

Lancaster County Council Administration Committee
Thursday, March 17, 2016

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

1. Call to Order – Committee Chair Brian Carnes 4:30 p.m.
2. Approval of the agenda *[deletions and additions of non-substantive matters]*
3. Minutes of the February 11, 2016 – pgs. 2-5
4. Citizens Comments
5. Discussion / Action Items
 - a. Potential business registration ordinance. *Steve Willis – pgs. 6-8*
 - b. Potential donation of land to the Lancaster County School District. *Steve Willis – pgs. 9-13*
 - c. Walnut Creek Ordinance to enlarge the district and revise the assessment rolls. *John Weaver – pgs. 14-24*
 - d. Budget calendar. *Kimberly Hill – pg. 25*
6. Adjournment

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

Lancaster County Council Administration Committee agendas are posted at the Lancaster County Administration Building and are available on the Website: www.mylancastersc.org



MINUTES OF THE LANCASTER COUNTY COUNCIL ADMINISTRATION
COMMITTEE

COUNTY ADMINISTRATION BUILDING
COUNCIL CONFERENCE ROOM
101 N. MAIN STREET, LANCASTER

Members of the Lancaster County Council Administration Committee

Brian Carnes, Committee Chairman – District 7

Bob Bundy, Council Member – District 3

Charlene McGriff, Council Member – District 2

DRAFT

Thursday, February 11, 2016

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

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

Special Presentation

Prior to the call of the meeting, Councilman Bundy presented Employees of the 4th Quarter 2015 with plaques – Kayla Small, Tamesha Fletcher and Lisa Murphy.

Call to Order

Chairman Brian Carnes called the meeting to order at 4:39 p.m.

Approval of Agenda

Councilwoman McGriff moved to approve the agenda. SECONDED by Councilman Bundy. Passed 3-0.

Minutes of the January 21, 2016 Meeting

MOTION was made by Councilwoman McGriff to approve the minutes of the January 21, 2016 meeting. SECONDED by Councilman Bundy. Passed 3-0.

Citizen Comments

Gary Holland of 8728 Collins Road, spoke regarding Item (b) on the agenda – hospitality tax discussion.

Waylon Wilson of 15117 Legend Oaks Court, spoke regarding Item (c) on the agenda – service requests from potential new municipalities.

Discussion/Action

Budget Request for Direct Assistance Agencies

Councilwoman McGriff opened the discussion by saying that no decisions will be made today and that it is intended to be a listening opportunity.

The direct assistance requests are as follows:

South Carolina Association of Counties - \$13,040.77 for the County's membership.

Olde English District – Jane Scarborough, Executive Director was present at the meeting. The Olde English District is requesting \$13,579.00 for FY-2016-2017. Councilwoman McGriff requested data on the number of tourists. Ms. Scarborough stated that she will provide County Administrator with a report to distribute.

Clemson Cooperative Extension – Brian Beer, Regional Lead Extension Agent was present at the meeting. The Clemson Cooperative Extension is requesting \$25,000.00, the same level as budgeted in FY 2015-2016. There was a brief discussion if the above amount helps pay for a staff position. Mr. Beer stated, yes and Clemson also funds a portion of that employee's salary. Mr. Beer further noted that if the funding goes away, that employee won't lose their position, but may be subject to working for other counties as well.

Public Defender's Office – Michael Lifsey, Public Defender was present at the meeting. Mr. Lifsey is requesting an additional \$37,778.64 to hire one paralegal. Mr. Lifsey stated that hiring a paralegal will free a lot of the attorney's time from doing clerical work, which will increase the office productivity. Mr. Lifsey thanked Council for their support and funding in the previous years and that progress has been made in the back log process.

Lancaster Soil and Water Conservation District – Amanda Roberts was present at the meeting. Ms. Roberts stated that Soil and Water Conservation District is requesting \$77,624.00 for FY 2017 and \$83,200.00 for FY 2018.

Catawba Regional Council of Governments – Budget Analyst Kim Hill stated that the COG is requesting the same as the current budget year, \$58,147.00. This amount will allow the County to continue at its current level of service.

Lancaster County Council on Aging – Sally Sherrin Executive Director was present at the meeting. Council on Aging is requesting the same amount as the current budget year, \$30,500. Councilman Bundy asked Ms. Sherrin if she had statistics on LARS ridership. Ms. Sherrin stated that she will forward that information to Ms. Hill by email.

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Sixth Circuit Solicitor – Solicitor Randy Newman was present at the meeting. Mr. Newman is requesting to add an additional prosecutor to be funded at \$95,563.12, based on a \$70,000.00 salary plus fringe. Mr. Newman stated that this position will help his office with the current backlog and the new cases received each month. Mr. Newman is also requesting that the county cover one of the two victim advocates grant match at \$8,129.20.

Catawba Community Mental Health Center – Budget Analyst Kim Hill stated that the CMHC Lancaster clinic is requesting \$50,000.00 for FY 2017. They are also requesting \$51,500.00 for FY 2018 to fund a full-time master's trained mental health professional to provide assessments at the Lancaster County Jail and to better serve the children and adolescents of Lancaster County.

Councilman Carnes closed the discussion by thanking everyone for attending and noted that it will be a challenging budget year with the reassessments.

Hospitality Tax Discussion

County Administrator Steve Willis opened the discussion by stating that he contacted the Department of Revenue for information in order to calculate a potential revenue stream, since the county doesn't have a business license or registration. Using \$76, 979, 377.74 as the base number, a 2% (maximum allowed – or Council could decide to utilize 1%) Hospitality Tax would yield \$1,539,587.55. Deducting \$797,921 for the City of Lancaster for their collections, it would yield a balance of \$741,666.55. The county could not charge a county tax on businesses inside the city limits as the City of Lancaster are already capturing the maximum amount. However, the county could ask the Town of Kershaw and Town of Heath Springs to impose the tax, since they are not collecting the Hospitality Tax at this time.

Mr. Willis stated that Hospitality Tax could only be used for tourism related purposes and that a recreational complex would qualify. Mr. Willis suggested that if Council elects to implement the Hospitality Tax, that the first six months of collection should be reserved for operational expenses.

After a discussion among Council and staff about the Hospitality Tax for a recreational complex, Councilwoman McGriff stated that committee should focus on whether or not they want to move forward with implementing the Hospitality Tax first.

It was the consensus of the committee to discuss this item in further at the next meeting.

Service Request from Potential New Municipalities

Mr. Willis informed the committee that there are two potential municipalities under consideration, Indian Land and Van Wyck. Both have mentioned utilizing county services via contract. Council would need to determine what services to provide. The committee discussed services that the county could contract out. It was also discussed that the county should remain consistent with every municipality by offering the same services.

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Adjournment

Councilwoman McGriff moved to adjourn the meeting at 6:00 p.m. Passed 3-0.

Respectfully Submitted:

Approved by Committee Chair

Brenisha S. Wells
Deputy Clerk to Council

Brian Carnes, Committee Chair

Agenda Item Summary

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

Issue for Consideration:

Adoption of a Business Registration ordinance.

Points to Consider:

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

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

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

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

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

Funding and Liability Factors:

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

Council Options:

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

Staff Recommendation:

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

Committee Recommendation:

To be determined.

Draft Business Registration Ordinance

Sec. 13-3. - Business registration.

(a) Definitions:

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

“Person” means any individual, firm, partnership, LLP, LLC, cooperative non-profit membership, corporation, joint venture, association, estate, trust, business trust, receiver, syndicate, holding company, or other group or combination acting as a unit, in the singular or plural, and the agent or employee having charge or control of a business in the absence of the principal.

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

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

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

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

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

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

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

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

Draft Business Registration Form Data Collection

Name of Business

Physical location of Business

Mailing address of Business

Telephone number of Business

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

Name of owner of the Business

Mailing address of owner

Telephone number of owner

Type of Business – check boxes with NAICS code

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

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

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

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

Agenda Item Summary

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

Issue for Consideration:

Donation of land to Lancaster County School District; parcel # 0058-00-008.00

Points to Consider:

This land is owned by Lancaster County as it is the site of the former Health Department. The parcel is just under one half acre and is within the Buford School complex.

It has been suggested that this might make a good site for a parking/ holding area for parents waiting to pick up their child from the Buford Middle School.

Lancaster County has no use for such a small parcel at this location.

Transferring the parcel would involve three readings of an ordinance and a public hearing.

Information on discussions with SCDOT and the COG related to traffic improvements, as well as parcel map information, is attached.

Funding and Liability Factors:

N/A We do have to insure the property so a transfer could reduce liability.

Council Options:

Transfer the parcel or retain ownership.

Staff Recommendation:

Transfer the parcel to the Lancaster County School District.

Committee Recommendation:

To be determined.

Steve Willis

From: Robert Moody <rmoody@catawbacog.org>
Sent: Monday, February 29, 2016 12:25 PM
To: Jordan, William E; PriceKH@scdot.org; Steve Willis; shawmg@scdot.org
Cc: Randy Imler
Subject: Re: SC 522 / Buford Elementary School - purpose & need

Apparently the Lancaster County School District has some significant plans to change the traffic pattern at these schools dependent of the passage of the upcoming bond referendum.

Let's tighten up the purpose and need, but hold off on the scope and budget until after the vote later this month.
Thanks.

Robby Moody, AICP
Senior Planner
Catawba Regional COG
www.catawbacog.org

803.327.9041/office
803.493.2942/mobile

On Feb 29, 2016, at 12:05 PM, Robert Moody <rmoody@catawbacog.org> wrote:

Thanks for making time this morning to talk through the options for improving safety and traffic flow in the Buford Community. As we discussed, the original project's scope and budget will need to be revised and likely split into 2 or more projects:

1. Buford Elementary
 - a. Northbound right-turn lane on SC 522 – CRCOG guideshare project (\$360,000 already allocated, but will likely increase and will need LCSD cooperation with R/W)
 - b. Add a lane (or two) to the on-site car driveway – Lancaster County School District project (appears to be on proposed bond list)
2. SC 522 Pedestrian Safety and Crossing
 - a. Several ideas and limited options within present R/W. Appears that acquisition of private property may be necessary.

Action Items

Robby: update the updated purpose and need for the project (see below).

Steve: contact LCSD to confirm funding for on-site improvements in bond package and follow up with Rep. Yow.

Bill: help tighten up purpose and need statements.

Kati: prepare new project scope and budget once purpose and need are completed.

| BUFORD ELEMENTARY SCHOOL – NORTHBOUD RIGHT-TURN LANE | |
|---|---|
| ORIGINAL PURPOSE | UPDATED PURPOSE |
| The purpose of the proposed project is to improve the | To improve safety and reduce traffic congestion |

| | |
|--|--|
| intersection of SC 522 and the entrance to Buford Schools to provide improved traffic movement along SC 522. Acceleration/deceleration lanes are needed as well as pedestrian crossing control. | on SC 522 adjacent to Buford elementary and middle schools during peak drop-off and pick-up times during the week. Install an northbound deceleration lane for the cars-only driveway at Buford elementary school which will provide relief on SC 522 at the Buford middle school driveway. |
| ORIGINAL NEED | UPDATED NEED |
| The access road for Buford Schools is not adequate for moving traffic off of SC 522. Vehicles turning onto school grounds are stacking on SC 522 creating congestion issues during school peak hours. Buford Fire Department is located across SC 522. Emergency vehicles cannot get out to respond to emergencies during peak school hours. | In the immediate vicinity, SC 522 is a two-lane facility that directly serves Buford Elementary and Middle schools on its east side and a convenience store and Buford volunteer fire department on the west. During peak drop-off and pick-up times, passenger vehicles entering both schools inevitable spill out onto SC 522, thereby causing a stoppage of traffic flow. This situation impacts through traffic and severely hinders the ability of Buford Fire Department to respond to emergency calls during peak school hours. |

Again, thanks for the teamwork and helping us move this project forward.

Robby

Robert C. Moody, AICP
Senior Planner

<image001.gif>

PO Box 450 · 215 Hampton Street
 Rock Hill, South Carolina 29731
 (803) 327-9041 · Fax (803) 327-1912
www.catawbacog.org

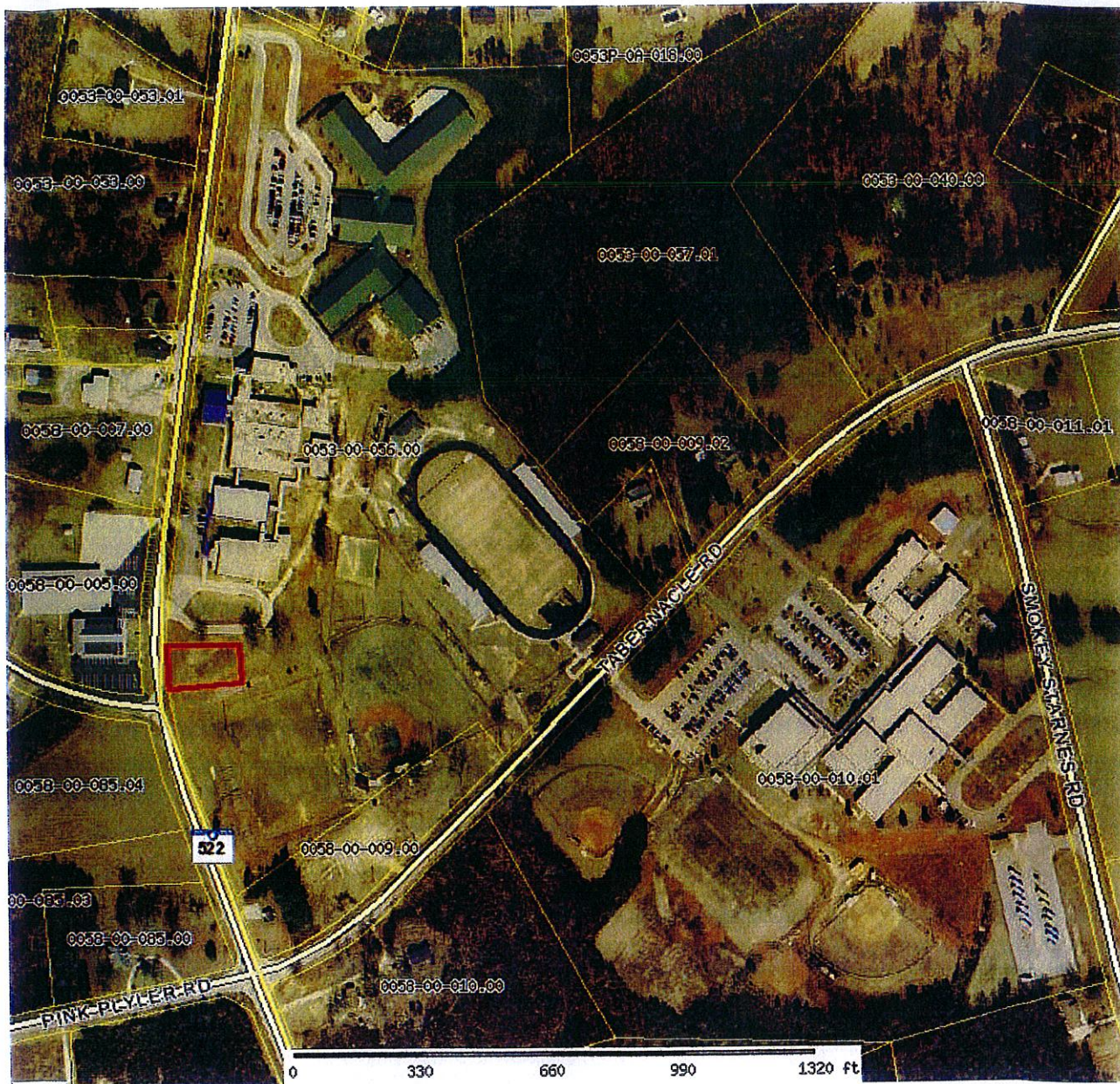


| Lancaster County Assessor | | | |
|------------------------------------|------------------------------|------------------|------------|
| Parcel: 0058-00-008.00 Acres: 0.42 | | | |
| Name: | LANCASTER COUNTY | Land Value | \$6,300.00 |
| Site: | HWY 522 | Improvement Valt | \$0.00 |
| Sale: | \$0 on 01-1900 Vacant= Qual= | Accessory Value | \$0.00 |
| Mail: | PO BOX 1809 | Total Value | \$6,300.00 |
| | LANCASTER, SC 29721-0000 | | |
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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: 03/02/16 : 08:41:24



| Lancaster County Assessor | | | |
|------------------------------------|------------------------------|-----------------|------------|
| Parcel: 0058-00-008.00 Acres: 0.42 | | | |
| Name: | LANCASTER COUNTY | Land Value | \$6,300.00 |
| Site: | HWY 522 | Improvement Val | \$0.00 |
| Sale: | \$0 on 01-1900 Vacant= Qual= | Accessory Value | \$0.00 |
| Mail: | PO BOX 1809 | Total Value | \$6,300.00 |
| | LANCASTER, SC 29721-0000 | | |
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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: 03/02/16 : 08:42:05

Agenda Item Summary

Ordinance # / Resolution# Ordinance No. 2016-

Contact Person / Sponsor: John Weaver

Department: County Attorney

Date Requested to be on Agenda: March 17, 2016

Committee: Administration

Issue for Consideration: Authorizing modifications to Walnut Creek Improvement District (f/k/a Edenmoor Improvement District), including enlarging the District to add two parcels therein to Bond Area 2 and Bond Area 3, and modifications to the related Assessment Rolls for Bond Area 2 and Bond Area 3; authorizing n/e \$6,000,000 principal amount of Assessment Revenue Bonds, relating solely to Bond Area 2 and Bond Area 3

Points to Consider:

1. These modifications relate solely to Bond Area 2 and Bond Area 3 (e.g., currently, these areas are undeveloped or are being developed but lots have not been sold to individual homeowners). **None of these modifications will affect current property owners located in Bond Area 1.** The modifications are:
 - (a) adding two parcels to Bond Area 2 and Bond Area 3; these parcels are adjacent to the existing District boundaries;
 - (b) modifying Assessment Rolls for Bond Area 2 and Bond Area 3 to increase the maximum assessments that can be imposed on individual lot owners and to change the density classifications to conform to the proposed types of housing configurations contemplated for those bond areas.
2. Any bonds issued would be sold directly to Edenmoor Acquisition, LLC or an affiliate (currently the owner of 100% of the outstanding 2006A-2 and 2006A-3 Bonds), and only in exchange for public infrastructure improvements to be dedicated to the County. **Bonds, if issued, would be payable from and secured by assessments imposed within Bond Area 2 and Bond Area 3 only; no additional assessments would be imposed within Bond Area 1 with respect to such bonds.**

Funding and Liability Factors: N/A

Council Options:

Recommendation:

John Weaver

From: Seezen, Michael <MSeezen@MCNAIR.NET>
Sent: Monday, March 14, 2016 3:14 PM
To: John Weaver
Cc: Seezen, Michael; Heizer, Frannie
Subject: FW: Walnut Creek - Agenda Summary Form
Attachments: Page 1.jpg; Page 2.jpg

John,

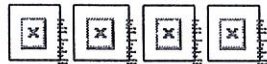
As a follow up, here are two maps that the Saybrook guys put together, showing the location of Bond Areas 2 and 3 (shaded in green and blue) and the additional property to be added to the District (shaded in yellow). Bond Area 1 is unshaded in each of them.

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
803 799 9800 Main | 803 933 1547 Fax
Mailing Post Office Box 11390 | Columbia, SC 29211
VCard | **Bio URL** | **Website**



From: Scott Bayliss [mailto:sbayliss@kaynecapital.com]
Sent: Monday, March 14, 2016 3:02 PM
To: Seezen, Michael <MSeezen@MCNAIR.NET>; Dave Rodriguez <droduguez@kaynecapital.com>
Cc: Heizer, Frannie <FHeizer@MCNAIR.NET>
Subject: RE: Walnut Creek - Agenda Summary Form

Michael,

Attached are two maps with the additional parcels marked in yellow.

From: Seezen, Michael [mailto:MSeezen@MCNAIR.NET]
Sent: Monday, March 14, 2016 10:24 AM
To: Scott Bayliss; Dave Rodriguez
Cc: Heizer, Frannie
Subject: RE: Walnut Creek - Agenda Summary Form

Thanks.

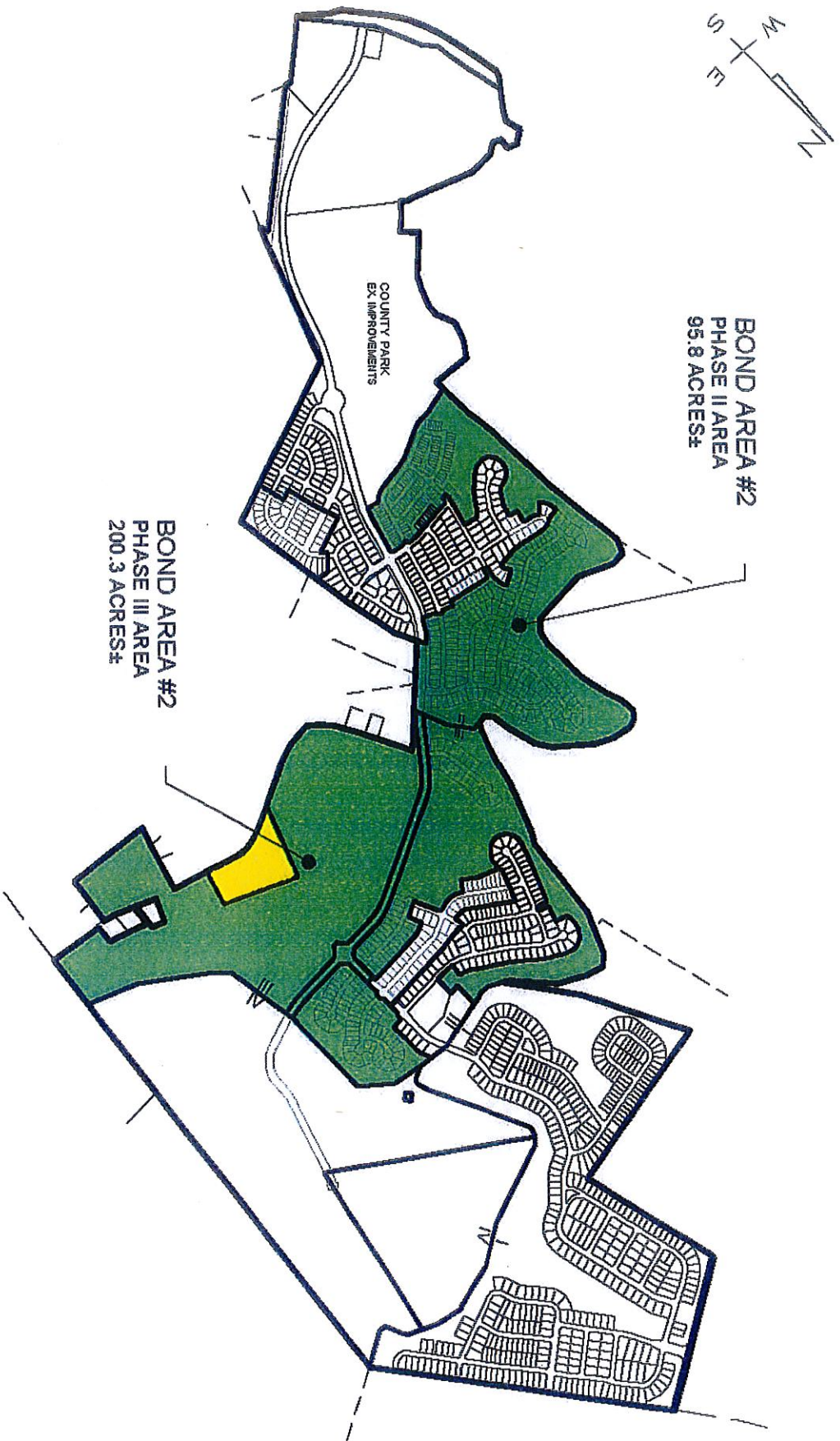



EXHIBIT "E"

| | | | |
|---|---|---|---|
|  <p>R. JOE HARRIS & ASSOCIATES, INC. Engineering • Surveying • Planning • Management 127 Ben Casey Drive, Suite 101 Fort Mill, South Carolina 29708 P: 803-802-1799 F: 803-802-0886 www.rjoharris.com</p> | <p>DATE: 10/12/15 PROJECT #: 2211 DRAWN BY: B.S.P. CHECKED BY: B.S.P. DWG. SCALE: 1"=1500'</p> | <p>CLIENT INFORMATION EDENMOOR LAND ACQUISITION, LLC 1800 Avenue of the Stars, Third Floor Los Angeles, California 90067</p> | <p>WALNUT CREEK BOND IMPROVEMENT DISTRICT (FKA: EDENMOOR BOND IMPROVEMENT DISTRICT) BOND AREA #2 MAP</p> |
| | | | |

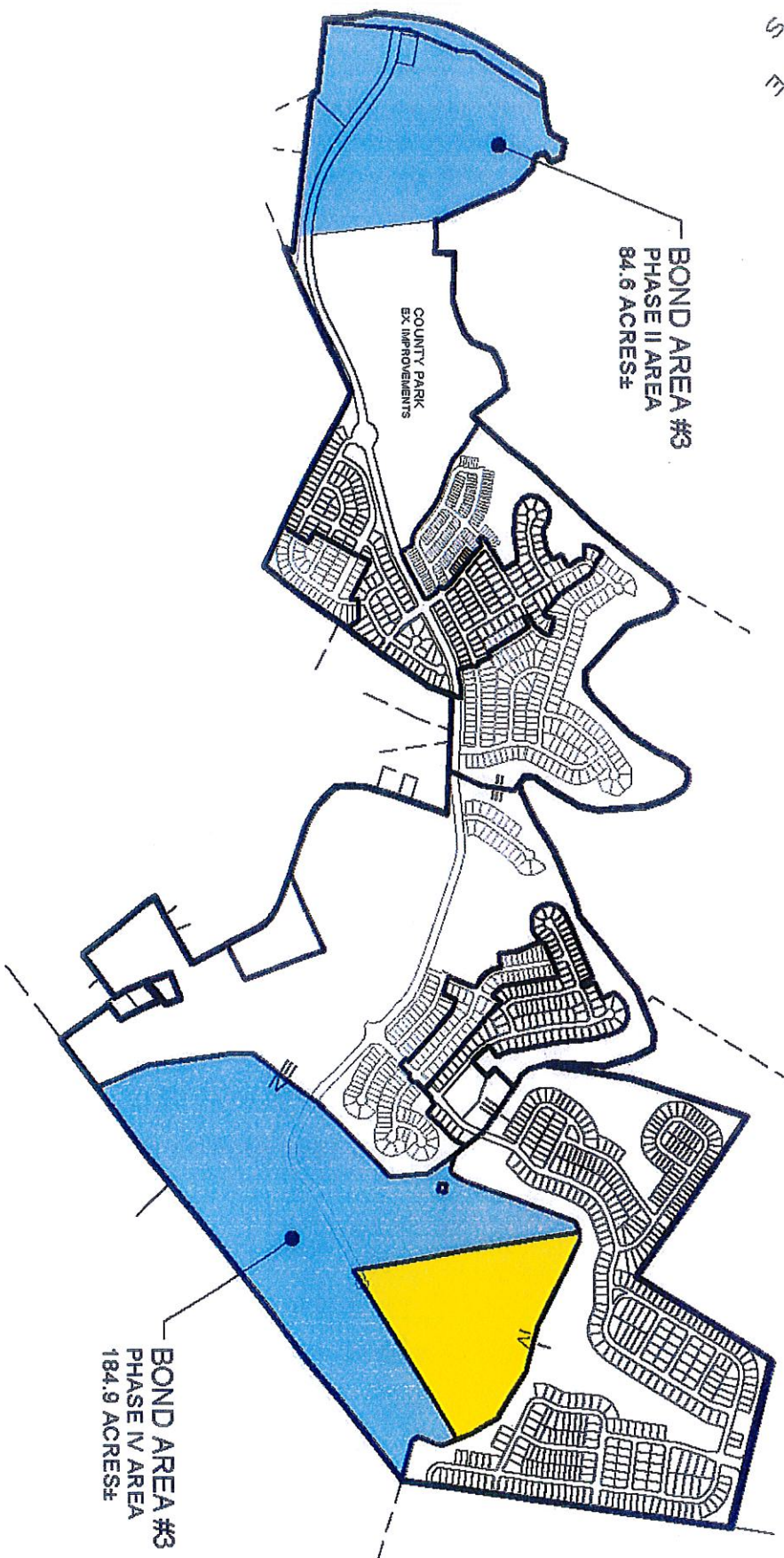
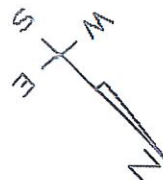



EXHIBIT "F"

| | | | | | | | |
|---|--|--|--|---|--|---|--|
|  R. JOE HARRIS & ASSOCIATES, INC. Engineering • Surveying • Planning • Management 127 Ben Casey Drive, Suite 101 Fort Mill, South Carolina 29708 P: 803-802-1799 F: 803-802-0886 www.rjeharris.com | | DATE: 10.12.15 PROJECT #: 2211 DRAWN BY: B.S.P. CHECKED BY: B.S.P. DWG. SCALE: 1"=1500' | | CLIENT INFORMATION EDENMOOR LAND ACQUISITION, LLC 1800 Avenue of the Stars, Third Floor Los Angeles, California 90067 | | WALNUT CREEK BOND IMPROVEMENT DISTRICT (FKA: EDENMOOR BOND IMPROVEMENT DISTRICT) BOND AREA #3 MAP | |
|---|--|--|--|---|--|---|--|

STATE OF SOUTH CAROLINA

)

ORDINANCE NO. 2016-____

COUNTY OF LANCASTER

)

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] 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

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

Section 1. Findings.

The Lancaster County Council finds that:

(a) The County Council (the "County Council") of Lancaster County, South Carolina (the "County") by Ordinance No. 713 enacted on January 30, 2006, as corrected and confirmed by Resolution No. 527 adopted on May 22, 2006, and as amended by Ordinance No. 2015-1367 enacted on December 14, 2015 (as so amended, the "Improvement District Ordinance"), has heretofore established the Walnut Creek Improvement District, formerly known as the Edenmoor Improvement District (the "Improvement District"); relating to an approximately 868-acre residential development known as "Walnut Creek", formerly known as "Edenmoor" (the "Development"), and approved an Assessment Roll for each Bond Area (as such terms are defined herein);

(b) Pursuant to the Master Trust Indenture and the First Supplemental Trust Indenture, each dated as of June 1, 2006 (collectively, the "Original Indenture"), between the County and Wells Fargo Bank, N.A., as trustee (the "Trustee"), the County has heretofore issued the \$24,115,000 original principal amount Lancaster County, South Carolina, 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");

(c) The Series 2006A Bonds, together with the Series 2006B Bonds, were issued in order to fund certain improvements within or associated with the Development, which Series 2006A Bonds are payable from and secured by non-*ad valorem* assessments imposed upon the parcels therein, presently consisting only of an Assessment A (each, an "Assessment" and, collectively, the "Assessments");

(d) Pursuant to the Improvement District Ordinance, the Improvement District has been subdivided into three areas (referenced herein as Bond Area 1, Bond Area 2 and Bond Area 3 (each, a "Bond Area"), as further defined herein), and the Assessment applicable to each such Bond Area also relates to a specific sub-series of Series A Bonds (as defined 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) which are presently outstanding and/or may be hereafter issued to refund such outstanding bonds;

(e) Pursuant to the Amended and Restated Master Trust Indenture dated February 11, 2016 (the "Amended and Restated Indenture"), between the County and the Trustee, which amended and restated the Original Indenture in its entirety, the County issued \$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 \$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").

(f) The County understands that Edenmoor Acquisition, LLC (the "Sole Bondholder"), presently owns 100% of the outstanding principal amount of the Series 2006A-2 Bonds and the Series 2006A-3 Bonds, and that Edenmoor Land Acquisition, LLC and Edenmoor Land Acquisition II, LLC (collectively, the "Purchaser") presently own 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 and the Assessment Documents related to such Bond Area 2 and Bond Area 3); and

(h) The Purchaser and the Sole Bondholder desire to make certain changes to the Improvement District and/or the Assessment Roll previously approved for each of Bond Area 2 (the "Original Assessment Roll A-2") and Bond Area 3 (the "Original Assessment Roll A-2" and, together, the "Assessment Documents"), namely (I) adding two parcels to the Improvement District within Bond Area 2 and Bond Area 3; (II) modifying the density classifications in the Assessment Documents for new development within Bond Area 2 and Bond Area 3; (III) increasing the Assessments which may be imposed upon parcels within Bond Area 2 and Bond Area 3; and (IV) contemplating the issuance and sale to the Sole Bondholder or its affiliate of new bonds secured by and payable from Assessments imposed on Bond Area 2 and Bond Area 3, solely for purposes of reimbursement for Improvements funded directly by the Purchaser or its affiliates; 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 County's \$8,510,000 aggregate principal amount of Walnut Creek Improvement District Assessment Refunding Revenue Bonds, Series 2016A-1.

(i) 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" (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). As set forth in Resolution 0901-R2015, adopted by County Council on December 14, 2015 (the "Resolution"), the County approved the Amended Improvement Plan, which updates and makes certain changes to the Original Improvement Plan consistent with the changes and proposed changes to the Assessment Documents described above, and as may be further amended or supplemented from time to time. The Amended Improvement Plan contemplates the construction of a roadway system, a sanitary sewer system, a water system and a drainage system 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).

(j) Pursuant to Section 4-35-50 of the Act, County Council hereby finds that: (1) the Improvements are and may be beneficial within the Improvement District; (2) the Improvements have and are likely to further significantly to 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 and having an aggregate assessed value in excess of sixty-six percent of the assessed value of all real property within the Improvement District has been obtained, and (5) written consent for certain modifications to the Improvement District (as enlarged, the "Enlarged Improvement District"), namely the addition of two parcels to Bond Area 2 and Bond Area 3, increasing the Assessments which may be imposed upon parcels within Bond Area 2 and Bond Area 3 only, modifying the density classifications for new development within Bond Area 2 and Bond Area 3 and contemplating the issuance and sale to the Sole Bondholder or its affiliate of new bonds secured by and payable from Assessments imposed on Bond Area 2 and Bond Area 3, solely for purposes of reimbursement for Improvements funded directly by the Purchaser or its affiliates, from a majority of the owners of real property within the applicable sub-districts of the Enlarged 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 obtained. The basis and methodology of the Assessment on all real property in Bond Area 2 and Bond Area 3 of the Improvement District other than property constituting the Improvements, as set forth in the Report on the Reasonable Basis of Assessment A attached hereto as Appendix A (the "Assessment Report"), is based upon assessed value, the value of improvements constructed or to be constructed within the Enlarged Improvement District, or on a per parcel basis, or a combination of them, according to the procedure set forth in the Amended Improvement Plan. County Council hereby determines that such basis for the Assessment for parcels within Bond Area 2 and Bond Area 3 is appropriate and included in the authorized methods set forth in Section 4-35-30(1) of the Act and fairly reflects the advantage derived from the Improvements by each of the individual parcels as supported by the Assessment Report.

(k) Pursuant to Section 4-35-60 of the Act and the provisions of the Resolution, a public hearing concerning the Resolution was held on October 3, 2005, which date was neither sooner than thirty days and nor more than forty-five days following the adoption of the Resolution. Pursuant to Section 4-35-70 of the Act, the entire text of the Resolution was published once a week for three successive weeks in The Lancaster News, which is a newspaper of general circulation in the County. The last date of publication was not less than ten days prior to the date of the public hearing concerning the Resolution.

(l) There have been filed with the Clerk to Council a 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 Enlarged Improvement District showing each such Bond Area, attached as Appendix B hereto, and the following documents:

(1) with respect to the parcels within Bond Area 1 of the Enlarged Improvement District, an Assessment Roll A for Bond Area 1 as previously approved by the County Council ("Assessment Roll A-1", included in Exhibit 1 attached hereto); and

(2) with respect to the parcels within Bond Area 2 of the Enlarged Improvement District, a preliminary Assessment Roll A for Bond Area 2 ("Assessment Roll A-2", included in Exhibit 2 attached hereto); and

(3) with respect to the parcels within Bond Area 3 of the Enlarged Improvement District, a preliminary Assessment Roll A for Bond Area 3 ("Assessment Roll A-3", included in Exhibit 3 attached hereto);

(m) There have also been filed with the Clerk to Council forms of the First Supplemental Trust Indenture to the Amended and Restated Indenture (the "Supplemental Indenture"), relating to the issuance of New Bonds (as defined herein). The Council finds, however, that certain changes in said documents may be needed prior to the completion of this transaction such that it will be in the best interest of the County to delegate to the Chairman of Council, the County Administrator and the County Attorney, or any one of them, the legal authority to determine those matters including the authority to approve the final form of the documents necessary to effectuate the issuance of the New Bonds.

Section 2. Amendment of Assessment Documents and Approval of Revised Assessment Rolls and Amendments to Amended Improvement Plan.

(a) The Original Assessment Roll A-2 is hereby amended and replaced by the Assessment Roll A-2 attached hereto as Exhibit 2, and the Original Assessment Roll A-2 is hereby amended and replaced by the Assessment Roll A-3 attached hereto as Exhibit 3, which Assessment Roll A-2 and Assessment Roll A-3 (together, the "Revised A Assessment Rolls"), together with the Assessment Roll A-1, are hereby approved and confirmed as the assessment roll within the meaning of the Act reflecting the names of the persons within Bond Area 1, Bond Area 2 and Bond Area 3, as applicable, of the Enlarged Improvement District as of the date specified therein, whose properties are to be assessed for Assessment A (as further described in the Assessment Roll A-1, Assessment Roll A-2 and Assessment Roll A-3, as applicable) and the amounts to be assessed against their respective properties with a brief description of the lots or parcels of land assessed, and shall be the basis for the actual Assessment on each parcel of property listed thereon if not altered or amended by County Council resolution pursuant to the hearings and the final County Council meeting pursuant to Section 5 hereinafter. A copy of the Revised A Assessment Rolls shall be deposited in the offices of the County Administrator and made available for inspection by interested parties.

(b) The Enlarged Improvement District as described above and more fully in the Amended Improvement Plan is hereby created and the implementation of the Amended Improvement Plan is hereby authorized. Since the date of the original approval of the Amended Improvement Plan, certain amendments to said Amended Improvement Plan have been made. Therefore, the Amended Improvement Plan, as amended, a copy of which is attached as Appendix C hereto, is hereby approved.

Section 3. Financing of Improvements and Issuance of New Bonds for Reimbursement Only.

(a) Approximately \$29,250,000 of the proceeds of the Series 2006 Bonds were used to finance certain costs of the Improvements, and the County understands that approximately \$25,000,000 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. 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. The Amended Improvement Plan contemplates that the County may additionally issue not exceeding \$6,000,000 in revenue bonds in one or more series (the "New Bonds") secured by the Assessments imposed within Bond Area 2 or Bond Area 3 and to be serviced from revenue to be derived from the Assessments with Bond Area 2 or Bond Area 3; provided, however, that (1) the New Bonds may be issued and sold only to the Purchaser or its affiliates, (2) the New Bonds may be issued only in exchange for Improvements constructed by the Purchaser and dedicated or transferred to the County, to reimburse the Purchaser for its previously-expended costs, pursuant to the procedures provided by the Supplemental Indenture, (3) the New Bonds will be secured by and payable from Assessments imposed within Bond Area 2 or Bond Area 3, and in any event not from Assessments imposed within Bond Area 1, and (4) nothing herein shall obligate the County to issue the New Bonds in any particular amount, if at all. The New Bonds described in this Section 3 may be combined with or constitute a portion of a larger debt issue including bonds issued for other purposes, including the refunding of all or a portion of the Series 2006A-2 Bonds or the Series 2006A-3 Bonds.

(b) The Council does hereby approve (1) the issuance of the New Bonds as described herein (subject to the limitations described in paragraph (a) above); and (2) the pledge and application of the revenues generated from the imposition and collection of the Assessments for payment of the Bonds and Administrative Expenses (as defined in the Revised A Assessment Rolls).

(c) The form, terms and provisions of the Supplemental Indenture, attached hereto as Appendix D hereto and filed with the Clerk to Council, be and hereby are approved. The Chairman of the Council is hereby authorized, empowered and directed to execute, acknowledge and deliver, and the Clerk to Council is hereby authorized, empowered and directed to attest the Supplemental Indenture, with such changes or revisions as are permitted hereby, in the name of and on behalf of the County. The Chairman of the Council and the County Administrator with advice from the County Attorney are hereby delegated the authority to approve such changes in the form, terms and provisions of the Supplemental Indenture as may be necessary or advisable in connection with the transactions contemplated hereby and thereby. The Chairman's execution and delivery of the Supplemental Indenture shall constitute conclusive evidence of approval of any and all changes or revisions therein from the form of the Supplemental Indenture attached hereto as Appendix D. Any amendments to the Supplemental Indenture shall be executed in the same manner.

Section 4. Notice of Revised A Assessment Rolls.

The County Administrator is hereby authorized and directed to cause to be mailed by registered or certified mail, return receipt requested, as soon as practicable, to the owner or owners of each lot or parcel of land in Bond Area 2 and Bond Area 3 against which an Assessment is to be levied, at the address appearing on the records of the County Treasurer, a notice stating the nature of the Improvements, the total proposed cost of it, the amount to be assessed against the particular property, and the basis upon which the Assessment is made, together with the terms and conditions upon which the Assessment may be paid. The notice must contain a brief description of the particular property involved, together with a statement that the amount assessed constitutes a lien against the property superior to all other liens except property taxes. The notice also must state the time and place fixed for the hearing of objections in respect to the Assessment and shall be mailed neither less than 15 days nor more than 30 days before such hearing regarding the objections takes place. A property owner who fails to file with the County Council a written objection to the Assessment against his property before such hearing regarding the objections takes place shall be considered to have consented to the Assessment.

Section 5. Hearing of Objections to Revised A Assessment Rolls.

(a) The hearing of objections to an Assessment for parcels within Bond Area 2 and Bond Area 3 is scheduled for Monday, April __, 2016, at 6:00 p.m. or at such other date and time as shall be set by the County Administrator. Once scheduled pursuant to this section, this hearing may be postponed and rescheduled pursuant to a resolution of County Council which shall provide for reasonable notice of a new date and time.

(b) All persons who file written objections to the Revised A Assessment Rolls within the time prescribed shall have an opportunity to appear either in person or by their attorney at the hearing held by the County Council for such purposes, but the final decision on each objection shall be made by a vote of the County Council at a public session thereof. At the session(s) held to make a final decision on the objections, County Council may make by resolution such corrections to the Revised A Assessment Rolls as it deems proper and confirm the same or set it aside and provide for a new Assessment for parcels within Bond Area 2 and Bond Area 3.

(c) At the session(s) held to make a final decision on the objections, County Council may make by resolution such corrections to the Assessment Report and the Apportionment of Assessments as it deems proper.

(d) Whenever County Council shall confirm an Assessment, either as originally prepared or as thereafter corrected, a copy thereof shall be certified by the Clerk to County Council and filed in the office of the Clerk of Court for Lancaster County, and from the time of filing the assessment impressed in the Revised A Assessment Rolls, together with the Assessment Roll A-1, constitutes and is a lien on the real property against which it is assessed superior to all other liens and encumbrances, except the lien for property taxes, and must be annually assessed and collected with the property taxes on it.

Section 6. 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 ordinance.

Section 7. 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 8. Controlling Provisions.

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

Section 9. Effective Date.

This ordinance is effective upon third reading.

SIGNATURES FOLLOW ON NEXT PAGE.

AND IT IS SO ORDAINED, this ____ day of _____, 2016.

LANCASTER COUNTY, SOUTH CAROLINA

Bob Bundy, Chair, County Council

Steve Harper, Secretary, County Council

ATTEST:

Debbie C. Hardin, Clerk to Council

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

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Fiscal Year 2016-2017 Budget Process Calendar

| Date | Item | Description |
|-----------------|-------------------------------|--|
| November | | |
| 9-13 | Budget Packets Delivered | Budget Analyst prepares and distributes budget packets to departments |
| December | | |
| 7-18 | Department Meetings | Departments meet with Division Directors to discuss requests |
| January | | |
| 12 | Committee Meeting | Departmental request discussion-Public Safety Committee |
| 12 | Committee Meeting | Departmental request discussion-Infrastructure & Regulation Committee |
| 21 | Committee Meeting | Departmental request discussion-Administration Committee |
| February | | |
| 8 | Final Requests Due | Final requests due to Finance |
| 12 | Requests Compiled | Budget Analyst compiles requests |
| 15 | Revenue Estimates | Finance updates revenue projections |
| 22 | Requests Delivered | County Administrator receives budget requests |
| March | | |
| 4 | Recommended Budget Compiled | Budget Analyst compiles Administrator's Recommended Budget |
| 11 | Department Notification | Departments are notified of recommendations |
| 14-23 | Department Meetings | Departments meet with Administrator to discuss recommendations |
| 18 | Revenue Estimates | Finance updates revenue projections |
| 24 | Recommended Budget Finalized | Administrator's Recommended Budget is completed and sent to Administration Committee |
| 31 | Committee Meeting | Administration Committee reviews Recommended Budget |
| April | | |
| 7 | Committee Meeting | Administration Committee reviews Recommended Budget |
| 14 | Committee Meeting | Administration Committee reviews Recommended Budget |
| 27-29* | Council Workshop | Administrator's Recommended Budget is presented to Committee of the Whole |
| May | | |
| 9 | First Reading | First Reading of the 2016-2017 Budget |
| 4 | Publish Public Hearing | Deadline to publish Public Hearing in the Sunday paper (5/8/15) |
| 23 | Second Reading/Public Hearing | Second Reading & Public Hearing of the 2016-2017 Budget |
| June | | |
| 13 | Final Reading | Third Reading & Adoption of the 2016-2017 Budget |

*Meeting may occur any day during this week