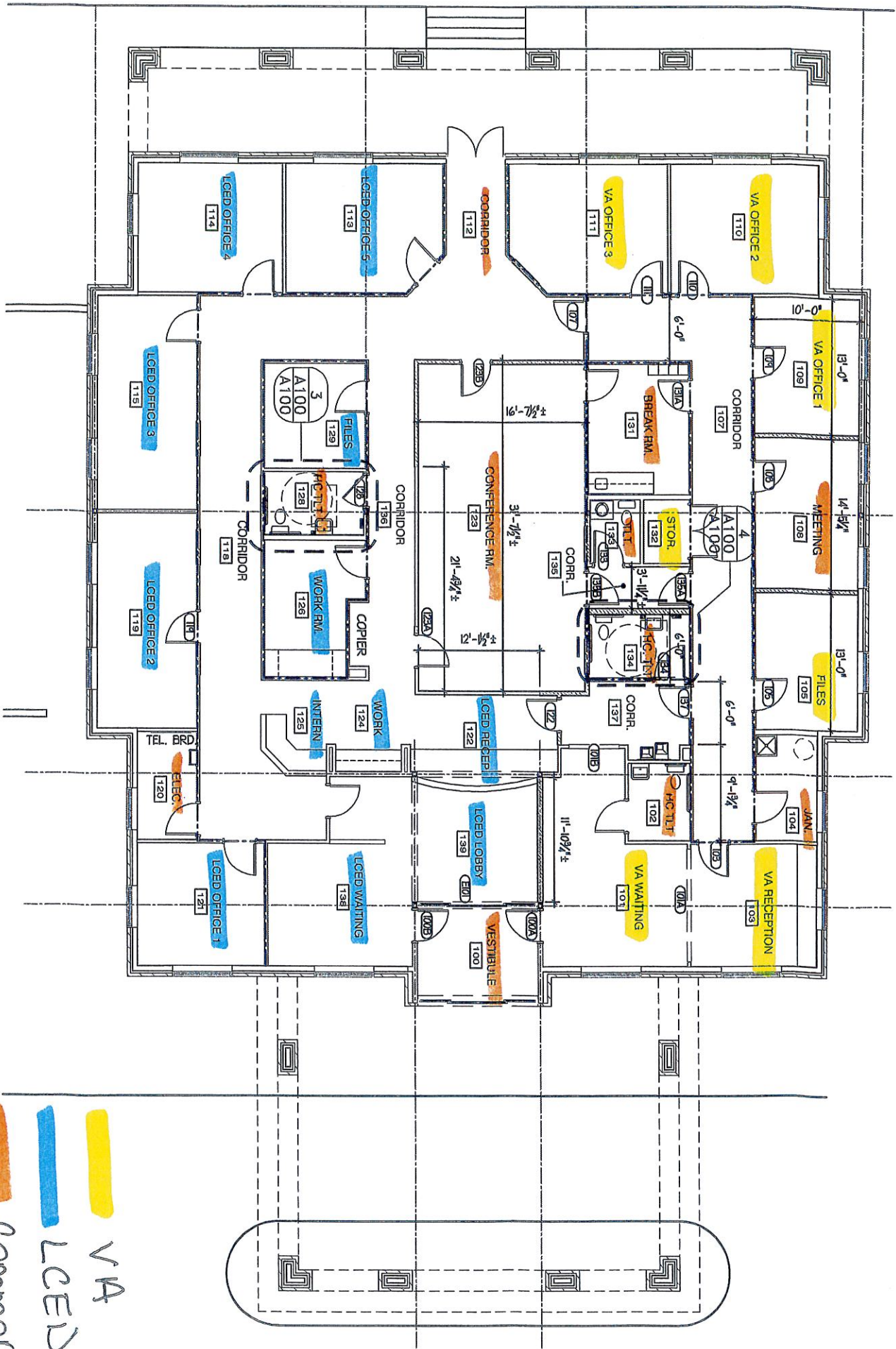
Steve Willis, County Administrator

Address: 101 North Main Street

P.O. Box 1809

Lancaster, SC 29720





VA  
 LCD  
 Common

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STATE OF SOUTH CAROLINA

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COUNTY OF LANCASTER

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ORDINANCE NO. 2015-1353

**AN ORDINANCE**

**TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY SO AS TO REZONE PROPERTY OWNED BY RUBY D. CATLEDGE, REPRESENTED BY JERRY CATLEDGE, LOCATED AT 1109 TENTH STREET FROM R-15, MODERATE DENSITY RESIDENTIAL/AGRICULTURAL DISTRICT TO R-15S, MODERATE DENSITY RESIDENTIAL/MANUFACTURED HOUSING/AGRICULTURAL DISTRICT; AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.**

Be it ordained by the Council of Lancaster County, South Carolina:

**Section 1. Findings and Determinations.**

The Council finds and determines that:

(a) Jerry Catledge applied to rezone property located at 1109 Tenth Street from R-15, Moderate Density Residential/Agricultural District to R-15S, Moderate Density Residential/Manufactured Housing/Agricultural District.

(b) On April 21, 2015, the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a vote of (6-0), recommended approval of the rezoning.

**Section 2. Rezoning.**

The Official Zoning Map is amended by changing the zoning district classification from R-15, Moderate Density Residential/Agricultural District to R-15S, Moderate Density Residential/Manufactured Housing/Agricultural District for the following property as identified by tax map number or other appropriate identifier:

Tax Map No. 0081I-0A-003.00

**Section 3. Severability.**

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections, and clauses shall not be affected.

**Section 4. Conflicting Provisions.**

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

**Section 5.      Effective Date.**

This ordinance is effective upon third reading.

And it is so ordained, this \_\_\_\_ day of \_\_\_\_\_, 2015.

**LANCASTER COUNTY, SOUTH CAROLINA**

\_\_\_\_\_  
Bob Bundy, Chair, County Council

\_\_\_\_\_  
Steve Harper, Secretary, County Council

ATTEST:

\_\_\_\_\_  
Debbie C. Hardin, Clerk to Council

First Reading: 5-11-15	Passed 7-0
Second Reading: 5-18-15	Tentative
Third Reading: 6-8-15	Tentative

Approved as to form:

\_\_\_\_\_  
County Attorney

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# The Lancaster News

701 North White Street  
PO Box 640  
Lancaster, SC 29721  
803-283-1133

## **NOTICE OF PUBLIC HEARING Lancaster County Council**

A public hearing has been scheduled by the Lancaster County Council for Monday, May 18, 2015 at 6:30 p.m. in the Lancaster County Council Chambers, second floor, County Administration Building, 101 North Main Street, Lancaster, South Carolina, or at such other location in or around the complex posted at the main entrance. The purpose of the public hearing is to receive public comment on an ordinance titled "AN ORDINANCE TO INITIATE A LAND USE STUDY AND RECOMMENDATIONS AS TO APPROPRIATE LAND USE AND ZONING REGULATIONS FOR THE DEVELOPMENT OF RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL PROPERTIES THROUGHOUT THE COUNTY; TO IMPOSE A NINE (9) MONTH MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR DISTRICT BOUNDARY AMENDMENTS AND TEXT AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE OF LANCASTER COUNTY IN THE AREA OF THE COUNTY NORTH OF HIGHWAY 5; AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO." At the public hearing and any adjournment of it, all interested persons may be heard either in person or by their designee.

This is to certify that the attached Legal Notice was published in The Lancaster News in the issue of 05/01/15



Notary Public of South Carolina

My Commission Expires February 10, 2020

## Agenda Item Summary

Ordinance # / Resolution#: 2015-1351

Contact Person / Sponsor: John Weaver & Penelope Karagounis

Department: County Attorney & Planning Department

Date Requested to be on Agenda: May 18, 2015

Committee: Infrastructure & Regulation Committee (May 12, 2015)

**Issue for Consideration:** As you know, Lancaster County staff and the Catawba COG are in the process of rewriting Lancaster County's Unified Development Ordinance (UDO). As was reported recently, the County's population growth proportionately was the highest of any county in the state. The requirements and regulations that are in place now are not sufficient to insure smart growth in the Indian Land section of the county for residential, commercial and industrial development. The rewrite is intended, not only to promote a visionary, higher standard for growth, but also the rewrite is intended to set a standard for developers that is consistent with today's and tomorrow's development techniques.

**Points to Consider:** Council previously has been given a timeline for the completion of this project. An additional copy is provided following this Summary. An update/rewrite of a local government's UDO is an undertaking that every rapidly developing county in, not only the greater Charlotte area, but also within many other South Carolina counties, is finding to be necessary.

The Council surely recognizes that a quality end-product of an updated UDO cannot be accomplished with an ever-expanding development base. Estimates show that there are in excess of 17,000 parcels that have been rezoned and are ready for development today in the Indian Land area alone.. No recommendation of the COG or the Planning Department will impact those previously approved projects and the associated building permits will be issued as requested. But logic dictates that there must be a starting point for the implementation of the new UDO guidelines. And to have a starting point of something new, there must be a stopping point of the old. Council is being asked to consider a moratorium on new zoning applications within a specified area as described in the ordinance and depicted on the accompanying map so as to preserve the status quo until the Planning Commission and staff have completed their work and come forward with recommendations for the defined area.

**Funding and Liability Factors:** N/A

**Council Options:**

- 1) Approve the continuation of the Land Use Study and the moratorium on new zoning applications north of Highway 5.
- 2) Approve the Land Use Study, but reject the moratorium.
- 3) Reject the continuation of the Land Use Study, thereby making unnecessary the proposed moratorium.

**Recommendation:** #1 above.



# Timeframe and Work Program



## Unified Development Ordinance Update - Phases I & II

WORK ITEM	2015												2016	
	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB
Planning Staff Review Meetings														
UDO Review Committee Meetings														
Draft UDO Update for Phase One Chapters and Zoning Concept Map														
Draft an Administrative Manual on Application Submittal Process														
Planning Commission Update														
County Council Update														
Draft the Remaining Chapters for the UDO Update														
Draft Proposed Zoning Map														
Finalize Administrative Manual on Application Submittal Process														
Coordinate and Conduct Community Meetings and/or Focus Groups														
Planning Commission Public Hearings on Updated UDO														
Revisions to Final Updated UDO As Needed														
County Council Adoption of Updated UDO														
Complete Updated Zoning Map														
Planning Commission Public Hearings on Updated Zoning Map														
Revisions to Final Zoning Map As Needed														
County Council Adoption of Updated Zoning Map														

Phase I - UDO Update and Zoning Concept Map (January 2015- June 2015) -----  
Phase II - Final UDO Update and Zoning Map (July 2015 - Feb 2016) -----

April 14, 2015

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STATE OF SOUTH CAROLINA

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COUNTY OF LANCASTER

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ORDINANCE NO. 2015-1351

**AN ORDINANCE**

**TO IMPOSE A NINE (9) MONTH MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR DISTRICT BOUNDARY AMENDMENTS TO THE UNIFIED DEVELOPMENT ORDINANCE OF LANCASTER COUNTY IN THE AREA OF THE COUNTY NORTH OF HIGHWAY 5; AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.**

**WHEREAS**, Lancaster County Council has observed a substantial increase in development throughout the County, but particularly in the unincorporated Indian Land area of the County; and

**WHEREAS**, as evidence of that development and growth, the following statistics have been recognized: Lancaster County is the fastest growing county in the state between 2013 and 2014 with a 3.3% population increase during that year; there is at present in excess of 18,000 parcels that have been rezoned and are ready for development today in the Indian Land area alone; and

**WHEREAS**, Council is concerned about the rapid growth of the County and protecting the existing rural areas north of Highway 5 in Van Wyck, not only now, but also in future years and the potential for conflicts between residential, commercial and industrial development; and

**WHEREAS**, the present Unified Development Ordinance (UDO) of Lancaster County was presented and passed by Council on September 28, 1998 and, over the past seventeen (17) years, the UDO has proven to be in need of rewrite and update as a result of the growth noted herein; and

**WHEREAS**, Council adopted a Comprehensive Plan 2014–2024 on December 8, 2014 which includes a Future Land Use Map with flexibility for appropriately mixing land uses and shaping the current development pattern of the County to protect each community's natural and cultural assets while balancing the demands for growth; and

**WHEREAS**, Lancaster County is currently developing a new Unified Development Ordinance and Zoning Map to implement the Comprehensive Plan Guiding Principles, Plan Implementation and provide recommendations as to the appropriate land use, zoning district designations and development regulations for all properties; and

**WHEREAS**, the development of the new Unified Development Ordinance will require adequate time to prepare the new UDO and Zoning Map necessary to adequately manage growth in both the urban and rural areas in Lancaster County, and



**WHEREAS**, in order to accomplish the stated goal of an updated Unified Development Ordinance with the development of new zoning district designations and development regulations, Council deems it necessary and appropriate to impose a Moratorium, effective Monday, May 18, 2015, on the County's acceptance and processing of applications for district boundary amendments to the UDO for **all real properties located in Lancaster County north of the following boundary: from a point at the western boundary with York County along Highway 5 until its intersection with Highway 521, then preceding in a northeastern direction along Old Church Road until its intersection with the Union County, NC state line, then further northward to the North Carolina state line** for a nine (9) month period so as to preserve the status quo until the Planning Commission and Planning Department staff have completed their work and come forward with the recommendations called for in this ordinance.

**NOW THEREFORE**, by the power and authority granted to the Lancaster County Council by the Constitution of the State of South Carolina and the powers granted to the County by the General Assembly of the State, it is ordained and enacted:

1a. **New UDO and Zoning Map Initiated Provision for Recommendations.** The Lancaster County Planning Commission and Planning Department staff shall review and consider a new UDO and Zoning Map and make recommendations to County Council for new zoning district designations, development regulations and appropriate zoning necessary to adequately manage growth throughout the County.

1b. **Nine (9) Month Moratorium Adopted.** Effective May 18, 2015, no applications for district boundary map amendments to the UDO shall be accepted and processed by the Planning Department staff for **all real properties located in Lancaster County north of the following boundary: from a point at the western boundary with York County along Highway 5 until its intersection with Highway 521, then proceeding in a northeastern direction along Old Church Road until its intersection with the Union County, NC state line, then further northward to the North Carolina state line** for a period of nine (9) months (the "Moratorium"). The Moratorium is imposed in order to allow the Lancaster County Planning Commission and Planning Department staff time to conduct the work specified in Section 1a. above. The Moratorium shall not affect development in progress that has already received approval from County Council and shall not affect rezoning applications and development agreements submitted to the Planning Department as of Second Reading of this Ordinance. In the event of a natural disaster, the County Administrator may suspend the Moratorium to the extent necessary to protect and preserve the public health, safety and general welfare.

1c. **Extension of Moratorium by Resolution.** No earlier than thirty (30) days prior to the expiration of the Moratorium, should the County Administrator determine that there is insufficient time for the Council to consider the repeal of the existing UDO and the adoption of a new UDO and Zoning Map and related recommendations, then, in that event, the County Administrator shall so notify Council of this time constraint and, thereafter, Council may by Resolution extend the Moratorium expiration by up to an additional ninety (90) day period.

2. **Severability:** If a Section, Sub-section, or part of the Ordinance shall be deemed or found to conflict with a provision of South Carolina law, or other pre-emptive legal principle, then that Section, Sub-section, or part of the Ordinance shall be deemed ineffective, but the remaining parts of this Ordinance shall remain in full force and effect.

3. **Conflict with Preceding Ordinances:** If a Section, Sub-section or provision of this Ordinance shall conflict with the provisions of a Section, Sub-section or part of a preceding Ordinance of Lancaster County, then the preceding Section, Sub-section, or part shall be deemed repealed and no longer in effect.

4. **Effective Date:** This Ordinance shall become effective on Third Reading.

**AND IT IS SO ORDAINED**

Dated this \_\_\_\_ day of \_\_\_\_\_, 2015.

LANCASTER COUNTY, SOUTH CAROLINA

\_\_\_\_\_  
Bob Bundy, Chair, County Council

\_\_\_\_\_  
Steve Harper, Secretary, County Council

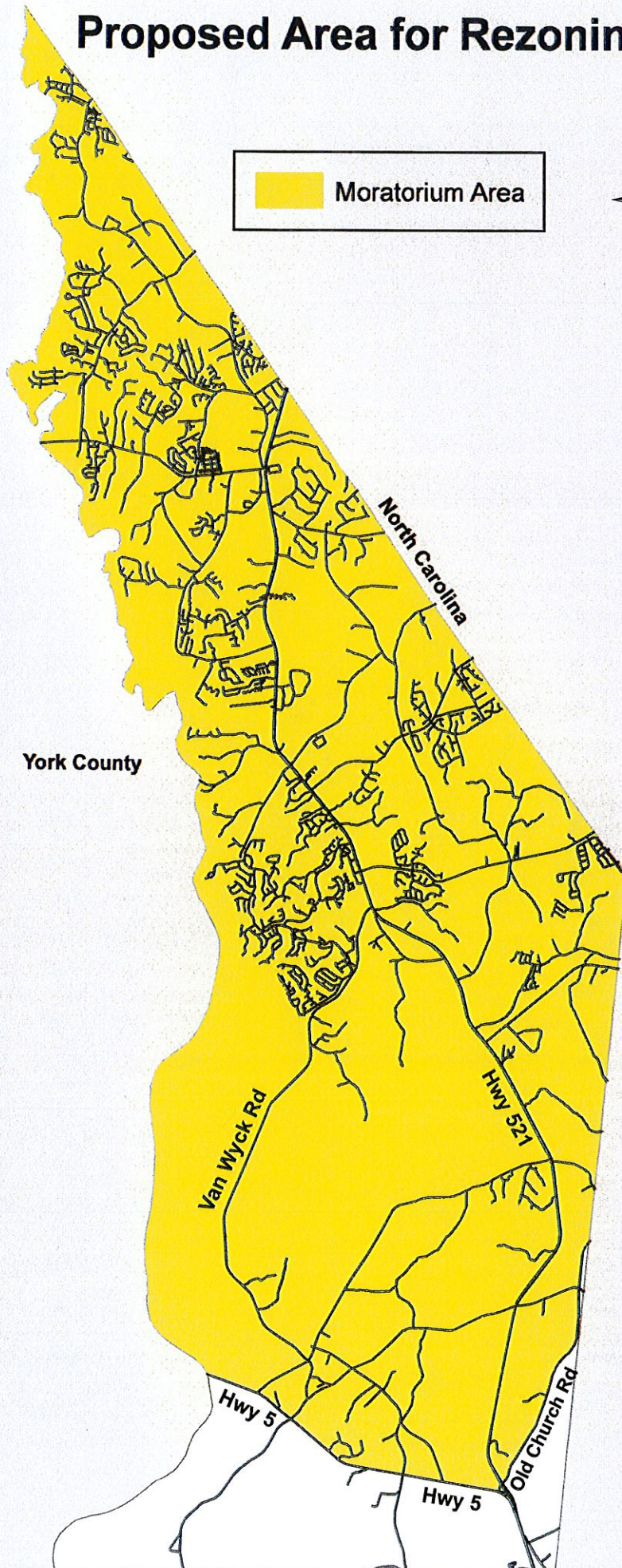
ATTEST:


\_\_\_\_\_  
Debbie C. Hardin, Clerk to Council

First Reading:	May 18, 2015	Tentative
Second Reading:	June 8, 2015	Tentative
Third Reading:	June 22, 2015	Tentative
Public Hearing:	May 18, 2015	Tentative



# Proposed Area for Rezoning Moratorium



 Moratorium Area

**Lancaster**  
County  
South Carolina

Disclaimer:

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The background of the entire page is a light blue aerial map showing a grid of streets and some green spaces. A solid dark blue horizontal band runs across the middle of the page, containing the title text.

# 2014

# Comprehensive Planning Guide for Local Governments



(4th Cir. 1988); *Naegele Outdoor Advertising, Inc. v. City of Durham*, 803 F. Supp. 1068 (M.D.N.C. 1992). The zoning ordinance may provide for termination of nonconforming uses within a specified time without regard to lack of intentional abandonment of the use by the landowner. *Gurganious v. City of Beaufort*, 317 S.C. 481, 454 S.E.2d 912 (Ct. App. 1995).

**Abandonment.** Abandonment of a nonconforming use for a time specified in the zoning ordinance can terminate the right to continue the use. *Maguire v. City of Charleston*, 271 S.C. 451, 247 S.E.2d 817 (1978). In the absence of an objective time frame for abandonment, the common law definition of abandonment applies and requires an intent to relinquish the right to use the property. *City of Myrtle Beach v. Juel P. Corporation*, 344 S.C. 43, 543 S.E.2d 538 (2001), citing *Conway v. City of Greenville*, 254 S.C. 96, 173 S.E.2d 648 (1970).

### **Pending Ordinance Doctrine/Moratorium**

The "pending ordinance doctrine," which is recognized by state case law, gives local governments the authority to refuse a permit for a land use when the use is not allowed under a then-pending and later-enacted zoning ordinance. A zoning administrator has the authority to refuse a permit for a use which is repugnant to the terms of a proposed zoning ordinance or amendment pending at the time of application for the permit. An ordinance is legally pending when the governing body has resolved to consider a particular scheme of rezoning and has advertised to the public its intention to hold public hearings on the rezoning. *Sherman v. Reavis*, 273 S.C. 542, 257 S.E.2d 735 (1979); *Continental Southeastern Group v. City of Folly Beach*, 290 S. C. 206, 348 S. E. 2d 837 (1986); *Stratos v. Town of Ravenel*, 297 S.C. 309, 376 S.E.2d 783 (Ct. App. 1989); *Covenant Media of South Carolina, LLC v. City of North Charleston*, 493 F.3d 421 (4<sup>th</sup> Cir. 2007) (also distinguishing the "time of application" rule in the absence of evidence of reliance by the applicant). In *Scott v. Greenville County*, 716 F. 2d 1409, 1419 n. 10 (4<sup>th</sup> Cir. 1983), the court panel suggested that, under South Carolina law, an ordinance would not be considered as "pending" under the pending ordinance doctrine at the time when a governing body merely first announced an intention to consider rezoning and simply referred the matter to the planning commission.

In *Simpkins v. City of Gaffney*, 315 S. C. 26, 431 S.E.2d 592 (Ct. App. 1993), the court held that a resolution of city council setting a moratorium on construction of multi-family dwellings was not a pending "ordinance" and did not suspend an existing valid zoning ordinance. A zoning ordinance must be amended by an ordinance, not by a resolution.

A request for a permit should be denied when a pending ordinance would allow a use then prohibited by the existing ordinance. The pending ordinance doctrine protects the public interest by preventing a change in use. Allowing a use under a pending ordinance that may not be adopted is contrary to the public interest.

A related legal concept is the "moratorium." A local government can enact an ordinance suspending further permitting under a zoning or land development ordinance while it considers whether to amend or repeal the suspended ordinance. A local government cannot adopt an ordinance imposing a moratorium "on a construction project" for which a permit

has been granted unless it gives two weeks' notice by newspaper publication in the county in which the project is located. S.C. Code § 6-1-110. No moratorium may be imposed without at least two readings, which are a week apart. Section 6-1-110 provides express statutory authorization for a moratorium on construction projects by ordinance.

However, the moratorium should be uniformly applied, and the moratorium period must be of a reasonable duration. A temporary moratorium is not a *per se* taking of property requiring compensation under the Takings Clause of the Fifth Amendment of the U. S. Constitution. *Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency*, 535 U. S. 302, 122 S. Ct. 1465, 152 L. Ed. 2d 517 (2002).

### **Spot Zoning**

Zoning a small parcel as an island surrounded by a district with different zoning may be spot zoning. The Supreme Court stated that invalid "spot zoning" is the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area to benefit the owners of such property and to the detriment of other owners. *Bob Jones University, Inc. v. City of Greenville*, 243 S.C. 351, 133 S.E.2d 843 (1963). The mere fact that business property adjoins residential property does not mean that the commercial zoning is invalid spot zoning. See *Talbot v. Myrtle Beach Board of Adjustment*, 222 S.C. 165, 72 S.E.2d 66 (1952); *Knowles v. City of Aiken*, 305 S.C. 291, 407 S.E.2d 639 (1991).

Small areas may be rezoned as long as the action is not arbitrary or unreasonable. To help avoid the problem of spot zoning, many zoning ordinances include a provision prohibiting some types of free standing zoning districts of less than two acres.

### **Takings/ Eminent Domain/ Inverse Condemnation/ Regulatory Takings**

Property owners often challenge governmental zoning actions, zoning ordinances and other land use regulations with the claim of "taking," "inverse condemnation" or "regulatory taking" of their property without just compensation.

The Takings Clause of the Fifth Amendment to the U.S. Constitution and Article I § 13 of the South Carolina Constitution both provide that private property shall not be taken for public use without just compensation. These constitutional provisions do not prohibit the government from the taking of private property. Instead, it places a condition of just compensation on the exercise of that power. *First English Evangelical Lutheran Church of Glendale v. County of Los Angeles*, 482 U.S. 304, 107 S.Ct. 2378, 96 L.Ed 2d 250 (1987).

Under the analysis applied by the courts, takings may be direct or indirect, total or partial, physical or regulatory, and permanent or temporary. The takings analysis under South Carolina law is the same as the analysis under federal law. *Westside Quik Shop, Inc. v. Stewart*, 341 S.C. 297, 534 S.E.2d 270 (2000).

**Eminent Domain.** The federal and state constitutional takings provisions clearly require governments to pay landowners just compensation when the government undertakes a "classic" (direct, physical and permanent) taking such as the direct physical appropriation,

## Agenda Item Summary

Ordinance # / Resolution#:

Contact Person / Sponsor: Alex Moore

Department: Planning

Date Requested to be on Agenda: May 18, 2015

### **Issue for Consideration:**

This is the rezoning application of Lancaster Real Estate Group, LLC to rezone ± 77.09 acres of property from R-15P, Moderate Density Residential/Agricultural Panhandle District to B-3, General Commercial District for the purpose of constructing office buildings and related amenities. These properties will be incorporated into the Red Ventures campus.

### **Points to Consider:**

The parcels that are included within this rezoning application are surrounded by the following immediately adjacent zoning districts: Adjacent parcels to the **SOUTH** are zoned R-15P Moderate Density Residential/Agricultural Panhandle District. These parcels are part of the Black Horse Run residential subdivision. Adjacent parcels to the **EAST** (Mecklenburg County) are zoned R-3, Residential Single Family which permits a density of three units per acre. There are two parcels to the **NORTH** which are zoned R-15P and contain single-family residences. The remainder of the properties to the north are zoned B-3, General Commercial. Adjacent parcels to the **WEST** are zoned R-15P.

Planning Staff concludes that the rezoning of B-3, General Commercial for the subject parcels will allow for more certainty on the part of the applicant with regard to future expansion. Though economic development in Lancaster County is critical, development at this location must not erode stability within existing neighborhoods. To this end, Red Ventures has met with members of the Black Horse Run Homeowners Association. It is expected that this dialogue will create opportunities for positive outcomes.

Each of the B-3 uses must be taken into account for this proposed rezoning. However, Planning Staff expects the current applicant to undertake expansion with the utmost concern for the surrounding area. Further, and in relative short order with the UDO Rewrite, the Red Ventures campus will receive a mixed use zoning designation which will mandate additional site parameters for these properties regardless of the developer. Thus if unforeseen circumstances arise and cause the proposed Red Ventures expansion to fall through, the result will *not* include vacant B-3 properties with the possibility of numerous incompatible uses

### **Funding and Liability Factors:**

Possible additions of job opportunities for Lancaster County citizens and tax revenue.

### **Council Options:**

To approve or deny the rezoning request.

### **Recommendation:**

Based on the findings of this rezoning application, Planning Staff advises that the Lancaster County Planning Commission recommend **APPROVAL** of RZ-015-008.

On April 21<sup>st</sup>, 2015 Lancaster County Planning Commission met and recommended to **Approve** by a vote of (6-0)

## PLANNING STAFF REPORT: RZ-015-008

APPLICANT: LANCASTER REAL ESTATE GROUP, LLC

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### I. FACTS

#### A. GENERAL INFORMATION

**Proposal:** This is the rezoning application of Lancaster Real Estate Group, LLC to rezone ± 77.09 acres of property to B-3, General Commercial District for the purpose of constructing office buildings and related amenities. These properties will be incorporated into the Red Ventures campus.

**Property Location:** The properties which are proposed to be rezoned are located south of Potts Lane and east of US HWY 521 in Lancaster County, SC.

**Legal Description:** TMS No. 0005-00-105.00, 0005-00-107.00, 0005-00-108.00, 0008-00-014.00, and 0008-00-030.00.

**Zoning Classification:** R-15P, Moderate Density Residential/Agricultural Panhandle District.

**Voting District:** District 7, Brian Carnes

#### B. SITE INFORMATION

**Site Description:** The parcels that comprise this rezoning application are located in the Indian Land section of Lancaster County.

#### C. VICINITY DATA

**Surrounding Conditions:** The parcels that are included within this rezoning application are surrounded by the following immediately adjacent zoning districts: Adjacent parcels to the **SOUTH** are zoned R-15P Moderate Density Residential/Agricultural Panhandle District. These parcels are part of the Black Horse Run residential subdivision. Adjacent parcels to the **EAST** (Mecklenburg County) are zoned R-3, Residential Single Family which permits a density of three units per acre. There are two parcels to the **NORTH** which are zoned R-15P and contain single-family residences. The remainder of the properties to the north are zoned B-3, General Commercial. Adjacent parcels to the **WEST** are zoned R-15P.



D. EXHIBITS

1. Rezoning Application
2. Tax Inquiry Sheet
3. Vicinity Map
4. Future Land Use Map—Large Scale
5. Future Land Use Map—Small Scale
6. Overlay Map
7. B-3 Permitted Uses

## II. FINDINGS

### CODE CONSIDERATIONS

The **R-15P, MODERATE DENSITY RESIDENTIAL/AGRICULTURAL PANHANDLE DISTRICT** is designed to accommodate single-family residential developments (not including manufactured homes) in the northern part of the panhandle. This zoning district will allow residential uses and related residential uses such as religious institutions, fire stations, etc. The maximum density allowed in this zoning district is 1.5 dwelling units per acre (1.5 DU/AC). The minimum lot size is 29,040 square feet and the minimum lot width is 130 feet. The availability of water and or sewer shall not change: (1) the maximum density allowed; (2) the minimum lot size, and (3) the minimum lot width from what is stated above.

The **B-3, GENERAL COMMERCIAL DISTRICT (SEE “EXHIBIT 7” FOR B-3 PERMITTED USES)** is designed to accommodate a wide variety of general commercial uses characterized primarily by retail, office and service establishments which are oriented primarily towards major traffic corridors and/or extensive areas of predominantly commercial usage and characteristics. Commercial uses encouraged in this district are generally patronized in single purpose trips and emphasize large general merchandise establishments, sale of large bulky items, commercial services, repair services, automobile related sales and repair, various types of convenience stores, restaurants, and other recreational and entertainment uses. The district is also suited to accommodate travel oriented uses such as hotels and motels and gas stations.

## III. CONCLUSIONS

The existing Red Ventures campus has been an economic boon to Lancaster County. The corporate culture of this organization has resulted in exponential growth throughout the company. The leadership within Red Ventures anticipates continued expansion in Indian Land with many more employees being hired at this location.

Planning Staff was initially approached by the applicant about the processes involved regarding continued expansion of the Red Ventures campus. In the near-term the applicant noted their intent to begin a new building to handle new employees. Specifically they want to begin construction on this building sometime in the late summer to early fall timeframe. To accomplish this the applicant expressed interest in a blanket rezoning to a PDD zoning district for their campus and areas in which the future expansion would take place. Planning Staff believes that the PDD Ordinance as currently written does not allow for enough oversight. Staff acknowledges the need for some possible instances of latitude within the PDD Ordinance based on site specific planning needs. However, it is Staff's opinion that in past instances the existing PDD Ordinance has allowed for too much open-ended interpretation within projects.

Additionally, the future land use map designates this portion of Lancaster County as *Neighborhood Mixed Use*. Per the Lancaster County Comprehensive Plan, the *Neighborhood Mixed Use* category seeks to encourage walkable neighborhoods. The current rewrite that is being undertaken will include a much more workable mixed use category within the UDO to replace the current PDD section. The rewrite should be completed by February 2016.

As specifically related to the Red Ventures site, it is anticipated that the result of the ordinance rewrite will be a zoning district that will facilitate a clean, knowledge-based hub of economic activity. In addition, such a district would allow for mixed uses to include residential, neighborhood scale retail and recreational uses.

For the present, and for the subject site, Planning Staff recommended that the applicant only attempt to rezone the parcels that would be needed to construct the one building that was discussed. To this end the applicant submitted the rezoning application. Subsequently the applicant continued the due diligence process and were advised by County Council members who represent the Indian Land area that it would be better to apply for B-3 for the entirety of the proposed future campus expansion. Thus the application was indeed revised and submitted.

Staff would also like to note that the subject of access has also been discussed with the applicant in relation to emergency ingress/egress. With the proposed addition of any buildings to the Red Ventures campus, Lancaster County Fire Service needs to be in the loop. The applicant has been made aware of this and it has been *highly* recommended that they meet with the Fire Marshal as soon as possible regarding future development.

Planning Staff concludes that the rezoning of B-3, General Commercial for the subject parcels will allow for more certainty on the part of the applicant. While economic development in Lancaster County is important, any future development at this location must also be responsible to existing neighborhoods. Representatives of Red Ventures have met with members of the Black Horse Run Homeowners Association. It is expected that such dialogue will create further opportunities for positive outcomes.

#### **IV. RECOMMENDATION**

The proposed rezoning to B-3, General Commercial for these properties presents an opportunity for responsible development. While all of the B-3 uses must be taken into account for this proposed rezoning, Planning Staff expects the current applicant to undertake expansion with the utmost concern of the immediate and surrounding area. It is Staff's opinion that this rezoning will facilitate this by allowing for certainty on their part. Further, and in relative short order, the Red Ventures campus will receive a mixed use zoning designation which will mandate additional site parameters regardless of the developer.

Based on the findings of this rezoning application, Planning Staff advises that the Lancaster County Planning Commission recommend **APPROVAL** of RZ-015-008.

#### **V. Recommendation from Planning Commission Meeting:**

At the Lancaster County Planning Commission meeting on Tuesday, April 21<sup>st</sup>, 2015 the Commission voted to **APPROVE** the rezoning application of Lancaster Real Estate Group, LLC (Red Ventures, LLC) by a vote of (6-0).





# RZ-015-008 Vicinity Map

Subject Properties

Lancaster County  
South Carolina

Lancaster County makes no guarantee as to the accuracy or completeness of the information contained herein. The information is provided for informational purposes only and should not be used for any other purpose. The information is provided as is and without warranty. The information is provided for informational purposes only and should not be used for any other purpose. The information is provided as is and without warranty.





# RZ-015-008 Zoning Map

Subject Properties



Lancaster  
County  
South Carolina

Lancaster County hereby certifies that the information contained on this map was prepared by the County Planning Department and is true and correct to the best of its knowledge and belief. This map is for informational purposes only and does not constitute a contract or warranty of any kind. The County is not responsible for any errors or omissions on this map.





# RZ-015-008 Future Land Use Map

Subject Properties

Neighborhood Mixed Use

Neighborhood Mixed Use

Pedestrian Center

Lancaster  
County  
South Carolina



Map prepared by the Planning Department, Lancaster County, South Carolina, in cooperation with the Planning Department, City of Lancaster, South Carolina. The map is for informational purposes only and does not constitute a contract or warranty of any kind. The map is subject to change without notice.



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STATE OF SOUTH CAROLINA

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ORDINANCE NO. 2015-1354

COUNTY OF LANCASTER

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**AN ORDINANCE**

**TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY SO AS TO REZONE PROPERTY OF LANCASTER REAL ESTATE, LLC/RED VENTURES, LLC, LOCATED SOUTH OF POTTS LANE AND EAST OF US HWY 521 FROM R-15P, MODERATE DENSITY RESIDENTIAL/AGRICULTURAL PANHANDLE DISTRICT TO B-3, GENERAL COMMERCIAL DISTRICT; AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.**

Be it ordained by the Council of Lancaster County, South Carolina:

**Section 1. Findings and Determinations.**

The Council finds and determines that:

(a) Lancaster Real Estate, LLC/Red Ventures, LLC applied to rezone property located south of Potts Lane and east of US HWY 521 from R-15P, Moderate Density Residential/Agricultural Panhandle District to B-3, General Commercial District.

(b) On April 21, 2015, the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a vote of (6-0), recommended approval of the rezoning.

**Section 2. Rezoning.**

The Official Zoning Map is amended by changing the zoning district classification from R-15P, Moderate Density Residential/Agricultural Panhandle District to B-3, General Commercial District for the following property(ies) as identified by tax map number or other appropriate identifier:

Tax Map No. 0005-00-105.00, 0005-00-107.00, 0005-00-108.00, 0008-00-014.00, 0008-00-030.00.

**Section 3. Severability.**

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

**Section 4.      Conflicting Provisions.**

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

**Section 5.      Effective Date.**

This ordinance is effective upon third reading.

And it is so ordained, this \_\_\_\_ day of \_\_\_\_\_, 2015.

**LANCASTER COUNTY, SOUTH CAROLINA**

\_\_\_\_\_  
Bob Bundy, Chair, County Council

\_\_\_\_\_  
Steve Harper, Secretary, County Council

ATTEST:

\_\_\_\_\_  
Debbie C. Hardin, Clerk to Council

First Reading: 5-18-15	Tentative
Second Reading: 6-8-15	Tentative
Third Reading: 6-22-15	Tentative

Approved as to form:

\_\_\_\_\_  
County Attorney

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## Agenda Item Summary

Ordinance # / Resolution#: 2015-1355 – Budget Amendment Ordinance for FY 2014-2015  
Contact Person / Sponsor: Veronica C. Thompson  
Department: Admin/ Finance  
Date Requested to be on Agenda: May 18, 2015 – First Reading

**Issue for Consideration:**

Adoption of the budget amendment ordinance for FY 2014-2015.

**Points to Consider:**

During the fiscal year, Council authorized certain expenditures that were not included in the County's original budget. It was noted that these items would be included as an amendment to the FY15 Budget. The Budget Analyst (5 months) is not included in the proposed amendment due the fact that the position will minimally impact the Finance Department's budget for the current year. The fencing (\$15K) for the Detention Center was also not included because its department's budget could support this expenditure.

Two heavy equipment vehicles for Public Works, approved in March, were not included due to the timing of the delivery and ensuring the County's resources are used wisely. They will be included in the FY16 budget instead.

The amendment includes the use of funds from the sale of the easement in Walnut Creek to install lights at the Kershaw ball fields and utilizing donations to help with the Sheriff's substation in Indian Land.

**Funding and Liability Factors:**

The budget amendment ordinance is attached as information with all pertinent data which includes the supplemental sources which the County will budget.

**Council Options:**

Council retains all options for amending the budget throughout the adoption process.

**Recommendation:**

Adopt the proposed amendments with the understanding that subsequent fiscal year amendments will follow an improved process.

STATE OF SOUTH CAROLINA

COUNTY OF LANCASTER

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)  
)

ORDINANCE NO. 2015-1355

~~Indicates Matter Stricken~~

Indicates New Matter

### AN ORDINANCE

TO AMEND ORDINANCE NO. 2014-1276, RELATING TO THE APPROPRIATION OF FUNDS AND THE APPROVAL OF A DETAILED BUDGET FOR LANCASTER COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2014 AND ENDING JUNE 30, 2015 (FY 2014-2015), TO FURTHER PROVIDE FOR REVENUES AND EXPENDITURES DURING THE FISCAL YEAR; AND TO PROVIDE FOR MATTERS RELATED THERETO.

Be it ordained by the Council of Lancaster County, South Carolina:

#### **Section 1. Appropriations; Detailed Budget.**

(a) Section 2. of Ordinance No. 2014-1276 is amended to read:

/A. Subject to the terms and conditions of this ordinance, the sums of money set forth below, if so much is necessary, are appropriated from the General Fund of the County and other applicable funds as specified, to meet the ordinary expenses, including debt service, of county government for the fiscal year beginning July 1, 2014 and ending June 30, 2015 (FY 2014-2015):

APPROPRIATIONS	AMOUNT
Airport Fund	241,059
Capital Improvement Fund	1,318,000
Capital Project Sales Tax	8,000,000
County Debt	2,342,965
County Transportation Committee Fund	1,500,000
Court Mandated Security	1,152,675
E-911 Fund	406,150
General Fund	41,057,263 42,524,316
Indian Land Fire Protection District Fund	454,025
Local Accommodations Tax Fund	35,000
Pleasant Valley Fire Protection District Fund	388,498 418,498
Recreation Fund	2,231,168 2,302,168
Victims Services Fund	87,605

(b) The County Administrator is authorized to adjust the detailed operating budget for the County, as contained in the Annual Financial Plan, as previously approved by Council in Section 2A) of Ordinance No. 2014-1276, for the following items:

General Fund			
	Supplemental Revenue- Donations	54,115	
	Supplemental Revenue- Vehicle Taxes	200,000	
	Supplemental Revenue- Fund Balance	767,938	
	Library Professional Services		78,715
	Sheriff- LASO		113,423
	Sheriff- IL Substation		79,115
	Public Works- Heavy Equipment		167,000
	Eco Dev/VA- Transfer to Bond Fund		280,000
	Public Safety- Radio Repairs		50,800
	EMS- QRV & Ambulance		253,000
	Supplemental Revenue- Lease Purchase Proceeds	445,000	
	Emergency Management- Lease Purchase Extrication Equipment		445,000
Pleasant Valley FD			
	Fund Balance	30,000	
	Utility Vehicle (Partial Funding)		30,000
Recreation Fund			
	Supplemental Revenue- Sale of Asset	71,000	
	Capital- Ball field Lights		71,000

#### **Section 4. Severability.**

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

#### **Section 5. Conflicting Provisions.**

To the extent this ordinance contains provisions that conflict with provisions contained in the Lancaster County Code or other County ordinances, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

#### **Section 6. Effective Date.**

This ordinance is effective upon Third Reading.



AND IT IS SO ORDAINED, this 22rd day of June, 2015.

**LANCASTER COUNTY, SOUTH CAROLINA**

\_\_\_\_\_  
Bob Bundy, Chair, County Council

\_\_\_\_\_  
Steve Harper, Secretary, County Council

ATTEST:

\_\_\_\_\_  
Debbie C. Hardin, Clerk to Council

First Reading:	May 18, 2015	Tentative
Second Reading:	June 8, 2015	Tentative
Public Hearing:	June 8, 2015	Tentative
Third Reading:	June 22, 2015	Tentative

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## Agenda Item Summary

Ordinance # / Resolution#: 2015-1356 – Annual Budget Ordinance for FY 2015-16  
Contact Person / Sponsor: Steve Willis/ Veronica Thompson  
Department: Admin/ Finance  
Date Requested to be on Agenda: May 18, 2015 – First Reading

**Issue for Consideration:**

Adoption of the annual budget ordinance for Fiscal Year 2015-2016.

**Points to Consider:**

Please see attached page for discussion of points from May 11, 2015 Council meeting.

**Funding and Liability Factors:**

The budget ordinance is attached as information with all pertinent data.

County Council must adopt either a budget ordinance or continuing resolution by June 30, 2015.

**Council Options:**

Council retains all options for amending the budget throughout the adoption process.

**Recommendation:**

Once Council is in general agreement on the items to fund, adopt the budget.

## Budget Summary of Changes from May 11, 2015

The following covers changes made from the May 11<sup>th</sup> County Council meeting. Other than mentioned below; the budget remains as presented at the Committee of the Whole meeting. I would note that at the Committee of the Whole meeting we added the following items:

Four (4) Deputy Sheriff positions for Patrol  
One (1) Attorney position for the Public Defender  
One (1) Attorney position for the Solicitor  
Contractual engineering in the amount of \$60,000 for SMS4 (stormwater)

### Items from May 11<sup>th</sup>

#### Additional Personnel:

One (1) Zoning Officer at \$21,837 (reflects offset from reduced demolition funding)  
(there would also be \$39,000 from Fund Balance for capital – vehicle and furniture)  
One (1) Expungement Clerk for Sheriff's Office at \$39,406  
Part-time temporary assistance for Elections and Voter Registration related to re-precincting work and 2016 Presidential Preference Primaries at \$23,813

#### Engineer

At the meeting there was discussion regarding transitioning the contractual engineering funding to hiring a staff engineer. At the time of this report that cost is still being calculated; however, the I&R Committee heard a report Tuesday about why this was not recommended. Reasons included:

1. We are looking for a civil engineer to handle road, bridge, and stormwater issues; primarily stormwater at this point. For roads and bridges we have been using the CTC contractual engineer when needed.
2. The cost will not just be an engineer but also a field technician and clerical support. These "back office" costs are included in the fee when we utilize a contractual engineer as needed.
3. We have concerns over where we would locate these staff members at this point.

For these reasons Jeff Catoe and I recommend we retain the contractual engineering services as adopted at the Committee of the Whole meeting for the upcoming fiscal year. We certainly do not dispute in-house engineering services is in our future. We will finalize cost estimates by the 18<sup>th</sup> in case Council elects not to accept this recommendation.

#### Bonus

I recommend we retain the plan adopted at the Committee of the Whole which had three components:

1. For employees with over ten years experience and a satisfactory evaluation – move to ½ way towards Archer Study market rate.
2. For EMS Paramedics - \$3.00 per hour wage increase for competitive reasons.



3. For other employees who were on the payroll as of December 31, 2014 – a one half of one percent Cost of Living Adjustment. Employees hired on or after January 1, 2015 would not receive a COLA.

**\*\* Note:** employees would receive one of the above increases but would not qualify for more than one. We would award whichever was most advantageous to the employee.

Council discussed a one time Bonus, rather than a salary adjustment, for additional financial support for our lower paid employees. This would fall into Council's stated desire to get employees "out of the mud". With the proviso that employees still would receive only one category of increase, whichever was most advantageous, I recommend the option for an additional one half of one percent increase, with a \$450 floor, at \$282,343 with the following conditions:

1. This would be in the form of a one time bonus and would not impact an employee's base wage. This would be awarded on a separate check in December.
2. This would have a floor of \$450, as discussed by Council. This greatly magnifies the impact for our lower paid employees as shown below:
  - a. \$450 for an employee earning \$22,500 is 2%.
  - b. \$450 for an employee earning \$30,000 is 1.5%
  - c. \$450 for an employee earning \$45,000 is 1%.

The CPI this past year was 1.62%. This would yield, between the COLA and bonus, a 1.62% overall adjustment (1.125% bonus plus 0.5% COLA) for employees making \$40,000 per year; more for those below that level and less for those above that level. This gives us the biggest bang for our buck helping our lowest paid employees.

#### Other Items

The following items were mentioned by one or more Council members but did not rise to the level of consensus for inclusion:

\$25,000 for the Clemson Extension Service

\$25,000 for additional turnout gear for our fire departments

The Indian Land Recreation Program Supervisor position did not receive any mention. In discussing this with Hal and Katherine, they will be discussing a plan with the Parks and Recreation Commission to transfer existing resources to fill that slot with a part-time position. That had not been decided at the time this report was prepared.

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STATE OF SOUTH CAROLINA )

COUNTY OF LANCASTER )

ORDINANCE NO. 2015-1356

**AN ORDINANCE**

**TO APPROPRIATE FUNDS AND APPROVE A DETAILED BUDGET FOR LANCASTER COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2015 AND ENDING JUNE 30, 2016 (FY 2015-16); TO SET MILLAGE RATES FOR THE LEVY OF AD VALOREM TAXES; TO APPROVE A SCHEDULE OF TAXES, FEES AND CHARGES FOR FY 2015-16; TO MAKE PROVISION FOR THE ISSUANCE OF TAX ANTICIPATION NOTES; AND TO PROVIDE FOR MATTERS RELATED THERETO.**

Be it ordained by the Council of Lancaster County, South Carolina:

**Section 1. Findings and Determinations.**

The Council finds and determines that:

a. County governments are authorized by Section 4-9-30(5) of the Code of Laws of South Carolina 1976, as amended (the "Code"), to levy ad valorem property taxes and uniform service charges and to make appropriations for the functions and operations of the county.

b. Section 4-9-140 of the Code provides that county councils shall adopt annually and prior to the beginning of the fiscal year operating and capital budgets for the operation of county government and shall identify the sources of anticipated revenues necessary to meet the financial requirements of the adopted budget and to provide for the levy and collection of taxes necessary to meet all budget requirements except as provided for by other revenue sources.

c. Sections 6-1-80 and 6-1-320 of the Code contain substantive and procedural requirements for the approval of the annual budget.

d. The budget approved by this ordinance was adopted in accordance with the applicable substantive and procedural requirements of the Code.

## **Section 2. Appropriations and Detailed Budget.**

A. Subject to the terms and conditions of this ordinance, the sums of money set forth below, if so much is necessary, are appropriated from the General Fund of the County and other applicable funds as specified, to meet the ordinary expenses, including debt service, of county government for the fiscal year beginning July 1, 2015 and ending June 30, 2016 ("FY 2015-16"):

APPROPRIATIONS	AMOUNT
Airport Fund	254,842
Capital Improvement Fund	1,498,000
Capital Project Sales Tax	8,500,000
County Debt	1,859,931
County Transportation Committee Fund	1,450,000
Court Mandated Security	1,190,184
E-911 Fund	671,459
General Fund	45,096,126
Indian Land Fire Protection District Fund	520,000
Local Accommodations Tax Fund	30,000
Pleasant Valley Fire Protection District Fund	392,344
Recreation Fund	2,435,530
Victims Services Fund	86,411

B. Except as may be otherwise provided in this ordinance, the appropriations contained in subsection A of this section are maximum and conditional, and are subject to reduction by action of County Council if the County's revenues fail to be sufficient to pay the appropriation, to the end that the expenditures of the County for FY 2015-16 shall not exceed its revenues and available carry forward funds.

C. Monies appropriated in this ordinance must be expended in compliance with policies adopted by Council or, at Council's direction, as formulated and implemented by the County, either existing or adopted subsequent to this ordinance.

D. The detailed operating budget for the County, as contained in the Annual Financial Plan, is incorporated into this ordinance by reference as if it were set out in this ordinance in its entirety and it is adopted and approved as the detailed budget for Lancaster County.

E. 1. Certain monies are to be received by the County in the form of federal, state and local grants from non-county sources for specified public purposes and these monies, including any match, are budgeted for the specified public purpose upon the acceptance of the monies by majority vote of Council.

2. Donations received by the County from non-county sources for specified public purposes are budgeted for the specified public purpose.



3. The County may enter into a "lease financing agreement" to purchase capital items and the monies from these other financing sources and uses are budgeted upon approval by Council.

4. Budget amounts for encumbrances from the prior year will be automatically rolled forward and made as additions to the adopted budget.

### **Section 3. Tax Levy.**

A. The County Auditor shall levy, and the County Treasurer shall collect, ad valorem taxes based on the following millage rates, which reflect the sales tax rollback factor:

General Fund	<u>78.0 80.7</u>
Capital Improvement Fund	<u>4.4 4.6</u>
County Debt	<u>7.0 5.3</u>
USC-L	<u>4.1 4.3</u>

B. The County Auditor shall levy, and the County Treasurer shall collect, ad valorem taxes based on millage imposed pursuant to Section 6-1-320(B):

Courthouse Fire – New Security Requirements	<u>3.4 3.6</u>
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The millage imposed pursuant to this subsection is imposed to address funding needs arising from the recent courthouse fire and solicitor's office fire, both of which Council determines are catastrophic events within the scope of Section 6-1-320(B), and to comply with the Order of the South Carolina Supreme Court dated September 12, 2008 requiring the County to provide security for all County buildings housing court operations and records.

### **Section 4. Fee Schedule.**

For FY 2015-16, the taxes, fees and charges for the County are set at the levels provided in the Schedule of Taxes, Fees and Charges, attached to this ordinance as Exhibit A which is incorporated into this ordinance by reference as if it were set out in this ordinance in its entirety and it is adopted and approved for use in FY 2015-16.

### **Section 5. Severability.**

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

### **Section 6. Conflicting Provisions.**

To the extent this ordinance contains provisions that conflict with provisions contained in the Lancaster County Code or other County ordinances, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

### **Section 7. Effective Date.**

This ordinance is effective upon Third Reading.

AND IT IS SO ORDAINED, this 22nd day of June, 2015

Ordinance No.2015-1356

**LANCASTER COUNTY, SOUTH CAROLINA**

\_\_\_\_\_  
Bob Bundy, Chair, County Council

\_\_\_\_\_  
Steve Harper, Secretary, County Council

ATTEST:

\_\_\_\_\_  
Debbie Hardin, Clerk to Council

1 <sup>st</sup> reading:	May 18, 2015	Tentative
2 <sup>nd</sup> reading:	June 8, 2015	Tentative
3 <sup>rd</sup> reading:	June 22, 2015	Tentative
Public Hearing:	June 8, 2015	Tentative

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**COUNTY OF LANCASTER, SC - SCHEDULE OF TAXES, FEES AND CHARGES****FISCAL YEAR: 2015-2016****ATTACHMENT TO ORDINANCE NO: 2015-1356****1.00 ANIMAL CONTROL FEES**

<b>1.01 Medical Services Rendered</b>	
Canine Heartworm Test	\$9.75
Bordetella Vaccine (Kennel Cough)	\$3.25
DHPP Vaccine	\$3.00
Panacur (includes 3 days)	\$1.50
Pyrantel (per dose)	\$0.50
Parvo Test	\$15.00
FIV/FelV/HW Feline Test	\$20.00
FVRCP Vaccine (4-way for Felines)	\$3.25
<b>1.02 Redemption Fees</b>	
1st Offense (must also pay applicable daily shelter fee)	\$25.00
2nd Offense (must also pay applicable daily shelter fee)	\$50.00
3rd Offense (must also pay applicable daily shelter fee)	\$100.00
4th/ Subsequent Offenses (must also pay applicable daily shelter fee)	\$200.00
<b>1.03 Shelter Fees</b>	
Daily shelter fee	\$5.00
Euthanization fee	\$10.00
Quarantine fee (must also pay applicable daily shelter fee)	\$25.00

**2.00 ASSESSOR FEES**

Line maps	\$5.00
Overlay maps	\$10.00

**3.00 AUDITOR FEES**

Temporary tag fee (does not include state charges)	Per tag	\$5.00
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**4.00 BUILDING DEPARTMENT FEES**

Fees established by Section will be doubled if work starts prior to obtaining required permits.

<b>4.01 Building Permits</b>	
<b>Description</b>	<b>Fee Amount</b>
Floor area less than 120 sq. ft.	No fee unless inspection required - then \$15.00 per inspection
	*Exception: Building Permits shall not be required for one-story detached accessory structures which are valued at \$5,000.00 and less. Zoning permits are required for all structures.
Floor area of 120 sq. ft. or greater	Three fourths of one percent (0.0075) of estimated value. Valuation shall be determined by the National Building Valuation Data and Modifiers dated April 15, 1994 and thereafter by the updated revisions.
No Inspection Exception	\$25.00 Agricultural structures which require no subsequent electrical, gas, mechanical, plumbing, or structural inspection. Zoning permits are required for all structures.
Plan Review	When a set of plans is required by Section 106 of the International Building Code or by the building official and a plan review thereof, a plan review fee shall be submitted at the time of submitting the plans and specification for checking said plan checking fee shall be equal to one-tenth-( 1/10) of the building permit fee as set forth above.
1st Re-inspection	\$50.00
2nd Re-inspection	\$100.00
3rd/ Subsequent Re-inspections ( reinspection fee increases \$250.00 per additional inspection after 3rd)	\$250.00

**4.02 Electrical Permit Fees (Schedule of fees for individual permits for particular jobs)**



# COUNTY OF LANCASTER, SC - SCHEDULE OF TAXES, FEES AND CHARGES

FISCAL YEAR: 2015-2016

ATTACHMENT TO ORDINANCE NO: 2015-1356

Minimum Permit Fee		\$15.00
Valuation From/To	Fee Amount	
\$0	\$500	\$15.00
\$501	\$1,000	\$20.00
\$1,000	\$150,000	\$20.00 for the first one thousand, plus \$1.50 for each additional thousand or fraction thereof
\$151,000	Or More	\$243.00 for the first \$150,000.00, plus \$2.00 for each additional thousand or fraction thereof
1st Additional Inspection		\$50.00
2nd Additional Inspection		\$100.00
3rd/ Subsequent Additional Inspections ( <i>reinspection fee increases \$250.00 per additional inspection after 3rd</i> )		\$250.00

## 4.03 Gas Permit Fees

Minimum Permit Fee		\$15.00
Inspection Fees	Gas piping at one location - \$5.00 for 1-4 plus \$1.00 each additional outlet Burners/furnaces/incinerators - \$5.00 for 1 plus \$1.00 each additional unit Boilers/heating/air conditioning - \$5.00 for 1 plus \$1.00 each additional unit Vented wall furnaces/water heaters - \$5.00 for 1 plus \$1.00 each additional	
1st Re-inspection		\$50.00
2nd Re-inspection		\$100.00
3rd/ Subsequent Re-inspections ( <i>reinspection fee increases \$250.00 per additional inspection after 3rd</i> )		\$250.00

## 4.04 Mechanical Permit Fees

Minimum Permit Fee		\$25.00
Valuation of \$2,500 or Greater	\$25 plus \$2 per thousand or fraction thereof	
Inspection Fees		
Inspection - Heating/ventilating/ductwork/AC and refrigeration systems		
- First \$1,000 or fraction thereof of valuation		\$10.00
- Each additional \$1,000 or fraction thereof of valuation		\$2.00
Inspection - Repair/alterations/additions to an existing system		
- First \$1,000 or fraction thereof of valuation		\$5.00
- Each additional \$1,000 or fraction thereof of valuation		\$2.00
Inspection - Boilers (based on BTU input / 1 KJ = 1.055 BTU / 1 BHp = 33,475 BTU)		
- 33,000 to 165,000 BTU		\$5.00
- 165,001 to 330,000 BTU		\$10.00
- 330,001 to 1,165,000 BTU		\$15.00
- 1,165,001 to 3,300,000 BTU		\$25.00
- 3,300,001 or more		\$35.00
1st Re-inspection		\$50.00
2nd Re-inspection		\$100.00
3rd/ Subsequent Re-inspections ( <i>reinspection fee increases \$250.00 per additional inspection after 3rd</i> )		\$250.00

## 4.05 Mobile Home Permit Fees

Mobile Home - de-title	Per Instance	\$50.00
Mobile Home - placement and set-up	Per Instance	\$180.00
1st Re-inspection		\$50.00
2nd Re-inspection		\$100.00
3rd/ Subsequent Re-inspections ( <i>reinspection fee increases \$250.00 per additional inspection after 3rd</i> )		\$250.00

## 4.06 Plumbing Permit Fees

Water Heater Changeout		\$10.00
Minimum Permit Fee		\$15.00
Valuation From/To	Fee Amount	
\$0	\$1,000	\$15.00
\$1,001	\$5,000	\$25.00
\$5,001	Or More	\$25.00 for the first \$5,000.00, plus \$3.00 for each additional thousand or fraction thereof

# COUNTY OF LANCASTER, SC - SCHEDULE OF TAXES, FEES AND CHARGES

FISCAL YEAR: 2015-2016

ATTACHMENT TO ORDINANCE NO: 2015-1356

1st Re-inspection	\$50.00
2nd Re-inspection	\$100.00
3rd/ Subsequent Re-inspections ( <i>reinspection fee increases \$250.00 per additional inspection after 3rd</i> )	\$250.00

## 4.07 Swimming Pool Permit Fees

Valuation From/To	Fee Amount
\$0 Or More	\$125.00

## 4.08 Building Department Miscellaneous Fees

	Unit	Amount
Appeal from action of building official	Per Instance	\$200.00
Moving fee - any building or structure	Per Instance	\$50.00
Sign Permit - Commercial	Per Company	\$100.00
Sign Permit - Political	Per Candidate	\$35.00
Sign Permit - Real Estate	Per Company	\$35.00
Sign Permit - Regular	Per Sign	\$35.00

## 5.00 CLERK OF COURT FEES

Bonds	\$10.00
Bondsmen	
In county	\$150.00
Out of county	\$100.00
Copies Certified Copies	\$2.50
Common pleas fees:	
Appeals	\$150.00
Arbitration	\$10.00
Confession	\$10.00
Filing summons and complaint	\$150.00
Foreign judgment	\$150.00
Judgment	\$10.00
Lis Pendens	\$10.00
Motion	\$25.00
Transcript	\$10.00
Enrolling notary public	\$5.00
Expungement	\$35.00

## 6.00 CORONER FEES

### 6.01 Cremation Fees

Cremation by Coroner's Office (Cremation Fee - \$600/ Administrative Fee - \$200/ Transport Fee - \$200) - 10 month payment plan available	\$1,000.00
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### 6.02 Permit Fees

Cremation Permits	\$10.00
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### 6.03 Report Fees \* Note: Fees will not apply to reports marked "NOT FOR LEGAL USE" provided to surviving family members.

Autopsy Reports	\$100.00
Coroner's Reports	\$75.00
Photographs	\$2.00
Toxicology Reports	\$100.00

## 7.00 EMERGENCY MANAGEMENT/ FIRE SERVICE FEES

### 7.01 Fire Marshal/Fire Service Fees

1st Additional Inspection	\$50.00
2nd Additional Inspection	\$100.00
3rd Additional Inspection	\$250.00

# COUNTY OF LANCASTER, SC - SCHEDULE OF TAXES, FEES AND CHARGES

FISCAL YEAR: 2015-2016

ATTACHMENT TO ORDINANCE NO: 2015-1356

Inspection fee increase per inspection following 3rd inspection		\$250.00
Response to false alarms in excess of 3 in any calendar year	per instance	\$100.00

## 7.02 Hazardous Materials Fees

Application for operational permit		\$1,000.00
Emergency response to hazardous materials incident	Initial Charge	\$500.00
Emergency response to hazardous materials incident	Career Personnel	Actual Costs
Emergency response to hazardous materials incident	Volunteer Personnel	20.58 per hr.
Emergency response to hazardous materials incident	Materials Cost	Actual Costs
Emergency response to hazardous materials incident	Apparatus & Equipment Costs	FEMA Schedule of Rates

## 7.03 Special Tax District Uniform Service Charge

Equivalent Residential Unit fee		\$75.00
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## 8.00 EMERGENCY MEDICAL SERVICE FEES

ALS Emerg Treat/No Transport		\$150.00
ALS Unit, Urgent, No ALS Tx		\$600.00
ALS Emerg Treat - Helicopter at ER		\$150.00
Medical Records		\$15.00
Mileage, ground		\$10.00
Standby Service (per employee)	Per hour	\$25.00
Response to false alarms in excess of 3 in any calendar year	per instance	\$100.00
ALS with Treatment and Emergency Transport	Base Fee	\$650.00
BLS A0429	Base Fee	\$600.00
ALS 2 A0433	Base Fee	\$750.00

## 9.00 FARMERS MARKET FEES

<b>Rental Fee</b>		
Vendor Fee	One Time	\$20.00
Booth rental	Per day	\$2.00

## 10.00 FINANCE DEPARTMENT FEES

<b>Departmental Fees</b>		
Dealer tag fee	Per tag	same as Road Maintenance Fee
Tax billing	Per bill	\$1.00

## 11.00 GIS MAPPING FEES *\*Note: Fees waived when item requested by LCEDC for business/ industrial recruitment purposes.*

### 11.01 Black and White Plotter Maps

Letter		\$2.50
Legal		\$5.00
18 by 24		\$10.00
24 by 36 (line map - no aerial)		\$5.00
24 by 36		\$12.00
36 by 44		\$15.00
Poster up to 60		\$20.00

### 11.02 Color Plotter Maps

Letter		\$5.00
Legal		\$10.00
18 by 24		\$20.00
24 by 36		\$25.00



# COUNTY OF LANCASTER, SC - SCHEDULE OF TAXES, FEES AND CHARGES

FISCAL YEAR: 2015-2016

ATTACHMENT TO ORDINANCE NO: 2015-1356

36 by 44	\$30.00
Poster up to 60	\$40.00

## 11.03 Digital Data Fees

2011 aerial photo (entire county)	\$1,500.00
CAMA data in text format	\$500.00
Parcel layer with attributes (entire county)	\$1,000.00
Street centerline layer	\$250.00
Other digital data	Per hour \$30.00

## 12.00 LIBRARY FEES

### 12.01 Overdue and Lost Fees

Overdue book fee (maximum charge of \$2.00)	Per day	\$0.15
Copies- self serve	Per Copy	\$0.15
Lost book fee	Per book	Replacement cost

### 12.02 Miscellaneous Fees

Out of state library membership	Per year	\$25.00
Duplication machine reproduction fee - general	Per Page	\$0.10
Facsimile charge	First page	\$0.50
Facsimile charge	Subsequent pages	\$0.50

## 13.00 911 FEES

### Enhanced 911 Emergency Service System

Uniform service charge	Per line	\$1.00
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## 14.00 PLANNING FEES

### 14.01 Ordinance Fees

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### 14.02 Development Fees

#### Development Agreements

Per acre of highland proposed	\$25.00 not to exceed \$20,000
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#### Planned Development Districts \*in addition to Development Agreement Fee

Rezoning	\$2,000.00
Amendment- PDD	\$2,000.00

### 14.03 Development Review Application Fee

Review application	Per review	\$75.00
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### 14.04 Subdivision Fees

Preliminary plat - 1 to 10 lots	Per lot	\$25.00
Preliminary plat 11 or more lots	per lot	\$300 plus \$10 for each lot
Final plat	Per plat	\$100 plus \$10 for each lot or building permit
Construction Document Fee	Per lot	\$300 plus \$10 for each lot
Subdivision variance	Per instance	\$200.00

### 14.05 Zoning Fees

Appeal from action of zoning official	\$300.00
Use permitted on review	\$150.00

# COUNTY OF LANCASTER, SC - SCHEDULE OF TAXES, FEES AND CHARGES

FISCAL YEAR: 2015-2016

ATTACHMENT TO ORDINANCE NO: 2015-1356

Variance	\$200.00
Rezoning application- single parcel	\$250.00
Rezoning application- multi parcel	\$500.00
2nd rezoning fee (within 1 month)	\$250.00
Text amendment Fee	\$250.00
Cluster Subdivision Overlay	\$250.00
Cluster Subdivision Overlay w/multi parcel	\$500.00

## 14.06 Miscellaneous Fees

Item	Unit	Amount
Comprehensive plan - picked up	Each	\$25.00
Comprehensive plan - mailed	Each	\$30.00
Corridor Study plan - picked up	Each	\$100.00
Road name change	Per road	\$250.00
Telecommunication Towers Review	Each	\$200 plus 1% of cost of tower
Zoning map (2 parts; northern & southern) - picked up	Per part	\$25.00
Zoning map (2 parts; northern & southern) - mailed	Per part	\$30.00

## 15.00 PROBATE COURT FEES

### 15.01 Cost of Court: Estate Fees - Regular Estate

Property valuation less than \$5,000	\$25.00
Property valuation of \$5,000 but less than \$20,000	\$45.00
Property valuation \$20,000 but less than \$60,000	\$67.50
Property valuation \$60,000 but less than \$100,000	\$95.00
Property valuation of \$100,000 but less than \$600,000	\$95.00 plus 0.0015 in excess of \$100,000
Property valuation \$600,000 or more	\$845.00 plus 0.0025 in excess of \$600,000

### 15.02 Cost of Court: Estate Fees - Small Estate or Affidavit of Collection for Personal Property

Property valuation less than \$100.00	\$12.50
Property valuation of \$100 but less than \$5,000	\$25.00
Property valuation of \$5,000 but less than \$10,000	\$45.00

### 15.03 Miscellaneous Fees

Legal advertisement - cost of advertisement is in addition to prescribed court costs and are due and payable prior CD copy of hearing	\$10.00
Search fee	\$7.00

### 15.04 Probate Court Fees

Appointment of Special Administrator or temporary fiduciary	\$22.50
Certified marriage certificates	\$5.00
Certifying appeal record	\$10.00
Filing - any summons, complaint, or petition	\$150.00
Filing conservatorship accounting	\$10.00
Filing demand for notice	\$5.00
Filing of will only	\$10.00
Issuing certified copies	\$5.00
Issuing exemplified/ authenticated copies	\$20.00
Recording authenticated or certified copies.	\$20.00
Reforming or correcting marriage record	\$6.75
Reopening closed estates	\$22.50

### 15.05 Weddings

Marriage license - at least one party in-state (includes \$20.00 state fee)	\$50.00
Marriage license - out of state (includes \$20.00 state fee)	\$75.00
Marriage license-Reprint copy	\$5.00

# COUNTY OF LANCASTER, SC - SCHEDULE OF TAXES, FEES AND CHARGES

FISCAL YEAR: 2015-2016

ATTACHMENT TO ORDINANCE NO: 2015-1356

## 16.00 PUBLIC WORKS FEES

Driveway pipe - 2nd driveway	\$500.00 or actual cost, whichever is greater	
Road/bridge design review by outside engineer		Actual cost
Road testing fee		Actual cost plus 20%
Road proof roll - reinspection		\$150.00
Roadway sign - production/ installation	actual cost plus 10%	
Tire disposal - agricultural	Per tire	\$35.00
Tire disposal - undocumented	Per ton	\$150.00

## 17.00 REGISTER OF DEEDS FEES

Affidavit of partnership	\$10.00 for first 4 pages and \$1.00 per additional page	
Assignment of lease	\$10.00 for first 4 pages and \$1.00 per additional page	
Assignment of leases, rents, and profits	\$10.00 per reference and \$1.00 per additional page	
Assignment of mortgage	\$6.00 for first page and \$1.00 per additional page	
Assumption of agreement	\$10.00 for first 4 pages and \$1.00 per additional page	
Bond to release mechanic's lien	\$10.00 for first 4 pages and \$1.00 per additional page	
Cancellation of contract of sale	\$10.00 for first 4 pages and \$1.00 per additional page	
Cancellation of lease	\$10.00 for first 4 pages and \$1.00 per additional page	
Certified copy charge	\$5.00	
Charter	\$10.00 for first 4 pages and \$1.00 per additional page	
Contract for sale	\$10.00 for first 4 pages and \$1.00 per additional page	
Deed/ mortgages recording fee	\$10.00 for first 4 pages and \$1.00 per additional page	
Document stamp charge	\$3.70 per thousand	
Duplication machine reproduction certification fee		\$5.00
Easement	\$10.00 for first 4 pages and \$1.00 per additional page	
Federal tax liens	\$10.00	
Lease	\$10.00 for first 4 pages and \$1.00 per additional page	
Mechanic's lien	\$10.00 for first 4 pages and \$1.00 per additional page	
Mortgage modification	\$6.00 per reference and \$1.00 per additional page	
Notice of lien	\$10.00 for first 4 pages and \$1.00 per additional page	
Partial release of mortgage	\$6.00 per reference and \$1.00 per additional page	
Partnership agreement/ dissolution	\$10.00 for first 4 pages and \$1.00 per additional page	
Passport Fee		\$25.00
Plats	Large - \$20.00 / medium - \$10.00 / small - \$5.00	
Power of attorney	\$15.00 for first 4 pages and \$1.00 per additional page	
Project commencement notice	\$15.00	
Real property agreement	\$10.00 for first 4 pages and \$1.00 per additional page	
Revocation of power of attorney	\$10.00 for first 4 pages and \$1.00 per additional page	
Satisfaction of assignment of leases, rents, and profits	\$5.00	
Satisfaction of mortgage	\$5.00	
SC tax liens	\$10.00	
Subordination of mortgage	\$6.00 per reference and \$1.00 per additional page	
Trust Indenture	\$10.00 for first 4 pages and \$1.00 per additional page	



# COUNTY OF LANCASTER, SC - SCHEDULE OF TAXES, FEES AND CHARGES

FISCAL YEAR: 2015-2016

ATTACHMENT TO ORDINANCE NO: 2015-1356

UCC1 or UCC3	\$8.00 first 2 pages & \$1 per additional page; each additional debtor - more than 2 debtors \$2.00
Waiver	\$10.00 for first 4 pages and \$1.00 per additional page

## 18.00 ROAD FEES

County Road Improvement and Maintenance Fee		
Per County Code section 26-34	Per Vehicle	\$30.00

## 19.00 SHERIFFS FEES

19.01 Detention Center Fees		
Per Diem for municipal court prisoners-	Solely Municipal Charges	\$38.93
Per Diem for municipal court prisoners	Solely Municipal Charges	\$33.43

19.02 Miscellaneous Fees		
Item	Unit	Amount
Fingerprinting (non-LCDC)	Per Set	\$5.00
Response to false alarms in excess of 3 in any calendar year	Per Instance	\$100.00

## 20.00 TAX COLLECTION FEES

Collection fee	\$120.00 or actual cost, whichever is greater
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## 21.00 TREASURER FEES

Convenience fee for SCDMV stickers	\$1.00
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## 22.00 ZONING FEES

22.01 Plan Review Fees - non-residential excluding multi-family	
Up to 12,000 square feet	\$100.00
12,001 square feet to 25,000 square feet	\$200.00
Exceeding 25,001 square feet	\$300.00

22.02 Mobile Home Fees		
Item	Unit	Amount
Mobile Home decal	each	\$5.00
Mobile Home - change of ownership	Per Instance	\$5.00
Mobile Home - movement	Per Instance	\$25.00

22.03 Miscellaneous Fees		
Item	Unit	Amount
Administrative fee - failure to abate property violations	Per Instance	\$50.00 or 15%,
Alarm system registration	Per alarm system	\$10.00
Demolition fee - any building or structure	Per Instance	\$50.00
Septic license- South Carolina	Per Instance	\$10.00
Septic license- North Carolina	Per Instance	\$100.00
Zoning fee	Per Instance	\$35.00

22.04 Permit	
Floodplain Development- commercial & subdivisions	\$100.00

**COUNTY OF LANCASTER, SC - SCHEDULE OF TAXES, FEES AND CHARGES**  
**FISCAL YEAR: 2015-2016 ATTACHMENT TO ORDINANCE NO: 2015-1356**

**23.00 OTHER COUNTY FEES AND CHARGES**

**23.01 Historic Courthouse Rental**

Item	Unit	Amount
Facility usage	First hour	\$115.00
Facility usage	per add'l hour	\$75.00
Penalty for time overage	Every 10 minutes	\$25.00
Refundable security deposit	Per Instance	\$250.00
Cancellation Fee	Per Instance	\$100.00

**23.02 Miscellaneous County Fees**

Item	Unit	Amount
Airport hangar rental	Per Month	\$100.00
Bad Check fee	Per Instance	\$30.00
Cable television franchise fee	Per Year	5%
Duplication machine reproduction fee - general	Per Page	\$0.25
Duplication machine reproduction fee - general (color)	Per Page	\$1.75
Audio Recordings of Meetings	Per Copy	\$5.00
Private ambulance service - franchise application fee	Per Instance	\$100.00

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STATE OF SOUTH CAROLINA

)

ORDINANCE NO. 2015-1357

COUNTY OF LANCASTER

)

)

**AN ORDINANCE**

**TO APPROVE THE SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT BY AND AMONG UHF DEVELOPMENT GROUP, LLC, WACHOVIA BANK, N.A. SUCCESSOR TRUSTEE FOR CERTAIN TRUSTS AND LANCASTER COUNTY, RELATING TO THE COLLINS ROAD SITE DEVELOPMENT, SO AS TO CHANGE THE TIME WHEN THE PAYMENT OF MONIES BY THE DEVELOPER IS DUE TO THE COUNTY; TO AUTHORIZE CERTAIN COUNTY OFFICIALS TO EXECUTE AND DELIVER THE SECOND AMENDMENT; AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.**

Be it ordained by the Council of Lancaster County, South Carolina:

**Section 1. Findings and Purpose.**

(A) The Council finds that:

(1) By passage of Ordinance No. 960, Council approved a Development Agreement by and among UHF Development Group, LLC ("Developer"), Wachovia Bank, N.A. successor trustee for certain trusts ("Owner"), and Lancaster County ("County") for the Collins Road Site development (the "Development Agreement").

(2) By passage of Ordinance No. 1150, Council approved the First Amendment to the Development Agreement Collins Road Site and it provided for the performance of the Developer's obligations under the Development Agreement when easements, deeds and dedications of water and sewer infrastructure and other appurtenances are granted to the Lancaster County Water and Sewer District and it updated the name of the Owner (the "First Amendment").

(3) The Development Agreement is recorded in the office of the Register of Deeds in Deed Book 503, Pages 1-24 and the First Amendment is recorded in Deed Book 684, Pages 232-238.

(4) Section 4.01A of the Development Agreement provides for the payment to the County by the Developer of \$1,000,000 the earlier of either July 1, 2018 or the time when the application is filed for a building permit for the first residential dwelling unit to be built in the development.

(5) Developer has requested Council to change the due date for the payment of monies pursuant to Section 4.01A of the Development Agreement.

(6) Council may amend the Development Agreement by adhering to the statutory requirements for the approval of development agreements and by approving an amendment to the Development Agreement.

(B) The purpose of this ordinance is to approve a Second Amendment to the Development Agreement consistent with the findings in this section.



**Section 2.      Approval of Second Amendment.**

The Chair and Secretary of the Council are authorized, empowered and directed, in the name of and on behalf of Lancaster County, to execute, acknowledge, and deliver the Second Amendment to the Development Agreement by and among UHF Development Group, LLC, Wachovia Bank, N.A. Successor Trustee and Lancaster County (the "Second Amendment"). The form of the Second Amendment is attached hereto as Exhibit A and all terms, provisions and conditions of the Second Amendment are incorporated herein by reference as if the Second Amendment were set out in this ordinance in its entirety. By adoption of this ordinance, Council approves the Second Amendment and all of its terms, provisions and conditions. The Second Amendment is to be in substantially the form as attached to this ordinance and hereby approved, or with such minor changes therein as shall be approved by the officials of Lancaster County executing the same, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of the Second Amendment attached to this ordinance.

**Section 3.      Authority to Act.**

The Council Chair, Council Secretary, Clerk to Council, County Administrator, County Attorney and all other appropriate officials of the County are authorized and directed to do any and all things necessary to effect the execution and delivery of the Second Amendment and the performance of all obligations of the County under and pursuant to the Second Amendment.

**Section 4.      Severability.**

If any section, subsection or clause of this ordinance is held to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected.

**Section 5.      Controlling Provisions.**

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, orders and resolutions, the provisions contained in this ordinance supersede all other provisions and this ordinance is controlling.

**Section 6.      Effective Date.**

This ordinance is effective upon third reading.

SIGNATURES FOLLOW ON NEXT PAGE.

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AND IT IS SO ORDAINED, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2015.

**LANCASTER COUNTY, SOUTH CAROLINA**

\_\_\_\_\_  
Bob Bundy, Chair, County Council

\_\_\_\_\_  
Steve Harper, Secretary, County Council

ATTEST:

\_\_\_\_\_  
Debbie C. Hardin, Clerk to Council

Planning Commission Public Hearing

First Reading: May 18, 2015 Tentative

Second Reading: June 8, 2015 Tentative

Council Public Hearing: June 22, 2015 Tentative

Third Reading: June 22, 2015

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**Exhibit A to Ordinance No. 2015-1357**

**Second Amendment  
to the  
Development Agreement  
Collins Road Site**

See attached.

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(Space above this line for recording use)

<b>STATE OF SOUTH CAROLINA</b>	)	<b>SECOND AMENDMENT TO THE</b>
	)	<b>DEVELOPMENT AGREEMENT</b>
<b>COUNTY OF LANCASTER</b>	)	<b>COLLINS ROAD SITE</b>

A Development Agreement, dated December 1, 2008, for the Collins Road Site development was entered into by and among **UHF DEVELOPMENT GROUP, LLC** ("Developer"), a North Carolina limited liability company, **WACHOVIA BANK, N.A. SUCCESSOR TRUSTEE AS TRUSTEE FOR THE JULIA SCOTT SMITH TRUST FBO JOHN SCOTT CRAMER ET AL, THE JULIA SCOTT SMITH TRUST FBO STUART W. CRAMER III ET AL, THE JULIA C. SMITH REVOCABLE TRUST, AND THE ALICE C. TOLSON REVOCABLE TRUST** ("Owner"), and the **COUNTY OF LANCASTER** (the "County"), a body politic and corporate, a political subdivision of the State of South Carolina (the "Development Agreement"). The Development Agreement is recorded in the records of the Lancaster County Register of Deeds in Deed Book 503, Pages 1-24. Section 5.02 of the Development Agreement provides that amendments to the Development Agreement must be in writing and, for the amendment to be effective, it must be signed by the party against whom the amendment is sought to be enforced. A **FIRST AMENDMENT** to the Development Agreement was made and entered into as of the 9<sup>th</sup> day of July, 2012, by and among Developer, Owner and County and recorded in the records of the Lancaster County Register of Deeds in Deed Book 684, Pages 232-238 (the "First Amendment").

This **SECOND AMENDMENT** to the Development Agreement is made and entered into as of the \_\_\_\_ day of \_\_\_\_, 2015, by and among the Developer, Owner and County (the "Second Amendment").

#### **RECITALS**

**WHEREAS**, Section 4.01A of the Development Agreement provides for the payment to the County by the Developer of \$1,000,000 the earlier of either July 1, 2018 or the time when the application is filed for a building permit for the first residential dwelling unit to be built in the development;

**WHEREAS**, Developer has requested Council to change the due date for the payment of monies pursuant to Section 4.01A of the Development Agreement; and

**WHEREAS**, the purpose of this Second Amendment is to change the due date for the payment of monies pursuant to Section 4.01A of the Development Agreement.

**NOW, THEREFORE**, in consideration of the foregoing recitals and the mutual covenants and agreements contained herein, Developer, Owner and County agree as follows:

**Section 1.** Section 2.01 of the Development Agreement, relating to Representations and Warranties of County, as last amended by the First Amendment, is further amended by adding:

“(E) The County represents that it has approved the Second Amendment to this Agreement in accordance with the procedural requirements of the Act, Ordinance No. 663 and any other applicable state law. The County represents that prior to the final reading of the ordinance approving the Second Amendment to this Agreement that at least two public hearings were held after publication of the required notices and the publication of a notice of intent to consider a proposed amendment to the Agreement.”

**Section 2.** Section 2.02 of the Development Agreement, relating to Representations and Warranties of Developer, as last amended by the First Amendment, is further amended by adding:

“(E) Developer represents that, as of the date of the Second Amendment to this Agreement, it has contractual rights to develop the Property. Owner represents that, as of the date of the Second Amendment to this Agreement, it is the only legal and equitable owner of the Property, except to the extent that (i) Developer has a contractual right to develop the Property or (ii) Owner has agreed to convey any interest in the Property to the Lancaster County Water and Sewer District, subject to the acceptance and recording of the interest in the Property by the Lancaster County Water and Sewer District, neither of which has occurred as of the date of this Second Amendment.”

**Section 3.** Section 4.01A of the Development Agreement, relating to Payment to Lancaster County, is amended to read:

“(A) ~~Developer agrees to pay County one million dollars (\$1,000,000.00) the earlier of either July 1, 2018 or the time when the application is filed for a building permit for the first residential dwelling unit to be built in the development.~~ Developer agrees to pay to County One Thousand Two Hundred Thirty-Five and No/100 dollars (\$1,235.00) for each of the 810 residential units authorized to be developed by this Agreement (the “County Payment”). From the Agreement Date until November 30, 2020, the County Payment for a residential unit is due and payable at the same time that the County building permit fee for the residential unit is due and payable. Payment of the County Payment is a condition for the issuance of a building permit. For the period after November 30, 2020, Developer agrees to pay County by December 31, 2020 an amount equal to One Thousand Two Hundred Thirty-Five and No/100 dollars

(\$1,235.00) times the number of residential units for which a building permit has not been issued as of November 30, 2020. If the Developer sells a portion of the Collins Road development, whether subdivided or not, the Developer shall pay not later than closing on the sale an amount equal to One Thousand Two Hundred Thirty-Five and No/100 dollars (\$1,235.00) times the number of residential associated with the portion of the Collins Road development that is sold. The County Payment is separate and distinct from any fees or amounts payable to the County for a building permit. As used in this section, "Developer" means UHF Development Group, LLC, a North Carolina limited liability company, and does not include its successors or assigns.

~~(B) Payment of the amount provided in Section 4.01A.(A) entitles the Developer to receive not more than eight hundred and ten (810) building permits for constructing residential dwelling units on the Property and as set forth in Ordinance No. 959. At the time of payment of the amount provided in Section 4.01A.(A), the County shall provide to the Developer a document indicating the Developer: (i) has paid the amount; (ii) is entitled to a specified number of building permits for residential dwelling units for the Property; (iii) will receive building permits upon meeting all ordinary requirements for the issuance of building permits including, but not limited to, any then applicable county wide building, housing, electrical, plumbing, and gas codes adopted by County Council; (iv) will receive the building permits notwithstanding any applicable moratorium, limit on the issuance of building permits, or any other restriction on development rights in effect at the time of application or time of issuance for the building permit; and (v) that the County considers the issuance of the document entitling the Developer to building permits pursuant to this Section 4.01A.(B) to be a "building permit" as used in Section 13.6.2.6.5 of the UDO, as added to the UDO by Ordinance No. 673, and relating to vesting of construction projects.~~

~~—(C) Developer acknowledges and agrees that the expenditure and use of the monies received by the County from the payment provided in Section 4.01A.(A) is at the sole discretion of the County Council. Upon receipt of the County Payment, the monies must be accounted for separate and distinct from other monies of the County. The County Payment must be used for non-recurring purposes in the panhandle area of the County. The determination of the specific uses for the County Payment is at the discretion of the County Council."~~

**Section 4.** Exhibit E to the Development Agreement, as last amended by the First Amendment, is further amended to read:

**"Exhibit E  
Laws and Land Development Regulations**

1. Ordinance No. 959 zoning the Property Planned Development District (PDD-26).
2. Ordinance No. 960, approving this Development Agreement.
3. The Development Agreement Ordinance for Lancaster County, South Carolina: Ordinance No. 663.
4. Unified Development Ordinance of Lancaster County: Ordinance No. 309, as amended as of the Submission Date. A copy of the Unified Development Ordinance is on file in the office of the County Planning Department.
5. Land Development Regulations of Lancaster County: Ordinance No. 328, as amended as of the Submission Date of this Agreement. The Land Development Regulations of



Lancaster County are included in the Unified Development Ordinance of Lancaster County, a copy of which is on file in the office of the County Planning Department.

6. Ordinance No. 1150 approving the First Amendment to this Development Agreement.
7. Ordinance No. 2015-\_\_\_\_\_ approving the Second Amendment to this Development Agreement.”

**Section 5.** Developer, Owner and County agree that Developer shall record this Second Amendment with the County Register of Deeds within fourteen (14) days of the date this Second Amendment is made and entered into.

**Section 6.** Upon submission of appropriate documentation of the expenditure, Developer agrees to reimburse the County, not later than \_\_\_\_\_, 2015, for the County’s unreimbursed costs related to this Second Amendment. County and Developer agree that the foregoing cost reimbursement is limited to County payments to third-party vendors and service providers that have not been otherwise reimbursed from the fee paid by Developer pursuant to Section 10 of Ordinance No. 663. Developer’s foregoing reimbursement obligation is capped at \_\_\_\_\_ (\$\_\_\_\_\_.00).

**Section 7.** Upon execution of this Second Amendment by Developer, Owner and County, the Development Agreement consists of the Development Agreement as originally executed and recorded as amended by the First Amendment and the Second Amendment. The Development Agreement, as amended by the First Amendment and Second Amendment, remains in full force and effect. To the extent that any of the terms of the Development Agreement as amended by the First Amendment conflict with this Second Amendment, then the terms of this Second Amendment shall control.

**IN WITNESS WHEREOF,** Developer, Owner and County have caused their respective names to be subscribed hereto, all as of the date set forth above as the date this Second Amendment is made and entered into.

SIGNATURE PAGES FOLLOW.

OWNER:

Wells Fargo Bank, N.A., a national banking association, as successor-by-merger to Wachovia Bank, N.A., as Successor Trustee under (i) the Trust Agreement with Julia Scott Smith dated November 13, 1973 for the benefit of Stuart W. Cramer, III, (ii) the Revocable Trust Agreement with Alice C. Tolson dated September 21, 1990, (iii) Trust Agreement with Julia Scott Smith dated November 13, 1973 for the benefit of John Scott Cramer, and (iv) Revocable Trust Agreement with Julia C. Smith dated December 30, 1998

Date: \_\_\_\_\_

## PROBATE

## First Witness Signs Again Here

My Commission Expires: \_\_\_\_\_

WITNESSES:

DEVELOPER:

UHF Development, LLC,  
a North Carolina Limited Liability Company

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

STATE OF SOUTH CAROLINA    )  
  )  
COUNTY OF LANCASTER        )

PROBATE

PERSONALLY appeared before me the undersigned witness and made oath that (s)he saw the within named UHF Development Group, LLC, by its duly authorized officer/s sign, seal and as its act and deed deliver the within written instrument and that (s)he with the other witness above subscribed, witnessed the execution thereof.

\_\_\_\_\_  
First Witness Signs Again Here

Seal

SWORN to before me this  
\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Notary Public Signs AS NOTARY  
Notary Public for the State of \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

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WITNESSES:

COUNTY:

County of Lancaster, South Carolina

By:

Bob Bundy  
Chair, County Council

Date:

By:

Steve Harper  
Secretary, County Council

Date:

STATE OF SOUTH CAROLINA )  
COUNTY OF LANCASTER )

PROBATE

PERSONALLY appeared before me the undersigned witness and made oath that (s)he saw the within named County of Lancaster by its duly authorized officer/s sign, seal and as its act and deed deliver the within written instrument and that (s)he with the other witness above subscribed, witnessed the execution thereof.

First Witness Signs Again Here

Seal

SWORN to before me this  
\_\_\_\_ day of \_\_\_\_\_, 2015.

Notary Public Signs AS NOTARY  
Notary Public for the State of South Carolina  
My Commission Expires: \_\_\_\_\_

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*Members of Lancaster County Council*

*Bob Bundy, District 3, Chairman*  
*Brian Carnes, District 7, Vice Chairman*  
*Steve Harper, District 5, Secretary*  
*Jack Estridge, District 6*  
*Larry Honeycutt, District 4*  
*Larry McCullough, District 1*  
*Charlene McGriff, District 2*

**Minutes of the Lancaster County Council Meeting of the Whole**

101 N. Main Street, Lancaster, SC 29720

Thursday, April 30, 2015

5:30 p.m.

Council Members present were Bob Bundy, Jack Estridge, Brian Carnes, Steve Harper, Larry Honeycutt, Larry McCullough and Charlene McGriff. Also present was Steve Willis, John Weaver, Debbie Hardin, Veronica Thompson, Kim Hill, the press and spectators. A quorum of Lancaster County Council was present for the meeting.

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

**Welcome and recognition/pledge of allegiance and invocation**

Chairman Bob Bundy welcomed everyone to the meeting, and announced the press notification was met. Council Member Larry Honeycutt led the Pledge of Allegiance to the American Flag and provided the invocation.

**Approval of the agenda**

Charlene McGriff made a MOTION to approve the agenda. SECONDED by Larry McCullough. Passed 7-0.

**DRAFT**

### **Citizens Comments**

Lisa Collins, Deputy Solicitor for Lancaster County, spoke on behalf of Randy Newman for his budget request.

Brian Beer, 107 French Street, Lancaster, spoke on behalf of the budget request of Clemson Extension for a shared salaried position for the 4-H Club.

### **Chairman Comments**

Chairman Bob Bundy spoke about the meeting with PEBA regarding the Economic Development Corporation submitting an application for retirement benefits. He stated that it was a very substantial meeting with positive feedback. He further stated that LCEDC will submit an application for retirement benefits and they would be on their own for coverage for health insurance.

### **Discussion and Action Items**

#### **Amendments to the Annual Budget**

John Weaver, Attorney, reviewed for Council information regarding South Carolina State Law: Section 4-9-130 - amendments to the annual budget. The handout is attached as schedule A. Mr. Weaver discussed that there will be a change in the process by which budget appropriations have been made in the past. As of July 1, 2015, budgetary supplemental appropriations will be done by ordinance readings and a public hearing prior to funding requested items. Mr. Weaver further noted that there is a provision in state law that will cover emergency expenditures.

#### **Fiscal Year 2015-2016 Administrator's Recommended Budget**

Steve Willis, County Administrator, reviewed the proposed County Budget Fiscal Year 15-16 Memorandum that was distributed to Council. The memo is attached as schedule B. Mr. Willis stated that the budget is balanced with a 1 mil tax increase. The maximum rate of increase is actually 3.8 mils.

Kimberly Hill reviewed the PowerPoint presentation regarding the Administrator's recommended budget.



When reviewing the subject of bringing employees with 10 years to the market rate, Larry McCullough requested that Ms. Hill also include the fringe benefits impact to the numbers so that Council would have complete numbers.

Councilman McCullough also requested hard data on the previous grant funded positions as listed in the presentation.

In discussing the increase in funding for demolition cost in the Zoning department, Councilman Brian Carnes stated that they would probably be better suited to have an additional zoning officer for their department this year.

Council also discussed hiring a full time to person for the Registration and Election department for the 2016 election year.

Council discussed the priority list as reviewed by staff in the presentation and then took a 10 minute break. When they reconvened, the Chairman asked Council Members to list in priority items to be placed back in the budget:

Councilwoman McGriff:

- Four Sheriff deputies
- Attorney for Solicitor
- Attorney for Public Defender
- Salary increases
- Expungement Clerk *if mandated by the state*

Councilman Carnes:

- Four Sheriff deputies
- Attorney for Solicitor
- Attorney for Public Defender
- Voter Registration full time person
- Consider one half (1/2) of salary for the 4H position

Councilman Honeycutt:

- 4H Employee - \$25,000 funding
- Employee salary increase
- Voter Registration full time employee

- Zoning employee
- Solicitor and Public Defender Attorney

Councilman Harper:

- Full time person for Recreation Department

Councilman Harper also requested that Mr. Willis look at priority list to see what we can fund out of fund balance instead of raising the millage.

Councilman Estridge:

- Four deputies

Councilman McCullough:

- Like to see a division head over the Public Safety Division with the structure of Lancaster County
- Funds for Public Safety

Steve Willis will bring back at the next meeting a spreadsheet regarding what we can fund from Fund Balance. Councilman Carnes requested that Mr. Willis also report back answers from Frannie Heizer regarding the Bailes Ridge Fee and early payoff.

Councilwoman McGriff discussed her concern with Lancaster County Economic Development's \$392,251, budget and applying for insurance. She stated that she would like to see the private funding budget, a list of private donors, how much is paid in, and the membership list Mr. Willis stated that he would forward the request to Keith Tunnell.

### Adjournment

MOTION was made by Larry Honeycutt to adjourn. SECONDED by Charlene McGriff. Passed 7-0.

Respectfully Submitted:

Approved by Council, May 18, 2015

Debbie C. Hardin  
Clerk to Council

\_\_\_\_\_  
Steve Harper, Secretary

721-A North Regional Road  
Greensboro, NC 27409



May 1, 2015

**CERTIFIED MAIL / RETURN RECEIPT REQUESTED**

Mr. Steve Willis  
County Administrator, County of Lancaster  
101 N. Main Street  
Lancaster, SC 29721

Dear Mr. Willis,

From time to time we make certain changes in the services that we offer in order to better serve our customers. The following changes are planned:

On or about June 1st, WCWG D2 Estrella channel 1260 will become Bounce TV. Also on this date, Estrella TV will become available with Variety Pass on channel 811.

Time Warner Cable may cease carriage of TWC Movie Pass On Demand on or around June 1, 2015. Please note that Disney Family Movies will still be available through Disney Family Movies On Demand on channel 267.

On or about June 9th, TWC SportsChannel will be made available on channel 77 in addition to channel 323.

On or after June 30th, Foro TV will be added to TV en Espnaol and El Paquetazo packages on channel 847.

The new services listed below cannot be accessed on CableCARD-equipped Unidirectional Digital Cable Products purchased at retail without additional, two-way capable equipment: Estrella TV, Foro TV. For more information about your local channel line-up, visit [www.twc.com/programmingnotices](http://www.twc.com/programmingnotices).

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael E. Tanck".

Michael E. Tanck  
Director, Government Relations

MT/by





May 6, 2015

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Mr. Steve Willis  
County Administrator, Lancaster  
101 N. Main St., 2nd Floor  
Lancaster SC 29721

Dear Mr. Willis:

Time Warner Cable's agreements with programmers and broadcasters to carry their services and stations routinely expire from time to time. We are usually able to obtain renewals or extensions of such agreements, but in order to comply with applicable regulations, we must inform you when an agreement is about to expire. The following agreements are due to expire soon, and we may be required to cease carriage of one or more of these services/stations in the near future: Azteca America, YouToo, Outdoor Channel (SD & HD), RFD HD, ReelzChannel (SD & HD), Gol TV (SD & HD), Pivot, Boomerang, Boomerang Espanol, Cartoon Network (SD & HD), Cartoon Network Espanol, CNN (SD & HD), CNN Espanol, HLN (SD & HD), TBS (SD & HD), TCM (SD & HD), TNT (SD & HD), truTV (SD & HD), HBO (SD & HD), HBO West (SD & HD), HBO2 (SD & HD), HBO2 West, HBO Signature (SD & HD), HBO Signature West, HBO Family (SD & HD), HBO Family West, HBO Comedy (SD & HD), HBO Comedy West, HBO Zone (SD & HD), HBO Zone West, HBO Latino (SD & HD), HBO Latino West, HBO On Demand, Cinemax (SD & HD), Cinemax West (SD & HD), MoreMAX (SD & HD), MoreMAX West, ActionMAX (SD & HD), ActionMAX West, ThrillerMAX (SD & HD), ThrillerMAX West, OuterMAX (SD & HD), MaxLatino (SD & HD), 5StarMAX (SD & HD), MovieMAX (SD & HD), Cinemax On Demand.

From time to time, Time Warner Cable makes certain changes in the services that we offer in order to better serve our customers. The following changes are planned:

On or after May 20<sup>th</sup>, Smithsonian On Demand channel 1019 will no longer be available as a standalone channel and its programming will move to Nature & Knowledge On Demand channel 1008. TWC Sports Pass On Demand channel 1010 will no longer be available as a standalone channel and its programming will move to Sports & Fitness On Demand channel 1009. Pro Sports On Demand channel 1011 will no longer be available as a standalone channel and its programming will move to Sports & Fitness On Demand channel 1009.

Time Warner Cable may cease carriage of TWC Movie Pass On Demand on or around June 1, 2015. Please note that Disney Family Movies will still be available through Disney Family Movies On Demand on channel 267.

On or about June 9<sup>th</sup>, TWC SportsChannel will be made available on channel 77 in addition to channel 323.

On or after June 30<sup>th</sup>, Foro TV will be added to TV en Espanol and El Paquetazo packages on channel 847.

On or after June 30<sup>th</sup>, WCSC DT3 Grit TV channel 1256 will be made available as part of Digital Broadcast in Brown's Ferry/Sampit, Georgetown, Debordieu, Hemingway, Kingstree, Lane, Summerville, Pawleys Island and Murrells Inlet. In addition, WBTV DT3 Grit TV channel 1256 will be made available as part of Digital Broadcast in Cheraw, SC.

The new services listed below cannot be accessed on CableCARD-equipped Unidirectional Digital Cable Products purchased at retail without additional, two-way capable equipment: Foro TV.



For more information about your local channel line-up, visit [www.twc.com/programmingnotices](http://www.twc.com/programmingnotices).

If you have any questions or concerns, please do not hesitate to call me at 803-251-5320.

Sincerely,

A handwritten signature in black ink that reads "Ben Breazeale".

Ben Breazeale  
Director of Government Relations  
Time Warner Cable, South Carolina

Report to Lancaster County Council  
on Lancaster Area Ride Service (LARS)

Report Period: 10/01/2012- 1/1/2013- 4/1/2013-  
12/31/2012 3/31/2013 6/30/2013

Fiscal Year

**FY 2012 - 2013 LARS Only**

				Total	2013 Average
Trips	1810	1894	1974	5678	1893
Unduplicated Individuals	69	49	52		57
Passenger Miles	24,605	22,159	21,182	67946	22649
Operational Costs	\$ 25,331.74	\$ 26,402.00	\$ 28,877.71	\$ 80,611.45	\$ 26,870.48
Capital Costs	\$ -				
Total Costs:	\$ 25,331.74	\$ 26,402.00	\$ 28,877.71	\$ 80,611.45	\$ 26,870.48
Operational Cost Per Trip	\$ 14.00	\$ 13.94	\$ 14.63		\$ 14.19
Operational Cost Per Individual	\$ 367.13	\$ 538.82	\$ 555.34		\$ 487.09
Operational Cost Per Passenger Miles	\$ 1.03	\$ 1.19	\$ 1.36		\$ 1.19

Report Period: 7/1/2013- 10/01/2013- 1/1/2014- 4/1/2014-  
9/30/2013 12/31/2013 3/31/2014 6/30/2014

Fiscal Year

**FY 2013 - 2014 Includes JARC; SMTP and LARS Trips**

				Total	2014 Average
Trips	2091	1953	2167	8185	2046
Unduplicated Individuals	132	77	66	53	82
Passenger Miles	22,764	22,198	20,511	86147	21537
Operational Costs	\$ 21,562.52	\$ 28,729.14	\$ 25,971.24	\$ 110,377.90	\$ 27,594.48
Capital Costs	\$ -				\$ -
Total Costs:	\$ 21,562.52	\$ 28,729.14	\$ 25,971.24	\$ 110,377.90	\$ 27,594.48
Operational Cost Per Trip	\$ 10.31	\$ 14.71	\$ 11.98	\$ 17.28	13.57
Operational Cost Per Individual	\$ 163.35	\$ 373.11	\$ 393.50	\$ 643.68	393.41
Operational Cost Per Passenger Miles	\$ 0.95	\$ 1.29	\$ 1.27	\$ 1.65	1.29

Report Period: 7/1/2014- 10/01/2014- 1/1/2015- 4/1/2015-  
9/30/2014 12/31/2014 3/31/2015 6/30/2015

Fiscal Year

**FY 2014 - 2015 Includes JARC; SMTP and LARS Trips**

				Total	2015 Average
Trips	2173	2259	1802	6234	2078
Unduplicated Individuals	205	55	46		102
Passenger Miles	25,160	25,547	20,458	71165	23722
Operational Costs	\$ 24,834.00	\$ 27,524.00	\$ 30,543.00	\$ 82,901.00	\$ 27,633.67
Capital Costs	\$ -				\$ -
Total Costs:	\$ 24,834.00	\$ 27,524.00	\$ 30,543.00	\$ 82,901.00	\$ 27,633.67
Operational Cost Per Trip	\$ 11.43	\$ 12.18	\$ 16.95	#DIV/0!	7.87
Operational Cost Per Individual	\$ 121.14	\$ 500.44	\$ 663.98	#DIV/0!	207.19
Operational Cost Per Passenger Miles	\$ 0.99	\$ 1.08	\$ 1.49	#DIV/0!	0.69

JARC-Job Access Reverse Commute Funding-Funding for Transportation to Jobs and Job Training  
SMTP-State Mass Transit Program-funding those persons living in Urbanized Areas until 6/30/2014  
LARS-5311 Public Transit Funding



[illegible]

# MEETINGS & FUNCTIONS – 2015

DAY/DATE	TIME	FUNCTION/LOCATION
Monday, May 18 <sup>th</sup>	6:30 p.m.	Regular Council Meeting
Thursday, May 21 <sup>st</sup>	4:30 p.m.	Administration Committee Council Conference Room
Monday, May 25 <sup>th</sup>	Holiday	County Offices Closed for Memorial Day
Monday, June 8 <sup>th</sup>	6:30 p.m.	Regular Council Meeting
Thursday, June 18 <sup>th</sup>	6:00 p.m.	Board Member of the Year Dinner Historic Courthouse
Monday, June 22 <sup>nd</sup>	6:30 p.m.	Regular Council Meeting
Tuesday, June 23 <sup>rd</sup>	8:00 a.m.	Public Safety Committee Meeting

## LANCASTER COUNTY STANDING MEETINGS

3<sup>rd</sup> Thursday of each month .....4:30 p.m. ... Administration Committee  
 2<sup>nd</sup> Tuesday of each month.....3:00 p.m. ... Infrastructure and Regulation Committee  
 2<sup>nd</sup> Tuesday of each month .....8:00 a.m..... Public Safety Committee  
 1<sup>st</sup> Thursday of each month .....7:00 p.m. ... Fire Commission, Covenant Street EOC Building  
 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of each month .....9:00 a.m. ... Development Review Committee, Council Chambers  
 2<sup>nd</sup> Tuesday of each month.....6:30 p.m. ... Zoning Appeals Board, County Council Chambers  
 2<sup>nd</sup> Tuesday of each month.....6:30 p.m. ... Recreation Commission, 260 S. Plantation  
 (Every other month – Beginning with Feb.).....6:00 p.m. ... Library Board, Carolinian Room, Library  
 2<sup>nd</sup> Wed (Jan/March/May/July/Sept/Nov).....11:45 a.m... Health & Wellness Comm., various locations  
 2<sup>nd</sup> Tuesday .....6:00 p.m. ... Historical Commission, Library Conference Room  
 3<sup>rd</sup> Thursday of each month .....6:30 p.m. ... Community Relations Commission, County Council Chambers  
 1<sup>st</sup> Thursday of each month .....5:00 p.m. ... Planning Commission work session, County Council Chambers  
 3<sup>rd</sup> Tuesday of each month .....6:30 p.m. ... Planning Commission, County Council Chambers  
 Quarterly (2<sup>nd</sup> Monday -March , June, Sept, Dec.) ..... 6:30 p.m. Airport Commission, Airport Conference Room