

Lancaster County Council Regular Meeting Agenda

Monday, June 13, 2016

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

1. **Call to Order – Chairman Bob Bundy** 5:30 p.m.

2. **Executive Session**

- Contractual matter regarding the potential sale of property – SC Code §30-4-70(2)

Upon returning to open session, action may be taken on the items discussed during executive session.

3. **Welcome and Recognition – Chairman Bob Bundy** 6:30 p.m.

4. **Pledge of Allegiance and Invocation – Council Member Larry McCullough**

5. **Approval of the agenda** *[deletions and additions of non-substantive matter]*

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. **Consent Agenda**

a. Minutes of the following Council Meetings:

- April 28, 2016 Budget Workshop – pgs. 5-8
- May 9, 2016 Regular Meeting – pgs. 9-15
- May 23, 2016 Regular Meeting – pgs. 16-25

8. **Public Hearing and Budget Discussion**

- a. Regarding the FY2016-2017 Budget (Ordinance 2016-1398) *Kimberly Hill – pgs. 26-31*
- b. Regarding the FY 2016-2017 Fee Schedule (Ordinance 2016-1398) *Kimberly Hill – pgs.32*

9. Non-Consent Agenda

- a. **Resolution 0918-R2016 – A Resolution accepting a bridge into the Lancaster County Road System – (Bridge on Gilroy Drive – Regent Park) Councilman Brian Carnes and Steve Willis – pgs. 33-34**
- b. **Resolution 0922-R2016 – A Resolution establishing the Local Option Sales Tax Credit Factor for the 2016-2017 tax year. Steve Willis – pgs. 35-36**
- c. **Resolution 0923-R2016 – A Resolution regarding Walnut Creek Improvement District**
A Resolution describing the Walnut Creek Improvement District (formerly known as the Edenmoor Improvement District) as proposed to be enlarged and the amended improvement plan effected thereby, the projected time schedule for the accomplishment of the amended improvement plan, the estimated cost of the improvements and the amount of such costs to be derived from assessments, bonds or other funds; setting forth the proposed basis and rates of assessments to be imposed within the enlarged improvement district; ordering a public hearing; and other matters relating thereto. *John Weaver – pgs. 37-51*
- d. **Public Hearing and 2nd Reading of Ordinance 2016-1400 regarding adoption of 2015 Building Codes**
Ordinance Title: An Ordinance to amend Article 1 of Chapter 7 of the Lancaster County Code related to adopted codes; and to provide for other matters related thereto. *Passed 1st Reading 7-0 at the May 23, 2016 Council meeting. Steve Willis – pgs. 52-55*
- e. **Public Hearing and 2nd Reading of Ordinance 2016-1396 – Transfer of 10 acres located in the 600 block of Marion Street to the Town of Kershaw**
Ordinance Title: An Ordinance to approve the transfer of approximately 10.02 acres of land located on the 600 Block of East Marion Street in the Town of Kershaw, tax parcel no. 0156J-0G-004.00, to the Town of Kershaw; and to authorize county officials to take such actions as necessary to effectuate the purposes of this ordinance. **(Favorable – Administration Committee)** *Passed 1st Reading 7-0 at the May 23, 2016 Council meeting. Steve Willis – pgs. 56-59*
- f. **Public Hearing and 2nd Reading of Ordinance 2016-1397 – Transfer of approximately 00.42 acres of land to the Lancaster County School District**
Ordinance Title: An Ordinance to approve the transfer of approximately 00.42 acres of land located on SC Highway 522 – Rocky River Road, Tax Parcel No. 0058-00-008.00, to the Lancaster County School District; and to authorize County Officials to take such actions as necessary to effectuate the purposes of this ordinance. **(Favorable – Administration Committee)** *Passed 1st Reading 7-0 at the May 23, 2016 Council meeting. Steve Willis – pgs. 60-63*

g. 2nd Reading of Ordinance 2016-1401 Procurement Code amendment needed

Ordinance Title: An Ordinance to amend portions of Chapter 2, Article VI of the Lancaster County Code as relates to the County Procurement Code. (**Favorable – Administration Committee**) *Passed 1st Reading 7-0 at the May 23, 2016 Council meeting. John Weaver and Bryant Cook – pgs.64-81*

h. 1st Reading of Ordinance 2016-1402 regarding a Local Hospitality Tax

Ordinance Title: An Ordinance to establish a Local Hospitality to apply to all establishments which sell prepared meals and beverages located in the unincorporated areas of Lancaster County. *John Weaver – pgs.82-86*

10. Discussion and Action Items

- a. New Economic Development Director. *Chairman Bundy – pg.87*
- b. Highway 521 EMS & Recreation Center at Collins Road – *John Weaver & Council Members – pg.88-89*
- c. Motion to Rescind Ordinance 2015-1386 (rezoning several parcels on Harrisburg Road) – *pg. 90*
2nd Reading failed by 3-4 vote on 1/11/16.
- d. Motion to Renew Ordinance 2015-1369 (establish the Avondale PDD-27)
1st Reading passed 6-1 on December 14, 2015; 2nd Reading never acted upon on 1/11/16
- e. Motion to Renew Ordinance 2015-1370 (Avondale Development Agreement)
1st Reading passed 7-0 on 12/14/15; 2nd Reading never acted upon on 1/11/16
- f. Board and Commission appointments - *Debbie Hardin – pgs. 91-92*
 - Fire Commission member
 - Health and Wellness Commission member
 - Planning Commission member

11. Status of items tabled, recommitted, deferred or held

- a. Resolution 0911-R2016 regarding the use of funds from the sale of 3888 Chester Highway - *deferred at the 2-22-16 meeting*
- b. 3rd Reading of Ordinance 2016-1393 regarding enlarging the Walnut Creek Improvement District
- c. 3rd Reading of Ordinance 2016-1398 regarding the FY2016-2017 Budget

- d. 3rd Reading of Ordinance 2016-1399 regarding an amendment to the Financial Policy to reflect new fund balance limits

12. Miscellaneous Reports and Correspondence – pg. 93-103

- a. Letter regarding a Motion to Rescind by Councilman Jack Estridge
- b. Buford Battleground
- c. Time Warner Cable

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

14. Executive Session Continued

- Receipt of legal advice relating to a potential claim regarding performance bonds - SC §30-4-70(2)
- Receipt of legal advice relating to a potential claim regarding a lease – SC §30-4-70(2)
- Discussions incident to a proposed contractual arrangement – SC §30-4-70(2)
- Economic Development Matter regarding Project 2016-8 – SC §30-4-70(5)

Upon returning to open session, action may be taken on the items discussed during executive session.

15. Calendar of Events – pg.104

16. 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



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

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Minutes of the Lancaster County Committee of the Whole Meeting

101 N. Main Street, Lancaster, SC 29720

Thursday, April 28, 2016

Council Members present were Bob Bundy, Brian Carnes, Larry Honeycutt, Steve Harper and Charlene McGriff. Council Member Jack Estridge arrived after the approval of the agenda. Council Member Larry McCullough was absent. Also present was Steve Willis, Debbie Hardin, Brenisha Wells, Veronica Thompson, Kimberly Hill and 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: *The Lancaster News*, *Kershaw News Era*, *The Rock Hill Herald*, *The Fort Mill Times*, Cable News 2, Channel 9 and the local Government Channel. The agenda was also posted in the lobby of the County Administration Building the required length of time and on the county website.

Call committee of the whole meeting to order

Chairman Bob Bundy called the Committee of the Whole Meeting to order at 4:30 p.m.

Welcome and Recognition/Pledge of Allegiance and Invocation

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

Approval of the agenda

Councilwoman Charlene McGriff moved to approve the agenda as presented. **SECONDED** by Councilman Honeycutt. Passed 5-0.

Citizens Comments

There were no citizens to comment.

Discussion and Action Items

Fiscal Year 2016-2017 Budget

Prior to the budget discussion, County Administrator Steve Willis stated that the budget process has gone very well. Councilman Carnes thanked staff for putting together budget presentations and thanked the Administration Committee for working well together. Finance Director Veronica Thompson thanked Budget Analyst Kim Hill for her hard work.

Ms. Hill stated that the estimated mil value for 2017 is 296,126. She explained that she used historic data for the summary of the forecasted and recommended numbers. Ms. Hill further noted that a few revenues and donations were decreased.

Ms. Hill provided a quick overview of the FY 2016-2017 Administrator's Recommended Budget Draft. The PowerPoint that Ms. Hill reviewed is attached as schedule A.

The following are changes to the previous budget for the FY 2016-2017:

- **County-Wide** – Salary Adjustments
\$356,345 to continue plan to bring veteran employees with 10 years or more to market rate. All other staff receives 1% with a \$500 floor.
- **County Council** – Historic Jail Repairs
\$308,000 to be paid out of the fund balance.
- **County Council** – Fleet Operations Facility
\$2,104,585 to be paid out of the fund balance – could potentially be used with bond money.
- **Risk Management** – Security Upgrades in Administration Building
\$106,830 to be paid out of the fund balance.
- **IT** – Phone Purchase – move away from leasing
\$9,249 that is a one time cost would result in decreasing annual costs for leasing (\$35,000).

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- **GIS – Pictometry**
\$60,000 to be paid through increase in zoning fee.
- **Building – Commercial Inspector**
\$72,387 to be paid through permit revenue – position will only be filled if permits cover it.
- **Sheriff – 2 Grant Positions**
\$132,922
- **Detention Center – Increase Correction Officer**
\$30,386 which is a \$1,500 increase across the board to stay competitive with South Carolina Department of Corrections.
- **Communications – Shift Pay Differential**
\$14,860 to give night shift additional .50/hour to help retain workforce.
- **Lancaster County Fire – 2 Grant Positions**
\$97,764
- **EMS – Biller - \$45,159 – offset with additional revenue that should result from timely billing.**
- **Fleet Operations – Mechanic Pay**
\$7,443 – increase Mechanic I starting pay for retention.
- **Solid Waste – Disposal Contract**
This will be an additional \$300,000. Contract will need to be rebid next year.
- **Building Maintenance – Maintenance Aide Pay**
\$11,490 to increase base pay.

A handout of the 2016 Bricks and Mortar List, a ranking of Council's priorities, was given out. The handout is attached as schedule B. Council requested that the Administrator come up with a long term plan.

After discussion from Council, the following items will be added to the budget:

- **Road & Bridges – Engineer**

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- **IT** – hardware and software
- **Emergency Management** – Batteries for UPS System
- **EMS** – Upholstery replacement, this is a DHEC Regulation
- **Coroner** – SRN Barrier System
- **Fleet** – AC Recovery Machine
- **County-Wide** – Retirement increase due to a .5% increase to employer's retirement contribution.
- **Recreation Transfer** – Pool cost for hollow areas that will need to be repaired

Adjournment

Councilman Larry Honeycutt moved to adjourn. Seconded by Councilwoman Charlene McGriff. Passed 6-0.

Respectfully Submitted:

Approved by Council, June 13, 2016

Debbie C. Hardin
Clerk to Council

Steve Harper, Secretary

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

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Minutes of the Lancaster County Council Regular Meeting

101 N. Main Street, Lancaster, SC 29720

Monday, May 9, 2016

Council Members present were Bob Bundy, Larry McCullough, Jack Estridge, Brian Carnes, Larry Honeycutt, Steve Harper and Charlene McGriff. Also present was Steve Willis, Debbie Hardin, Brenisha Wells, Veronica Thompson, John Weaver, 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: *The Lancaster News, Kershaw News Era, The Rock Hill Herald, The Fort Mill Times*, Cable News 2, Channel 9 and the local Government Channel. The agenda was also posted in the lobby of the County Administration Building the required length of time and on the county website.

Call regular meeting to order

Chairman Bob Bundy called the regular meeting of Council to order at 6:30 p.m.

Welcome and Recognition/Pledge of Allegiance and Invocation

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

Approval of the agenda

Charlene McGriff moved to amend the agenda to move part of the special presentation to later in the meeting and to move the approval of the minutes to the non-consent agenda. Seconded by Larry McCullough. Passed 7-0.

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Special Presentations

Chairman Bob Bundy presented Lee Weeks, Delinquent Tax Collector, with the metal Thumbs Up award for receiving 10 Thumbs Up certificates.

Chairman Bundy also recognized Mr. William Parker of the Indian Land VFW who presented Jennifer Rumbaugh of the Sheriff's Office with the State VFW Public Servant Recognition Citation Award and later in the meeting he presented Greg Brasington, of EMS, with the Local, State and National Award. Chairman Bundy also presented Mr. Brasington with the metal Thumbs Up Award.

Citizens Comments

Rich Costa, 1102 Elvin Drive, Indian Land, spoke regarding the traffic issues and the inability of getting out of his neighborhood in Indian Land.

Gary Holland, 8728 Collins Road, Indian Land, spoke regarding the moratorium, Resolution 0916-R2016.

Non-Consent Agenda

Minutes of the April 26, 2016 meeting

Clerk to Council, Debbie Hardin, made note that Councilman McCullough requested that the minutes be amended to define PT 100 and PT 300 and to change language in the last sentence of the business registration discussion.

Councilman Honeycutt made the motion to approve the minutes as amended. Seconded by Councilman Carnes. (Passed 7-0)

Resolution 0916-R2016: A Resolution to extend by ninety (90) days the moratorium for applications for district boundary map amendments (rezoning) as detailed in Ordinance No. 2015-1351.

Councilwoman McGriff made the motion to approve Resolution 0916-R2016. Seconded by Councilman Carnes.

Councilman Estridge made the motion amending the resolution to amend the moratorium for one (1) year. Seconded by Councilman Honeycutt.

County Attorney John Weaver stated that extending the moratorium for a year without reasonable cause would not meet legal requirements.

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Penelope Karagounis, Planning Director, stated that she believes that they can get the work done within the 90 days as set forth in the Resolution.

Council Members Estridge and Honeycutt withdrew their motion and second to extend the moratorium for one (1) year.

Council voted on the main motion to approve Resolution 0916-R2016. Passed 7-0.

2nd Reading of Ordinance 2016-1394 Noise Ordinance

Ordinance Title: An Ordinance to amend Chapter 23, Article II, Sections 23-21 of the Lancaster county Code of Ordinances by the deletion of Section 23-21, 23-22 and 23-23 and substituting therefore language set forth hereinafter.

Councilman Harper made the motion to approve 2nd Reading of Ordinance 2016-1394. Seconded by Councilwoman McGriff.

Councilman McCullough made the motion to amend Ordinance 2016-1394 as represented in the agenda package. Seconded by Brian Carnes. Passed 7-0

Councilman McCullough made the motion to amend Ordinance 2016-1394 as recommended by Attorney Doug Barfield adding “excessive noise” as follows: Section 23-24is prima facie evidence that excessive noise regulated by this Article has been produced. Seconded by Councilman Honeycutt. Passed 7-0.

Council voted on the main Motion to approve 2nd Reading of Ordinance 2016-1394 as amended. Passed 7-0.

2nd Reading of Ordinance 2016-1393 regarding enlarging the Walnut Creek Improvement District

Ordinance Title: An Ordinance to authorize certain modifications to the Walnut Creek Improvement District, including enlarging the district by adding certain parcels therein to Bond Area 2 and Bond Area 3; approving revised assessment rolls relating to such parcels; authorizing not exceeding \$[6,000,000] \$[8,000,000] aggregate principal amount of assessment revenue bonds, in one or more series related to Bond Area 2 and Bond Area 3; and to provide for other matters relating thereto.

Councilman McCullough made the motion to approve 2nd Reading of Ordinance 2016-1393. Seconded by Councilwoman McGriff.

Councilman Carnes made the motion to amend Ordinance 2016-1393 to conform to the marked up version as found on pages 28-35 of the agenda book (the marked up version of

the Ordinance will be attached the minutes for reference as schedule A) . Seconded by Councilwoman McGriff. Passed 7-0.

Council voted 7-0 on the main motion to approve 2nd Reading of Ordinance 2016-1393 as amended.

1st Reading of Ordinance 2016-1395 regarding a Business Registration program

Ordinance Title: An Ordinance to provide for a Business Registration Program to apply to certain businesses in the unincorporated areas of Lancaster County; and to provide for other matters related thereto.

Councilwoman McGriff made the motion to approve 1st Reading of Ordinance 2016-1395. Seconded by Councilman Carnes. The motion failed by a vote of 3-4. Brian Carnes, Larry McCullough and Charlene McGriff were in favor. Bob Bundy, Jack Estridge, Steve Harper, and Larry Honeycutt were opposed.

1st Reading of Ordinance 2016-1398 regarding the FY2016-2017 Budget

Ordinance Title: An Ordinance to appropriate funds and approve a detailed budget for Lancaster County for the fiscal year beginning July 1, 2016 and ending June 30, 2017 (FY 2016-17); to set millage rates for the levy of ad valorem taxes; to approve a schedule of taxes, fees and charges for FY 2016-17; and to provide for other matters related thereto.

Councilman Carnes made the motion to approve 1st Reading of Ordinance 2016-1398. Seconded by Councilwoman McGriff. Passed 7-0.

Staff should email Council any new information relating to the budget.

1st Reading of Ordinance 2016-1399 regarding an amendment to the Financial Policy to reflect new fund balance limits

Ordinance Title: An Ordinance to amend Article 6 Budget Reserves, Sections 6.101 and 6.102 of the financial policies and procedures for the county, relating to fund balances, so as to update the section to reflect new standards promulgated by the government finance officers association.

Councilwoman McGriff made the motion to approve 1st Reading of Ordinance 2016-1399. Seconded by Councilman Carnes. Passed 7-0.

Discussion and Action Items

Regency Park roads discussion.

Councilman Brian Carnes discussed the need for Council to make a decision regarding the bridge on Gilroy Drive in the Regency Park Subdivision. The South Carolina Department of Transportation (SCDOT) will take Regency Parkway once it is brought up to their standards by

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the developer. In addition, the developer is asking the county to take the bridge on Gilroy Drive. Steve Willis noted that a concern with taking the bridge has been emergency access in the development.

Chairman Bundy requested that the Administrator prepare a document that would come back to Council to vote on.

Councilman Harper requested more information on the emergency access and topo of other properties with a map to the nearest road connections as well as costs to install. Councilman Estridge requested more information on the bridge as to weight limits.

Impact Fee study for transportation.

Councilman McCullough made the motion to proceed with the Impact Fee study for transportation. Councilman Carnes seconded. The motion passed 6-1. Councilwoman McGriff opposed.

Council requested that Steve Willis review and provide information regarding a Transportation Impact Fee from other counties and/or towns such as Berkley County and the Town of Fort Mill.

Indian Land Recycling Center – Information Only

Steve Willis provided Council with a copy of the historical timeline for the construction of the Indian Land Recycling Center (attached as schedule B).

Councilman McCullough requested that a timeline be provided to Council regarding the plan and contingencies to communicate to the public.

Plans for mortgage on Fancy Pokket

Steve Willis informed Council that we have been working with the Bank of Canada and Mike Timani regarding some documentation needed by the lender regarding the county's mortgage. Ordinance 1188 called for payment of the \$274,000 mortgage if the building was not completed within eighteen (18) months of the conveyance of the property. Council has granted two ninety (90) day extensions, but those have expired.

John Weaver noted that the bank is going to need to know if Lancaster County is going to make Fancy Pokket pay the mortgage. He further suggested that the bank communicate with Lancaster County as to what language it would need to help complete the loan process.

Councilman McCullough moved that the Bank of Canada present to the Administrator sufficient language for their loan obligation. Seconded by Jack Estridge. Passed 6-1. Councilman Honeycutt opposed.

Board and Commission appointments

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1. Library Board – Ms. Patricia Croxton

Councilman McCullough made the motion to appoint Patricia Croxton to the Library Board representing District 6. Seconded by Councilman Estridge. Passed 7-0.

2. Community Relations – Mr. Silberio Francis, Sr.

Councilman Honeycutt made the motion to appoint Silberio Francis to the Community Relations Board representing District 6. Seconded by Councilwoman McGriff. Passed 7-0.

Executive Session

Brian Carnes moved to go into Executive Session to discuss the following:

1. Negotiations incident to proposed sale of property - SC §30-4-70(2)
2. Economic Development matters regarding Project 2016-5 and 2016- 7 - SC Code §30-4-70(5)
3. Personnel matter - discussion of a person regulated by a public body – SC Code §30-4-70(a)(1)

SECONDED by Charlene McGriff. Passed 7-0

Larry Honeycutt moved to come out of Executive Session. Seconded by Brian Carnes. Passed 7-0.

John Weaver stated that Council went into Executive Session to discuss a proposed sale of property, two economic development matters and a personnel matter where no votes were taken and no motions were made.

Upon returning to open session, the following action was taken by Council regarding the Executive Session Matters:

1. Negotiations incident to proposed sale of property:

Charlene McGriff moved to proceed as discussed in Executive Session. Seconded by Larry McCullough. Passed 7-0

2. Economic Development matters regarding Project 2016-5 and 2016-7

Regarding the first Economic Development project discussed in Executive Session, Brian Carnes moved that the Council Chairman and/or Economic Development representative be authorized to consider increasing incentives pursuant to option D as presented. Seconded by Larry Honeycutt. Passed 6-1. Larry McCullough opposed.

Regarding the second Economic Development project discussed in Executive Session, Brian Carnes moved that the incentive package presented by our Economic Development representative be approved without the additional 10 year extension requested, with the additional 1 year extension request on the 2nd request approved and no extension on the 3rd request and a 1 year extension on the 4th request approved. The start date will be the signing date of the original agreement. Seconded by Larry Honeycutt. Passed 7-0.

No further motions were forthcoming from Executive Session.

Adjournment

Larry Honeycutt moved to adjourn. Seconded by Charlene McGriff. Passed 7-0.

Respectfully Submitted: Approved by Council, June 13, 2016

Debbie C. Hardin
Clerk to Council

Steve Harper, Secretary

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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

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Minutes of the Lancaster County Council Regular Meeting

101 N. Main Street, Lancaster, SC 29720

Monday, May 23, 2016

Council Members present were Bob Bundy, Larry McCullough, Jack Estridge, Brian Carnes, Larry Honeycutt, Steve Harper and Charlene McGriff. Also present was Steve Willis, Debbie Hardin, Veronica Thompson, John Weaver, 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: *The Lancaster News*, *Kershaw News Era*, *The Rock Hill Herald*, *The Fort Mill Times*, Cable News 2, Channel 9 and the local Government Channel. The agenda was also posted in the lobby of the County Administration Building the required length of time and on the county website.

Call regular meeting to order

Chairman Bob Bundy called the regular meeting of Council to order at 6:30 p.m.

Welcome and Recognition/Pledge of Allegiance and Invocation

Chairman Bob Bundy welcomed everyone to the meeting, and announced the press notification was met. Councilman Charlene McGriff led the Pledge of Allegiance to the American Flag and provided the invocation.

Approval of the agenda

Bob Bundy requested an amendment to the agenda adding an Executive Session item regarding an economic development matter.

Brian Carnes moved to approve the agenda with the addition of an Executive Session item regarding an economic development matter. Seconded by Charlene McGriff. Passed 7-0.

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Citizens Comments

Mary Reimers, 2007 Green Peach Road, spoke regarding the Animal Shelter.

Gary Holland, 8728 Collins Road, spoke about county policies and the memorandum that he states violates his civil rights.

Doris Macomson, Will Jones Circle, Rock Hill, spoke regarding the Lancaster County Animal Shelter.

Waylon Wilson, 15117 Legend Oaks Court, spoke regarding agenda item 6a, Resolution 0917-R2016 and a section of law regarding exceptions to the agricultural property tax exemption.

J.R. Wilt, 903 Rock Hill Highway, spoke regarding questions with storm water issues.

Deborah Parrish, 5215 Hughes Circle, Charlotte, NC, spoke regarding the Animal Shelter.

Non-Consent Agenda

Resolution 0917-R2016 – A Resolution to approve the late filing by William Heyward Adams, III, for 2015 Special Assessment as agricultural real property.

John Weaver, County Attorney, explained that state law regarding inherited property and agricultural use as follows, “For tracts not used to grow timber as provided in Item 1 of this section law, the tract must be 10 acres or more and in this situation we are talking about 78 acres, so surely it qualifies for 10 acres or more. The section that Mr. Wilson quoted during citizens comments, is an exception and not the primary law. A non-timber tract that does not meet the acreage or income requirement of this section, that is an old family farm of less than 10 acres, that has been in the family for more than 10 years and is being passed down from father or mother to one of the children, still gets the benefit of agricultural use even though it does not qualify for the more than 10 acres requirement under the law. This was an exception made by the legislature to give the same benefit to smaller farms that have been in existence for years. Therefore, the section of law stated in the Resolution is correct and the exception that was referred in citizen’s comments to is not the appropriate law, but rather is the exception made by the General Assembly for smaller farms.”

Mr. Weaver continued to explain that in state law you could get agricultural use if it is farmland of more than 10 acres, but you have to apply for it and in this case, he was tardy in applying. The state law also says that the only extension of that application can be made by the governing body only, which is County Council.

Motion was made by Steve Harper to approve Resolution 0917-R2016. Seconded by Charlene McGriff. Passed 5-2, Jack Estridge and Larry McCullough opposed.

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Resolution 0919-R2016 – A Resolution approving the acquisition of land for the siting of Public Safety Communications Radio Towers.

Motion was made by Brian Carnes to approve Resolution 0919-R2016. Seconded by Charlene McGriff. Passed 7-0.

Resolution 0920-R2016 – A Resolution describing the Walnut Creek Improvement District (formerly known as the Edenmoor Improvement District) as proposed to be enlarged and the amended improvement plan effected thereby, the projected time schedule for the accomplishment of the amended improvement plan, the estimated cost of the improvements and the amount of such costs to be derived from assessments, bonds or other funds; setting forth the proposed basis and rates of assessments to be imposed within the enlarged improvement district; ordering a public hearing; and other matters relating thereto.

Charlene McGriff moved to approve Resolution 0920-R2016. Seconded by Larry McCullough. Passed 7-0.

3rd Reading of Ordinance 2016-1394 Noise Ordinance

Ordinance Title: An Ordinance to amend Chapter 23, Article II, Sections 23-21 of the Lancaster county Code of Ordinances by the deletion of Section 23-21, 23-22 and 23-23 and substituting therefore language set forth hereinafter.

Motion was made by Larry McCullough to approve 3rd Reading of Ordinance 2016-1394. Seconded by Charlene McGriff. Passed 7-0.

2nd Reading of Ordinance 2016-1398 regarding the FY2016-2017 Budget

Ordinance Title: An Ordinance to appropriate funds and approve a detailed budget for Lancaster County for the fiscal year beginning July 1, 2016 and ending June 30, 2017 (FY 2016-17); to set millage rates for the levy of ad valorem taxes; to approve a schedule of taxes, fees and charges for FY 2016-17; and to provide for other matters related thereto.

Charlene McGriff moved to approve 2nd Reading of Ordinance 2016-1398. Seconded by Brian Carnes.

Steve Willis distributed two items. First, the departmental priority list for consideration. The list showed the departments number one and two priorities from their entire request previously submitted during the budget process. Some departments chose not to submit priorities. The list is attached to these minutes as schedule A. The second item was the County of Lancaster Property Tax examples, which includes only preliminary information as we do not have the roll back millage yet (attached as schedule B). Debt millage is going back up to seven (7) mills this year due to fire truck purchases.

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Council members discussed items that they wanted to be added to the budget from the list (attached as schedule A) as follows:

The Animal Shelter cat facility, Career Ladder for the Detention Center employees, DSS Building renovations, fire fighter equipment assistant, recreation software, Sled CJIS mandate IT security update, telecommunicator salaries, equipment operator for Public Works.

Council also discussed a contingency fund and stipulation that it be used only in an emergency situation, and make it part of the general fund reserves, not adding any additional new money, but designate it as contingency that has to be approved by a super majority of council.

Council took a 15-minute recess, and reconvened at 8:05 p.m.

Steve Willis stated that during the break, he spoke with the Kimberly Hill and Veronica Thompson, and offered the following proposal:

Removing the Animal Shelter cat facility and recreation software from the list and purchase these one-time expenses from this year's budget using existing funds. This will bring the millage increase to 2.1 - general fund increase and a 2.0 debit mils. At this time, we do not know the roll back and court security millage data. In dollars, based on a home that is assessed valued at \$100,000, this 4.1 millage increase would be an estimated \$16-\$20.

Charlene McGriff amended her motion to include the following adjustments to the 2nd Reading of Ordinance 2016-1398 (as read for the record by Steve Willis) as follows:

Lancaster County Detention Center Career Ladder	\$116,000
Department of Social Services building upgrades	30,000*
Fire Service Equipment Tech	60,000
Salary adjustments – Telecommunicators	40,000
Security – IT CGIS/State mandate	75,000
Road and Bridges equipment operator	45,000

SECONDED by Larry Honeycutt. Passed 7-0.

Note for the record, Kimberly Hill, Budget Analyst, stated that the Department of Social Services building improvements would be \$75,000 added to the budget. The County will be reimbursed approximately \$45,000 from the State

Council voted on the main motion to approve 2nd Reading of Ordinance 2016-1398 as amended 7-0.

DRAFT

2nd Reading of Ordinance 2016-1399 regarding an amendment to the Financial Policy to reflect new fund balance limits

Ordinance Title: An Ordinance to amend Article 6 Budget Reserves, Sections 6.101 and 6.102 of the financial policies and procedures for the county, relating to fund balances, so as to update the section to reflect new standards promulgated by the government finance officers association.

Motion was made by Larry Honeycutt to approve 2nd Reading of Ordinance 2016-1399. Seconded by Brian Carnes. Passed 7-0.

1st Reading of Ordinance 2016-1400 regarding adoption of 2015 Building Codes

Ordinance Title: An Ordinance to amend Article 1 of Chapter 7 of the Lancaster County Code related to adopted codes; and to provide for other matters related thereto.

Motion was made by Charlene McGriff to approve 1st Reading of Ordinance 2016-1400. Seconded by Brian Carnes. Passed 7-0.

1st Reading of Ordinance 2016-1396 – Transfer of 10 acres located in the 600 block of Marion Street to the Town of Kershaw

Ordinance Title: An Ordinance to approve the transfer of approximately 10.02 acres of land located on the 600 Block of East Marion Street in the Town of Kershaw, tax parcel no. 0156J-0G-004.00, to the Town of Kershaw; and to authorize county officials to take such actions as necessary to effectuate the purposes of this ordinance.

Motion was made by Jack Estridge to approve 1st Reading of Ordinance 2016-1396. Seconded by Steve Harper. Passed 7-0.

1st Reading of Ordinance 2016-1397 – Transfer of approximately 00.42 acres of land to the Lancaster County School District

Ordinance Title: An Ordinance to approve the transfer of approximately 00.42 acres of land located on SC Highway 522 – Rocky River Road, Tax Parcel No. 0058-00-008.00, to the Lancaster County School District; and to authorize County Officials to take such actions as necessary to effectuate the purposes of this ordinance.

Motion was made by Larry Honeycutt to approve 1st Reading of Ordinance 2016-1397. Seconded by Larry McCullough. Passed 7-0.

1st Reading of Ordinance 2016-1401 Procurement Code

Ordinance Title: An Ordinance to amend portions of Chapter 2, Article VI of the Lancaster County Code as relates to the County Procurement Code.

DRAFT

Charlene McGriff moved to approve 1st Reading of Ordinance 2016-1401. Seconded by Brian Carnes. Passed 7-0.

Councilman McCullough stated that he spoke with the Procurement Officer and requested that a change be made to the language dealing with the management of p-cards. The 1st Reading version states the Procurement Officer will not manage the day-to-day activity of the p-card. The request is that it read that the Procurement Officer *is* accountable for the day to day activities but can delegate to one of the staff members. In addition, on page 77, Item C needs to include networks and technology services and have the endorsement of the IT department.

John Weaver stated that he would get with the Procurement Officer on the wording and bring back to second reading for an amendment.

Discussion and Action Items

Monthly budget report.

Kimberly Hill presented the budget report for April 2016.

Proposed Resolution 0918-R2016 – A Resolution accepting a bridge into the Lancaster County road system (Gilroy Drive – Regent Park).

Councilman Carnes noted that there has been a lot of discussion regarding this topic as well as traffic issues in the Panhandle area.

Steve Willis noted initially, Lancaster County was asked to take the bridge because the Lancaster County Water and Sewer District (LCWSD) needed to put a water line on the bridge and could not unless it was a government owned bridge. Mr. Willis further reported that the water line on the bridge is no longer an issue. LCWSD has informed the developers that the creek is going to have to be bored for the water line as they are not going to accept a water line attached to the bridge. Mr. Willis further noted that the Resolution is contingent upon Regent Parkway becoming a state secondary road; if something happens and they don't upgrade Regent Parkway, we can not accept the roads leading up to the bridge, which means we can not accept the bridge.

Steve Harper asked for a rough estimate to upgrade to state standards. Councilman Carnes noted it was about \$450,000.

The Resolution will be brought to Council at the next meeting for consideration.

DRAFT

Fancy Pokket mortgage.

John Weaver, reported that based upon the direction of Council, he prepared a letter dated May 12, 2016 (page 110 of the agenda package) which basically says to the Fancy Pokket president that so long as he had the certificate of occupancy within a reasonable period of time, he did not purposely define reasonable because he is almost two (2) years behind in getting the certificate of occupancy under our prior agreement. He further noted that the president of the company called and stated that the letter was perfect so long as I took out the within a reasonable time. He informed the president that it was not the instructions that was given to him by Council, and requested to talk to the banker and see if he could work with the bank to get language that is suitable with the bank and suitable with the directions of County Council. Attorney Weaver stated that he was told that he could not speak to the banker and that it that would be something that he would have to send directly to Fancy Pokket without involving the bank. He was further told that it was something that was needed last week or the deal was off. Mr. Weaver informed the Fancy Pokket President that he had no authority to do that, that he would need to speak to Council at the next meeting, May 23, 2016.

He further informed Council that based upon prior actions of this Council including the agreement of 2012, if we release the mortgage before the certificate of occupancy is issued, there is absolutely nothing that would prevent Fancy Pokket from selling the building, the business and doing whatever he wants and we will never get a dime of the \$274,000 because we have already released our right to repurchase.

Council discussed giving an extension through October 31, 2016, but being firm in the response stating that no further extensions will be considered. Steve Willis recommended that a firm date be set.

John Weaver noted that language could be formulated in the form of a motion using the May 12th letter and instead of stating "reasonable date", insert October 31, 2016, as the date for completion with additional language that beyond that date there will be no further extensions and as of November 1, 2016, if the certificate of occupancy has not been issued, \$274,000 will be due to Lancaster County according to the original agreement.

Larry McCullough moved to send Fancy Pokket a letter containing the information as discussed by County Attorney, John Weaver:

(Excerpt from letter to be sent to Fancy Pokket) It is acknowledged and agreed by both Lancaster County and your company that the eighteen months noted in the preceding paragraph has long since passed. Notwithstanding that fact, Lancaster County Council has voted and I can report to both the banking institution with whom negotiations are continuing and you that so long as the Certificate of Occupancy for your baking company here in Lancaster County is issued on or before October 31, 2016 that Lancaster County will waive and release your company from any financial obligation to pay the \$274,000 or interest, if any, that may be

associated with the mortgage. However, it must be understood clearly that beyond October 31, 2016 there will be no additional extensions considered by Lancaster County. Further, should the Certificate of Occupancy not be issued on or before October 31, 2016, Lancaster County will consider Fancy Pokket to be in default and Lancaster County will exercise all of the rights afforded it pursuant to both the Incentive Agreement and the Mortgage referenced above.

Seconded by Steve Harper. Passed 6-1 Larry Honeycutt opposed.

DRAFT

Local Hospitality Tax

Steve Willis noted that the Ordinance would be coming the next meeting for consideration to impose a Local Hospitality Tax. He suggested that the findings of the Ordinance clearly state the intention of this Council would be utilize the funding for tourism related to parks and recreation, natural tourism, and historic tourism.

Councilman Carnes stated that the Administration Committee discussed utilizing the funds for a specific purpose that Hal Hiott, Recreation Director, brought forward that we could use for existing facilities, such as Walnut Creek, Springdale and Buford. With this, we will have a track record for the hospitality tax and if we decided to move forward as a community with a regional park, we would know what we could afford and if not we could do away with the hospitality tax.

Charlene McGriff moved to authorize the County Attorney to prepare a Hospitality Tax Ordinance for presentation at the next meeting of Council. Seconded by Larry McCullough. Passed 7-0.

John Weaver will find, if available, comparable county hospitality tax information.

Designation of Lancaster County MS4 area.

Steve Willis noted that Lancaster County MS4 area has been designed by the SC Department of Health and Environmental Control (SC DHEC). Council must determine whether or not to appeal the determination of SC DHEC.

Larry McCullough moved to approve what DHEC has proposed as MS4 boundary lines. Seconded by Steve Harper. Councilman McCullough subsequently withdrew his motion.

Council discussed the process of challenging the appeal. John Weaver explained that the appeal process is with the Administrative Law Court. It is not lengthy or expensive, but stated that the odds are greatly against us. We will have to provide the same technical information as to why we should not comply and the engineering cost would be more than any other expense.

No motions were made by Council. Steve Willis will proceed with SC DHEC findings.

DRAFT

Local Emergency Management Planning Grant (LEMPG).

Steve Willis noted that this is an annual grant awarded to the Lancaster County Emergency Management. The match is provided by existing salaries and expenses so no other county funds are needed.

Information on the use of Foxhole Landfill /Mecklenburg County.

Steve Willis noted that he and the Public Works Director, Jeff Catoe, met with representatives from the Mecklenburg Land Use Department and they are certainly willing to work with us on temporary permits. The permit system will go into effect July 1, 2016. The County will have to purchase the permits. Details are incomplete at this time and further information as to having a cost for the three-month extension with Foxhole and the cost of the new convenience site will be forthcoming.

Board and Commission appointments.

Fire Commission

Larry Honeycutt moved to appoint the following to the Fire Commission for a four year term beginning July 1, 2016: Bell Town Fire Department, Jamie Gainer; Camp Creek Fire Department, Jessie Lee Dobson; Elgin Fire Department, Richard D. Vawter; McDonald Green Fire Department, Francis Butch Ghent; Pleasant Valley Fire Department, Michael Kirkpatrick and a new member to the Heath Springs Fire District to fill unexpired term through June 2019, Everett Alex Parker. Seconded by Charlene McGriff. Passed 7-0.

Joint Parks and Recreation Commission

Brian Carnes moved to appoint Pamela Giardiello to the Joint Recreation Commission for a second four-year term beginning July 1, 2016. Seconded by Charlene McGriff. Passed 7-0.

Executive Session

Brian Carnes moved to go into Executive Session to discuss a contractual matter and an Economic Development matter. Seconded by Charlene McGriff. Passed 7-0.

Larry Honeycutt moved to come out of Executive Session. Seconded by Jack Estridge. Passed 7-0.

John Weaver stated that during the course of Executive Session there were no votes taken and no decisions made.

The following action was taken on items discussed during Executive Session:

Larry McCullough moved to authorize the County Attorney to proceed with the outlined plan. Seconded by Steve Harper. Passed 6-1. Bob Bundy opposed.

Charlene McGriff made an announcement into the record that on June 13, 2016 a motion to rescind Ordinance 2015-1386, 2015-1369 and 2015-1370 will be made.

Larry Honeycutt moved to adjourn. Seconded by Brian Carnes. Passed 7-0.

Adjournment

Councilman Larry Honeycutt moved to adjourn. Seconded by Councilwoman Charlene McGriff. Passed 7-0.

Respectfully Submitted:

Approved by Council, June 13, 2016

Debbie C. Hardin
Clerk to Council

Steve Harper, Secretary

DRAFT

PUBLIC HEARING NOTICE

Fiscal Year 2016-2017 LANCASTER COUNTY BUDGET

The County of Lancaster will hold a public hearing on **Monday, June 13, 2016** at 6:30pm in County Council Chambers, County Office Building, 101 N. Main St., 2nd floor, Lancaster, SC, for the purpose of obtaining written and oral comments from the public concerning the adoption of **Ordinance 2016-1398** establishing the **Fiscal Year 2016-2017 County Budget**.

Section 6-1-320(A)(1) of the S. C. Code of Laws, as amended, Notwithstanding Section 12-37-251(E), limits the increase in the millage rate imposed for general operating purposes above the rate imposed for such purposes for the preceding tax year to the extent of the increase in the average of the twelve monthly consumer price indexes for the most recent twelve month period consisting of January through December of the preceding calendar year, plus the percentage increase in the population of the entity as determined by the Office of Research and Statistics of the State Budget and Control Board. **However, in the year in which a reassessment program is implemented, the rollback millage, as calculated pursuant to Section 12-37-251E, must be used in lieu of the previous year's millage rate.** The limitation for Fiscal Year 2017 is 3.39%. Also pursuant to Section 6-1-320(A)(2), There may be added to the operating millage increase allowed pursuant to item (1) of this subsection any such increase, allowed but not previously imposed, for the three property tax years preceding the year to which the current limit applies.

The current and proposed County Budget & millage information for operations is as follows (subject to change by final reading):

COUNTY OPERATING

	<u>Revenue</u>	<u>Expenditures</u>
2016-2017 projected revenues & expenditures	\$48,343,725	\$48,343,725
2015-2016 original budget revenues & expenditures	\$44,906,126	\$44,906,126
Estimated changes in budget amounts between current FY and proposed budget:		8%

Estimated Millage for FY 2016-2017 OPERATING BUDGET	76.00
Millage for FY 2015-2016 OPERATING BUDGET	<u>80.80</u>
Difference between FY16 and FY17	(4.80)
Capital Improvement millage FY 2016-2017	4.60
Capital improvement millage FY 2015-2016	<u>4.60</u>
Difference between FY16 and FY17	.00
<u>SPECIAL MILLAGE</u>	
Courthouse- Security FY 2016-2017	3.60
Courthouse- Security FY 2015-2016	<u>3.60</u>
Difference between FY16 and FY17	.00
Estimated Debt Service millage FY 2016-2017	7.00
Debt Service millage FY 2015-2016	<u>5.30</u>
Difference between FY16 and FY17	1.70
USC-L millage FY 2016-2017	4.30
USC-L millage FY 2015-2016	<u>4.30</u>
Difference between FY16 and FY17	.00
County Mill Value FY 2016-2017	\$299,488
County Mill Value FY 2015-2016	\$283,053
Local Option Sales Tax Credit Factor FY 2017	.000698
Local Option Sales Tax Credit Factor FY 2016	.000639

At the time and place fixed for said public hearing, all interested persons who appear will be given an opportunity to express their views for or against this ordinance. Persons requiring special arrangements to attend this meeting due to a physical disability should contact the Administrator's office at 285-1565 at least 24 hours in advance.

Publish Sunday, May 29, 2016, Lancaster News

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

ORDINANCE NO.2016-1398

AN ORDINANCE

TO APPROPRIATE FUNDS AND APPROVE A DETAILED BUDGET FOR LANCASTER COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2016 AND ENDING JUNE 30, 2017 (FY 2016-17); TO SET MILLAGE RATES FOR THE LEVY OF AD VALOREM TAXES; TO APPROVE A SCHEDULE OF TAXES, FEES AND CHARGES FOR FY 2016-17; 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, 2016 and ending June 30, 2017 ("FY 2016-17"):

APPROPRIATIONS	AMOUNT
Airport Fund	223,483
Capital Improvement Fund	1,594,000
Capital Project Sales Tax	9,500,000
County Debt	4,233,312
County Transportation Committee Fund	1,650,000
Court Mandated Security	1,283,500
E-911 Fund	625,150
General Fund	47,938,277
	<u>48,343,725</u>
Indian Land Fire Protection District Fund	596,000
Local Accommodations Tax Fund	50,000
Pleasant Valley Fire Protection District Fund	440,078
Recreation Fund	2,540,062
Victims Services Fund	86,605
Sunday Alcohol Sales Tax Fund	7,000

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 2016-17 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	80.8 <u>76.0</u>
Capital Improvement Fund	4.6
County Debt	5.3 <u>7.0</u>
USC-L	4.3

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	3.6
---	-----

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 2016-17, 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 2016-17.

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 _____ day of June, 2016

Ordinance No.2016-1398

LANCASTER COUNTY, SOUTH CAROLINA

Bob Bundy, Chair, County Council

Steve Harper, Secretary, County Council

ATTEST:

Debbie Hardin, Clerk to Council

1 st reading:	May 9, 2016	Passed 7-0
2 nd reading:	May 23, 2016	Passed 7-0
3 rd reading:	June 27, 2016	Tentative
Public Hearing:	June 13, 2016	

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**PUBLIC HEARING NOTICE
PROPOSED NEW FEES
Fiscal Year 2016-2017 LANCASTER COUNTY BUDGET**

Pursuant to Section 6-1-330(A) of the S.C. Code of Laws, as amended, public notice is hereby given that the County of Lancaster will hold a public hearing on Monday, June 13, 2016 at 6:30pm in County Council Chambers, County Office Building, 101 N. Main St., 2nd floor, Lancaster, SC. The purpose is to obtain written and oral comments from the public concerning proposed new fees:

11.00 GIS MAPPING FEES

11.03 Digital Data Fees		
Parcel layer without attributes (entire county)		\$500.00

14.00 PLANNING FEES

14.04 Subdivision Fees		
Amendment of a final plat		\$100.00
Amendment of Construction Document Fee		\$300.00
14.05 Zoning Fees		
Rehearing of a Board of Zoning Appeals Action		\$200.00

15.00 PROBATE COURT FEES

15.02 Cost of Court: Estate Fees - Small Estate or Affidavit of Collection for Personal Property		
Property valuation of \$20,000 but less than \$25,000		\$67.50
15.03 Miscellaneous Fees		
Replacement Forms	Per Page	\$0.50
Faxing Documents		\$5.00
15.04 Probate Court Fees		
Special Certificates		\$10.00
Certified copy of Information to Heirs and Devisee Form		\$0.50 each
Additional Certificates of Appointment		\$0.50 each

At the time and place fixed for said public hearing, all taxpayers, residents or other interest persons who appear will be given an opportunity to express their views for or against the proposed new fees. Persons requiring special arrangements to attend this meeting due to a physical disability should contact Debbie Hardin, Clerk to Council at 285-1565 at least 24 hours in advance.

Publish Sunday, May 29, 2016

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

RESOLUTION NO. 0918-R2016

A RESOLUTION

ACCEPTING A BRIDGE INTO THE LANCASTER COUNTY ROAD SYSTEM.

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

Section 1. Bridge on Gilroy Drive.

Contingent upon the acceptance of Regent Parkway into the South Carolina Secondary Road System, the County Council hereby accepts the Gilroy Drive bridge over Little Sugar Creek into the Lancaster County road system.

Section 2. Further acts.

The Council Chair, Council Secretary, Clerk to Council, County Administrator, County Attorney, and all other appropriate officials of the County are each authorized and directed to do any and all things necessary to carry into effect the acceptance of the bridge.

Section 3. Effective date.

This Resolution is effective upon its adoption.

SIGNATURES FOLLOW ON NEXT PAGE.

And it is so resolved, this 13th day of June, 2016

LANCASTER COUNTY, SOUTH CAROLINA

(SEAL)

Bob Bundy, Chair, County Council

Steve Harper, Secretary, County Council

ATTEST:

Debbie Hardin, Clerk to Council

STATE OF SOUTH CAROLINA

)

COUNTY OF LANCASTER

)

)

RESOLUTION NO. 0922-R2016

A RESOLUTION

**ESTABLISHING THE LOCAL OPTION SALES TAX CREDIT FACTOR
FOR THE 2016-2017 TAX YEAR**

WHEREAS, County Council has established the Local Option Sales Tax revenue for the 2016 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 2016 tax year, which factor is the result, carried to six decimal positions, of dividing estimated Local Option Sales Tax Fund revenue by total taxable appraised value within the county s estimated by the County Auditor.

Be it resolved that the County Auditor with concurrence by the Council of Lancaster County, South Carolina hereby establishes the Local Option Sales Tax Credit factor as follows:

Credit Fund Estimate:	\$4,771,405.18
divided by	
Taxable Appraised Value:	\$6,836,325,188.00
equals	
Tax Credit Factor for the Tax Year 2016:	0.000698

This credit estimate to be revised near the end of the fiscal year to adjust for the actual credit given to taxpayers.

SIGNATURES FOLLOW ON NEXT PAGE.

And it is so resolved, this 13th day of June, 2016

LANCASTER COUNTY, SOUTH CAROLINA

(SEAL)

Bob Bundy, Chair, County Council

Steve Harper, Secretary, County Council

ATTEST:

Debbie Hardin, Clerk to Council

Debbie Hardin

From: Seezen, Michael <MSeezen@MCNAIR.NET>
Sent: Monday, June 06, 2016 1:21 PM
To: Debbie Hardin
Cc: Steve Willis; John Weaver; Seezen, Michael; Heizer, Frannie; Brooks, Linda
Subject: Walnut Creek Resolution
Attachments: COLUMBIA-#1268854-v3-Resolution_Ordering_Public_Hearing_(Walnut_Creek_Phase_II_Amendments)_-_May_2016.DOC; COLUMBIA-#1230593-v9-Edenmoor_Improvement_Plan.DOCX

Debbie,

Attached please find a resolution for Walnut Creek, plus Amended Improvement Plan. This is in replacement of the resolution adopted by County Council on May 23 (0920-R2016). We weren't able to get the resolution published in the Lancaster News last week (state law requires publication for three successive weeks prior to public hearing), so I am requesting it be included on the agenda for the June 13 meeting. Per Steve's email last week, I've also fixed the descriptions of the improvements in the Resolution and Improvement Plan – it now refers to “an EMS substation” rather than a “combined Sheriff and EMS substation “ or “fire station”.

My apologies for submitting this twice.

This resolution orders a public hearing for July 18 (next council meeting for which statutorily-required notice can be given); my intent would be to publish the resolution on June 23 and 30, and July 7. Also, for agenda purposes for the June 27 meeting, no public hearing is needed (that was previously scheduled for Resolution 0920-R2016).

Please let me know if you have any questions or comments. Again, sorry to duplicate efforts.

Michael



Michael J. Seezen

Shareholder

mseezen@mcnair.net | 803 753 3257 Direct

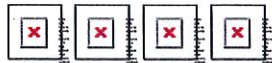
McNair Law Firm, P.A.

Columbia Office 1221 Main Street | Suite 1800 | Columbia, SC 29201

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STATE OF SOUTH CAROLINA

)

)

COUNTY OF LANCASTER

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RESOLUTION NO. 0923-R2016

A RESOLUTION

DESCRIBING THE WALNUT CREEK IMPROVEMENT DISTRICT (FORMERLY KNOWN AS THE EDENMOOR IMPROVEMENT DISTRICT) AS PROPOSED TO BE ENLARGED AND THE AMENDED IMPROVEMENT PLAN EFFECTED THEREBY, THE PROJECTED TIME SCHEDULE FOR THE ACCOMPLISHMENT OF THE AMENDED IMPROVEMENT PLAN, THE ESTIMATED COST OF THE IMPROVEMENTS AND THE AMOUNT OF SUCH COSTS TO BE DERIVED FROM ASSESSMENTS, BONDS OR OTHER FUNDS; SETTING FORTH THE PROPOSED BASIS AND RATES OF ASSESSMENTS TO BE IMPOSED WITHIN THE ENLARGED IMPROVEMENT DISTRICT; ORDERING A PUBLIC HEARING; AND OTHER MATTERS RELATING THERETO.

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

Section 1. Findings.

The Lancaster County Council (the "County Council") finds that:

(a) The County Council, by Ordinance No. 713 enacted on January 30, 2006, as corrected and confirmed by Resolution No. 527 adopted on May 22, 2006 (as corrected and confirmed, the "Original Improvement District Ordinance"), authorized the creation of the Edenmoor Improvement District (the "Improvement District"), relating to an approximately 868-acre mixed use planned development known as "Edenmoor" (the "Development") and approved the Assessment Roll A, including the Rate and Method of Apportionment of Assessment A attached as an appendix thereto (the "Original Assessment Roll A"), and the Assessment Roll B, including the Rate and Method of Apportionment of Assessment B attached as an appendix thereto (the "Original Assessment Roll B" and, together with the Original Assessment Roll A, the "Original Assessment Rolls").

(b) The County has heretofore issued its \$24,115,000 original principal amount Edenmoor Improvement District Assessment Revenue Bonds, Series 2006A (the "Series 2006A Bonds") and \$11,500,000 original principal amount Edenmoor Improvement District Assessment Revenue Bonds, Series 2006B (the "Series 2006B Bonds" and, together with the Series 2006A Bonds, the "Original Series 2006 Bonds").

(c) The Original Series 2006 Bonds were originally issued in order to fund certain improvements within or associated with the Development, which were payable from and secured by non-*ad valorem* assessments imposed upon the parcels therein (the "Assessments"), as further described in the Original Assessment Rolls for the Improvement District.

(d) Prior to the issuance of the Original Series 2006 Bonds, the County Council adopted an "improvement plan" (within the meaning of Section 4-35-30(4) of the Code of Laws of South Carolina 1976, as amended (the "Act")), entitled "Lawson's Bend Improvement Plan" (the "Original Improvement Plan") which Original Improvement Plan, among other things, contemplated the creation of the Improvement District as an "improvement district" (within the meaning of Section 4-35-30(3) of the Act).

(e) After the original developer of the Development ceased development in 2009 and, thereafter, defaulted in its payment of Assessments imposed upon certain parcels within the Development, Edenmoor Land Acquisition, LLC and Edenmoor Land Acquisition II, LLC, which are affiliates of the Sole Bondholder (collectively, the "Purchaser") purchased such parcels. The Purchaser has continued work to complete the Development and approximately 684 parcels within the Development are owned by residential property owners or third-party builders or developers other than the Purchaser.

(f) At the request of the Purchaser, the Council enacted Ordinance No. 2015-1367 on December 14, 2015, which amended the Original Improvement District Ordinance (as so amended, the "District Ordinance"), authorized certain changes to the Original Assessment Rolls, namely (I) changing all references therein from "Edenmoor" or "Edenmoor Improvement District" to "Walnut Creek" or "Walnut Creek Improvement District", as applicable; and (II) subdividing the Improvement District so it relates to specific parcels within the Development (referenced herein as Bond Area 1, Bond Area 2 and Bond Area 3 (each, a "Bond Area"), as further defined herein and described in the Assessment Roll A, including the Rate and Method of Apportionment of Assessment A (the "Apportionment of Assessments") attached as an appendix thereto (together with the Apportionment of Assessments, each, an "Assessment Roll"), relating to each such Bond Area).

(g) In February 2016 the County issued (1) \$8,510,000 aggregate principal amount of its Walnut Creek Improvement District Assessment Refunding Revenue Bonds, Series 2016A-1 (the "Series 2016A-1 Bonds"), which are secured solely by and payable from Assessments related to Bond Area 1, in order to refund a portion of the outstanding Series 2006A Bonds; (2) \$9,670,000 aggregate principal amount of its Walnut Creek Improvement District Assessment Revenue Bonds, Series 2006A-2 Bonds (secured solely by and payable from Assessments related to Bond Area 2) in exchange for an equal aggregate principal amount of Series 2006A Bonds which were outstanding on the date thereof (the "Series 2006A-2 Bonds"), and (3) \$4,695,000 aggregate principal amount of its Walnut Creek Improvement District Assessment Revenue Bonds, Series 2006A-3 Bonds (secured solely by and payable from Assessments related to Bond Area 3), in exchange for an equal aggregate principal amount of Series 2006A Bonds which were outstanding on the date thereof (the "Series 2006A-3 Bonds").

(h) The County understands that Edenmoor Acquisition LLC (the "Sole Bondholder"), is presently the owner of 100% of the Series 2006A-2 Bonds and the Series 2006A-3 Bonds; as of the date hereof, there are no Series 2006A Bonds or Series 2006B Bonds which remain outstanding, and that the Purchaser is presently the owner of 100% of the property located in Bond Area 2 and Bond Area 3 (or has contractual rights to consent on behalf of the owners thereof to certain modifications to Bond Area 2 and Bond Area 3 within the Improvement District (including modifications to the quantity of Assessment A imposed therein) and the Assessment Documents.

(i) The Purchaser and the Sole Bondholder desire to make certain changes to the Assessment Documents, namely (I) adding one parcel to the Improvement District within Bond Area 2 and one parcel to the Improvement District within and Bond Area 3; (II) modifying the classifications in the Assessment Documents for development uses within Bond Area 2 and Bond Area 3; (III) increasing the total Assessment A imposed upon the parcels within Bond Area 2 and Bond Area 3; (IV) allocating the updated total Assessment A on Bond Area 2 and Bond Area 3 to the parcels in Bond Area 2 and Bond Area 3; (V) making all changes to the Apportionment of Assessments for Bond Area 2 and Bond Area 3; and (VI) contemplating the issuance and sale from time to time to the Sole Bondholder, or any affiliate of the Purchaser acceptable to the County (the "Bond Purchaser"), new bonds secured by and payable from Assessment A imposed on Bond Area 2 or Bond Area 3, respectively (the "New Bonds") in order to finance costs of additional Improvements (as defined herein), which may be undertaken in connection with the refunding of or issuance in exchange for all or a portion of the existing Series 2006A-2 Bonds or Series 2006A-3 Bonds with obligations having a maturity not exceeding the term of the New Bonds, or

combined with or constitute a portion of a larger debt issue including bonds issued for such purposes; provided that in no event will such changes increase or affect in any way the Assessments applicable to parcels within Bond Area 1 of the Improvement District, which secure and are payable for the Series 2016A-1 Bonds.

(j) There have been filed with the Clerk to Council a proposed list of the parcels within Bond Area 1, Bond Area 2 and Bond Area 3 (including the two additional parcels proposed to be added therein), including a representative map of the Improvement District showing each such Bond Area.

(k) A copy of the Amended Improvement Plan, which updates and makes certain changes to the Original Improvement Plan consistent with the proposed changes to the Assessment Documents described above and may be further amended or supplemented from time to time, is attached hereto as Exhibit A and incorporated herein by reference and available for review at the office of the County Administrator. The Amended Improvement Plan contemplates the construction of a roadway system, a sanitary sewer system, a water system and a drainage system, a County park and other public improvements within the Improvement District, whether currently completed or proposed as more particularly described therein (collectively, the "Improvements"), which constitute "improvements" (within the meaning of Section 4-35-30(2) of the Act).

(l) The Council finds that (1) the Improvements are and may be beneficial within the designated Improvement District, (2) the Improvements have and are likely to significantly improve property values within the Improvement District by promoting the development of the property, (3) it is and would be fair and equitable to finance all or part of the cost of the Improvements by an assessment upon the real property located within the Improvement District, (4) written consent for the creation of the Improvement District from a majority of the owners of real property within the Improvement District having an aggregate assessed value in excess of sixty-six percent of the assessed value of all real property within the Improvement District was obtained prior to the original establishment of the Improvement District, and (5) written consent for certain modifications to the Improvement District (as enlarged, the "Enlarged Improvement District"), namely the addition of one parcels to Bond Area 2 and one parcel to Bond Area 3, increasing the total Assessment A imposed upon parcels within Bond Area 2 and Bond Area 3 only, modifying the classifications for development uses within Bond Area 2 and Bond Area 3, allocating the updated total Assessment A on Bond Area 2 and Bond Area 3 to the parcels in Bond Area 2 and Bond Area 3, making all changes to the Apportionment of Assessments for Bond Area 2 and Bond Area 3 and contemplating the issuance and sale from time to time to the Bond Purchaser of the New Bonds secured by and payable from Assessments imposed on Bond Area 2 and Bond Area 3, in order to finance costs of additional Improvements, from a majority of the owners of real property within the applicable sub-districts of the Improvement District (e.g., Bond Area 2 and Bond Area 3) having an aggregate assessed value in excess of sixty-six percent of the assessed value of Bond Area 2 and Bond Area 3, has been or will be obtained prior to the amendment of the Assessment Documents to effect such modifications.

(m) Pursuant to the Act, the Council may make such modifications to the Improvement District and implement and finance, in whole or in part, the Amended Improvement Plan in the Improvement District in accordance with the provisions of the Act.

(n) In accordance with the requirements of Section 4-35-70 of the Act, Council hereby directs and authorizes the publication of this resolution and the establishment of the time and place of a public hearing concerning the Amended Improvement Plan.

It is now necessary and in the best interest of the health, safety, and general welfare of the citizens of the County that the Enlarged Improvement District and Amended Improvement Plan be described and the other requirements of the Act be met through adoption and publication of this resolution.

The Council has heretofore adopted Resolution No. 0901-R2015 and held the public hearing contemplated thereby on January 25, 2016 (the "Original Public Hearing"), related to the Amended Improvement Plan authorized thereby, the enlargement of the Improvement District and the other changes to the Assessment Documents generally described above. However, the County was notified by the Purchaser that the documents to be approved by ordinance in connection with the modification of the Assessment Documents had not yet been completed and finalized and such ordinance could not be given three readings by the Council within 120 days of the date of the Original Public Hearing (as contemplated by the Act). Therefore, the Purchaser has requested that the Council adopt this Resolution in replacement of Resolution No. 0901-R2015 (and Resolution No. 0920-R2016 which was adopted by the Council on May 23, 2016) and begin the approval process again.

Section 2. Description of Enlarged Improvement District.

The Enlarged Improvement District shall consist of an approximately 922-acre mixed-use planned development consisting of proposed residential, commercial and recreational land uses and including the County park. The Enlarged Improvement District consists of (a) approximately 803 acres which is contained within the St. Katherine Planned Development District – 8 (the "SKPDD-8"), established by Ordinance #504 of the County Council on July 28, 2002 ("Ordinance #504"), (b) approximately 17 acres which is contiguous to the SKPDD-8 and was acquired after the enactment of Ordinance #504, and (c) approximately 57 acres which are contiguous to the SKPDD-8 and are proposed to be added to and included within the Enlarged Improvement District (one parcel within Bond Area 2 and one parcel within Bond Area 3). The Enlarged Improvement District will also include such easements and rights-of-way contiguous thereto as shall be necessary for the construction of certain of the Improvements. The property is located on U. S. Highway 521, S. C. Highway 75, Jim Wilson and Twelve Mile Creek Roads.

Section 3. Description of Improvements.

The Council finds that the current and future development within the Enlarged Improvement District requires the acquisition and construction of several Improvements, including one or more of the following:

- (a) roadway system consisting of streets, curbs, gutters, bridges, intersection improvements, Hancock and Claude Phillips Road improvements;
- (b) sanitary sewer system consisting of force mains, gravity mains, pump stations and related facilities;
- (c) water system consisting of four inch, six inch, eight inch and ten inch water mains, valves, joints, fire hydrants and related facilities;
- (d) stormwater drainage system designed to meet current standards;
- (e) other public improvements including but not limited to a recreational area and facilities, an EMS substation and related equipment; and

(f) such other improvements as allowed under the terms of the Act and as may be approved by the Council.

all as described and more particularly identified in the Amended Improvement Plan attached hereto and incorporated herein as Exhibit A (collectively, the "Improvements").

Section 4. Time Schedule for Amended Improvement Plan.

The implementation of the Amended Improvement Plan began shortly after the Original Series 2006 Bonds were issued in June 2006. Presently, the Development consists of four major phases, each with multiple sub-phases, of construction that are anticipated to include approximately 2,235 residential units on approximately 620 acres, approximately 300 acres of common open space, rights of way and recreation areas, and approximately 100,000 square feet of commercial development. The implementation of the Amended Improvement Plan will be phased in over approximately seven years from the date hereof, with each phase expected to take approximately three to five years to complete.

Section 5. Estimated Cost of Improvements; Amount to be Derived from Assessments.

The County understands that, based on documentation related to the Original Series 2006 Bonds and the representations of the Purchaser, approximately \$30,800,000 of the proceeds of the Original Series 2006 Bonds were used to finance certain costs of the Improvements, and approximately \$33,000,000 of the Improvements have been provided directly by the Purchaser. It is expected that the total costs of the Improvements will cost approximately \$91,500,000, a portion of which has been or will be financed by a combination of "assessments" (within the meaning of Section 4-35-30(1) of the Act) on real property in the Enlarged Improvement District benefiting from the Improvements and the issuance of revenue bonds as described in Section 6.

Section 6. Amount of Cost of Improvements to be Derived from Bonds or Other Permitted Funding Sources.

As described above, the County has previously issued the Original Series 2006 Bonds in order to finance a portion of the cost of the Improvements, and understands that the Purchaser has expended its own funds to finance other costs of the Improvements. The Original Improvement Plan contemplated that the County could issue up to \$60,000,000 in revenue bonds in one or more series to finance all or apportion of the costs of the Improvements, of which approximately \$36,000,000 principal amount of such bonds has been previously issued (excluding the Series 2016A-1 Bonds which refunded \$7,960,000 outstanding principal amount of the Series 2006A Bonds), all of which have been or would be secured by and serviced from revenue to be derived from the Assessments. The Amended Improvement Plan contemplates that the County may additionally issue from time to time not exceeding \$8,000,000 in revenue bonds in one or more series (the "New Bonds") secured by the Assessments imposed within Bond Area 2 or Bond Area 3 (as applicable) and to be serviced from revenue to be derived from the Assessments within Bond Area 2 or Bond Area 3, respectively, the details of which shall be prescribed by a separate ordinance of the County Council; provided, however, that (1) the New Bonds would be issued and sold only to the Bond Purchaser, in order to finance the costs of additional Improvements and (2) the New Bonds would be secured by and payable from Assessments imposed within Bond Area 2 or Bond Area 3 (as applicable), *pari passu* with the pledge of the Assessments securing the Series 2006A-2 Bonds and Series 2006A-3 Bonds, as the case may be, and in any event not from Assessments imposed within Bond Area 1, and (3) nothing herein or in the Amended Improvement Plan shall obligate the County to issue the New Bonds in any particular amount, if at all. The New Bonds described in this Section 6 may be issued in connection with the refunding of or issuance in exchange for all or a portion of the existing

Series 2006A-2 Bonds or Series 2006A-3 Bonds, or combined with or constitute a portion of a larger debt issue including bonds issued for such purposes, if otherwise authorized by the Council.

Section 7. Basis for and Rates of Assessment to be Imposed Within the Enlarged Improvement District.

Assessments have been and shall be imposed upon properties in the Enlarged Improvement District based upon one or more of assessed value, area, per parcel basis or the value of improvements to be constructed within the Enlarged Improvement District, or a combination of them, according to the procedure set forth in an assessment study, which shall establish assessment rates fairly reflecting the advantages derived from the Improvements by each of the individual parcels. As of the date of this Resolution, Assessments for property within the Improvement District have been and will be established according to the Original Assessment Rolls, as revised and updated from time to time.

The total of the Assessments for each Bond Area shall equal the costs of the Improvements which were or are to be provided for the benefit of the property in such Bond Area of the Enlarged Improvement District, including any costs associated with the issuance and repayment of debt related to such Bond Area (e.g., the Series 2016A-1 Bonds, Series 2006A-2 Bonds, Series 2006A-3 Bonds or New Bonds, as applicable, or any refunding bonds) and administrative costs allocable to such Bond Area of the Enlarged Improvement District. The Assessment on each parcel is based on the equivalent units of each parcel as a percent of the total of the equivalent units for all of the parcels in the applicable Bond Area of the Enlarged Improvement District. As subdivisions occur, the Assessment on each parcel shall be allocated to the newly created parcels according to the equivalent units of the newly created parcels. The equivalent units for each parcel shall be based on an estimate of the numbers of units of each class anticipated to be built on each parcel. It is expected that the property within the Enlarged Improvement District shall be identified as being in one of a number of classifications based upon relative benefit received from the Improvements by each class of property. Equivalent units shall reflect the relationship between the classes of property and the benefit received from the Improvements for each type of property.

The Assessments have been and shall be set at a rate or rates intended to be sufficient to produce revenue equal to the amount of bonds issued and outstanding or to be issued and outstanding, as applicable, plus accrued interest at any time at a rate that equates to the rate on debt related to such Bond Area (e.g., the Series 2016A-1 Bonds, Series 2006A-2 Bonds, Series 2006A-3 Bonds or New Bonds, as applicable, or any refunding bonds) plus a pro-rata share of administrative expenses of the Enlarged Improvement District.

Upon the division of any parcel, the Assessment on that parcel prior to the subdivision shall be reallocated to each new parcel in proportion to the equivalent units of each parcel and the Assessment for the parcel prior to the subdivision. The Assessments after the subdivision of a parcel shall equal the sum of the Assessments before the subdivision of the parcel.

An Assessment shall not be imposed upon Improvements within the boundaries of the Enlarged Improvement District or other property within the Enlarged Improvement District which does not receive a benefit of the Improvements.

Section 8. Public Hearing.

The Council hereby establishes July 18, 2016, as the date of the public hearing to be held in accordance with the provisions of Section 4-35-70 of the Act. Such public hearing shall be held at 7:00 p.m., July 18, 2016 in County Council Chambers, 2nd Floor of the County Administration Building located at 101 North Main Street, Lancaster, South Carolina, or at such other location in or around the complex posted at the main entrance. At the public hearing and at any adjournment of it, all interested persons may be heard either in person or by their designees.

Section 9. Public Notice.

Pursuant to Section 4-35-70 of the Act, the Council hereby authorizes the publication of this Resolution in its entirety once a week for three successive weeks in a newspaper of general circulation within the County, with the final publication to occur not less than 10 days prior to the public hearing to be held on July 18, 2016.

Section 10. 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 purposes of this Resolution.

Section 11. Severability.

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

Section 12. Controlling Provisions.

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

Section 13. Effective Date.

This Resolution is effective upon adoption.

SIGNATURES FOLLOW ON NEXT PAGE.

AND IT IS SO RESOLVED, this 13th day of June 2016.

LANCASTER COUNTY, SOUTH CAROLINA

Bob Bundy, Chair, County Council

Steve Harper, Secretary, County Council

ATTEST:

Debbie C. Hardin, Clerk to Council

AMENDED WALNUT CREEK IMPROVEMENT PLAN

Overview

Pursuant to S. C. Code of Laws Section 4-35-10, et seq. (the "Act"), Lancaster County, South Carolina (the "County") is authorized to designate an area within the County within which an improvement plan is to be accomplished. An "improvement plan" means the overall plan by which the governing body of the county proposes to effect improvements within an improvement district to preserve property values, prevent deterioration, and preserve the tax base.

The County Council, by Ordinance No. 713 enacted on January 30, 2006, as corrected and confirmed by Resolution No. 527 adopted on May 22, 2006 (the "Resolution"), authorized the creation of the Edenmoor Improvement District (the "Improvement District"), relating to an approximately 868-acre mixed use planned development known as "Edenmoor" (the "Development") and approved the Assessment Roll A, including the Rate and Method of Apportionment of Assessment A attached as an appendix thereto (the "Original Assessment Roll A"), and the Assessment Roll B, including the Rate and Method of Apportionment of Assessment B attached as an appendix thereto (the "Original Assessment Roll B" and, together with the Original Assessment Roll A, the "Original Assessment Rolls").

The County has heretofore issued its \$24,115,000 original principal amount Edenmoor Improvement District Assessment Revenue Bonds, Series 2006A (the "Series 2006A Bonds") and \$11,500,000 original principal amount Edenmoor Improvement District Assessment Revenue Bonds, Series 2006B (the "Series 2006B Bonds" and, together with the Series 2006A Bonds, the "Series 2006 Bonds"), which Series 2006 Bonds were issued in order to fund certain improvements within or associated with the Development, which Series 2006 Bonds are payable from and secured by non-*ad valorem* assessments imposed upon the parcels therein (the "Assessments"). The Assessments originally consisted of an Assessment A securing the Series 2006A Bonds, and an Assessment B securing the Series 2006B Bonds, each as further described in the Original Assessment Rolls for the Improvement District (the "Assessment Documents").

Prior to the issuance of the Series 2006 Bonds, the County Council adopted an "improvement plan" (within the meaning of Section 4-35-30(4) of the Code of Laws of South Carolina 1976, as amended (the "Act"), entitled "Lawson's Bend Improvement Plan" and subsequently known as the "Edenmoor Improvement Plan" (the "Original Improvement Plan") which Original Improvement Plan, among other things, contemplated the creation of the Improvement District as an "improvement district" (within the meaning of Section 4-35-30(3) of the Act). The Original Improvement Plan contemplated that it could be amended or supplemented from time to time.

After the original developer of the Development ceased development in 2009 and, thereafter, defaulted in its payment of Assessments imposed upon certain parcels within the Development, Edenmoor Land Acquisition, LLC and Edenmoor Land Acquisition II, LLC (collectively, the "Purchaser") purchased such parcels. The Purchaser has continued work to complete the Development and, at the request of the Purchaser, the County Council adopted

Ordinance No. 2015-1367 on December 14, 2015 (“Ordinance No. 2015-1367”), to authorize certain changes to the Original Assessment Rolls, namely (I) changing all references therein from “Edenmoor” or “Edenmoor Improvement District” to “Walnut Creek” or “Walnut Creek Improvement District”, as applicable; and (II) subdividing the Improvement District so it relates to specific parcels within the Development (referenced herein as Bond Area 1, Bond Area 2 and Bond Area 3 (each, a “Bond Area”), as further defined herein).

On February 11, 2016, the County issued (1) \$8,510,000 aggregate principal amount of Walnut Creek Improvement District Assessment Refunding Revenue Bonds, Series 2016A-1 (the “Series 2016A-1 Bonds”), in order to refund a portion of the outstanding Series 2006A Bonds; (2) \$9,670,000 aggregate principal amount of its Walnut Creek Improvement District Assessment Revenue Bonds, Series 2006A-2 (secured solely by and payable from Assessments related to Bond Area 2) which were exchanged for an equal aggregate principal amount of Series 2006A Bonds (the “Series 2006A-2 Bonds”), and (3) \$4,695,000 aggregate principal amount of its Walnut Creek Improvement District Assessment Revenue Bonds, Series 2006A-3 (secured solely by and payable from Assessments related to Bond Area 3), which were exchanged for an equal aggregate principal amount of Series 2006A Bonds (the “Series 2006A-3 Bonds”), after all of which no Series 2006A Bonds remained outstanding. In January 2016, all of the Series 2006B Bonds were redeemed in full and are no longer outstanding. Edenmoor Acquisition, LLC, an affiliate of the Purchaser (“Edenmoor Acquisition”) is presently the holder of 100% of the outstanding amount of the Series 2006A-2 Bonds and the Series 2006A-3 Bonds.

The Purchaser has requested that the County Council make additional changes to the Original Assessment Rolls, as revised by Ordinance No. 2015-1367, namely (II) adding one parcel to the Improvement District within Bond Area 2 and one parcel to the Improvement District within Bond Area 3; (II) modifying the classifications in the Assessment Documents for new development uses within Bond Area 2 and Bond Area 3; (III) allocating the updated total Assessment A on Bond Area 2 and Bond Area 3 to the parcels within Bond Area 2 and Bond Area 3; (IV) making all changes to the Apportionment of Assessments for Bond Area 2 and Bond Area 3; and (V) contemplating the issuance and sale from time to time to Edenmoor Acquisition, LLC, or another affiliate of the Purchaser acceptable to the County (the “Bond Purchaser”) of new bonds in one or more series secured by and payable from Assessments imposed within Bond Area 2 or Bond Area 3 (as applicable) in order to finance the cost of additional Improvements to Bond Area 2 or Bond Area 3, respectively, which may be undertaken in connection with the refunding of or issuance in exchange for all or a portion of the existing Series 2006A-2 Bonds or Series 2006A-3 Bonds, or combined with or constitute a portion of a larger debt issue including bonds issued for such purposes.

The Original Improvement Plan, as amended hereby (as so amended, the “Amended Improvement Plan”), the Report of the Civil Engineer dated January 2006, as supplemented by the Supplemental Report of the Civil Engineer dated [November 13, 2015] (as so supplemented, the “Engineer’s Report”), a copy of which is attached hereto and incorporated herein by reference, and Ordinance #504 of the County Council on July 28, 2002 as amended by Ordinance #710 of the County Council enacted January 30, 2006 (“Ordinance #504”), a copy of which is attached hereto and incorporated herein by reference, constitute the “improvement plan” for the Walnut Creek Improvement District, formerly known as the Edenmoor Improvement

District, as contemplated to be enlarged as described herein (as so enlarged, the “Enlarged Improvement District”).

Walnut Creek (formerly known as Edenmoor, St. Katherine or Lawson’s Bend), a proposed 922-acre planned development district to be located in the “panhandle” of Lancaster County (at the northwest corner of the intersection of Highway 521 and 75), will constitute one of the most significant community developments in the region. Lying roughly equidistant from south Charlotte, the City of Lancaster, Monroe, and Rock Hill, Walnut Creek promises to serve as the new “crossroads” of the Piedmont Area.

This enterprise, which since 2011 has been directed and will continue to be directed by the Purchaser, will improve the area economically and aesthetically, both in the short term and for future generations.

Location of Enlarged Improvement District

The Enlarged Improvement District is located at the northwest corner of the intersection of U. S. Highway 521 and S. C. Highway 75, as more particularly described in the Engineer’s Report and including two additional parcels of property presently owned by Edenmoor Land Acquisition II, LLC, constituting approximately 57 acres and identified as TMS # 0015-00-021.00 and 0015-00-012.00.

Description of Enlarged Improvement District

The Enlarged Improvement District shall consist of an approximately 922-acre mixed use planned development consisting of proposed residential, commercial and recreational land uses and including the County park. The Enlarged Improvement District is contained within or contiguous to the Walnut Creek Planned Development District – 8 (the “EPDD-8”), established by Ordinance #504. The Enlarged Improvement District will also include such easements and rights-of-way contiguous thereto as shall be necessary for the construction of certain of the Improvements. The property is located on U. S. Highway 521, S. C. Highway 75, Jim Wilson and Twelve Mile Creek Roads. The Engineer’s Report contains a more detailed description of the location of the Enlarged Improvement District.

Proposed Land Use

The property within the Enlarged Improvement District shall be developed pursuant to Ordinance #504 which specifies the allowable land uses. The proposed land uses are also described in the Engineer’s Report.

Government Approvals and Regulatory Agency Permits

The implementation of this Amended Improvement Plan will require compliance with applicable zoning and land use regulations, and completion of county development review and application process.

Construction of individual development and public works projects will require, either individually or in combination, the following types of approvals and/or permits:

1. Permits and Approvals Issued by Lancaster County
2. Permits Issued by the State of South Carolina
 - a. Land Disturbance Permit
 - b. Permits to Construct Water/Wastewater Facilities
 - c. Permits to Operate Water/Wastewater Facilities
 - d. Permits to Encroach into Publicly Maintained Right-of-Way
3. Permits and Approvals issued by the United States Government.

The permits and applicable regulations for the implementation of this Amended Improvement Plan are more particularly described in the Engineer's Report.

Description of Improvements

The Improvements to be constructed within the Enlarged Improvement District include:

(a) roadway system consisting of streets, curbs, gutters, bridges, intersection improvements, right-of-way improvements, street lighting and signage, Hancock and Claude Phillips Road improvements;

(b) sanitary sewer system consisting of force mains, gravity mains, pump stations and related facilities;

(c) water system consisting of four inch, six inch, eight inch and ten inch water mains, valves, joints, fire hydrants and related facilities;

(d) stormwater drainage system designed to meet current standards;

(e) other public improvements including but not limited to a recreational area and facilities, an EMS substation and related equipment, and such other improvements as allowed under the terms of the Act and as may be approved by the County Council of Lancaster County, South Carolina;

(f) Other improvements, which are not to be financed as part of the Enlarged Improvement District, include electric service, natural gas services, telephone service, and cable television service; and

Improvements described in paragraphs (a) through (e) above are described in more detail in the Engineer's Report.

Time Schedule for Implementing Amended Improvement Plan

The implementation of the Original Improvement Plan began shortly after the Series 2006 Bonds were issued in June 2006. Presently, the Development consists of four major

phases, each with multiple sub-phases, of construction that are anticipated to include approximately 2,235 residential units on approximately 620 acres, approximately 300 acres of common open space, rights of way and recreation areas, and approximately 100,000 square feet of commercial development. This Amended Improvement Plan will be implemented over approximately seven years from the date hereof, with each phase expected to take approximately three to five years to complete, as more particularly described in the Engineer's Report.

Estimated Cost of Improvements

Approximately \$30,800,000 of the proceeds of the Series 2006 Bonds were used to finance certain costs of the Improvements, and the County understands that approximately \$33,000,000 of the Improvements have been provided directly by the Purchaser. It is expected that the total costs of the Improvements will cost approximately \$91,500,000, a portion of which has been or will be financed by a combination of "assessments" (within the meaning of Section 4-35-30(1) of the Act) on real property in the Enlarged Improvement District benefiting from the Improvements and the issuance of revenue bonds as described below. Detailed estimates of the costs of Improvements are contained in the Engineer's Report.

Amount of Cost of Improvements to be Derived from Bonds or Other Permitted Funding Sources

As described above, the County has previously issued the Series 2006 Bonds in order to finance a portion of the cost of the Improvements, and understands that the Purchaser has expended its own funds to finance other costs of the Improvements. The Original Improvement Plan contemplated that the County could issue up to \$60,000,000 in revenue bonds in one or more series secured by the Assessments, of which approximately \$36,000,000 principal amount of such bonds has been previously issued, all of which have been or would be serviced from revenue to be derived from the Assessments.

This Amended Improvement Plan contemplates that the County may additionally issue from time to time approximately \$8,000,000 in revenue bonds in one or more series (the "New Bonds") secured by the Assessments imposed within Bond Area 2 or Bond Area 3 (as applicable) and to be serviced from revenue to be derived from the Assessments within Bond Area 2 or Bond Area 3, respectively; provided, however, that (1) the New Bonds would be initially issued and sold only to the Bond Purchaser, in order to fund the cost of additional Improvements, (2) the New Bonds would be secured by and payable from Assessments imposed within Bond Area 2 or Bond Area 3 (as applicable), and in any event not from Assessments imposed within Bond Area 1, and (3) nothing in this Amended Improvement Plan shall obligate the County to issue the New Bonds in any particular amount, if at all.

The New Bonds described herein may be undertaken in connection with the refunding of or issuance in exchange for all or a portion of the existing Series 2006A-2 Bonds or Series 2006A-3 Bonds, or combined with or constitute a portion of a larger debt issue including bonds issued for such purposes.

Basis for and Rates of Assessment to be Imposed Within the Enlarged Improvement District

Assessments have been and shall be imposed upon properties in the Enlarged Improvement District based upon one or more of assessed value, area, per parcel basis or the value of improvements to be constructed within the Enlarged Improvement District, or a combination of them, according to the procedure set forth in an assessment study, which shall establish assessment rates fairly reflecting the advantages derived from the Improvements by each of the individual parcels. As of the date of this Amended Improvement Plan, Assessments for property within the Improvement District have been and are established according to the Original Assessment Rolls. [- future assessment billings based on revised assessment rolls]

The total of the Assessments shall equal the costs of the Improvements to be provided for the benefit of the property in the Enlarged Improvement District, including any costs associated with the issuance and repayment of the bonds and administrative costs of the Enlarged Improvement District. The Assessment on each parcel are based on the equivalent units of each parcel as a percent of the total of the equivalent units for all of the parcels in the Enlarged Improvement District. As subdivisions occur, the Assessment on each parcel shall be allocated to the newly created parcels according to the equivalent units of the newly created parcels. The equivalent units for each parcel shall be based on an estimate of the numbers of units of each class anticipated to be built on each parcel. It is expected that the property within the Enlarged Improvement District shall be identified as being in one of a number of classifications based on relative benefit received from the Improvements by each class of property. Equivalent units shall reflect the relationship between the classes of property and the benefit received from the improvements for each type of property.

The Assessments have been and shall be set at a rate or rates intended to be sufficient to produce revenue equal to the amount of bonds issued and outstanding or to be issued and outstanding, as applicable, plus accrued interest at any time at a rate that equates to the rate on the bonds, a pro-rata share of administrative expenses of the Enlarged Improvement District.

Upon the division of any parcel, the Assessment on that parcel prior to the subdivision shall be reallocated to each new parcel in proportion to the equivalent units of each parcel and the Assessment for the parcel prior to the subdivision. The Assessments after the subdivision of a parcel shall equal the sum of the Assessments before the subdivision of the parcel.

An Assessment shall not be imposed upon Improvements within the boundaries of the Enlarged Improvement District or other property within the Enlarged Improvement District which does not receive a benefit from the Improvements.

Amendments

This Amended Improvement Plan may be amended or supplemented from time to time.

The Lancaster News

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

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Monday June 13, 2016 at 6:30 pm., in the Lancaster County Council Chambers, Lancaster County Administrative Building, 101 North Main Street, Lancaster County will hold a public hearing to review the adoption of the following state mandated codes:

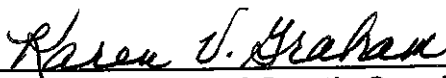
2015 Codes
International Building Code
International Residential Code
International Fire Code
International Plumbing Code
International Mechanical Code
International Fuel Gas Code
International Property Maintenance Code
International Swimming Pool and Spa Code
International Existing Building Code

2014 Code
National Electrical Code

Persons with questions or comments concerning the public hearing or the various codes may contact Stephen Yeargin, Building Official, Lancaster County, P.O. Box 1809, Lancaster, SC 29721 (Telephone: 803-285-1969).

Assistance will be provided to accommodate the special needs of disabled persons, upon request. A 72-hour notice for assistance is requested.

This is to certify that the attached Legal Notice was published in The Lancaster News in the issue of 5/27/16



Notary Public of South Carolina

My Commission Expires June 29, 2022

STATE OF SOUTH CAROLINA

)

ORDINANCE NO. 2016-1400

COUNTY OF LANCASTER

)

AN ORDINANCE

**TO AMEND ARTICLE I OF CHAPTER 7 OF THE LANCASTER COUNTY CODE
RELATED TO ADOPTED CODES; AND TO PROVIDE FOR OTHER MATTERS
RELATED THERETO.**

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

Section 1. *Findings and determinations; Purpose.*

The Council finds and determines that:

(1) The State of South Carolina mandates that local governments adopt the applicable codes as dictated by the South Carolina Building Code Council;

(2) The South Carolina Building Code Council has mandated that certain new codes be adopted effective July 1, 2016; and

(3) A public hearing must be conducted related to the adoption of the following codes.

Section 2. *Amendment of County Code.*

Article I of Chapter 7 of the County Code of Lancaster, South Carolina is amended as follows:

Sec. 7-1. - Standard codes adopted.

The following codes, as promulgated by the International Code Council and in the version most recently adopted by the State of South Carolina's Department of Labor, Licensing and Regulation, shall constitute and become an ordinance of the county, and are hereby adopted as fully as though set out at length herein, excluding the appendices and including Chapter One, except as further provided herein. Provided, however, that the provisions of the codes which concern the qualification, removal, dismissal, duties, responsibilities of, and administrative procedures for all building officials, deputy building officials, chief inspectors, and other inspectors and assistants are not adopted herein.

Amendments to these codes shall become effective in the county on the effective date specified by the state.

~~2012~~ 2015 Editions:

- International Building Code, with South Carolina amendments;
- International Residential Code, with South Carolina amendments;
- International Mechanical Code, including Chapter One;
- International Plumbing Code, including Chapter One;
- International Fire Code, with South Carolina amendments;
- International Fuel Gas Code, with South Carolina amendments;

~~2011~~ 2014 Edition:

National Electric Code.

2009 Edition:

International Energy Conservation Code.

(Ord. No. 259, 12-5-94; Ord. No. 298, 8-19-97; Ord. No. 437, 4-30-01; Ord. No. 548, 6-30-03; Ord. No. 847, 9-10-07; Ord. No. 1171, § 1, 10-8-2012; Ord. No. 1320, § 1, 2-9-2015)

Cross reference— Adoption of technical codes, [§ 2-64](#); building and zoning department to enforce building and construction codes, [§ 25-61](#).

Sec. 7-2. - Optional codes adopted.

The following codes, as promulgated by the International Code Council and in the version most recently adopted by the State of South Carolina's Department of Labor, Licensing and Regulation, shall constitute and become an ordinance of the county, and are hereby adopted as fully as though set out at length herein, excluding the appendices and including Chapter One, except as further provided herein. Provided, however, that the provisions of the codes which concern the qualification, removal, dismissal, duties, responsibilities of, and administrative procedures for all building officials, deputy building officials, chief inspectors, and other inspectors and assistants are not adopted herein.

Amendments to these codes shall become effective in the county on the effective date specified by the state.

~~2012~~ 2015 Editions:

- International Existing Building Code.
- International Property Maintenance Code.
- International Swimming Pool and Spa Code.
- International Performance Code for Buildings and Facilities

(Ord. No. 847, 9-10-07; Ord. No. 1320, § 1, 2-9-2015)

Secs. 7-3—7-20. - Reserved.

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 thereby.

Section 4. *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 5. *Effective date.*

This ordinance shall be effective on July 1, 2016.

And it is so ordained, this 27th day of June 2016.

LANCASTER COUNTY, SOUTH CAROLINA

Bob Bundy, Chair, County Council

Steve Harper, Secretary, County Council

Attest:

Debbie C. Hardin, Clerk to Council

First Reading:	May 23, 2016 Passed 7-0
Second Reading:	Tentative – June 13, 2016
Public Hearing:	Tentative – June 13, 2016
Third Reading:	Tentative – June 27, 2016

The Lancaster News

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

LANCASTER COUNTY COUNCIL NOTICE OF PUBLIC HEARING

A public hearing is scheduled for Monday, June 13, 2016 at 6:30 p.m. in the Lancaster County Council Chambers, second floor of the 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 Ordinance No. 2016-1396, "AN ORDINANCE TO APPROVE THE TRANSFER OF APPROXIMATELY 10.02 ACRES OF LAND LOCATED ON THE 600 BLOCK OF EAST MARION STREET IN THE TOWN OF KERSHAW, TAX PARCEL NO. 0156J-0G-004.00, TO THE TOWN OF KERSHAW; 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 5/27/16


Notary Public of South Carolina

My Commission Expires June 29, 2022

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

ORDINANCE NO. 2016-1396

AN ORDINANCE

TO APPROVE THE TRANSFER OF APPROXIMATELY 10.02 ACRES OF LAND LOCATED ON THE 600 BLOCK OF EAST MARION STREET IN THE TOWN OF KERSHAW, TAX PARCEL NO. 0156J-0G-004.00, TO THE TOWN OF KERSHAW; 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 and Determinations.

The Council finds and determines that:

(a) in 1991 Lancaster County, using state recreational grant funding, acquired 10.02 acres of land located on the 600 block of East Marion Street in the Town of Kershaw, Tax Parcel No. 0156J-0G-004.00 (the "Land"), to be used as the location for a recreational site;

(b) the land was never developed for recreational use as the Mullinax site became available;

(c) per County Code section 24-24(a)(2) real property controlled by the Parks and Recreation Commission is to be titled to the government where the property is located;

(d) the Town of Kershaw is desirous of acquiring title and developing the tract for passive recreational use; and

(e) title should have been transferred to the Town of Kershaw in 1991 but that never occurred.

Section 2. Approval of Transfer; Authority to Execute; Termination of Authority.

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 deed conveying the Land to the Town of Kershaw (the "Deed").

B. Council authorizes and approves the transfer of the Land to the Town of Kershaw.

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.

SIGNATURES FOLLOW ON NEXT PAGE.

AND IT IS SO ORDAINED, this 27th day of June, 2016.

LANCASTER COUNTY, SOUTH CAROLINA

Bob Bundy, Chair, County Council

Steve Harper, Secretary, County Council

ATTEST:

Debbie C. Hardin, Clerk to Council

First Reading:	May 23, 2016	Passed 7-0
Public Hearing:	June 13, 2016	Tentative
Second Reading:	June 13, 2016	Tentative
Third Reading:	June 27, 2016	Tentative

Approved as to form:

County Attorney


The Lancaster News

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

LANCASTER COUNTY COUNCIL NOTICE OF PUBLIC HEARING

A public hearing is scheduled for Monday, June 13, 2016 at 6:30 p.m. in the Lancaster County Council Chambers, second floor of the 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 Ordinance No. 2016-1397, "AN ORDINANCE TO APPROVE THE TRANSFER OF APPROXIMATELY 00.42 ACRES OF LAND LOCATED ON SC HIGHWAY 522 - ROCKY RIVER ROAD, TAX PARCEL NO. 0058-00-008.00, TO THE LANCASTER COUNTY SCHOOL DISTRICT; 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 5/27/16



Notary Public of South Carolina

My Commission Expires June 29, 2022

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

ORDINANCE NO. 2016-1397

AN ORDINANCE

TO APPROVE THE TRANSFER OF APPROXIMATELY 00.42 ACRES OF LAND LOCATED ON SC HIGHWAY 522 – ROCKY RIVER ROAD, TAX PARCEL NO. 0058-00-008.00, TO THE LANCASTER COUNTY SCHOOL DISTRICT; 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 and Determinations.

The Council finds and determines that:

(a) Lancaster County has title to 00.42 acres of land located on South Carolina Highway 522, Rocky River Road, Tax Parcel No. 0058-00-008.00 (the “Land”);

(b) the land was the former location of the Buford Health Department which was demolished;

(c) the land is surrounded by property owned by the Lancaster County School District, which is used for various athletic fields, Buford Elementary School, and Buford Middle School;

(d) Lancaster County has no use for the small parcel.

Section 2. Approval of Transfer; Authority to Execute; Termination of Authority.

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 deed conveying the Land to the Lancaster County School District (the “Deed”).

B. Council authorizes and approves the transfer of the Land to the Lancaster County School District.

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.

SIGNATURES FOLLOW ON NEXT PAGE.

AND IT IS SO ORDAINED, this 27th day of June, 2016.

LANCASTER COUNTY, SOUTH CAROLINA

Bob Bundy, Chair, County Council

Steve Harper, Secretary, County Council

ATTEST:

Debbie C. Hardin, Clerk to Council

First Reading:	May 23, 2016	Passed 7-0
Public Hearing:	June 13, 2016	Tentative
Second Reading:	June 13, 2016	Tentative
Third Reading:	June 27, 2016	Tentative

Approved as to form:

County Attorney

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER) **ORDINANCE NO. 2016-1401**

AN ORDINANCE

TO AMEND PORTIONS OF CHAPTER 2, ARTICLE VI OF THE LANCASTER COUNTY CODE AS RELATES TO THE COUNTY PROCUREMENT CODE

WHEREAS, through the passage of ordinance 1076 on December 13, 2010, County Council did establish the present county procurement code that subsequently has been incorporated within the Lancaster County Code of Ordinances as noted above, and

WHEREAS, upon the recommendation of the County Procurement Director and the County Administrator, Council finds that various amendments to the procurement code are appropriate and necessary so as to update and modernize several policies and practices contained therein;

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. Amendment of County Code.

Attached hereto and incorporated herein by reference as fully as if repeated verbatim herein is a seventeen (17) page attachment (Code of Ordinances, Section 2-251 – Section 2- 296) to this ordinance that specifically indicates the intended amendments to Chapter 2, Article VI of the County Code of Lancaster, South Carolina:

- A. Section 2-258(k);
- B. Section 2-260(c);
- C. Section 2-261(a) and (b);
- D. Section 2-266(a), (h) and (i);
- E. Section 2-267;
- F. Section 2-268(a);
- G. Section 2-269(f) and (j);
- H. Section 2-270 main provision and (g);
- I. Section 2-272 main provision and (h)
- J. Section 2-275;
- K. Section 2-276;
- L. Section 2-77(a)(7);
- M. Section 2-278(11) and (12);
- N. Section 2-281.

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 thereby.

Section 4. 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 5. Effective date.

This Ordinance shall become effective on July 1, 2016.

AND IT IS SO ORDAINED

Dated this ____ day of June, 2016.

LANCASTER COUNTY, SOUTH CAROLINA

Bob Bundy, Chair, County Council

Steve Harper, Secretary, County Council

Attest:

Debbie C. Hardin, Clerk to Council

First Reading:	May 23, 2016 Passed 7-0
Second Reading:	Tentative – June 13, 2016
Third Reading:	Tentative – June 27, 2016

ARTICLE VI. - LANCASTER COUNTY PROCUREMENT CODE^[13]

Footnotes:

--- (13) ---

Editor's note—Ord. No. 1076, § 1, adopted Dec. 13, 2010, added provisions as Art. VI, Divs. 1—8, §§ 2-280A—2-324A. In order to avoid conflicts in section numbering and to conform to the format of numbering used in the Code, the editor has renumbered the provisions of Ord. No. 1076 as §§ 2-251—2-295 as herein set out.

DIVISION 1. - GENERALLY

Sec. 2-251. - Citation.

This article may be cited as the "Lancaster County Procurement Code."

(Ord. No. 1076, § 1, 12-13-10)

Sec. 2-252. - Purpose.

The purpose of the Lancaster County Procurement Code is to:

- (a) Establish policies and procedures for the Lancaster County government that embody sound principles of competitive procurement as required by Section 11-35-50 of the Code of Laws of South Carolina 1976, as amended (the South Carolina Consolidated Procurement Code);
- (b) Develop an efficient and effective means of delegating roles and responsibilities to departments, elected officials, boards, and component units;
- (c) Ensure fair and equitable treatment of all persons who do business with the county;
- (d) Provide a mechanism of controlling all purchases of supplies, materials, equipment and services required by the county;
- (e) Prescribe the manner in which the county shall dispose of surplus real and personal properties in an effective manner; and
- (f) Provide safeguards to ensure ethical behavior on the part of all persons engaged in the public procurement process.

(Ord. No. 1076, § 1, 12-13-10)

Sec. 2-253. - Application of procurement code.

The Lancaster County Procurement Code applies to:

- (a) All procurements solicited after December 31, 2010;
- (b) All expenditure of funds by the county for public procurement irrespective of the source of the funds;

- (c) Procurement involving the expenditure of federal or state funds, except that the county shall comply with federal or state law that is mandatorily applicable to the procurement; and
- (d) All county departments, agencies, commissions, boards, or officials appropriated funds by the county.

(Ord. No. 1076, § 1, 12-13-10)

Sec. 2-254. - Legal counsel; contract review.

- (a) The county attorney shall serve as legal counsel to the procurement officer.
- (b) The county attorney shall review any proposed contract: (i) with a term that extends beyond June 30 of the fiscal year following the fiscal year in which the contract is proposed to be entered; or (ii) with an automatic renewal clause.

(Ord. No. 1076, § 1, 12-13-10)

Sec. 2-255. - Right to reject.

In all solicitations made under the Lancaster County Procurement Code, the county shall reserve the right to reject any and all responses to the solicitation. A solicitation may be cancelled, or any or all bids or proposals received may be rejected, in whole or in part as may be specified in the solicitation, when it is in the best interest of the county. The reasons for rejection must be documented and kept on file. Each solicitation request by the County shall state this section of the code.

(Ord. No. 1076, § 1, 12-13-10)

DIVISION 2. - PROCUREMENT OFFICER

Sec. 2-256. - Procurement officer.

- (a) There is created the position of procurement officer who shall be the county's principal contact for procurement services. The procurement officer shall be under the supervision of the finance director and the county administrator.
- (b) The procurement officer shall not incur any obligation on behalf of the county if sufficient funds have not been appropriated by the county council.
- (c) Responsibilities of the procurement officer include, but are not limited to:
 - (1) Procuring supplies, materials, equipment and services needed by county government and its officials;
 - (2) Coordinating the disposal of all surplus property and equipment;
 - (3) Assisting grant recipients in ensuring proper procurement procedures are followed;
 - (4) Maintaining a complete record of all purchasing transactions;
 - (5) Conducting pre-bid conferences and bid openings;
 - (6) Handling bid advertisements, logging bids, mailing and posting notice of awards and rejection notices;
 - (7) Properly maintaining records of all bid information;

- (8) Establishing and updating a bidders list;
 - (9) Assisting county government entities with writing bid specifications;
 - (10) Developing, reviewing, and updating procurement and contract procedures to ensure effective and efficient operations;
 - (11) Receiving and responding to inquiries from county government entities and vendors regarding procurement procedures; and
 - (12) Providing instruction and guidance to county government entities and officials.
- (d) The procurement officer, subject to approval by the finance director, is authorized to develop, prepare and publish rules, regulations, manuals, guidelines, interpretations and other directives to aid in the implementation and use of the Lancaster County Procurement Code.

(Ord. No. 1076, § 1, 12-13-10)

DIVISION 3. - SOURCE SELECTION AND CONTRACT INFORMATION

Sec. 2-257. - Methods of source selection.

Unless otherwise provided by law, all Lancaster County contracts shall be awarded by competitive sealed bidding, pursuant to section 2-258, except as provided in:

- (a) Section 2-260 (purchases under \$25,000);
- (b) Section 2-263 (sole source procurement);
- (c) Section 2-262 (emergency procurement);
- (d) Section 2-264 (architect-engineering, construction management, land surveying services and other professional services);
- (e) Section 2-261 (Use of state contract and cooperative purchasing);
- (f) Section 2-265 (Authority to contract auditing services);
- (g) Section 2-259 (Competitive sealed proposals); and
- (h) Section 2-264.1 (Special/unusual procurements).

(Ord. No. 1076, § 1, 12-13-10; Ord. No. 1363, § 1, 8-10-2015)

Sec. 2-258. - Competitive sealed bidding.

- (a) Conditions for use. Contracts more than twenty-five thousand dollars (\$25,000.00) shall be awarded by competitive sealed bidding except as otherwise provided in section 2-257.
- (b) Invitation for bids. An invitation for bids shall be issued and shall include a description of the purchase and all contractual terms and conditions applicable to the procurement.
- (c) Notice. The county shall give notice of the invitation for bids at least ten (10) calendar days before the date set in it for the opening of bids. The notice shall be published on the County's website. A notice may also be published in the South Carolina Business Opportunities (SCBO) publication.
- (d) Pre-bid conference. A pre-bid conference may be held to clarify information or ask questions concerning the solicitation. Attendance at the pre-bid conference may or may not be mandatory.

When mandatory attendance is required, only bids from those attending the conference will be accepted at final bid time.

- (e) Receipt and safeguarding of bids. All bids (including modifications) received prior to the time of bid opening shall be kept secure and unopened. It is the responsibility of bidders to make sure all bids are delivered to the proper place and at the proper time. Bids received after the time set in the Invitation for Bids shall not be considered and shall be noted as "late".
- (f) Bid opening. Bids shall be publicly opened. Questions on the contents of the bids shall not be answered until after evaluations are completed. A bid tabulation must be kept and shall be open for public inspection.
- (g) Bid acceptance and bid evaluation. Bids shall be evaluated based on the criteria set forth in the solicitation. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this article.
- (h) Correction, cancellation or withdrawal of a bid. After bids are opened, no changes in bid prices or other provisions of the bids prejudicial to the interest of the county or fair competition shall be permitted.
- (i) Discussion with bidders. As provided in the invitation for bids, discussions may be conducted with apparent responsive bidders for the purpose of clarification to assure full understanding of the requirements of the invitation for bids. Clarification on any bidder's bid must be documented in writing by the procurement officer.
- (j) Tie bids. If two (2) or more bidders are tied in price while otherwise meeting all of the required conditions, awards shall be determined in the following order of priority:
 - (1) In-state vs. out-of-state firms. If there is a tie with a South Carolina and an out-of-state firm, the award shall be made to the South Carolina firm;
 - (2) Lancaster County firm vs. other South Carolina county firms. If there is a tie with a firm located in Lancaster County and a firm located in another county of South Carolina, the award shall be made to the Lancaster County firm; and
 - (3) In all other situations in which bids are tied, the award must be resolved by the flip of a coin by the procurement officer with a witness.
- (k) Award. The contract shall be awarded with reasonable promptness by written notice to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bid. Notice of award must be posted on the county's website. If the contract is at least fifty thousand one dollars (\$50,001.00) notice of award must be sent to all bidders on the same day.

(Ord. No. 1076, § 1, 12-13-10)

Sec. 2-259. - Competitive sealed proposals.

- (a) Conditions for use. A contract may be entered into by competitive sealed proposals when the procurement officer or county administrator determines in writing that the use of competitive sealed bidding is either impractical or not advantageous to the county.
- (b) Request for proposals. Proposals shall be solicited through a request for proposal.
- (c) Public notice. Public notice for request for proposals shall be given in the same manner as provided in subsection 2-258(c) for competitive sealed bids.
- (d) Receipt and safeguarding of proposals. All proposals (including modifications) received prior to the time of opening shall be kept secure and unopened. It is the responsibility of persons submitting proposals to make sure their proposal is delivered to the proper place and at the proper time.

Proposals received after the time set in the request for proposals shall not be considered and shall be noted as "late".

- (e) Proposal opening. Proposals shall be publicly opened. Questions on the contents of the proposals shall not be answered until after evaluations are completed. A proposal tabulation must be kept and shall be open for public inspection.
- (f) Evaluation factor. The request for proposals must state the relative importance of factors to be considered in evaluating the proposals.
- (g) Discussion with responsible offerors. Discussions may be conducted with offerors who submit proposals determined to be reasonably susceptible of being selected for award for the purpose of clarification.
- (h) Award. Award shall be made to the responsible offeror whose proposal is determined in writing to be most advantageous to the County, taking into consideration the evaluation factors set forth in the request for proposals. The contract file must contain the basis on which the award is made.

(Ord. No. 1076, § 1, 12-13-10)

Sec. 2-260. - Procedures for procurements not exceeding twenty-five thousand dollars (\$25,000.00).

- (a) Purchases under \$2,500.00. Small purchases not exceeding two thousand five hundred dollars (\$2,500.00) may be accomplished without securing competitive quotations if the prices are considered to be reasonable.
- (b) Purchases from \$2,500.01 to \$25,000.00. Purchases from two thousand five hundred dollars and one cent (\$2,500.01) to twenty-five thousand dollars (\$25,000.00) may be accomplished by solicitation of quotes from a minimum of three (3) qualified sources and documentation of the quotes submitted with the purchase requisition.
- (c) All purchases of technology and technology services must be approved by IT Director, including, but not limited to: computer hardware, computer software, servers, printers, audio visual equipment, security systems, and networking.

(Ord. No. 1076, § 1, 12-13-10; Ord. No. 1363, § 2, 8-10-2015)

Sec. 2-261. - Use of state contract and cooperative purchasing.

- (a) When it is advantageous to the county, purchases may be made through the State of South Carolina's Materials Management Office. Sections 2-258, 2-259 and 2-260 are waived when purchasing from the state contract.
- (b) The procurement officer may enter into an agreement, independent of sections 2-258, 2-259 and 2-260, with any public procurement entity for the cooperative use of supplies or services under the terms agreed upon by the parties.

(Ord. No. 1076, § 1, 12-13-10)

Sec. 2-262. - Emergency procurements.

Notwithstanding any other provision of this article, the county administrator or designee may make or authorize emergency procurements of supplies, services or construction items when an emergency condition arises and the need cannot be met through normal procurement methods. An emergency condition is a situation which creates a threat to public health, welfare, or safety such as may arise by reason of floods, epidemics, riots, equipment failures, fire loss, or other reason as may be proclaimed by either the

County Administrator or designee. The existence of emergency conditions must create an immediate and serious need for supplies, services, or construction that cannot be met through normal procurement methods and the lack of which would seriously threaten: (i) the functioning of county government; (ii) the preservation or protection of property; or (iii) the health or safety of any person. Emergency procurements shall be made with as much competition as is practicable under the circumstances. A written determination (Emergency Procurement Form) of the basis for the emergency and for the selection of the particular contractor or vendor shall be made and shall set forth the contractor's or vendor's name, amount, and a listing of the items procured under the contract.

(Ord. No. 1076, § 1, 12-13-10)

Sec. 2-263. - Sole source procurement.

A contract may be awarded for a supply, service, or construction item by the procurement officer without competition, subject to the approval of the County Administrator or designee. Procurements made with grant funds must receive written approval from the grantor agency. Written documentation (sole source justification form) must include the determination and basis for the proposed sole source procurement. A sole source purchase must be based upon one or more of the following criteria: (i) there is a lack of competition for a product or service; (ii) it is a unique, one-of-a-kind service offer; or (iii) the product has patented or proprietary rights that provide superior capabilities that are not obtainable from similar products, and the product is not marketed through other wholesalers or distributors whose competition could be encouraged.

(Ord. No. 1076, § 1, 12-13-10)

Sec. 2-264. - Architecture, engineering, construction management, land surveying and other professional services.

- (a) The county administrator may negotiate contracts for architect-engineer, construction management, land surveying and other professional services valued at fifty thousand dollars (\$50,000.00) and below.
- (b) It is the policy of Lancaster County to publicly announce requirements for architect-engineer, construction management, land surveying and other professional services at fifty thousand dollars (\$50,000.00) or more and to negotiate contracts for such services on the basis of demonstrated competence and qualification at fair and reasonable prices. The date for submission from interested persons or firms in response to an invitation shall not be less than ten (10) days after publication of the invitation. An evaluation panel, the procurement officer, and the county administrator shall conduct interviews with no less than two (2) firms regarding the proposed contract. The procurement officer and the county administrator shall negotiate a contract with the highest qualified firm or person. The county administrator shall present the contract to county council for its approval.

(Ord. No. 1076, § 1, 12-13-10)

Sec. 2-264.1. - Special/unusual procurements.

A special/unusual procurement is the acquisition by Lancaster County of personal property, services and improvements to real property without competition, subject to the approval of the county administrator or designee. Lancaster County is justified in utilizing a special/unusual procurement when it has a need that has a unique requirement that the use of the procurement methods would not responsibly satisfy or further the interests to Lancaster County.

(Ord. No. 1363, § 1, 8-10-2015)

Sec. 2-264.2. - Local vendor preference.

The lowest local responsible and responsive bidder who is within three (3) percent, with a cap of six thousand dollars (\$6,000.00), of the lowest non-local responsible and responsive bidder, may match the bid submitted by the non-local responsible and responsive bidder and thereby be awarded the contract. The local preference as set forth in this section shall only be applied to responses to solicitations of written quotes and invitations to bid in excess of ten thousand dollars (\$10,000.00). The local preference as set forth in this section shall only be given to local responsible and responsive bidders who have a physical business address located and operating within Lancaster County for a minimum of six (6) months prior to the solicitation of quotes and/or bids, and who have met all other requirements of the solicitations of written quotes or the invitation to bid, including, without limitation, payment of all duly assessed state and local taxes. If state or federal guidelines prohibit or otherwise limit local preference, then the county shall not use local preference in awarding the contract. If there are multiple responsible and responsive bidders who meet the local preference guidelines as set forth in the section, the county shall use standard procurement practice and procedure as set forth in the article to determine the priority of selection. The local preference as set forth in this section does not waive or otherwise abrogate the county's unqualified right to reject any and all bids or proposals or accept such bids or proposals, as appears in the county's own best interest.

(Ord. No. 1363, § 3, 8-10-2015)

Sec. 2-265. - Authority to contract auditing services.

County council must approve all contracts for auditing services.

(Ord. No. 1076, § 1, 12-13-10)

Sec. 2-266. - Procurement procedures exemptions.

The following specific supplies or services are exempt from the procurement procedures:

- (a) Published books, periodicals, pamphlets, DVDs and other media;
- (b) Professional dues, membership fees and seminar registration fees;
- (c) Utilities including gas, electricity, water, and sewer;
- (d) Postage stamps and postal fees;
- (e) Travel;
- (f) Bank payments;
- (g) Legal services, subject to the approval of the county administrator; and
- (h) Brand name fleet operations equipment and services. (i)

Maintenance Agreements

(Ord. No. 1076, § 1, 12-13-10; Ord. No. 1326, § 1, 3-9-2015)

DIVISION 4. - PURCHASING CARD PROGRAM

Sec. 2-267. - Purchasing card program.

The procurement officer is authorized to establish a purchasing card program ("P-Card" of "P-Card Program"). The P-Card is a VISA charge card issued to county employees to make small value purchases of supplies, materials, equipment, and services for county business use. The objective of the program is to streamline payments by eliminating the administrative burdens and costs associated with traditional methods of payment. The use of the P-Card is intended to eliminate the need for issuing small dollar purchase orders and petty cash. The P-Card Program also provides a simplified purchasing and payment process and provides for an expedited delivery of goods. The P-Card is issued by a vendor under the umbrella of a contract awarded by the State Materials Management Office which permits county governments to participate in the program. Use of the P-Card is subject to the small purchase procedures established in this article, unless otherwise authorized.

(Ord. No. 1076, § 1, 12-13-10)

Sec. 2-268. - P-Card administration and responsibilities.

- (a) The **procurement officer** will serve as the P-Card administrators and the liaisons between accounts payable, the issuing bank, and county entities.
- (b) The county's accounts payable office shall reconcile and ensure transactions are paid in accordance with the requirements of this division and the P-Card Program.

(Ord. No. 1076, § 1, 12-13-10)

Sec. 2-269. - Recordkeeping.

Department heads and supervisors are responsible for:

- (a) Recordkeeping;
- (b) The monthly transactions including obtaining and submitting receipts for the purchases with the monthly statement;
- (c) Determining that the purchases are reasonable;
- (d) Approving the billing statement;
- (e) Maintaining knowledge of the P-Card policy and procedures;
- (f) Requesting P-Cards for employees under their supervision;
- (g) Notifying the P-Card administrator when a cardholder resigns, transfers, or is terminated from employment;
- (h) Monitoring transactions and card activity to ensure that all purchases are for legitimate county business use;
- (i) Reviewing all documentation and ensuring original receipts are sent to accounts payable in a timely manner; and
- (j) Approving the monthly transactions for card holders within their department using P-Card software from the issuing bank.

(Ord. No. 1076, § 1, 12-13-10)

Sec. 2-270. - Cardholder responsibilities.

Persons who are issued a P-Card must use the P-Card solely for legitimate county business purposes. Cardholders may make purchases of two thousand five hundred dollars (\$2500) or less without obtaining competitive quotes. Certain types of vendors may be blocked from use. Misuse of the card subjects the cardholder to disciplinary action. Cardholders must:

- (a) Maintain the P-Card in a secure location;
- (b) Prevent the use of the P-Card by anyone other than the approved cardholder;
- (c) Maintain knowledge of the P-Card policy and internal policies and procedures;
- (d) Ensure all purchases are allowable purchases according to the County's P-Card policy;
- (e) Ensure all purchases comply with purchasing requirements of the Lancaster County Procurement Code;
- (f) Obtain "best value" for the county when making any purchase;
- (g) Approve monthly transactions using P-Card software from the issuing bank; and
- (h) Immediately investigate any discrepancies and resolve the discrepancy in a timely manner to ensure that the county is not assessed a late fee for non-payment of a charge.

(Ord. No. 1076, § 1, 12-13-10)

Sec. 2-271. - Accounts payable responsibilities.

The accounts payable specialist is responsible for reviewing signed supporting documents submitted from county entities and reconciling documents with the monthly bill. The accounts payable specialist must review the credits and returns on the P-Card statements with the supporting documentation submitted by the county entity to assess the validity and completeness of the transaction. Any lack of documentation or support must be communicated immediately to the county entity and resolved in a timely manner. Payments must be made in a timely manner.

(Ord. No. 1076, § 1, 12-13-10)

Sec. 2-272. - P-Card administrator.

The **procurement officer** is designated as the P-Card administrators and is responsible for the overall P-Card program. Responsibilities of the P-Card administrator include:

- (a) Acting as the county's liaison with the issuing bank;
- (b) Utilizing the P-Card software from the issuing bank;
- (c) Reviewing department approved applications for completeness of required information;
- (d) Submitting completed applications to the issuing bank and receiving P-Cards from it;
- (e) Training supervisors and cardholders before releasing P-Cards;
- (f) Ensuring each cardholder signs the cardholder agreement, signifying agreement with the terms of the P-Card Program;
- (g) Handling disputed charges and discrepancies not resolved by the cardholder or supervisor;
- (h) Submitting information to the issuing bank; to deactivate P- Cards;
- (i) Reviewing usage of P-Card data for appropriateness;

- (j) Ensuring lost or stolen cards have been blocked by the issuing bank; and
- (k) Assisting supervisors with erroneous declines and emergency transactions.

(Ord. No. 1076, § 1, 12-13-10)

Sec. 2-273. - Issuance of P-Cards.

The P-Card Administrator issues P-Cards to authorized personnel who have signed the P-Card agreement that covers the code of conduct and the terms and conditions of the program. The issuance of a P-Card to an employee is strictly prohibited if the employee has not signed the agreement. The P-Card administrator shall maintain a copy of the signed P-Card agreement and shall forward a copy to human resources and the accounts payable specialist. The P-Card administrator must maintain the following information: (i) name of the employee issued a P-card; (ii) date of issue; (iii) card number; and (iv) limits. Access to the P-Card data base is restricted to authorized personnel and any misuse is strictly prohibited and shall subject the employee to immediate termination and possible prosecution. The P-Card is the property of the County and must be retained in a secure location.

(Ord. No. 1076, § 1, 12-13-10)

Sec. 2-274. - Authority to use P-Card.

Only the employee issued the P-Card is authorized to use it. Delegating the use of the P-Card to another employee or person is strictly prohibited and may result in the termination of employment.

(Ord. No. 1076, § 1, 12-13-10)

Sec. 2-275. - P-Card cancellation.

A P-card must be immediately cancelled when an employee terminates employment with the county or assumes another position that does not require the use of the P-Card. The employee's supervisor is responsible for immediately notifying the P-Card administrator. If an employee is taking a leave of absence, then the P-Card shall be placed in an inactive status during the leave and may only be reactivated when the employee's return to work is confirmed in writing by the employee's department head or supervisor.

(Ord. No. 1076, § 1, 12-13-10)

Sec. 2-276. - P-Card dollar limits.

Each P-Card has a single transaction limit of two thousand five hundred dollars (\$2500). Requests to raise the limit must be submitted in writing to the P-card administrator. For purchases in amounts greater than the single transaction limit, a purchase order must be processed. Transaction limits more than two thousand five hundred dollars (\$2500) must be approved by the county administrator and finance director. As used in this section, "single transaction limit" means one or more items purchased from the same vendor at the same time on the same day. Any intentional circumvention of the single transaction limit is strictly prohibited and may result in the immediate termination of employment.

(Ord. No. 1076, § 1, 12-13-10)

Sec. 2-277. - P-Card purchases.

- (a) A P-Card may be used to purchase:
- (1) Airline tickets;
 - (2) Hotel accommodations for travel;
 - (3) Car rental for travel;
 - (4) Registrations for conferences;
 - (5) Ground transportation for travel;
 - (6) Facsimile charges when traveling;
 - (7) Business meals; must attach agenda or meeting minutes to receipt;
 - (8) Authorized memberships or subscriptions; and
 - (9) Supplies.
- (b) In addition to the goods and services listed in subsection (a), the P-Card administrator may designate other goods and services that may be purchased with a P-Card.

(Ord. No. 1076, § 1, 12-13-10)

Sec. 2-278. - Prohibited purchases.

- (a) The following is a list of charges that are not allowed as purchases using the P-Card:
- (1) Personal purchases of any kind;
 - (2) Cash advances;
 - (3) Gift cards, calling cards, pre-paid cards of any type or similar products;
 - (4) Employee travel expenses such as meals and transportation (except airline tickets);
 - (5) Entertainment, including in-room movies;
 - (6) Alcoholic beverages;
 - (7) Tobacco products;
 - (8) Fuel (maintenance to be arranged by the county garage department);
 - (9) Professional services;
 - (10) Food for consumption by county employees; and
 - (11) Computers, unless purchased by IT.
 - (12) Services conducted on county owned property.
- (b) In addition to the goods and services listed in subsection (a), the P-Card administrator may designate other goods and services that may not be purchased with a P-Card.

(Ord. No. 1076, § 1, 12-13-10)

Sec. 2-279. - Documentation.

All charges on a P-Card must be documented with an original receipt from the vendor as support for the transaction. Receipts must include at a minimum: (i) vendor name; (ii) amount of the purchase; (iii) date of the transaction; and (iv) a description of the items purchased. Receipts that do not include this minimum documentation are not considered acceptable.

(Ord. No. 1076, § 1, 12-13-10)

Sec. 2-280. - P-Card statements.

A copy of a cardholder's P-Card statement shall be sent directly to the cardholder's business address. The master copy of P-Card statements shall be sent to accounts payable by the issuing bank and shall contain a detailed listing of charges by cardholder name and department.

(Ord. No. 1076, § 1, 12-13-10)

Sec. 2-281. - Deadlines.

Cardholder must approve transactions by 12:00PM on the first (1st) day of the following month. The accounts payable specialist must receive the cardholder's statement and supporting documentation by 12:00PM the seventh (7th) day of the following month. If the information received is incomplete, a notice shall be sent to the cardholder. Failure of the cardholder to respond to the notice by the fifteenth (15th) calendar day, then the cardholder's account shall be deactivated and no more transactions shall be allowed.

(Ord. No. 1076, § 1, 12-13-10)

Sec. 2-282. - Lost cards.

Cardholders must immediately notify the issuing bank and the P-Card Administrator if the cardholder's P-Card is lost or stolen.

(Ord. No. 1076, § 1, 12-13-10)

Sec. 2-283. - Card violations.

(a) The following is a list of violations of the P-Card Program:

- (1) Prohibited purchases (see section 2-277);
- (2) Unacceptable documentation (see section 2-280);
- (3) Missed deadlines for submitting the P-Card documentation (see section 2-276);
- (4) Unresolved credits or disputes; and
- (5) Intentional circumvention of the authorized limits, such as splitting transactions to avoid the single transaction limit (see section 2-276).

(b) Repeated violations of the P-Card program's requirements, including the violations listed in subsection (a), may result in the deactivation of a P-Card and discipline including possible termination of employment.

(Ord. No. 1076, § 1, 12-13-10)

DIVISION 5. - RISK MANAGEMENT

Sec. 2-284. - Bid security.

- (a) Bid security is required for all competitive sealed bidding for construction contracts in excess of fifty thousand dollars (\$50,000.00) and other contracts as may be prescribed by the procurement officer. Bid security shall be a certified cashier's check or a bond provided by a surety company licensed in South Carolina with an "A" minimum rating of performance as stated in the most current publication of "Best Key Rating Guide, Property Liability," which company shows a financial strength rating of at least five (5) times that portion of the contract price that does not include operations, maintenance, and finance. Each bond shall be accompanied by a "power of attorney" authorizing the attorney in fact to bind the surety.
- (b) Bid security must be in an amount equal to at least five (5) percent of the amount of the bid at a minimum.
- (c) When the invitation for bids requires security, noncompliance requires that the bid be rejected except that a bidder who fails to provide bid security in the proper amount or a bid bond with the proper rating must be given one working day from bid opening to cure the deficiencies. If the bidder is unable to cure these deficiencies within one working day of bid opening, the bid must be rejected.
- (d) After the bids are opened, they must be irrevocable for the period specified in the invitation for bids.

(Ord. No. 1076, § 1, 12-13-10)

Sec. 2-285. - Contract performance payment bonds.

- (a) The following bonds or security must be delivered to the county and become binding on the parties upon the execution of the contract for construction:
 - (1) A performance bond satisfactory to the county, executed by a surety company meeting the criteria established in section 2-284, or otherwise secured in a manner satisfactory to the county, in an amount equal to one hundred percent of the portion of the contract price that does not include the cost of operation, maintenance, and finance;
 - (2) A payment bond satisfactory to the county, executed by a surety company meeting the criteria established in Section 2-284, or otherwise secured in a manner satisfactory to the county, for the protection of all persons supplying labor and material to the contractor or its subcontractors for the performance of the construction work provided for in the contract. The bond must be in an amount equal to one hundred percent of the portion of the contract price that does not include the cost of operation, maintenance, and finance; and
 - (3) in the case of a construction contract valued at fifty thousand dollars (\$50,000.00) or less, the county may waive the requirements of (1) and (2) above;
- (b) The county may require a performance bond or other security in addition to the security listed in subsection (a).

(Ord. No. 1076, § 1, 12-13-10)

Sec. 2-286. - Insurance requirements.

The county may require a vendor or contractor performing services under contract with the county to file with the procurement officer a certificate of insurance evidencing workers compensation coverage, general liability coverage, errors and omissions coverage or other types of insurance coverage as may be appropriate for the type of goods or services being procured by the county. The amount and scope of any insurance coverage for a specific contract shall be determined by the procurement officer after consultation with the county's risk management official.

(Ord. No. 1076, § 1, 12-13-10)

DIVISION 6. - SMALL AND MINORITY BUSINESS ENTERPRISES

Sec. 2-287. - Participation in procurements.

The procurement officer shall facilitate the participation of small business enterprises (SBE) and minority business enterprises (MBE) in the procurement transactions of the county. The procurement officer shall assist any SBE or MBE in understanding county solicitations.

(Ord. No. 1076, § 1, 12-13-10)

DIVISION 7. - SURPLUS PROPERTY

Sec. 2-288. - Disposal of personal property.

- (a) All items of personal property belonging to the county may be declared surplus property to be sold, transferred, traded, or placed in storage by the county. Each department shall report all surplus property to the procurement officer on an annual basis.
- (b) Surplus personal property shall be disposed of in the following manner:
 - (1) County personal property may be sold by public auction or by competitive sealed bidding to the highest bidder. The sale of property not in actual public use shall be conducted by the procurement officer. Sales may be held on an as needed basis. The procurement officer shall deposit the proceeds from the sales, less the expense of the sales, in the fund from which the item was originally paid from.
 - (2) Surplus supplies, inventory, or capital assets may be transferred between departments. The procurement officer must document all transfers of assets and give proper documentation to the accounting office.
 - (3) Certain personal property may be held in storage until an appropriate time for disposal in accordance with this article.
 - (4) Certain property deemed by the procurement officer and the using department to be of no value and not suitable for disposal through the above methods, may be dismantled and disposed of permanently and in an appropriate fashion.

(Ord. No. 1076, § 1, 12-13-10)

Sec. 2-289. - Disposal of real property.

- (a) Surplus real property is property owned by the county and declared surplus by the county council. The county administrator may make recommendations to the county council. Disposal of property declared surplus by the county council shall be disposed of in accordance with this section.
- (b) All surplus real property must be appraised to determine its fair market value.
- (c) The sale of any surplus real property must be approved by county council by passage of an ordinance and with a public hearing held prior to final approval of the ordinance.
- (d) County council shall determine the method of disposal of the surplus real property in the ordinance authorizing the sale of the property.

(Ord. No. 1076, § 1, 12-13-10)

DIVISION 8. - LEGAL AND CONTRACTUAL REMEDIES

Sec. 2-290. - Right to protest; exclusive remedy.

- (a) A prospective bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the solicitation of a contract shall protest to the procurement officer in the manner stated in Section 2-291 within ten (10) days of the date of issuance of the invitation for bids or requests for proposals or other solicitation documents, whichever is applicable, or any amendment to it, if the amendment is at issue. An invitation for bids or request for proposals or other solicitation document, not including an amendment to it, is considered to have been issued on the date it is posted on the county's website.
- (b) Any actual bidder, offeror, contractor, or subcontractor who is aggrieved in connection with the intended award or award of a contract shall protest to the procurement officer in the manner stated in section 2-291 within ten (10) days of the date of award or notification of intent to award, whichever is earlier, is posted in accordance with this article; except that a matter that could have been raised pursuant to subsection (a) as a protest of the solicitation may not be raised as a protest of the award or intended award of a contract.
- (c) The rights and remedies granted in this division to bidders, offerors, contractors, or subcontractors, either actual or prospective, are to the exclusion of all other rights and remedies of the bidders, offerors, contractors, or subcontractors against the county.
- (d) The rights and remedies granted by this section are not available for contracts with an actual or potential value of up to twenty-five thousand dollars (\$25,000.00).

(Ord. No. 1076, § 1, 12-13-10)

Sec. 2-291. - Protest procedure.

- (a) A protest pursuant to section 2-290 must be in writing, filed with the procurement officer, and set forth the grounds of the protest and the relief requested with enough particularity to give notice of the issues to be decided. The protest must be received by the procurement officer within the time provided in subsection 2-290(a).
- (b) A protest pursuant to subsection 2-290(b) must be in writing and must be received by the procurement officer within the time limits established by subsection 2-290(b). At any time after filing a protest, but no later than ten (10) days after the date of award or notification of intent to award, whichever is earlier, is posted in accordance with this article, a protestant may amend a protest that was first submitted within the time limits established by subsection 2-290(b). A protest, including amendments, must set forth both the grounds of the protest and the relief requested with enough particularity to give notice of the issues to be decided.

(Ord. No. 1076, § 1, 12-13-10)

Sec. 2-292. - Attempt to settle.

Before commencement of an administrative review as provided in section 2-293, the procurement officer or designee may attempt to settle by mutual agreement a protest of an aggrieved bidder, offeror, contractor, or subcontractor, actual or prospective, concerning the solicitation or award of the contract. The procurement officer or designee has the authority to approve any settlement reached by mutual agreement.

(Ord. No. 1076, § 1, 12-13-10)

Sec. 2-293. - Administrative review; decision; and finality.

- (a) If in the opinion of the procurement officer, after reasonable attempt, a protest cannot be settled by mutual agreement, the procurement officer shall immediately notify the county administrator who shall conduct promptly an administrative review. The county administrator or designee shall commence the administrative review no later than fifteen (15) business days after the deadline for receipt of a protest has expired and shall issue a decision in writing within ten (10) days of completion of the review. The decision must state the reasons for the action taken.
- (b) A copy of the decision under subsection (a) must be mailed or otherwise furnished immediately to the protestant and other party intervening. The procurement officer or designee shall post a copy of the decision at a date and place communicated to all parties participating in the administrative review, and the posted decision must indicate the date of posting on its face.
- (c) A decision pursuant to subsection (a) is final and conclusive, unless fraudulent.

(Ord. No. 1076, § 1, 12-13-10)

Sec. 2-294. - Automatic stay.

In the event of a timely protest pursuant to section 2-290, the county shall not proceed further with the solicitation or award of the contract until ten (10) days after a decision is posted by the procurement officer except that solicitation or award of a protested contract is not stayed if the procurement officer, after consultation with the head of the using department or agency, makes a written determination that the solicitation or award of the contract without further delay is necessary to protect the best interests of the county.

(Ord. No. 1076, § 1, 12-13-10)

Sec. 2-295. - Procurement officer address.

Notice of the address of the procurement officer must be included in every notice of an intended award and in every invitation for bids, request for proposals, or other type solicitation.

(Ord. No. 1076, § 1, 12-13-10)

DIVISION 9. - REAL PROPERTY ACQUISITION

Sec. 2-296. - Acquisition of real property.

All transactions involving real property, made for or by the county, must be approved by county council by passage of a resolution or ordinance to that effect. If the transaction is for the purchase of real property the resolution or ordinance must include the purchase price. Prior to acting on the resolution or ordinance, county council shall be provided a phase I environmental assessment and an appraisal completed by an MAI certified appraiser. For right-of-ways and easements, a phase I environmental assessment is not required and a valuation by the county tax assessor's office may be provided to county council in lieu of an MAI appraisal.

(Ord. No. 1099, § 1, 6-27-11)

Agenda Item Summary

Ordinance s: 2016-1402

Contact Person / Sponsor: John Weaver

Department: County Attorney

Date Requested to be on Agenda: County Council – June 13, 2016

Issue for Consideration: Whether or not it is appropriate for Council to consider enacting a Local Hospitality Tax ordinance that would implement a two (2%) percent tax on prepared meals and beverages within the unincorporated areas of Lancaster County?

Points to Consider: This revenue source for Lancaster County is authorized by Section 6-1-700, et seq. of the South Carolina Code of Laws. The local legislation can be adopted by a positive majority vote of Council. However, a favorable decision may not include those eating and drinking establishments located within the boundaries of a municipality that have adopted previously their own two (2%) local hospitality tax.

The use of any hospitality tax must be used for specific purposes outlined in Section 6-1-730, SC Code of Laws, particularly:

- a. tourism-related buildings including civic centers, coliseums and aquariums;
- b. tourism-related cultural, recreation of historic facilities;
- c. beach access and nourishment;
- d. highways, roads, streets and bridges providing access to tourist destinations;
- e. advertisements and promotions related to tourism development;
- f. water and serve infrastructure to serve tourism-related demand.

It is not necessary that the adoption of an ordinance establishing a hospitality tax define with specificity the intended use of the tax revenue nor is it necessary that the ordinance set forth the anticipated revenue expected to be generated by the collection of the tax. However, at some future point when a decision is made on the use of the funds that is consistent with one or more of the uses noted above, Council must declare the use, the anticipated cost of the use and the means of payment, whether that be by cash on hand or through bonded indebtedness.

Funding and Liability Factors: None at this point.

Council Options: Approve or reject the Ordinance.

Recommendation: By a 2-0 (one absentee) vote of the Administration Committee, a recommendation of approval was made..

STATE OF SOUTH CAROLINA

ORDINANCE NO.:2016-1402

COUNTY OF LANCASTER

AN ORDINANCE

TO ESTABLISH A LOCAL HOSPITALITY TAX TO APPLY TO ALL ESTABLISHMENTS WHICH SELL PREPARED MEALS AND BEVERAGES LOCATED IN THE UNINCORPORATED AREAS OF LANCASTER COUNTY.

WHEREAS, Lancaster County, South Carolina (the "County") desires to build and enhance the facilities that serve tourists who visit the County; and

WHEREAS, the County wants to more strongly support the public services that are available to tourists in order to promote and further encourage tourism in the County; and

WHEREAS, Article 7 of Chapter 1 of Title 6 of the Code of Laws of South Carolina 1976, as amended (the "Act"), authorizes local governing bodies by Ordinance to impose a local hospitality tax not to exceed two percent (2%) on the gross proceeds of sales of prepared meals and beverages; and

WHEREAS, the County finds that a two percent (2%) Local Hospitality Tax (as defined herein) upon the sales of prepared meals and beverages sold in establishments in the unincorporated areas of the County, will result in revenues which will be used for the dedicated purpose of improving services and facilities for tourists which constitutes a public purpose of the County; and

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 – Definitions

- a. "County" means Lancaster County, South Carolina and all of the properties within the unincorporated geographical boundaries of Lancaster County, South Carolina as existing on the date of adoption of this Ordinance.
- b. "County Council" means the governing body of the County.
- c. "Local Hospitality Tax" means a tax on the sales of prepared meals and beverages sold in establishments within the unincorporated areas of Lancaster County.
- d. "Prepared meals and beverages" means the products sold ready for consumption either on-premises or off-premises in businesses classified as eating and drinking places under the Standard Industrial Code Classification Manual and including, but not limited to, lunch counters, restaurants, drinking places operated as a subordinate

facility by other establishments, convenience stores, grocery delicatessens, and bars and restaurants owned by and operated for members of civic, social and fraternal associations.

Section 2 – Local Hospitality Tax

A uniform tax equal to two percent (2%) is hereby imposed on the sales of the prepared meals and beverages sold in establishments within the County.

Section 3 – Payment of Local Hospitality Tax

Payment of the Local Hospitality Tax established herein shall be the liability of the consumer of the services. The tax shall be paid at the time of delivery of the services to which the tax applies, and shall be collected by the provider of the services. The County shall promulgate a form of return that shall be utilized by the provider of the services to calculate the amount of the Local Hospitality Tax collected and due to the County. This form shall contain a sworn declaration as to the correctness thereof by the provider of the services.

The tax provided for in this Ordinance must be remitted to the County Finance Office as follows:

- a. On a monthly basis when the estimated amount of average tax is more than fifty (\$50) dollars a month;
- b. On a quarterly basis when the estimated amount of average tax is twenty-five (\$25) dollars to fifty (\$50) dollars a month;
- c. On an annual basis when the estimated amount of average tax is less than twenty-five (\$25) dollars a month.
- d. 1) The closing date for monthly payments is the last day of the month;
2) The closing dates for quarterly payments are the last days of the months of March, June, September and December;
3) The closing date for annual payments is the last day of December.

The provider of the services shall remit the Local Hospitality Tax collected, when due, to the County by the 20th day of the month following the closing date of the period for which the tax payment is to be remitted. A payment is considered to be timely remitted to the County if the return has a U.S. Mail postmark date on or before the date the report form is due. If the twentieth day of the month falls on a Sunday or postal service holiday, then payments mailed on the next business day will be accepted as timely filed.

Section 4 – Local Hospitality Tax Special Revenue Fund

An interest bearing, segregated and restricted account to be known as the "Lancaster County Local Hospitality Tax Special Revenue Fund" (the "Fund") is hereby established. All revenues received from the Local Hospitality Tax shall be deposited into the Fund. The principal and any accrued interest in the Fund shall be expended only as permitted by this Ordinance and the Act.

Section 5 – Distribution of Funds

The County Council shall distribute the Local Hospitality Tax collected and placed in the

Fund in accordance with decisions made by a majority of Council through the passage of a subsequent, related Ordinance(s); provided, however, that such purposes are permitted under the Act. These purposes include but are not limited to tourism related capital projects, the support of tourism and tourist services in a manner that will best serve the tourists from whom it was collected including being used as a funding source to pay indebtedness issued by the County for public purposes. It shall be the responsibility of the County Council to ensure that any and all money expended from the Fund shall be spent for the purposes permitted under the Act.

Section 6 – Inspections and Audits

For the purpose of enforcing the provisions of this Ordinance, the County Finance Office or other authorized agent of the County, is empowered to enter upon the premises of any person subject to this Ordinance to make inspections and to examine and audit books and records. It shall be unlawful for any person to fail or refuse to make available the necessary books and records during normal business hours upon twenty-four (24) hours written notice. In the event that an audit reveals that the remitter has filed false information, the cost of the audit shall be added to the correct amount of tax determined to be due. All operational and administrative costs associated with the billing and collection of the Local Hospitality Tax will be charged to the Fund. The County Finance Office or other authorized agent may make systematic inspection of all service providers that are governed by this Ordinance within the County to ensure compliance with this Ordinance. Records of inspections shall not be deemed public records.

Section 7- Violation and Penalties

It shall be a violation of this Ordinance to:

- a. fail to collect the Local Hospitality Tax as provided for in this Ordinance;
- b. fail to remit to the County the Local Hospitality Tax collected, pursuant to this Ordinance,
- c. knowingly provide false information on the form return submitted to the County, or
- d. fail to provide books and records to the County Finance Office for the purpose of an audit upon twenty-four (24) hours written notice.

The penalty for violation of this Ordinance shall be five percent (5%) per month, charged on the original amount of the Local Hospitality Tax due.

Section 8 – Indebtedness

So long as any form of indebtedness outstanding that the County has designated as being payable from Local Hospitality Taxes, the Local Hospitality Tax shall continue to be collected by the County. Indebtedness shall mean any obligation of the County used to finance projects authorized by the Act.

Section 9 - Administration

The County Finance Office shall be responsible for the administration of the Local Hospitality Tax on behalf of the County.

Section 10 – Sunset

Unless subsequently extended by a later Council, the two percent (2%) tax imposed in Section 2 hereof shall expire on the date that is the later of (i) twenty (20) years from the effective date of this Ordinance or (ii) the date the final payment is made on all outstanding indebtedness payable from Local Hospitality Taxes.

Section 11 – Severability

If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 12 – Effective Date

This Ordinance shall become effective upon Third Reading. The tax referenced herein shall commence being collected by the providers of the on which tax applies, on October 1, 2016 and remittance of amounts due to the County of the tax by the providers of the services which the tax applies shall commence in the manner referenced herein.

AND IT IS SO ORDAINED

Dated this ____ day of _____, 2016.

LANCASTER COUNTY, SOUTH CAROLINA

Bob Bundy, Chair, County Council

Steve Harper, Secretary, County Council

ATTEST:

Debbie Hardin, Clerk to Council

1 st reading:	June 13, 2016	Tentative
2 nd reading:	June 27, 2016	Tentative
3 rd reading:	July 18, 2016	Tentative
Public Hearing	July 18, 2016	Tentative

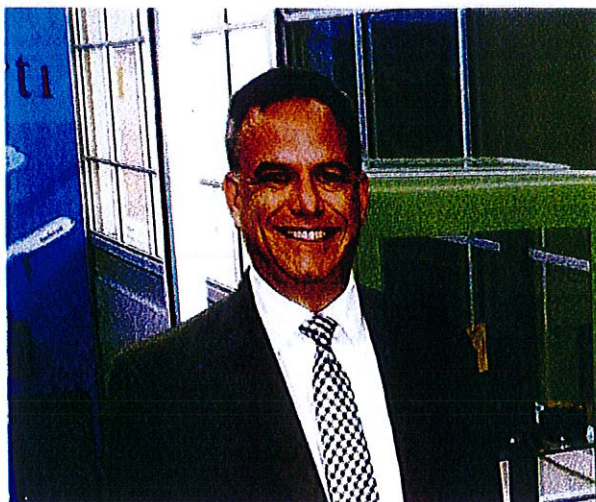
Press Release – Friday, June 3, 2016

A Lancaster County Council Committee has recommended to Steve Willis, County Administrator, that Jamie C. Gilbert be considered as the new Director for the county's Department of Economic Development. Mr. Willis has concurred with the recommendation and negotiations with the candidate have concluded. Mr. Gilbert has accepted the position and it is anticipated that he will begin his new assignment in mid-July.

During the search, Lancaster County utilized the professional services of Waters & Company, a national recruitment organization headquartered in Dallas, Texas. From a pool of qualified applicants employed throughout the country, several phases of candidate consideration by the Committee and the Administrator reduced the field to four semi-finalists. Those four were interviewed on May 26th, with the recommendation, negotiations and acceptance being finalized in early June.

Mr. Gilbert comes to Lancaster County from Chester, Maryland where he served as the Executive Director of the Queen Anne's County Department of Economic Development. Prior service includes similar responsibilities in Georgia as well as Greenwood County, Abbeville County and Columbia, South Carolina. Mr. Gilbert has earned a BA degree in Political Science from University of Maryland Baltimore County (1990), a Master's degree in City and Regional Planning from Clemson University (1992) and is a graduate of the University of Oklahoma's Economic Development Institute (2001).

Quote: *"Excited to have him on board and look forward to have Lancaster grow under his leadership". – County Council Chairman Bob Bundy*



Agenda Item Summary

Ordinance s:

Contact Person / Sponsor: John Weaver

JW

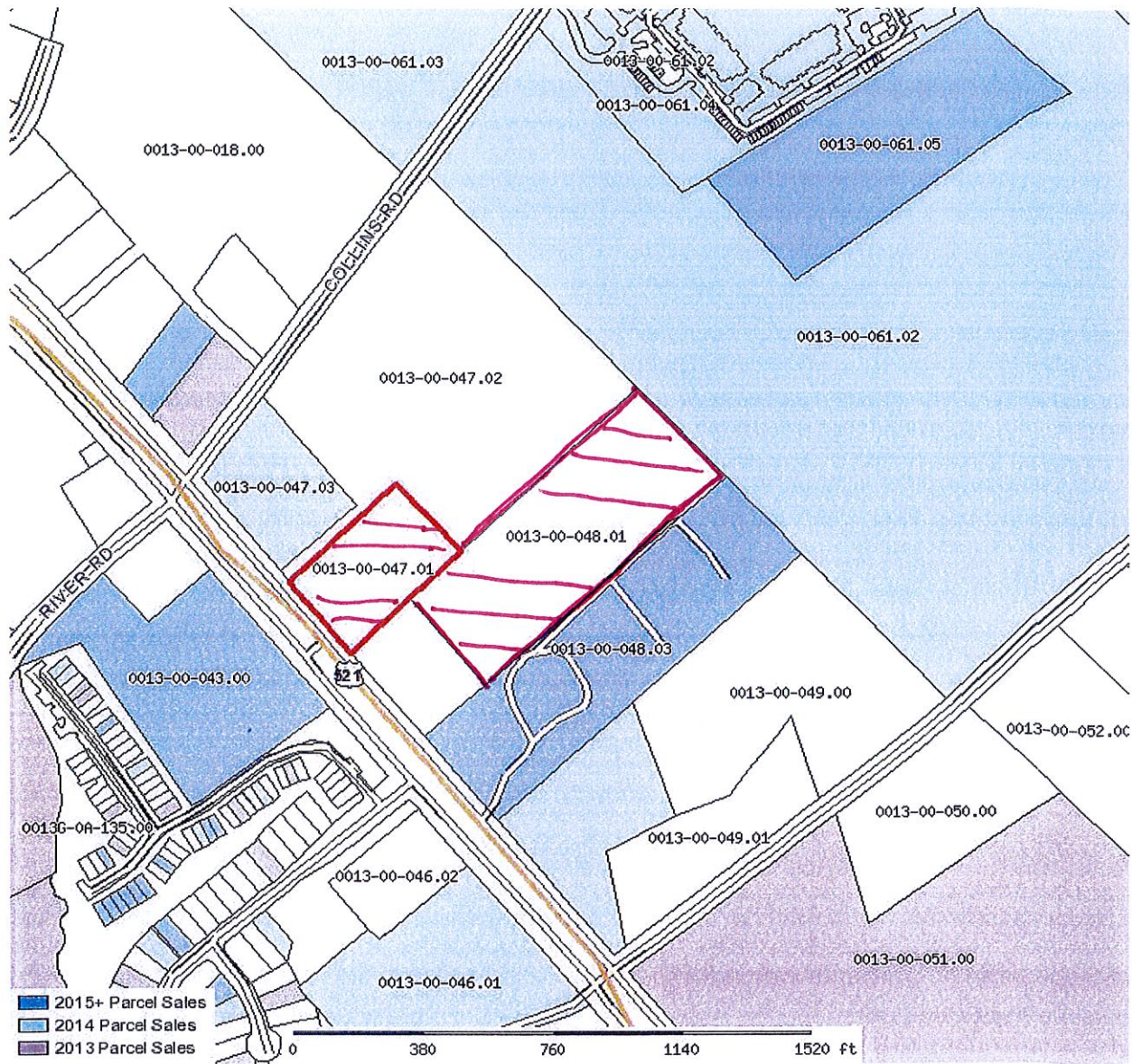
Department: County Attorney

Date Requested to be on Agenda: County Council – June 13, 2016

Issue for Consideration: The County is the owner of two adjoining parcels of real property located along the eastern side of Hwy 521 in Indian Land just south of Collins Road. The two parcels, together totaling 9.62 acres, were jointly appraised about a year ago for \$3.75 Million Dollars, including both the land value and the improvements. The two buildings situated on the property are an EMS station (4,000 sq. ft.) and a recreation center (12,500 sq. ft.). Both structures remain useable, but both are antiquated and need substantial up fits to be fully utilized. The recreation center is smaller by far than what is needed at present for the various programs that are in demand. Preliminary discussions have been commenced with a potential purchaser for the County's sale of the property. No final, formal offer has been presented to the County and no decision has been made by the County regarding the continuation of further negotiations.

Points to Consider: The 9.62 acres are an asset to the county for, not only the recreational needs of the citizens and residents of Indian Land, but also for the emergency public safety requirements provided by the County. But, those citizen services do not necessitate that either be located upon lands that once were rural in nature but now are valuable commercial properties. Next year's county budget does not have funds sufficient to either enlarge or retrofit the recreation center. Neither are there funds allocated for the construction of a new EMS station that could be more centrally located to the burgeoning population further northward in Indian land. The sale of the property could be a substantial beginning in providing a foundation for the construction of better facilities for both emergency services and recreation. While the present structures would be of no value and certainly would be demolished by a future developer, the value to the county in receiving the present value of the land could be a catalyst for a long term solution to the community's needs.

Perhaps an even more important issue is a realization that the property's worth may not continue to increase as has been the case over the last decade or so. Property to the south has been purchased by the developer that has been in contact with the county and a small 1.5 acre parcel fronting Hwy 521 and immediately west of the county's property is under contract. The QT station is north of the EMS station and commercial development of the acreage east of the county's property is being contemplated. In short, in the opinion of those knowledgeable in property values, becoming boxed in by future development potentially can diminish the value of the county property. But, owning property that completes a larger development plan can make more valuable that parcel to an interested developer that already is committed to the location.



Lancaster County Assessor

Parcel: 0013-00-047.01 Acres: 2.62

Name:	LANCASTER COUNTY	Land Value	\$624,000.00
Site:	8288/28 CHARLOTTE HWY	Improvement Vali	\$1,141,900.00
Sale:	\$51 on 06-2000 Vacant= Qual=1	Accessory Value	\$0.00
Mail:	PO BOX 1809 LANCASTER, SC 29721-0000	Total Value	\$1,765,900.00



The Lancaster County Assessor's Office makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll. PLEASE NOTE THAT THE PROPERTY APPRAISER MAPS ARE FOR ASSESSMENT PURPOSES ONLY NEITHER LANCASTER COUNTY NOR ITS EMPLOYEES ASSUME RESPONSIBILITY FOR ERRORS OR OMISSIONS ---THIS IS NOT A SURVEY---

Date printed: 06/08/16 : 13:02:12

Agenda Item Summary

Ordinance s: 2015-1386, 2015-1369, 2015-1370

Contact Person / Sponsor: John Weaver

Department: County Attorney

Date Requested to be on Agenda: County Council – June 13, 2016

Issue for Consideration: Whether or not it is appropriate or necessary for Council to offer and pass a Motion to Rescind Ordinance No. 2015-1369 and Ordinance No. 2015-1370 if Council was to decide that further consideration should be given to these two legislative acts?

Points to Consider: On January 11, 2016, there appeared on Council's agenda 2nd Readings of Ordinance No. 2015-1386, Ordinance No. 2015-1369 and Ordinance No. 2015-1370. At the Chairman's call for 2nd Reading of Ordinance No. 2015-21386, a Motion to Approve was made, seconded, but defeated by a 3-4 vote of Council. At the Chairman's call for 2nd Reading of Ordinance No. 2015-1369 and Ordinance 2015-1370, no member of Council offered either a Motion to Approve or a Motion to Deny. In short, no action on either of these legislative matters was taken.

Via a verbal notice on May 23, 2016 made during the course of Council's meeting on that day, full Council was notified that on June 13, 2016 a Motion to Rescind Ordinance 2015-1386, Ordinance 2015-1369 and Ordinance 2015-1370 would be forthcoming. **It is clear for Council's further consideration of Ordinance 2015-1386 that a Motion to Rescind this previously failed ordinance must pass.**

Pursuant to *Robert's Rules of Order*, a Motion to Rescind is used to cancel a motion altogether. Turning to 2nd Reading of Ordinances 2015-1369 and Ordinance 2015-1370, no action has ever been taken by County Council on 2nd Reading. The only action taken was the passage of both ordinances on December 14, 2015. The passage of a Motion to Rescind either of these two ordinances would have the effect of cancelling Council's 1st Reading passage of both ordinances..

Opinion: If it is Council's desire to give further 2nd Reading consideration to Ordinance 2015-1369 and Ordinance 2015-1370, all that is necessary on June 11, 2016 is for a **Motion to Renew** be made for Ordinance 2015-1369 and for Ordinance 2015-1370. Assuming passage, the two ordinances would appear on the Council's agenda next following the motions being made and passed. SC FOIA law (Section 30-4-80(A)) prohibits Council's immediate consideration of the ordinances without a 2/3 vote of Council. Should Ordinance 2015-1386 (2nd Reading denial) be rescinded, and the Motion(s) to Renew pass, all three ordinances would be considered for 2nd Reading on June 27, 2016.



**Lancaster
County
Fire Rescue**

PO Box 1809
Lancaster, SC
29721

Business Phone
803-283-8888

Fax
803-283-6333

E-mail
LCFR@comporium.net



Proud and Progressive

TO: Debbie Hardin, Clerk to Council

FROM: Timothy M. Baker, Fire Commission Chairman *TMB*

DATE: May 23, 2016

SUBJECT: Replacement for Fire Commission—Heath Springs

The Lancaster County Fire Commission respectfully submits the name of a new member from the Heath Springs fire district for approval by the Lancaster County Council. This member will replace the current member who is unable to fulfill the remainder of their term through June 2019.

Heath Springs Fire Department
Everett Alex Parker
1655 Beaker Road
Heath Springs, SC 29058

If you have questions or need any additional information, please contact the Fire Rescue office.

TMB/dmg

cc: Darren Player, Lancaster County Fire Rescue
Chief Patrick Helms, Heath Springs Fire Department

Agenda Item Summary

Ordinance # / Resolution#: n/a

Contact Person / Sponsor: Debbie Hardin

Department: Administration

Date Requested to be on Agenda: June 13, 2016

Issue for Consideration:

Board and Commission appointments.

Points to Consider:

Health and Wellness Commission: The Department of Social Services (DSS) has nominated Ms. Tamela Davis to fill the vacant position on the board. Ms. Davis is the Human Resource Coordinator for DSS. This is a four year term ending 6-30-2020.

Planning Commission: Appointment of Jerry Holt to the Planning Commission – unexpired term ending 6-30-2017

Funding and Liability Factors:

n/a

Council Options:

Make appointment as requested / deny appointment

Mr. Bob Bundy
Chairman County Council
101 N. Main St. Lancaster, SC 29720

June 5, 2016

Dear Mr. Chairman,

I plan to make a Motion to Rescind the vote on the approval of the Ansley Park Development Agreement that was taken by the County Council on November 23, 2015, third reading. I don't believe I need give a reason other than Council granted this approval based on misinformation. And it has been brought to my attention the Forestar Developer is in violation of at least one Section of the current UDO.

I know Ms. McGriff has given notice of motion to rescind Avondale due to new benefits to the County, well the Main Connector Road and Bridge across Ansley Park would provide even more benefits to the County as well. I feel that if a motion to rescind is good for Avondale then it should be more so for Ansley Park.

I understand, according to the January 20, 2016 Memo "Parliamentary Procedure" by Mr. Weaver. A motion to Rescind may be made by a member of the Council regardless of how the member voted on the original motion and there is no time limit on making the motion.

Please distribute this notice to members of the Council and place my intention on the agenda for June 13th. This letter serves as a confirmation of my intent to make a motion to rescind the November 23, 2015 approval of Development Agreement 1378 for Ansley Park Sub-division.

Jack Estridge

Councilmember District 6

SUBJECT: BUFORD BATTLEGROUND

Attached is information from the South Carolina Battleground Preservation Trust regarding a land purchase at the Buford Battleground. They are partnering with the Civil War battlefield Trust and the Katawba Valley Land Trust to acquire the property through purchase. They need a local government to serve as the pass through agency for the grant funds.

Without objection from Council, we will handle this for them just as we did for the Hanging Rock battleground in January. It is an excellent opportunity to preserve land that is significant from both a historical standpoint and an environmental standpoint.

I would like to stress that no local funding is requested for this project and none is authorized within my budgetary authority.

No action is needed unless Council desires more information. We will handle this administratively on the staff level. We did want to make sure that Council was informed of this project. We hope to work with this group on additional projects in the future.

SW

[date]

Mr. Paul Hawke, Chief
American Battlefield Protection Program
National Park Service
1201 Eye Street NW - 2287
Washington DC 20005

RE: Bradley Tract, Lancaster County, SC (112± acres)

Dear Mr. Hawke:

Lancaster County has been asked by the Civil War Trust (the "Trust") to act as the government sponsor for a grant application to the American Battlefield Protection Program (ABPP). I have agreed that Lancaster County will serve as the government sponsor for the \$159,390.80 grant application for the fee acquisition of the 47.76± acre property known as the Hopewell UMC Tract at the Battle of Waxhaws Battlefield (aka Buford's Massacre), Lancaster County, South Carolina.

The role of this agency would be the same as in other pass-through grants. All required acquisition and financial documentation will be provided by the Trust to the ABPP for review and approval. Lancaster County will be notified in writing by ABPP that all grant requirements have been met and that funds would be transferred to Lancaster County. This agency would then transfer the grant funds in accordance with the ASAP system. Lancaster County will not be providing any funds toward the battlefield acquisition.

We thank the ABPP for your work preserving America's battlefields.

Sincerely,

Steve Willis
County Administrator, Lancaster County, South Carolina

cc: Catherine Noyes, Civil War Trust
Douglas W. Bostick, SC Battleground Preservation Trust

Application for Federal Assistance SF-424		Version 02
<div style="display: flex; justify-content: space-between;"><div style="width: 30%;">*1. Type of Submission: <input type="checkbox"/> Preapplication <input checked="" type="checkbox"/> Application <input type="checkbox"/> Changed/Corrected Application</div><div style="width: 65%;">*2. Type of Application * If Revision, select appropriate letter(s) <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation *Other (Specify) _____ <input type="checkbox"/> Revision</div></div>		
<div style="display: flex; justify-content: space-between;"><div style="width: 45%;">3. Date Received:</div><div style="width: 55%;">4. Applicant Identifier:</div></div>		
<div style="display: flex; justify-content: space-between;"><div style="width: 45%;">5a. Federal Entity Identifier:</div><div style="width: 55%;">*5b. Federal Award Identifier:</div></div>		
State Use Only:		
<div style="display: flex; justify-content: space-between;"><div style="width: 35%;">6. Date Received by State:</div><div style="width: 65%;">7. State Application Identifier:</div></div>		
8. APPLICANT INFORMATION:		
*a. Legal Name: Lancaster County		
<div style="display: flex; justify-content: space-between;"><div style="width: 45%;">*b. Employer/Taxpayer Identification Number (EIN/TIN): 57-6000370</div><div style="width: 55%;">*c. Organizational DUNS:</div></div>		
d. Address:		
<div style="display: flex; justify-content: space-between;"><div style="width: 45%;">*Street 1: PO Box 1809</div><div style="width: 55%;"></div></div> <div style="display: flex; justify-content: space-between;"><div style="width: 45%;">Street 2:</div><div style="width: 55%;"></div></div> <div style="display: flex; justify-content: space-between;"><div style="width: 45%;">*City: Lancaster</div><div style="width: 55%;"></div></div> <div style="display: flex; justify-content: space-between;"><div style="width: 45%;">County: Lancaster</div><div style="width: 55%;"></div></div> <div style="display: flex; justify-content: space-between;"><div style="width: 45%;">*State: South Carolina</div><div style="width: 55%;"></div></div> <div style="display: flex; justify-content: space-between;"><div style="width: 45%;">Province:</div><div style="width: 55%;"></div></div> <div style="display: flex; justify-content: space-between;"><div style="width: 45%;">*Country: USA</div><div style="width: 55%;"></div></div> <div style="display: flex; justify-content: space-between;"><div style="width: 45%;">*Zip / Postal Code 29721-1809</div><div style="width: 55%;"></div></div>		
e. Organizational Unit:		
<div style="display: flex; justify-content: space-between;"><div style="width: 45%;">Department Name:</div><div style="width: 55%;">Division Name:</div></div>		
f. Name and contact information of person to be contacted on matters involving this application:		
<div style="display: flex; justify-content: space-between;"><div style="width: 30%;">Prefix: _____</div><div style="width: 70%;">*First Name: _____</div></div> <div style="display: flex; justify-content: space-between;"><div style="width: 30%;">Middle Name: _____</div><div style="width: 70%;"></div></div> <div style="display: flex; justify-content: space-between;"><div style="width: 30%;">*Last Name: _____</div><div style="width: 70%;"></div></div> <div style="display: flex; justify-content: space-between;"><div style="width: 30%;">Suffix: _____</div><div style="width: 70%;"></div></div>		
Title: _____		
Organizational Affiliation: _____		
<div style="display: flex; justify-content: space-between;"><div style="width: 45%;">*Telephone Number:</div><div style="width: 55%;">Fax Number:</div></div>		
*Email: _____		

Application for Federal Assistance SF-424

Version 02

***9. Type of Applicant 1: Select Applicant Type:**

B. County Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

*Other (Specify)

***10 Name of Federal Agency:**

Department of the Interior - National Park Service - American Battlefield Protection Program

11. Catalog of Federal Domestic Assistance Number:

15-928

CFDA Title:

Battlefield Land Acquisition Grants

***12 Funding Opportunity Number:**

N/A

*Title:

13. Competition Identification Number:

N/A

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Lancaster County, South Carolina

***15. Descriptive Title of Applicant's Project:**

LWCF Battlefield Acquisition Grant: fee acquisition of \pm 47.76 acre Hopewell United Methodist Church Tract at Waxhaws Battlefield, South Carolina.

Application for Federal Assistance SF-424

Version 02

16. Congressional Districts Of:

*a. Applicant: SC-5

*b. Program/Project: SC-5

17. Proposed Project:

*a. Start Date: 03/14/2016

*b. End Date: 03/13/2017

18. Estimated Funding (\$):

*a. Federal	\$159,390.80
*b. Applicant	
*c. State	
*d. Local	
*e. Other	\$159,390.80
*f. Program Income	
*g. TOTAL	\$318,781.60

***19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- ☐ a. This application was made available to the State under the Executive Order 12372 Process for review on _____
- ☒ b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- ☐ c. Program is not covered by E. O. 12372

***20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)**

☐ Yes ☒ No

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U. S. Code, Title 218, Section 1001)

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions

Authorized Representative:

Prefix: Mr. *First Name: Steve

Middle Name: _____

*Last Name: Willis

Suffix: _____

*Title: County Administrator

*Telephone Number: 803-416-9300

Fax Number: _____

* Email: swillis@lanastercountysc.net

*Signature of Authorized Representative:

*Date Signed: June 13, 2016

Application for Federal Assistance SF-424

Version 02

***Applicant Federal Debt Delinquency Explanation**

The following should contain an explanation if the Applicant organization is delinquent of any Federal Debt.

N/A

INSTRUCTIONS FOR THE SF-424

Public reporting burden for this collection of information is estimated to average 60 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

This is a standard form (including the continuation sheet) required for use as a cover sheet for submission of preapplications and applications and related information under discretionary programs. Some of the items are required and some are optional at the discretion of the applicant or the Federal agency (agency). Required items are identified with an asterisk on the form and are specified in the instructions below. In addition to the instructions provided below, applicants must consult agency instructions to determine specific requirements.

Item	Entry:	Item	Entry:
1.	Type of Submission: (Required): Select one type of submission in accordance with agency instructions. <ul style="list-style-type: none"> • Preapplication • Application • Changed/Corrected Application – If requested by the agency, check if this submission is to change or correct a previously submitted application. Unless requested by the agency, applicants may not use this to submit changes after the closing date. 	10.	Name Of Federal Agency: (Required) Enter the name of the Federal agency from which assistance is being requested with this application.
2.	Type of Application: (Required) Select one type of application in accordance with agency instructions. <ul style="list-style-type: none"> • New – An application that is being submitted to an agency for the first time. • Continuation - An extension for an additional funding/budget period for a project with a projected completion date. This can include renewals. • Revision - Any change in the Federal Government's financial obligation or contingent liability from an existing obligation. If a revision, enter the appropriate letter(s). More than one may be selected. If "Other" is selected, please specify in text box provided. <ul style="list-style-type: none"> A. Increase Award B. Decrease Award C. Increase Duration D. Decrease Duration E. Other (specify) 	11.	Catalog Of Federal Domestic Assistance Number/Title: Enter the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested, as found in the program announcement, if applicable.
3.	Date Received: Leave this field blank. This date will be assigned by the Federal agency.	12.	Funding Opportunity Number/Title: (Required) Enter the Funding Opportunity Number and title of the opportunity under which assistance is requested, as found in the program announcement.
4.	Applicant Identifier: Enter the entity identifier assigned by the Federal agency, if any, or applicant's control number, if applicable.	13.	Competition Identification Number/Title: Enter the Competition Identification Number and title of the competition under which assistance is requested, if applicable.
5a.	Federal Entity Identifier: Enter the number assigned to your organization by the Federal Agency, if any.	14.	Areas Affected By Project: List the areas or entities using the categories (e.g., cities, counties, states, etc.) specified in agency instructions. Use the continuation sheet to enter additional areas, if needed.
5b.	Federal Award Identifier: For new applications leave blank. For a continuation or revision to an existing award, enter the previously assigned Federal award identifier number. If a changed/corrected application, enter the Federal Identifier in accordance with agency instructions.	15.	Descriptive Title of Applicant's Project: (Required) Enter a brief descriptive title of the project. If appropriate, attach a map showing project location (e.g., construction or real property projects). For preapplications, attach a summary description of the project.
6.	Date Received by State: Leave this field blank. This date will be assigned by the State, if applicable.	16.	Congressional Districts Of: (Required) 16a. Enter the applicant's Congressional District, and 16b. Enter all District(s) affected by the program or project. Enter in the format: 2 characters State Abbreviation – 3 characters District Number, e.g., CA-005 for California 5 th district, CA-012 for California 12 th district, NC-103 for North Carolina's 103 rd district. <ul style="list-style-type: none"> • If all congressional districts in a state are affected, enter "all" for the district number, e.g., MD-all for all congressional districts in Maryland. • If nationwide, i.e. all districts within all states are affected, enter US-all. • If the program/project is outside the US, enter 00-000.
7.	State Application Identifier: Leave this field blank. This identifier will be assigned by the State, if applicable.	17.	Proposed Project Start and End Dates: (Required) Enter the proposed start date and end date of the project.
8.	Applicant Information: Enter the following in accordance with agency instructions: <ul style="list-style-type: none"> a. Legal Name: (Required): Enter the legal name of applicant that will undertake the assistance activity. This is the name that the organization has registered with the Central Contractor Registry. Information on registering with CCR may be obtained by visiting the Grants.gov website. b. Employer/Taxpayer Number (EIN/TIN): (Required): Enter the Employer or Taxpayer Identification Number (EIN or TIN) as assigned by the Internal Revenue Service. If your organization is not in the US, enter 44-4444444. c. Organizational DUNS: (Required) Enter the organization's DUNS or DUNS+4 number received from Dun and Bradstreet. Information on obtaining a DUNS number may be obtained by visiting the Grants.gov website. d. Address: Enter the complete address as follows: Street address (Line 1 required), City (Required), County, State (Required, if country is US), Province, Country (Required), Zip/Postal Code (Required, if country is US). e. Organizational Unit: Enter the name of the primary organizational unit (and department or division, if applicable) that will undertake the 	18.	Estimated Funding: (Required) Enter the amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines, as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses.
		19.	Is Application Subject to Review by State Under Executive Order 12372 Process? Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the

	assistance activity, if applicable. f. Name and contact information of person to be contacted on matters involving this application: Enter the name (First and last name required), organizational affiliation (if affiliated with an organization other than the applicant organization), telephone number (Required), fax number, and email address (Required) of the person to contact on matters related to this application.		State intergovernmental review process. Select the appropriate box. If "a." is selected, enter the date the application was submitted to the State.		
			20. Is the Applicant Delinquent on any Federal Debt? (Required) Select the appropriate box. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debts include delinquent audit disallowances, loans and taxes. If yes, include an explanation on the continuation sheet.		
9.	Type of Applicant (Required) Select up to three applicant type(s) in accordance with agency instructions. <table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top; width: 50%;"> A. State Government B. County Government C. City or Township Government D. Special District Government E. Regional Organization F. U.S. Territory or Possession G. Independent School District H. Public/State Controlled Institution of Higher Education I. Indian/Native American Tribal Government (Federally Recognized) J. Indian/Native American Tribal Government (Other than Federally Recognized) K. Indian/Native American Tribally Designated Organization L. Public/Indian Housing Authority </td> <td style="vertical-align: top; width: 50%;"> M. Nonprofit with 501C3 IRS Status (Other than Institution of Higher Education) N. Nonprofit without 501C3 IRS Status (Other than Institution of Higher Education) O. Private Institution of Higher Education P. Individual Q. For-Profit Organization (Other than Small Business) R. Small Business S. Hispanic-serving Institution T. Historically Black Colleges and Universities (HBCUs) U. Tribally Controlled Colleges and Universities (TCCUs) V. Alaska Native and Native Hawaiian Serving Institutions W. Non-domestic (non-US) Entity X. Other (specify) </td> </tr> </table>		A. State Government B. County Government C. City or Township Government D. Special District Government E. Regional Organization F. U.S. Territory or Possession G. Independent School District H. Public/State Controlled Institution of Higher Education I. Indian/Native American Tribal Government (Federally Recognized) J. Indian/Native American Tribal Government (Other than Federally Recognized) K. Indian/Native American Tribally Designated Organization L. Public/Indian Housing Authority	M. Nonprofit with 501C3 IRS Status (Other than Institution of Higher Education) N. Nonprofit without 501C3 IRS Status (Other than Institution of Higher Education) O. Private Institution of Higher Education P. Individual Q. For-Profit Organization (Other than Small Business) R. Small Business S. Hispanic-serving Institution T. Historically Black Colleges and Universities (HBCUs) U. Tribally Controlled Colleges and Universities (TCCUs) V. Alaska Native and Native Hawaiian Serving Institutions W. Non-domestic (non-US) Entity X. Other (specify)	21. Authorized Representative: (Required) To be signed and dated by the authorized representative of the applicant organization. Enter the name (First and last name required) title (Required), telephone number (Required), fax number, and email address (Required) of the person authorized to sign for the applicant. A copy of the governing body's authorization for you to sign this application as the official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)
A. State Government B. County Government C. City or Township Government D. Special District Government E. Regional Organization F. U.S. Territory or Possession G. Independent School District H. Public/State Controlled Institution of Higher Education I. Indian/Native American Tribal Government (Federally Recognized) J. Indian/Native American Tribal Government (Other than Federally Recognized) K. Indian/Native American Tribally Designated Organization L. Public/Indian Housing Authority	M. Nonprofit with 501C3 IRS Status (Other than Institution of Higher Education) N. Nonprofit without 501C3 IRS Status (Other than Institution of Higher Education) O. Private Institution of Higher Education P. Individual Q. For-Profit Organization (Other than Small Business) R. Small Business S. Hispanic-serving Institution T. Historically Black Colleges and Universities (HBCUs) U. Tribally Controlled Colleges and Universities (TCCUs) V. Alaska Native and Native Hawaiian Serving Institutions W. Non-domestic (non-US) Entity X. Other (specify)				



June 1, 2016

**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: WBTW (SD & HD), WBTW D2, WCBD (SD & HD), WCBD D2 (SD & HD), WSAV (SD & HD), WSAV D2, WRAL, Azteca America, YouToo, RFD HD, Pivot, 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, TV One (SD & HD), ShopHQ/EVINE Live (SD & HD), POP/TVGN (SD & HD), Music Choice On Demand and Music Choice (channels 1900-1950), DW Amerika, Outdoor Channel (SD & HD), Al Jazeera (SD & HD), Aspire, FM (SD & HD), Fuse (SD & HD), Weather Channel (SD & HD), Go!TV (SD & HD).

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 about June 21st, Time Warner Cable will be making technical changes to our cable system in Columbia, Bishopville, Sumter, Manning, Summerville and Hilton Head that may disrupt your ability to view the following unencrypted ("in the clear") channel on a digital television or other device that includes a QAM tuner ("a ClearQAM device"): WACH, WIS, WIS D2, ETV, WOLO, WZRB, WLTX, WBTW, WKTC, WPDE, WCSC, WCSC D2, WCIV, WCIV D2, WMMP, WTAT, WCBD, WCBD D2, WLCN, WGSA, WGSA D2, WHHI, WJCL, WSAV, WTGS, WTOG, WVAN. If this occurs, you will need to go into the settings menu on your ClearQAM device and perform a new channel scan in order to resume viewing this channel. Customers using digital cable set-top boxes will not notice any change. We apologize for any inconvenience.

On or about July 6th, the POP scrolling guide will no longer be available with Starter TV. This affects the following areas: Starter TV in Dillon/Lake View/Marion/Mullins, Hartsville (channel 3), Rowland (channel 4), Bishopville, Columbia, Ft. Jackson, Manning, Orangeburg, Summerville, Sumter (channel 10), Hilton Head, Sun City (channel 12), Laurinburg (channel 17), Standard TV in Florence/Lake City (channel 19), Cheraw (channel 68), Brown's Ferry/Sampit, Conway, Georgetown/Debordieu, Kingstree/Lane, Murrells Inlet/Pawleys Island, Myrtle Beach and Surfside Beach (channel 97).



WGN America may be repositioned from Starter TV to Standard TV.

The new services listed below cannot be accessed on CableCARD-equipped Unidirectional Digital Cable Products purchased at retail without additional, two-way capable equipment: None at this time.

For more information about your local channel line-up, visit 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, appearing to read "Ben Breazeale".

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

MEETINGS & FUNCTIONS – 2016

DAY/DATE	TIME	FUNCTION/LOCATION
Monday, June 13 th	5:30 p.m. 6:30 p.m.	Executive Session Regular Council Meeting
Tuesday, June 14 th	8:00 a.m.	Public Safety Committee Council Conference Room
Tuesday, June 14 th	3:00 p.m.	Infrastructure and Regulation Committee Council Conference Room
Wednesday, June 15 th	5:30 p.m.	Administration Committee Council Conference Room
Monday, June 27 th	6:00 p.m.	Graduation of Learning Lancaster participants Council Chambers
Monday, June 27 th	6:30 p.m.	Regular Council Meeting
Monday, July 4 th	Closed	Independence Day
Monday, July 18 th	6:30 p.m.	Council Meeting (only one Council meeting in July)
July 30 th – August 3 rd		South Carolina Association of Counties Annual Conference/Hilton Head, SC

LANCASTER COUNTY STANDING MEETINGS

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