

Lancaster County Council Regular Meeting Agenda

Monday, May 23, 2016

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

1. **Call Regular Meeting to Order – Chairman Bob Bundy** 6:30 p.m.
2. **Welcome and Recognition – Chairman Bob Bundy**
3. **Pledge of Allegiance and Invocation – Council Member Charlene McGriff**
4. **Approval of the agenda** *[deletions and additions of non-substantive matter]*
5. **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]*
6. **Non-Consent Agenda**
 - a. **Resolution 0917-R2016** – A Resolution to approve the late filing by William Heyward Adams, III, for 2015 Special Assessment as agricultural real property. **(Favorable - Administration Committee) John Weaver – pgs. 5-9**
 - b. **Resolution 0919-R2016** – A Resolution approving the acquisition of land for the siting of Public Safety Communications Radio Towers. **Steve Willis and Chris Nunnery – pgs. 10-12**
 - c. **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. **John Weaver – pgs. 13-27**

d. 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. *Passed 7-0 at the May 9, 2016 Council meeting. Steve Willis – pgs.28-30*

e. 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. *Passed 7-0 at the May 9, 2016 Council meeting. Steve Willis and Kimberly Hill – pgs. 31-44*

f. 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. *Passed 7-0 at the May 9, 2016 Council meeting. Kimberly Hill – pgs.45-47*

g. 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. *Steve Willis and Steve Yeargin – pgs. 48-52*

h. 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. **(Favorable – Administration Committee)** *Steve Willis and Hal Hiott – pgs. 53-61*

i. 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. **(Favorable – Administration Committee)** *Steve Willis – pgs. 62-68*

j. **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. (**Favorable – Administration Committee**) *John Weaver and Bryant Cook – pgs. 69-88*

7. **Discussion and Action Items**

- a. Monthly budget report. *Kimberly Hill – pgs. 89-103*
- b. Proposed Resolution 0918-R2016 – A Resolution accepting a bridge into the Lancaster County road system (Gilroy Drive – Regent Park). *Councilman Brian Carnes – pgs. 104-107*
- c. Fancy Pokket mortgage. *John Weaver – pgs. 108-115*
- d. Local Hospitality Tax. (*Favorable – Administration Committee*) *Steve Willis – pgs. 116-123*
- e. Designation of Lancaster County MS4 area. *Steve Willis and Jeff Catoe – pgs. 124-128*
- f. Local Emergency Management Planning Grant (LEMPG). (*Favorable- Public Safety Committee*) *Darren Player – pgs. 129-131*
- g. Information on the use of Foxhole Landfill /Mecklenburg County. *Steve Willis & Jeff Catoe – pg. 132*
- h. Board and Commission appointments. *Debbie Hardin – pgs. 133-134*
 - *Fire Commission*
 - *Joint Parks and Recreation Commission*

8. **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

9. **Miscellaneous Reports and Correspondence – pg. 135**

- a. Time Warner Cable

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

11. Executive Session

- a. Discussions incident to a proposed contractual matter (Indian Land EMS/Recreation site) - SC §30-4-70(2)

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

12. Calendar of Events – pg. 136

13. Adjournment

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

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Agenda Item Summary

Ordinance # / Resolution#: 0917-R2016

Contact Person / Sponsor: John Weaver

Department: County Attorney

Date Requested to be on Agenda: Administration Committee - May 12, 2016
County Council - May 23, 2016

Issue for Consideration: Whether or not it is appropriate to approve the late filing of William Heyward Adams, III's late filing for AG use of the various parcels that he inherited in 2014.

Points to Consider: Prior to 2015, the parcels that Mr. Adams inherited in 2014 were taxed as agricultural use. The tax statements that he received in 2015 changed the tax rate on the parcels because Mr. Adams did not file his application in a timely fashion.

Funding and Liability Factors:

Council Options: Approve or reject Mr. Adams request that the time for filing his application be extended by County Council.

Recommendation:

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

RESOLUTION NO.: 0917-R2016

A RESOLUTION

TO APPROVE THE LATE FILING BY WILLIAM HEYWARD ADAMS, III, FOR 2015 SPECIAL ASSESSMENT AS AGRICUTURAL REAL PROPERTY

WHEREAS, SC Code §12-43-220 (d)(3) of the state statutory law permits the governing body to extend the time for filing for a special assessment as Agricultural Real Property; and

WHEREAS, William Heyward Adams, III did file late for the 2015 for the reasons noted in his counsel's letter, said letter being attached hereto and incorporated herein by reference; and

WHEREAS, Council hereby finds the explanation to be plausible under the circumstances.

NOW, THEREFORE, BE IT RESOLVED that the 2015 Application of William Heyward Adams, III shall be accepted by the appropriate county officials and that the parcel noted on the application shall be assessed as Agricultural Real Property.

AND IT IS SO RESOLVED

Dated this _____ day of _____, 2016

LANCASTER COUNTY, SOUTH CAROLINA

LANCASTER COUNTY, SOUTH CAROLINA

[SEAL]

Bob Bundy, Chair, County Council

Steve Harper, Secretary, County Council

Attest:

Debbie C. Hardin, Clerk to Council

RICK S. CHANDLER, JR.

ATTORNEY AT LAW

P.O. Box 38

LANCASTER, SOUTH CAROLINA 29721

TELEPHONE (803) 283-4131

FAX (803) 283-4132

Lancaster County Council

Attn: Steve Willis – Administrator for Lancaster County
John Weaver – Attorney for Lancaster County

RE: Agricultural Application for William Heyward Adams, III for the Taxable year 2015

Dear Lancaster County Council,

On or about April 6, 2016, I wrote the Lancaster County Administrator a letter requesting that the “governing body” consider approving the 2015 Agricultural Application for my client William Heyward Adams. I would like in this letter to provide additional information and more detail factual data and rationalization to justify my client’s request.

Factual History

1. Mr. William Heyward Adams, III inherited the property by virtue of the untimely and unexpected death of his father, William Heyward Adams, Jr., who died at the age of 59.
2. At the time Mr. William Heyward Adams III inherited the property he was living in Charleston, South Carolina.
3. By virtue of the death of his father, Mr. William Heyward Adams, III as sole heir at law inherited, his house in Forest Hills, the farm located in the Elgin Community and numerous rental properties.
4. Unfortunately for William Heyward Adams III, his father conducted the rental business from his head with no paperwork and/or bookkeeping as a backup to the rental business.
5. There were no written records reflecting tenants’ deposit, rental payments history of tenants and/or outstanding invoices and receipts. Also the City of Lancaster had filed several liens on the rental property, alleging the properties were in violation of City ordinances.
6. Many of the rental properties were dilapidated, unsafe and in need of emergency repairs.
7. The Estate of William Heyward Adams, Jr., was mired in alleged Creditor’s Claims, bills and mortgage encumbrances.
8. Mr. William Heyward Adams, III, at the age of 27 with no experience in the rental business was overwhelmed.
9. Mr. William Heyward Adams, III, retained my services to assist him with his father’s estate in what were his words to me “.....I have inherited a nightmare.....”
10. Mr. William Heyward Adams, III, sold the family home in Forest Hills and several rental properties to resolve the Creditor Claims, unpaid bills and mortgage encumbrances.
11. It took me, fourteen (14) hours, gleaming through the records of the Tax Assessor’s Office with the valued assistance of employees of the Assessor’s office just to determine what properties Mr. William Heyward Adams, Jr. owned at the time of his death.

12. Excluding the properties Mr. William Heyward Adams, III, was required to sell to resolve the Creditor's claim, unpaid bills and mortgage encumbrances and excluding the farm in the Elgin Community, Mr. Adams inherited fifty-eight (58) rental properties.
13. In July, 2014, I prepared a Deed of Distribution transferring the properties from the Estate of William Heyward Adams, Jr. to William Heyward Adams, III. The Deed of Distribution was recorded July 30, 2014.
14. The Elgin properties have been assessed as 'Agricultural Properties' from the dates the father of William Heyward Adams III had purchased them in the years 1994, 2000 and 2001.
15. Mr. William Heyward Adams III received 2014 tax bill for the agricultural rate in October for the taxable year 2014.
16. Mr. William Heyward Adams III paid the 2014 tax bills and assumed (mistakenly) that (1) since the agricultural use of the properties had not changed and (2) since he had inherited the properties and not purchased the properties in a bona fide sell, that the agricultural rate was transferred into his name.
17. Mr. William Heyward Adams III visited the County Assessor in March 2016 whereby he was told that since he had not signed up for agricultural use, the Elgin properties has reverted to normal tax use and the tax bills for the Elgin properties totaled \$6,917.29.
18. The Tax Assessor was most courteous to Mr. William Heyward Adams III, and Mr. Brad Carnes advised him of Statute 12-43-220 and his possible remedies for his mistaken assumptions.
19. The Elgin properties have at all times including the year 2015 met the statutory definition of agricultural use.
20. The Elgin properties are used as farming, timber, vegetable and fruit crops. Also since Mr. William Heyward Adams, III inherited the properties in 2014, he has devoted a sizable portion of the acreage for the breeding and stabling of horses including providing horseback riding lessons.
21. The Assessor's Office has stated to me that they concur that the Elgin properties are agricultural use properties as defined by South Carolina Law.
22. That the Lancaster County Auditor interpreted SC Statute 12-43-220 (d)(3) to mean that only Lancaster County Council and not the Lancaster County Administrator can approve any extension of time for failure to timely file for agricultural use.

Rationalization for Mistake

Mr. William Heyward Adams, III, missed the deadline for filing his application for agricultural use; however for the above-stated reasons and the below rationale I believe his failure to file were a reasonable mistake.

I have been practicing real estate law in Lancaster County for 36 years. In a typical real estate closing transaction between a seller and a buyer involving agricultural property I advise my client (the buyer) two (2) critical issues the buyer needs to be aware of to wit;

1. That if the buyer changes the "use" for the property, there will be a roll-back tax bill for the year the use changes and for five (5) previous years. The Roll Back Tax Bill will be for the normal tax rate of the property in lieu of the agricultural tax rate.
2. That within twenty (20) days of the real estate closing transaction, that it is imperative that the buyer go the Assessor's office and resign up the property for agricultural use.

The situation for Mr. William Heyward Adams, III, was totally different. There was no real estate closing transaction. There was no buyer and no seller. There was no closing attorney to advise the prospective buyer of the requirements of South Carolina Law as to the agricultural use. Mr. Adams inherited the property as sole heir of his father, the Deed of Distribution simply transferred the property from the Estate of William Heyward Adams, Jr., to his legal heir, William Heyward Adams, III. He assumed that since the property was transferred to him as heir at law and not as a buyer that the agricultural use of the property would remain the same. This unfortunately is not what South Carolina State Law states.

Statutory Authority

Section 12-43-22(d)(3) of the Code of Laws for South Carolina, 1976 , as amended reads in part ".....the governing body may extend the time for filing upon a showing satisfactory to it that the person had reasonable cause for not filing on or before the first penalty date....."

Unfortunately, this section does not define the term "governing body". Is the governing body the County Council?; Or the Administrator of the County?; Or Administrated Board selected by the County Council? The statute is silent on this issue. I believe that it was the "intent" of the South Carolina Legislature to allow each individual County to determine, pursuant to this statute, what constitutes "the governing body". If it was intent of the South Carolina Legislature that only County Councils can extend the time for not filing, why did the statute not read....

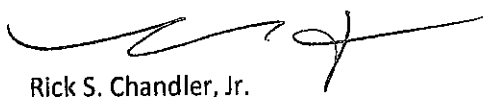
"County Council may extend the time" instead of "the governing body may extend the time"

Finally it is clear from Section 12-43-22(d)(3) that the South Carolina Legislature envisioned that there would be circumstances whereby residents of our state would mistakenly fail to timely file for agricultural use. That this mistake would not be intentional. Accordingly, that why this statute was written and adopted by our Legislature.

For all of the above reasons, facts, summaries and rationales I believe that Mr. William Heyward Adams, III, failure to timely file for agricultural use for the year 2015 was an innocent mistake. That it can be readily assumed that a person who inherited the property, instead of purchasing the property would reasonable assume that the agricultural use would remain the same.

Thank you for your kind consideration on this matter. I will be present with my client to provide any additional information you made desire.

Sincerely,



Rick S. Chandler, Jr.

Agenda Item Summary

Ordinance # / Resolution#:	Resolution 0919-R2016
Contact Person / Sponsor:	Chris Nunnery/ Steve Willis
Department:	Public Safety Communications/ Admin
Date Requested to be on Agenda:	May 23, 2016

Issue for Consideration:

Acquisition of land for Public Safety Communications radio towers.

Points to Consider:

This is being funded through the Capital Project Sales Tax. The project is also in conjunction with the South Carolina Palmetto 800 radio system.

Negotiations are being handled through Public Safety Communications. Due to operational constraints towers must be sited within a small geographic area. We have not sought sealed bids from landowners over a large area.

Funding and Liability Factors:

This will be funded through the Capital Project Sales Tax.

Council Options:

While Council may approve or disprove the Resolution we must have the towers for the radio system to function effectively.

Staff Recommendation:

Approve the Resolution.

Committee Recommendation:

This was not considered by a Committee as both Council and the voters have approved the project through the Capital Project Sales Tax.

STATE OF SOUTH CAROLINA

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COUNTY OF LANCASTER

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RESOLUTION NO. 0919-R2016

A RESOLUTION

APPROVING THE ACQUISITION OF LAND FOR THE SITING OF PUBLIC SAFETY COMMUNICATIONS RADIO TOWERS.

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

Section 1. **Approval for Land Acquisition for Public Safety Radio Towers.**

Pursuant to plans funded through the Capital Project Sales Tax several public safety radio towers will be constructed in Lancaster County in partnership with the South Carolina Palmetto 800 radio system. Land for these towers will be acquired by Lancaster County. County Council hereby approves of this acquisition pursuant to County Code section 2-296.

Section 2. **Duckwood Site.**

The Duckwood Site is located at the intersection of SC 903 and Duckwood Road; tax map number 0119-00-001.01. This 12.74 acre site is being donated by Haile Gold Mine. The requirement for a formal land appraisal and environmental Phase 1 report is hereby waived. Plans for co-located antennas on this tower include antennas for Haile Gold Mine public safety forces and Verizon cellular phones (utilized by numerous local public safety agencies).

Section 3. ***Further acts.***

The Council Chair, Council Secretary, Clerk to Council, County Administrator, County Attorney, Public Safety Communications Director and all other appropriate officials of the County are each authorized and directed to do any and all things necessary to effect the acquisition of the parcel.

Section 4. **Effective date.**

This Resolution is effective upon its adoption.

And it is so resolved, this 23rd day of May, 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, May 16, 2016 5:52 PM
To: Debbie Hardin; John Weaver
Cc: Seezen, Michael; Heizer, Frannie; Brooks, Linda
Subject: Walnut Creek - Resolution
Attachments: COLUMBIA-#1268854-v2-Resolution_Ordering_Public_Hearing_(Walnut_Creek_Phase_II_Amendments)_-_May_2016.DOC; COLUMBIA-#1230593-v8-Edenmoor_Improvement_Plan.DOCX

Debbie/John,

Attached please find a draft of the resolution I emailed you about this morning. Also attached is the Amended Improvement Plan which is referenced in the resolution.

Regarding John's message this morning, I wasn't sure if the 'explanation' of why this matter was coming back to Council needed to be in the resolution itself, so I included a paragraph at the end of Section 1. In essence, state law requires the ordinance establishing the improvement district to be adopted within 120 days after the initial public hearing. The original public hearing was on January 26. The Saybrook folks are still trying to finalize their plans, related to the amount and timing of the issuance of bonds. Since I'd rather them get squared away before County Council is asked to finalize the amendments to the assessment docs, I'm recommending that third reading of the ordinance be held and the process start over again (e.g., adoption of resolution; public hearing at June 27 meeting; publication of resolution three times, etc.). We'll take care of publication of the resolution, assuming it is adopted next Monday.

Thanks!

Michael



Michael J. Seezen

Shareholder

mseezen@mcnair.net | 803 753 3257 Direct

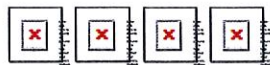
McNair Law Firm, P.A.

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STATE OF SOUTH CAROLINA

COUNTY OF LANCASTER

RESOLUTION NO. 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.

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 June 27, 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 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 the following Improvements:

- (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 County park, a fire station 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 June 27, 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., June 27, 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 June 27, 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 23rd day of May, 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, a combined Sheriff and 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.

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

ORDINANCE NO. 2016-1394

AN ORDINANCE

TO AMEND CHAPTER 23, ARTICLE II, SECTIONS 23-21 THROUGH 23-23 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.

WHEREAS, County Council previously considered the issue of excessive noise within the boundaries of the unincorporated sections of Lancaster; and

WHEREAS, so as to define with specificity the rules and regulations regarding excessive noise, Council did pass Ordinance No. 692 (October 3, 2005) and Ordinance No. 846 (September 10, 2007); and

WHEREAS, upon consultation with the Lancaster County Sheriff and upon recommendation of the County Administrator, Lancaster County Council has determined that a revision to the County's noise ordinance is appropriate.

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:

A. Chapter 23, Article II, Sections 23-21 through 23-23 of the Lancaster County Code of Ordinances are deleted in their entirety.

B. Substituted and replaced therefore is the following:

Section 23-21. Definition

Excessive Noise is any loud unnecessary noise which disturbs the peace and quiet of any unincorporated area of the County of Lancaster or which causes disturbance, discomfort, or annoyance to any reasonable person of normal sensitivities in any unincorporated area of the County of Lancaster or which endangers or injures the safety or health of any person or domestic animal in any unincorporated area of the County of Lancaster. This shall include but not be limited to noise made by human voice or mechanical, electric, or electronic machine or device. In determining whether a noise complained of constitutes excessive noise, the finder of fact shall consider all relevant factors including but not limited to the following:

- (a) The intensity and level of the noise;
- (b) The nature of the noise including whether it was usual or unusual and whether it was produced naturally or unnaturally;
- (c) The duration of the noise;
- (d) The date and time of day or night the noise occurred;
- (e) The general characteristics of the area where the noise was produced;
- (f) The general characteristics of the area where the noise was heard;
- (g) The distance between the source of the noise and the hearer of the noise;
- (h) The reasonable expectation of quiet of persons where the noise was heard;
- (i) Any prior complaints concerning the noise or its source or the person producing the noise.

Section 23-22. Prohibited Acts.

It shall be unlawful for any person to make or continue or cause to be made or continued any excessive noise in any unincorporated area of the County of Lancaster.

Section 23-23. Exceptions.

This article shall not apply to:

- (a) Noise emanating from a lawfully established business or industry on a fixed site in any unincorporated area of the County of Lancaster except a business licensed for on premise consumption of alcoholic beverages, which business shall be subject to this Article.
- (b) Noise emanating from governmental activities, airports and aircraft, railways, emergency signal devices, parades, carnivals, school band practice and performances, school or government sponsored events, or similar activities.
- (c) Noise caused by emergency operations for the immediate safety, health, and welfare of the unincorporated areas of the County of Lancaster and its inhabitants or to restore property to a safe condition following a calamity.

- (d) Noise emanating from construction activities, agriculture activities, tree harvesting or land clearing activities, lawn care activities, or similar activities between the hours of 6:00 a.m. and 10:00 p.m.

Section 23-24. Evidence, Enforcement and Penalties.

- (a) The provisions of this Article shall be enforced by the Lancaster County Sheriff's Office.
- (b) The complaints of 3 or more persons, or of 1 or more persons, when combined with the complaint of a law enforcement officer, is prima facie evidence that excessive noise regulated by this Article has been produced.
- (c) A person violating this Article shall be guilty of a misdemeanor and shall be punished by a fine and/or imprisonment as provided by Section 1-10 of the Lancaster County Code of Ordinances for a first and a second offense. For a third or subsequent offense a person violating this article shall be punished by a minimum fine of \$250.00 and/or imprisonment as provided by Section 1-10 of the Lancaster County Code of Ordinances. Each occurrence shall constitute a separate offense.

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 C. Hardin, Clerk to Council

First Reading:	April 25, 2016	Passed 7-0
Second Reading:	May 9, 2016	Passed 7-0
Third Reading:	May 23, 2016	Tentative

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
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
Capital Improvement Fund	4.6
County Debt	5.3
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
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The millage imposed pursuant to this subsection is imposed to address funding needs arising from the recent courthouse fire and solicitor's office fire, both of which Council determines are catastrophic events within the scope of Section 6-1-320(B), and to comply with the Order of the South Carolina Supreme Court dated September 12, 2008 requiring the County to provide security for all County buildings housing court operations and records.

Section 4. Fee Schedule.

For FY 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	Tentative
3 rd reading:	June 27, 2016	Tentative
Public Hearing:	June 13, 2016	Tentative

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COUNTY OF LANCASTER, SC - SCHEDULE OF TAXES, FEES AND CHARGES**FISCAL YEAR: 2016-2017****ATTACHMENT TO ORDINANCE NO:****2016-1398****1.00 ANIMAL CONTROL FEES****1.01 Medical Services Rendered**

Canine Heartworm Test	\$9.75
Bordetella Vaccine (Kennel Cough)	\$3.25
DHPP Vaccine	\$3.00
Panacur (includes 3 days)	\$1.50
Pyrantel (per dose)	\$0.50
Parvo Test	\$15.00
FIV/FelV/HW Feline Test	\$20.00
FVRCP Vaccine (4-way for Felines)	\$3.25

1.02 Redemption Fees

1st Offense (must also pay applicable daily shelter fee)	\$25.00
2nd Offense (must also pay applicable daily shelter fee)	\$50.00
3rd Offense (must also pay applicable daily shelter fee)	\$100.00
4th/ Subsequent Offenses (must also pay applicable daily shelter fee)	\$200.00

1.03 Shelter Fees

Daily shelter fee	\$5.00
Euthanization fee	\$10.00
Quarantine fee (must also pay applicable daily shelter fee)	\$25.00

2.00 ASSESSOR FEES

Line maps	\$5.00
Overlay maps	\$10.00

3.00 AUDITOR FEES

Temporary tag fee (does not include state charges)	Per tag	\$5.00
<u>Copies</u>	<u>Per Copy</u>	<u>\$0.25</u>

4.00 BUILDING DEPARTMENT FEES**Fees established by Section will be doubled if work starts prior to obtaining required permits.****4.01 Building Permits**

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

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

FISCAL YEAR: 2016-2017

ATTACHMENT TO ORDINANCE NO:

2016-1398

3rd/ Subsequent Re-inspections (<i>reinspection fee increases \$250.00 per additional inspection after 3rd</i>)	\$250.00
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4.02 Electrical Permit Fees (Schedule of fees for individual permits for particular jobs)

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

4.03 Gas Permit Fees

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

4.04 Mechanical Permit Fees

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

4.05 Mobile Home Permit Fees

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

4.06 Plumbing Permit Fees

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

FISCAL YEAR: 2016-2017

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Water Heater Changeout		\$10.00
Minimum Permit Fee		\$15.00
Valuation From/To	Fee Amount	
\$0	\$1,000	\$15.00
\$1,001	\$5,000	\$25.00
\$5,001	Or More	\$25.00 for the first \$5,000.00, plus \$3.00 for each additional thousand or fraction thereof
1st Re-inspection		\$50.00
2nd Re-inspection		\$100.00
3rd/ Subsequent Re-inspections (<i>reinspection fee increases \$250.00 per additional inspection after 3rd</i>)		\$250.00

4.07 Swimming Pool Permit Fees

Valuation From/To	Fee Amount
\$0	Or More
Three fourths of one percent (0.0075) of estimated value. Valuation shall be determined by the National Building Valuation Data and Modifiers dated April 15, 1994 and thereafter by the updated revisions.	

4.08 Building Department Miscellaneous Fees

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

5.00 CLERK OF COURT FEES

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

6.00 CORONER FEES

6.01 Cremation Fees

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

Cremation Permits	\$10.00
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\$25.00

6.03 Report Fees * Note: Fees will not apply to reports marked "NOT FOR LEGAL USE" provided to surviving family members.

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

FISCAL YEAR: 2016-2017

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

7.00 EMERGENCY MANAGEMENT/ FIRE SERVICE FEES

7.01 Fire Marshal/Fire Service Fees

1st Additional Inspection	\$50.00
2nd Additional Inspection	\$100.00
3rd Additional Inspection	\$250.00
Inspection fee increase per inspection following 3rd inspection	\$250.00
Response to false alarms in excess of 3 in any calendar year	per instance \$100.00

7.02 Hazardous Materials Fees

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

7.03 Special Tax District Uniform Service Charge

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

ALS Emerg Treat/No Transport	\$150.00	\$175.00
ALS Unit, Urgent, No ALS Tx	\$600.00	
ALS Emerg Treat - Helicopter at ER	\$150.00	
Medical Records	\$15.00	
Mileage, ground	\$10.00	
Standby Service (per employee)	Per hour \$25.00	\$30.00
Response to false alarms in excess of 3 in any calendar year	per instance \$100.00	
ALS with Treatment and Emergency Transport	Base Fee \$650.00	\$700.00
BLS A0429	Base Fee \$600.00	
ALS 2 A0433	Base Fee \$750.00	\$800.00

9.00 FARMERS MARKET FEES

Rental Fee		
Vendor Fee	One Time	\$20.00
Booth rental	Per day	\$2.00

10.00 FINANCE DEPARTMENT FEES

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

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

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

FISCAL YEAR: 2016-2017

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

11.02 Color Plotter Maps	
Letter	\$5.00
Legal	\$10.00
18 by 24	\$20.00
24 by 36	\$25.00
36 by 44	\$30.00
Poster up to 60	\$40.00

11.03 Digital Data Fees	
2011 aerial photo (entire county)	\$1,500.00
CAMA data in text format	\$500.00
Parcel layer with attributes (entire county)	\$1,000.00
Parcel layer without attributes (entire county)	\$500.00
Street centerline layer	\$250.00
Other digital data	Per hour \$30.00

12.00 LIBRARY FEES

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

\$0.25

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

\$0.15

13.00 911 FEES

Enhanced 911 Emergency Service System	
Uniform service charge	Per line \$1.00

14.00 PLANNING FEES

14.01 Ordinance Fees	
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14.02 Development Fees	
Development Agreements	
Per acre of highland proposed	\$25.00 not to exceed \$20,000
Planned Development Districts *in addition to Development Agreement Fee	
Rezoning	\$2,000.00
Amendment- PDD	\$2,000.00

14.03 Development Review Application Fee	
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COUNTY OF LANCASTER, SC - SCHEDULE OF TAXES, FEES AND CHARGES

FISCAL YEAR: 2016-2017

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Review application	Per review	\$75.00
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14.04 Subdivision Fees

Preliminary plat - 1 to 10 lots	Per lot	\$25.00
Preliminary plat 11 or more lots	per lot	\$300 plus \$10 for each lot
Final plat	Per plat	\$100 plus \$10 for each lot or building permit
<u>Amendment of a final plat</u>		<u>\$100.00</u>
Construction Document Fee	Per lot	\$300 plus \$10 for each lot
<u>Amendment of Construction Document Fee</u>		<u>\$300.00</u>
Subdivision variance	Per instance	\$200.00

14.05 Zoning Fees

Appeal from action of zoning official	\$300.00
Use permitted on review	\$150.00
Variance	\$200.00
Rezoning application- single parcel	\$250.00
Rezoning application- multi parcel	\$500.00
2nd rezoning fee (within 1 month)	\$250.00
Text amendment Fee	\$250.00
Cluster Subdivision Overlay	\$250.00
Cluster Subdivision Overlay w/multi parcel	\$500.00
<u>Rehearing of a Board of Zoning Appeals Action</u>	<u>\$200.00</u>

14.06 Miscellaneous Fees

Item	Unit	Amount
Comprehensive plan - picked up	Each	\$25.00
Comprehensive plan - mailed	Each	\$30.00
Corridor Study plan - picked up	Each	100
Road name change	Per road	\$250.00
Telecommunication Towers Review	Each	\$200 plus 1% of cost of tower
Zoning map (2 parts; northern & southern) - picked up	Per part	\$25.00
Zoning map (2 parts; northern & southern) - mailed	Per part	\$30.00

15.00 PROBATE COURT FEES

15.01 Cost of Court: Estate Fees - Regular Estate

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

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

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

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

FISCAL YEAR: 2016-2017

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Property valuation of \$5,000 but less than \$10,000 \$20,000	\$45.00
Property valuation of \$20,000 but less than \$25,000	\$67.50

15.03 Miscellaneous Fees

Legal advertisement - cost of advertisement is in addition to prescribed court costs and are due and payable prior		
CD copy of hearing		\$10.00
Search fee		\$7.00
<u>Plain Copy</u>	<u>Per Page</u>	\$0.25
<u>Replacement Forms</u>	<u>Per Page</u>	\$0.50
<u>Faxing Documents</u>		\$5.00

15.04 Probate Court Fees

Appointment of Special Administrator or temporary fiduciary		\$22.50
<u>Special Certificates</u>		\$10.00
Certified marriage certificates		\$5.00
Certifying appeal record		\$10.00
<u>Certified copy of Information to Heirs and Devisee Form</u>		\$0.50 each
<u>Additional Certificates of Appointment</u>		\$0.50 each
Filing - any summons, complaint, or petition		\$150.00
Filing conservatorship accounting		\$10.00
Filing demand for notice		\$5.00
Filing of will only		\$10.00
Issuing certified copies	<u>Per Document</u>	\$5.00
Issuing exemplified/ authenticated copies		\$20.00
Recording authenticated or certified copies.		\$20.00
Reforming or correcting marriage record		\$6.75
Reopening closed estates		\$22.50

15.05 Weddings

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

16.00 PUBLIC WORKS FEES

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

17.00 REGISTER OF DEEDS FEES

Affidavit of partnership	\$10.00 for first 4 pages and \$1.00 per additional page
Assignment of lease	\$10.00 for first 4 pages and \$1.00 per additional page
Assignment of leases, rents, and profits	\$10.00 per reference and \$1.00 per additional page
Assignment of mortgage	\$6.00 for first page and \$1.00 per additional page
Assumption of agreement	\$10.00 for first 4 pages and \$1.00 per additional page
Bond to release mechanic's lien	\$10.00 for first 4 pages and \$1.00 per additional page
Cancellation of contract of sale	\$10.00 for first 4 pages and \$1.00 per additional page
Cancellation of lease	\$10.00 for first 4 pages and \$1.00 per additional page
Certified copy charge	\$5.00

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

FISCAL YEAR: 2016-2017

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Charter	\$10.00 for first 4 pages and \$1.00 per additional page
Contract for sale	\$10.00 for first 4 pages and \$1.00 per additional page
Deed/ mortgages recording fee	\$10.00 for first 4 pages and \$1.00 per additional page
Document stamp charge	\$3.70 per thousand
Duplication machine reproduction certification fee	\$5.00
Easement	\$10.00 for first 4 pages and \$1.00 per additional page
Federal tax liens	\$10.00
Lease	\$10.00 for first 4 pages and \$1.00 per additional page
Mechanic's lien	\$10.00 for first 4 pages and \$1.00 per additional page
Mortgage modification	\$6.00 per reference and \$1.00 per additional page
Notice of lien	\$10.00 for first 4 pages and \$1.00 per additional page
Partial release of mortgage	\$6.00 per reference and \$1.00 per additional page
Partnership agreement/ dissolution	\$10.00 for first 4 pages and \$1.00 per additional page
Passport Fee	\$25.00
Plats	Large - \$20.00 / medium - \$10.00 / small - \$5.00
Power of attorney	\$15.00 for first 4 pages and \$1.00 per additional page
Project commencement notice	\$15.00
Real property agreement	\$10.00 for first 4 pages and \$1.00 per additional page
Revocation of power of attorney	\$10.00 for first 4 pages and \$1.00 per additional page
Satisfaction of assignment of leases, rents, and profits	\$5.00
Satisfaction of mortgage	\$5.00
SC tax liens	\$10.00
Subordination of mortgage	\$6.00 per reference and \$1.00 per additional page
Trust Indenture	\$10.00 for first 4 pages and \$1.00 per additional page
UCC1 or UCC3	\$8.00 first 2 pages & \$1 per additional page; each additional debtor - more than 2 debtors \$2.00
Waiver	\$10.00 for first 4 pages and \$1.00 per additional page

18.00 ROAD FEES

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

19.00 SHERIFFS FEES

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

\$39.46

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

COUNTY OF LANCASTER, SC - SCHEDULE OF TAXES, FEES AND CHARGES**FISCAL YEAR: 2016-2017****ATTACHMENT TO ORDINANCE NO:****2016-1398****20.00 TAX COLLECTION FEES**

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

Convenience fee for SCDMV stickers	\$1.00
<u>Duplicate Receipts</u>	<u>\$0.25</u>

22.00 ZONING FEES**22.01 Plan Review Fees - non-residential excluding multi-family**

Up to 12,000 square feet	\$100.00
12,001 square feet to 25,000 square feet	\$200.00
Exceeding 25,001 square feet	\$300.00

22.02 Mobile Home Fees

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

22.03 Miscellaneous Fees

Item	Unit	Amount
Administrative fee - failure to abate property violations	Per Instance	\$50.00 or 15%
Alarm system registration	Per alarm system	\$10.00
Demolition fee - any building or structure	Per Instance	\$50.00
Septic license- South Carolina	Per Instance	\$10.00
Septic license- North Carolina	Per Instance	\$100.00
Zoning fee	Per Instance	\$35.00
<u>Moving fee - any building or structure</u>	<u>Per Instance</u>	<u>\$50.00</u>
<u>Sign Permit - Commercial</u>	<u>Per Company</u>	<u>\$100.00</u>
<u>Sign Permit - Political</u>	<u>Per Candidate</u>	<u>\$35.00</u>
<u>Sign Permit - Real Estate</u>	<u>Per Company</u>	<u>\$35.00</u>
<u>Sign Permit - Regular</u>	<u>Per Sign</u>	<u>\$35.00</u>

\$90.00**22.04 Permit**

Floodplain Development- commercial & subdivisions	\$100.00
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23.00 OTHER COUNTY FEES AND CHARGES**23.01 Historic Courthouse Rental**

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

23.02 Miscellaneous County Fees

Item	Unit	Amount
Airport hangar rental	Per Month	\$100.00
Bad Check fee	Per Instance	\$30.00
Cable television franchise fee	Per Year	5%

COUNTY OF LANCASTER, SC - SCHEDULE OF TAXES, FEES AND CHARGES**FISCAL YEAR: 2016-2017****ATTACHMENT TO ORDINANCE NO:****2016-1398**

Duplication machine reproduction fee - general	Per Page	\$0.25
Duplication machine reproduction fee - general (color)	Per Page	\$1.75
Audio Recordings of Meetings	Per Copy	\$5.00
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STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

ORDINANCE NO. 2016-1399

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.

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

Section 1. Article 6 Sections 6.101 and 6.102 of the Financial Policies and Procedures, dated December 13, 2010, and as approved in Ordinance No. 1075, as amended by Ordinance No. 1100, is amended to read:

Fund balance is a measurement of financial resources available. It is the policy of the County to maintain adequate levels of fund balance to mitigate current and future risks and to ensure stable tax rates. For this reason, it is the County's objective to:

(a) Maintain a general fund unassigned fund balance at a level of 28-32 percent of the general fund operating budget; and

(b) If the year-end unassigned fund balance is more than 32 percent of the general fund operating budget, then the Administrator will assess and recommend to council ways in which the excess will be allocated during the next annual operating and capital budget process. The surplus can only be allocated for one of the following purposes:

- (i) one-time capital expenditures which do not increase ongoing operational costs;
- (ii) Establishing or increasing reserves for special purposes;
- (iii) other one-time costs; and
- (iv) debt reduction.

(c) If the unassigned fund balance falls below 28 percent of the general fund operating budget, the Administrator will pursue and recommend to Council ways of increasing revenues or decreasing expenditures, or a combination of both until the threshold is attained within a time period not to exceed three years. At the inception of the implementation of this policy, such recommendations, and implementation of plans to increase the fund balance(s) of the County may be through the annual County budget ordinance(s), or through separate ordinances of the County.

(d) County council may authorize the expenditure of fund balance that would cause the unassigned fund balance to decrease to below 28 percent of regular general fund expenditures by a supermajority (five to two vote of Council). After such vote the Administrator will plan and

recommend to Council ways to replenish the balance to 28-32 percent. The threshold must be reached within a period not to exceed three years.

(e) Committed Fund balance, self imposed limitations, can only be established by County Council. Once resources are committed, the purpose can only be changed by action of Council. The action to commit the funds must take place before the end of the fiscal year, though the actual can be determined after the close of the fiscal year.

(f) The County's intended use of resources, Assigned Fund Balance, can be assigned by the County Administrator and Finance Director. The County Administrator must inform the Council of assigned resources during the fiscal year.

Section 2. The County Finance Director is authorized to prepare and publish an updated "Financial Policies and Procedures" document to reflect the change approved in this ordinance.

Section 3. 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 4. **Effective Date.**

This ordinance is effective upon Third Reading.

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

Ordinance No.2016-1399

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	Tentative
3 rd reading:	June 13, 2016	Tentative

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

Agenda Item Summary

Ordinance # / Resolution#:	Ordinance 2016-1400
Contact Person / Sponsor:	Steve Yeargin, CBO
Department:	Building Inspections
Date Requested to be on Agenda:	May 23, 2016

Issue for Consideration:

Adoption of new codes as mandated by the South Carolina Building Code Council. A copy of the notice is attached as information.

Points to Consider:

SC Code 6-9-60 governs the adoption of building codes by counties and municipalities.

We may only adopt the codes as indicated.

A public hearing is required as part of this process.

Funding and Liability Factors:

N/A

Council Options:

None on the mandatory codes; we must adopt them. Council has historically adopted the optional codes.

Staff Recommendation:

Adopt the codes as recommended by the South Carolina Building Codes Council.

Committee Recommendation:

This has not been to a committee as the adoption is mandated by state law.

STATE OF SOUTH CAROLINA

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ORDINANCE NO. 2016-1400

COUNTY OF LANCASTER

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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:
Second Reading:
Public Hearing:
Third Reading:

May 23, 2016
Tentative – June 13, 2016
Tentative – June 13, 2016
Tentative – June 27, 2016

NOTICE OF INTENTION TO ADOPT BUILDING CODES

Notice is hereby given that the South Carolina Building Codes Council intends to adopt the following building codes for use in the state of South Carolina.

Mandatory codes include the:

**2015 Edition of the International Building Code;
2015 Edition of the International Residential Code;
2015 Edition of the International Fire Code;
2015 Edition of the International Plumbing Code;
2015 Edition of the International Mechanical Code;
2015 Edition of the International Fuel Gas Code;
2014 Edition of the National Electrical Code.**

Permissive codes include the:

**2015 Edition of the International Property Maintenance Code;
2015 Edition of the Swimming Pool and Spa Code;
2015 Edition of the International Existing Building Code;
2015 Edition of the International Performance Code for Buildings and Facilities.**

Interested persons may submit written comments until March 1, 2015 to:

**Roger Lowe, Administrator
South Carolina Building Codes Council
PO Box 11329
Columbia, SC 29211-1329**

NOTICE TO BUILDING OFFICIALS

Section 6-9-40 (1) of the South Carolina Code of Laws, 1976 as Amended, requires this notice to be prominently displayed in the public area of the Building Inspection Department.

Agenda Item Summary

Ordinance # / Resolution#:	Ordinance 2016-1396
Contact Person / Sponsor:	Steve Willis/ Hal Hiott
Department:	Admin/ Parks and Recreation
Date Requested to be on Agenda:	Admin Committee – May May 23, 2016 – County Council

Issue for Consideration:

Transfer of property to the Town of Kershaw.

Points to Consider:

The property is located inside the town limits of the Town of Kershaw.

The property was acquired in 1991 using recreational grant funding. It was never developed as a park as the Mullinax site became available.

The Town of Kershaw desires to develop a passive park on the parcel.

The property should have been conveyed to the Town of Kershaw in 1991 per the County Code (24-24(a)(2)) but never was.

Staff recommends transferring the parcel to the Town of Kershaw in compliance with our code.

Funding and Liability Factors:

The land was acquired with grant funding as far as we can tell from records. They admittedly are not complete that far back.

Council Options:

To comply with the County Code the land should be transferred. Council always retains the right to amend the Code.

Staff Recommendation:

Transfer the parcel to the Town of Kershaw.

Committee Recommendation:

Transfer the parcel to the Town of Kershaw.

STATE OF SOUTH CAROLINA

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COUNTY OF LANCASTER

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ORDINANCE NO. 2016-1396

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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	Tentative
Public Hearing:	June 13, 2016	Tentative
Second Reading:	June 13, 2016	Tentative
Third Reading:	June 27, 2016	Tentative

Approved as to form:

County Attorney

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Name:	LANCASTER COUNTY	Land Value	\$39,600.00
Site:	S OF E MARION STREET	Improvement Value	\$0.00
Sale:	\$\$20,000 on 08-1991 Vacant= Qual=0	Accessory Value	\$0.00
Mail:	PO BOX 1809	Total Value	\$39,600.00
	LANCASTER, SC 29721-0000		



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Owner and Parcel Information

Owner Name	LANCASTER COUNTY	Today's Date	May 2, 2016
Mailing Address	PO BOX 1809	Parcel Number	0156J-0G-004.00 (Account#: 25620)
Location Address	LANCASTER, SC 29721-0000	Millage Group	Town of Kershaw (01K)
	S OF E MARION STREET	Plat Book/Page	B831 / 0000
		Lot # / Block #	/
Property Usage	Exempt (EX)	Land Size	10.02 AC
Homestead	No	Parcel Map	Show Parcel Map
Legal Description	EXCESS LAND		

Value Information

Year	Land Value	Building Value	Yard Item Value	Total Market Value	Aq Credit	Taxable Land Value	Total Taxable Value	Capped Taxable Value	Total Assessment
2015	\$ 39,600	\$ 0	\$ 0	\$ 39,600	\$ 0	\$ 39,600	\$ 39,600	* \$ 36,455	0
2014	\$ 39,600	\$ 0	\$ 0	\$ 39,600	\$ 0	\$ 39,600	\$ 39,600	* \$ 36,455	0
2013	\$ 39,600	\$ 0	\$ 0	\$ 39,600	\$ 0	\$ 39,600	\$ 39,600	* \$ 36,455	0
2012	\$ 39,600	\$ 0	\$ 0	\$ 39,600	\$ 0	\$ 39,600	\$ 39,600	* \$ 36,455	0
2011	\$ 39,600	\$ 0	\$ 0	\$ 39,600	\$ 0	\$ 39,600	\$ 39,600	* \$ 36,455	0

*This parcel is subject to the value cap

Land Information

Land Use	Land Code	Number Units	Unit Type	Land Type	Frontage	Depth	Notes
Exempt (EX)	6	10.02	AC	P			

Building Information

Style	Gross Sq Ft	Finished Sq Ft	Stories	Interior Walls	Exterior Walls	Year Built	Effective Year Built	Photo
NULL	0	0	00			0	0	NA
Foundation	Roof Type	Roof Coverage	Flooring Type	Heating Type	Bathrooms	Grade	Number Fire Pl	Sketch
00					0.0		0	NA

Miscellaneous Information

Building Type	Quantity	Units	Year Built
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No miscellaneous information available for this parcel.

Sales Information

OR Book/Page	Sale Date	Sale Price	Instrument	Qualification	Vacant/Improved	Grantor	Grantee
C010/0001	1991-08-30	\$ 20,000		TRUE SALE (0)	Vacant	LYNCHEs TIMBER CO INC	

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The Lancaster County Tax 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. All assessment information is subject to change before the next certified tax roll. Website Updated: May 1, 2016

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INST # 11007

TITLE TO REAL ESTATE
The R. L. Bryan Company, Columbia, S. C.

Form 34
(Revised 4-1-55)

State of South Carolina,
COUNTY OF LANCASTER.

BOOK C-10 PAGE 1



COUNTY DOCUMENT STAMPS COLLECTED

Know All Men by These Presents, That Lynches Timber Company, Inc.,
(hereinafter whether singular or plural the "Grantor")



FILED
OFFICE OF CLERK
OF COURT
JUN 30 1 28 PM '91
S.C.

in the State aforesaid, for and in consideration of the
sum of Twenty Thousand and no/100 (\$20,000.00) Dollars
to the Grantor paid by Lancaster County (hereinafter
whether singular or plural the "Grantee") has granted, bargained, sold and released, and by these presents does grant,
bargain, sell and release unto the said Grantee the following described property.

LANCASTER COUNTY, its successors and assigns, the following described property, to wit:

"ALL that certain piece, parcel or tract of land, containing 9.816 acres, lying, being and situate in the Town of Kershaw, Lancaster County, formerly Kershaw County, SC, and being more particularly bounded and described as follows: On the NORTH by S.C. Highway #157 (Marion St.), and property of Gaynell P. Clark, Leonard Lee Mickie, Curtis Taylor, and John A. Clark; On the EAST by property of Melinda L. Richardson; On the SOUTH by property of Howard Hagler and of Bobby Gregory; and, On the WEST by property of Ernest C. West. The above described property is more particularly shown and described on a Plat prepared for Lynches Timber Company by Kenneth A. Johnson, RLS, dated March 27, 1987, and recorded as Plat # 11231, in the Office of the Clerk of Court for Lancaster County. Reference to said Plat is made for a more accurate description."

The above described property is a portion of that conveyed to Lynches Timber Company, Inc., by Deed recorded in Deed Book D-6, at Page 1451, Deed Book E-6, at Page 1062, and Deed Book X-6, at Page 182, in the Office of the Clerk of Court for Lancaster County. Reference is made to Judgment Roll #91-CR-29-101.

LIMITATIONS: This property has been acquired with State financial assistance provided by the Recreation Land Trust Fund. This property may not be converted to other than public outdoor recreation uses (whether by transfer, sale, or in any other manner) without the express written approval of the South Carolina Department of Parks, Recreation and Tourism Commission. The SCFRT Commission shall approve such conversion only if it finds such conversion to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as it deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.

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BOOK C-10 165 3

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining.

TO HAVE AND TO HOLD all and singular the premises before mentioned unto the said Grantee,
Lancaster County, its successors and assigns,

~~Hereunto~~ forever.

And the Grantor does hereby bind itself, its successors and assigns, ~~not to~~ to warrant and forever defend all and singular the said premises unto the said Grantee and the Grantee's successors and assigns, against the Grantor and the Grantor's successors and against every person whomsoever lawfully claiming, or to claim, the same or any part thereof.

WITNESS the Hand and Seal of the Grantor this 30th day of August,
in the year of our Lord one thousand nine hundred and Ninety-one (1991),
and in the two hundredth and sixteenth (216th) year of the Sovereignty
and Independence of the United States of America.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

Jay A. Ainsworth
Notary Public

Lynches Timber Company, Inc.
Steve G. Williams, Sr. (SEAL)
By: Steve G. Williams, Sr.
Its: President (SEAL)

STATE OF SOUTH CAROLINA. }
LANCASTER COUNTY. }

PERSONALLY appeared before me the undersigned witness and made oath that s/he saw the within named Grantor sign, seal and, as the Grantor's act and deed, deliver the within-written Deed for the uses and purposes therein mentioned and that s/he, with the other witness whose signature appears above witnessed the execution thereof.

SWORN to before me this 30th

day of August, 1991.
Notary Public of S. C.

Jay A. Ainsworth
Witness

My Commission Expires: 10-09-95

Agenda Item Summary

Ordinance # / Resolution#:	Ordinance 2016-1397
Contact Person / Sponsor:	Steve Willis
Department:	Admin
Date Requested to be on Agenda:	March 2016 Administrative Committee April 11, 2016 County Council Meeting May 23, 2016 County Council Meeting

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. If this idea finds favor with Council during the discussion we will prepare an Ordinance for the following meeting. This will also require a public hearing at third reading.

Committee Recommendation:

Transfer the parcel to the Lancaster County School District.

STATE OF SOUTH CAROLINA

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ORDINANCE NO. 2016-1397

COUNTY OF LANCASTER

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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

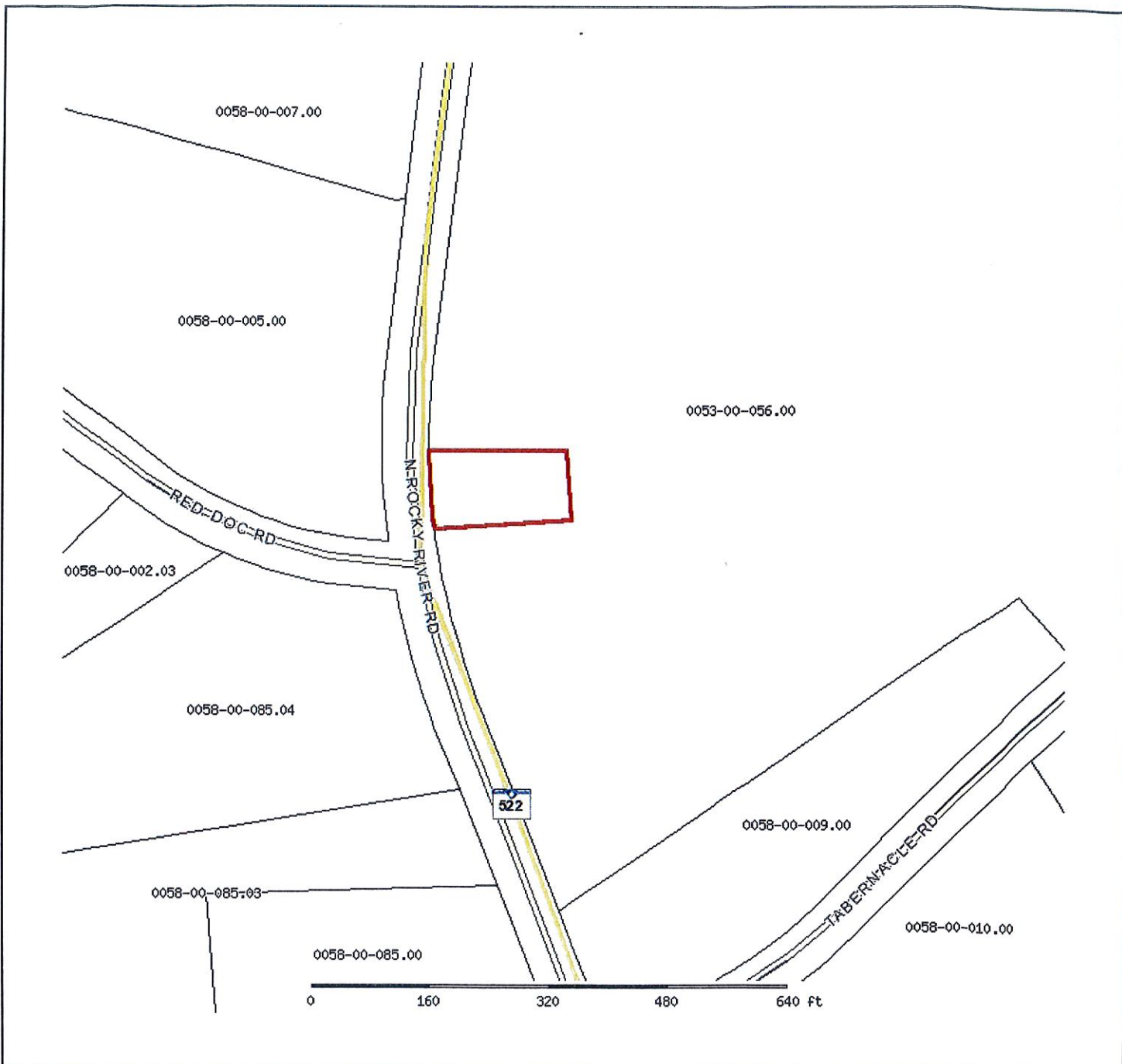
ATTEST:

Debbie C. Hardin, Clerk to Council

First Reading:	May 23, 2016	Tentative
Public Hearing:	June 13, 2016	Tentative
Second Reading:	June 13, 2016	Tentative
Third Reading:	June 27, 2016	Tentative

Approved as to form:

County Attorney



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 LANCASTER, SC 29721-0000	Total Value	\$6,300.00



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: 05/01/16 : 10:20:18

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Owner and Parcel Information

Owner Name	LANCASTER COUNTY	Today's Date	May 2, 2016
Mailing Address	PO BOX 1809	Parcel Number	0058-00-008.00 (Account#: 4981)
Location Address	LANCASTER, SC 29721-0000	Millage Group	County (01)
	HWY 522	Plat Book / Page	/ 0000
Property Usage	Exempt (EX)	Lot # / Block #	/
Homestead	No	Land Size	0.42 AC
Legal Description	OLD HEALTH DEPT. SITE	Parcel Map	Show Parcel Map

Value Information

Year	Land Value	Building Value	Yard Item Value	Total Market Value	Aq Credit	Taxable Land Value	Total Taxable Value	Capped Taxable Value	Total Assessment
2015	\$ 6,300	\$ 0	\$ 0	\$ 6,300	\$ 0	\$ 6,300	\$ 6,300	NA	0
2014	\$ 6,300	\$ 0	\$ 0	\$ 6,300	\$ 0	\$ 6,300	\$ 6,300	NA	0
2013	\$ 6,300	\$ 0	\$ 0	\$ 6,300	\$ 0	\$ 6,300	\$ 6,300	NA	0
2012	\$ 6,300	\$ 0	\$ 0	\$ 6,300	\$ 0	\$ 6,300	\$ 6,300	NA	0
2011	\$ 6,300	\$ 0	\$ 0	\$ 6,300	\$ 0	\$ 6,300	\$ 6,300	NA	0

Land Information

Land Use	Land Code	Number Units	Unit Type	Land Type	Frontage	Depth	Notes
Exempt (EX)	9	0.42	AC	P			

Building Information

Style	Gross Sq Ft	Finished Sq Ft	Stories	Interior Walls	Exterior Walls	Year Built	Effective Year Built	Photo
NULL	0	0	00			1938	1938	NA
Foundation	Roof Type	Roof Coverage	Flooring Type	Heating Type	Bathrooms	Grade	Number Fire Pl	Sketch
00					0.0		0	NA

Miscellaneous Information

Building Type	Quantity	Units	Year Built
No miscellaneous information available for this parcel.			

Sales Information

OR Book / Page	Sale Date	Sale Price	Instrument	Qualification	Vacant / Improved	Grantor	Grantee
/0000	1900-01-01	\$ 0		()	Vacant		

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0-4/2/15

STATE OF SOUTH CAROLINA,)

COUNTY OF LANCASTER.

TITLE TO REAL ESTATE-C-4

KNOW ALL MEN BY THESE PRESENTS, THAT

B. B. Lingle of Lancaster County

of the State aforesaid for and in consideration of the sum of

mutual conveyances and the sum of Three (\$3.00) DOLLARSto him in hand paid at and before the sealing of these presents by Lancaster County

of the State aforesaid the receipt whereof is hereby acknowledged, have granted, bargained, sold and released, and by these Presents do grant, bargain, sell and release unto the said

Lancaster County:

All that piece, parcel or lot of land, lying, being and situate in Buford Township, Lancaster County, South Carolina, fronting a distance of one hundred (100) feet on the East side of the Rocky River Road, being more specifically designated and described on a Plat made by Warren B. Turkett, Surveyor, dated March 17, 1951, recorded in the Office of the Clerk of Court for Lancaster County, South Carolina, in Plat Book 5, at Page 140, reference to which plat is made for a more particular description.

TOGETHER with all and singular, the Rights, Members, Hereditaments, and Appurtenances to the said Premises belonging, or in any wise incident or appertaining.

TO HAVE AND TO HOLD, all and singular, the said Premises before mentioned, unto the said

Lancaster County, its successors
Heirs and Assigns forever.

AND I do hereby bind myself and my Heirs

Executors and Administrators, to warrant and forever defend, all and singular, the said Premises unto the said

Lancaster County, its successors

Heirs, Executors, Administrators

and Assigns, against me and my

WITNESS My Hand and Seal this 26th day of March in the year of our Lord

one thousand nine hundred and fifty one and in the one hundred and seventy-fifth year of the Sovereignty and

Independence of the United States of America.

Signed, sealed and delivered in the presence of

E. C. MackeyBen B. Lingle (L. S.)J. D. Harper

(L. S.)

THE STATE OF SOUTH CAROLINA,)

COUNTY OF LANCASTER.

PERSONALLY appeared before me J. D. Harperand made oath that he saw the within-named B. B. Linglesign, seal, and as his Act and Deed deliver the within-written Deed; and that hewith E. C. Mackey witnessed the execution thereof.

Sworn to before me, this 26th

day of March, 1951

J. D. HarperE. C. Mackey (L. S.)

Notary Public for South Carolina.

THE STATE OF SOUTH CAROLINA,)

COUNTY OF LANCASTER.

I, E. C. Mackey, N. P. for S.C.

RENUNCIATION OF DOWER

do hereby certify unto

all whom it may concern, that Mrs. Marguerite Sapp Linglethe wife of the within-named Ben B. Lingle

did this day appear before me, and upon being privately and separately examined by me, did declare that she does freely, voluntarily and without any

compulsion, dread or fear of any person or persons whomsoever, renounce, release and forever relinquish unto the within-named

Lancaster County, its successors

Heirs and Assigns, all her interest and estate, and also all her right and claim of Dower of, in or to all and singular, the premises within mentioned and released.

Given under my hand and seal, this 7th day of April, Anno Domini 1951

E. C. Mackey (L. S.)Marguerite Sapp Lingle (L. S.)

Notary Public for South Carolina.

Recorded 10th day of April, 1951

Lee O. Montgomery Clerk.

Agenda Item Summary

Ordinance # / Resolution#: Ordinance #2016-1401

Contact Person / Sponsor: John Weaver

Department: County Attorney

Date Requested to be on Agenda: Administration Committee - May 12, 2016
County Council - May 23, 2016

Issue for Consideration: Whether or not it is appropriate to approve various provisions in the Lancaster County Procurement Code?

Points to Consider: A Procurement Code for counties is mandated by South Carolina statutory law. This ordinance updates several sections of our existing procurement code so as to conform with the recommendations of our Procurement Director and County Administrator. The changes, additions, corrections are noted in red on the attachment that has been incorporated into the ordinance.

Funding and Liability Factors: N/A

Council Options: Approve or reject the Ordinance.

Recommendation: Approve the Ordinance.

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, said amendments being identified in **red coloring** through either by way of an addition of certain language and/or the removal/strike through of certain provisions, specifically:

- 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
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.

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)

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) ~~-dollars~~, 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 ~~between 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 including computer hardware, computer software, servers, printers and audio visual equipment must be approved by IT Director.

(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

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, ~~and~~ 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 ~~full-time~~ 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 ~~Bank of America~~ 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 is~~ office employees will serve as the P-Card administrators and ~~is~~ 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 the ~~person's~~ 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) Signing the monthly billing statement (only original signature accepted). 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 ~~seven hundred fifty dollars (\$750.00)~~ 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) ~~Sign the monthly billing statement and any other form the county may use such as a transaction log. Only original signatures shall be accepted; and 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 office employees are~~ designated as the P-Card administrator~~s~~ and ~~is~~ are 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) ~~Securing revoked P-Cards and~~ 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 ~~and for returning it to 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 ~~seven hundred fifty dollars (\$750.00)~~ 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 ~~seven hundred and fifty dollars (\$750.00)~~ 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

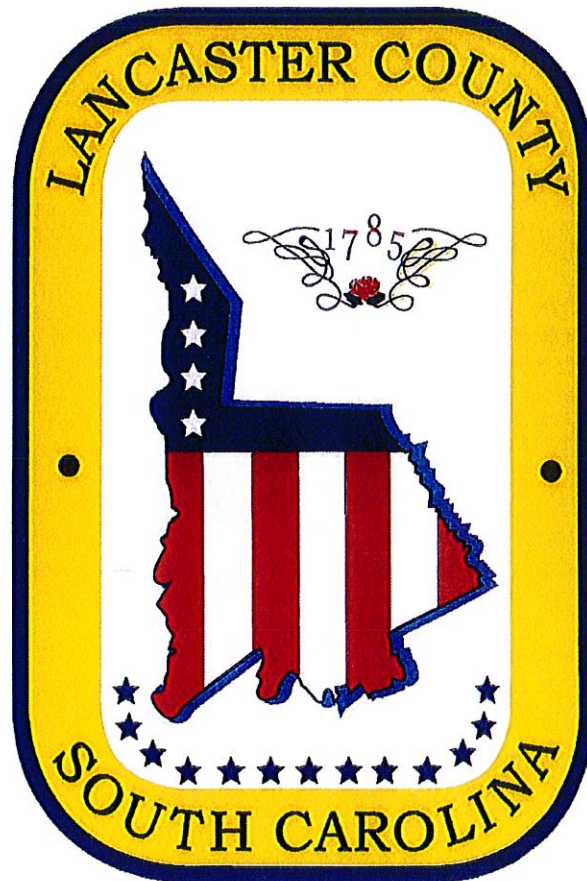
Sec. 2-296. - Acquisition of real property.

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)

Budget Monitoring Report

Month of April 2016



Council Meeting May 23, 2016

Prepared by Kimberly Hill, Budget Analyst

This is an unaudited report to management and is intended for informational purposes only.

Contents:

General Fund Revenue Overview	2-3
General Fund Expenditures Overview	4
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General Fund Revenue & Expenditure Summary	10-12
General Fund Department Summary	13-14

General Fund Revenue Overview

Major Revenue Source - Property Taxes

These revenues are comprised of ad-valorem real property taxes, personal property taxes, vehicle taxes, 1% local option sales taxes for property tax reduction, and property tax reimbursements from the State of SC such as homestead, manufacturer's, and motor carrier.

April Collections	YTD Collections	Total Budgeted Collections
1,024,369	27,540,217	28,677,353

Major Revenue Source - Other Taxes

These FY2016 revenues come from road improvement fees.

April Collections	YTD Collections	Total Budgeted Collections
204,137	1,881,383	2,100,000

Major Revenue Source - Intergovernmental Revenue

This revenue source consists of the following payment types: State Aid to Subdivisions, State Salary Participation, State DSS 4D Funds, State Election Commission, State Veterans Affairs, some State & Federal grants, and intergovernmental payments from other governments.

April Collections	YTD Collections	Total Budgeted Collections
831,866	3,298,987	4,344,921

Major Revenue Source - Charges for Services

The majority (\$2,450,000 FY2016) of these revenues come from ambulance fees. Other sources are solid waste fees, convenience fee for SCDMV stickers, and delinquent tax costs.

April Collections	YTD Collections	Total Budgeted Collections
107,692	2,301,537	2,902,750

Major Revenue Source - Licenses and Permits

These revenues are associated with land ownership transfers and new home and commercial construction. The majority (\$2,850,000) of FY2016 budgeted revenues in this category come from anticipated building permit revenue.

April Collections	YTD Collections	Total Budgeted Collections
725,845	4,862,627	4,346,300

Non-Major Revenue Sources- Fines and Fees, Contributions & Donations, Miscellaneous

These revenues are considered non-major sources. Fines & Fees include Magistrate fines, Family Court fees, civil paper fees, costs of court, and library fines. Contributions & Donations include

any donations or contributions made to the varying departments in the County. Miscellaneous includes interest income, rental income, and inmate commissary commission income.

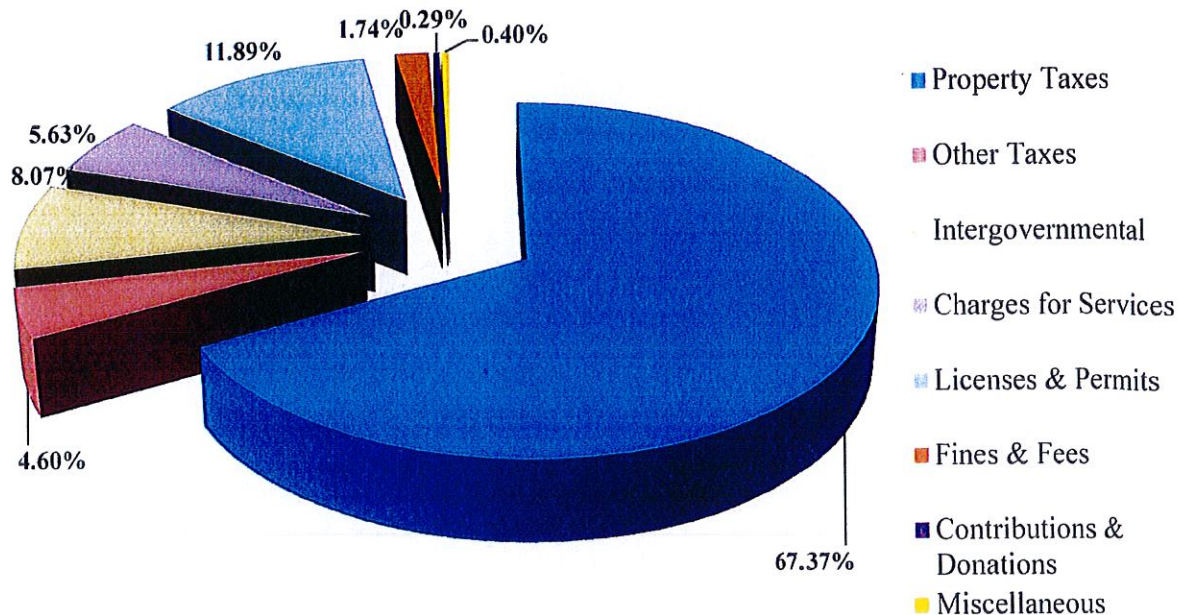
Source	April Collections	YTD Collections	Total Budgeted Collections
Fines & Fees	82,029	711,455	933,750
Contributions & Donations	122	120,223	46,000
Miscellaneous	14,202	164,407	145,212

Total Revenue April: \$2,990,261

Major Revenue Sources:

State Aid to Sub Division	\$660,659
Building Permits	\$545,562
Local Option Rollback	\$380,786
Vehicle Taxes	\$237,650
1% Local Option Revenue	\$163,582
Ad Valorem Taxes-Delinquent	\$155,802

General Fund YTD Revenue by Source (Excludes Other Financing Sources)



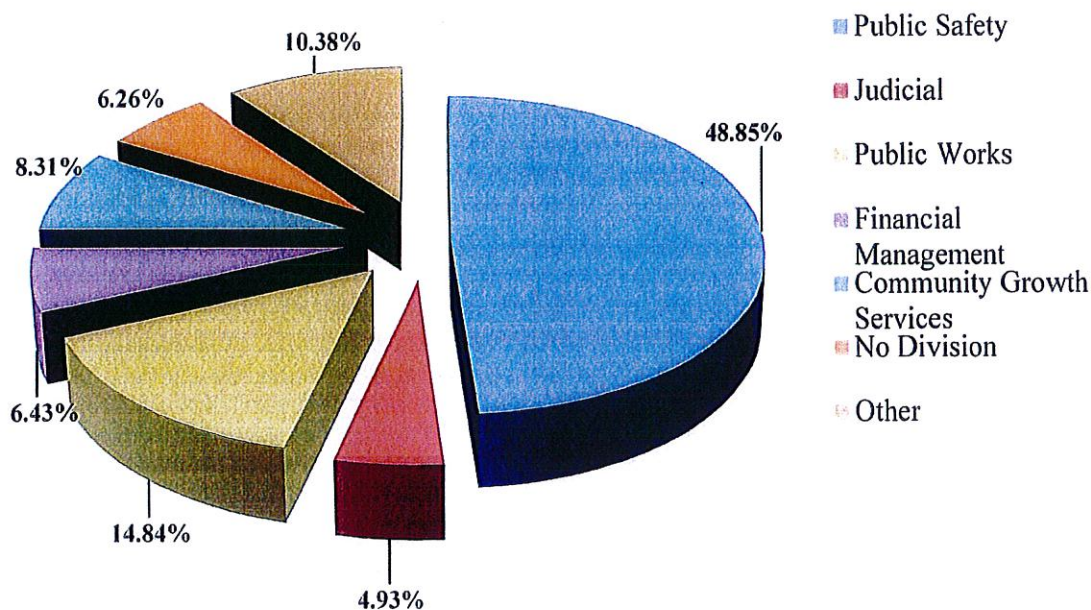
General Fund Expenditure Overview

Total Expenditures April: \$3,599,527

Major Expenditures:

Wages & Salaries	\$1,501,436
Fringe Benefits	\$578,809
Contractual Service	\$207,594
Direct Assistance	\$186,099
Disposal Contract	\$123,372
Vehicle Maintenance	\$125,098

General Fund YTD Expenditures by Division



GENERAL FUND

CATEGORY	BUDGET	YTD	%
Revenues	43,603,985	40,880,836	93.75%
Expenditures	-44,275,197	-33,699,672	76.11%
Other Financing Source	9,295,593	535,422	5.76%
Other Financing Use	-8,624,381	-1,222,267	14.17%
Revenues Over (Under) Expenditures	0	6,494,319	

Fund Balance Estimates

Estimated Unassigned Fund Balance (GF): \$18,198,794 which is about 34.4% of the total GF budget.

Overall the GF expenditure budget reflects a remaining percentage of 23.9%. Revenue collections are within 94% of estimates.

	Current Year	Prior Year
Nonspendable	\$1,205,411	\$649,099
Restricted	\$790,376	\$809,209
Committed	-	-
Assigned	\$9,213,139	\$1,175,977
Unassigned	\$18,198,794	\$20,289,771
Fund Balance End of April	\$29,407,720	\$22,924,056

Fund balance terminology (GASB 54)

There are five components of fund balance:

1. Nonspendable-examples would include inventory and prepaid items
2. Restricted-externally enforceable by law, etc.
3. Committed-self-imposed limitations (requires ordinance-highest level)
4. Assigned-intended use limitations
5. Unassigned

Requests for Information

This financial report is designed to provide a general overview of Lancaster County's finances for all those with an interest in the government's finances. Questions concerning any of the information provided in this report or requests for additional information should be addressed to:

Kimberly Hill
Budget Analyst
khill@lanastercountysc.net

Other Fund Overview-April 30, 2016

CAPITAL IMPROVEMENT FUND

CATEGORY	BUDGET	YTD	%
Revenues	1,498,000	1,557,506	103.97%
Expenditures	-1,498,000	-1,361,624	90.90%
Other Financing Source	0	0	
Revenues Over (Under) Expenditures	0	195,882	

COURT MANDATED SECURITY

CATEGORY	BUDGET	YTD	%
Revenues	1,193,500	1,188,114	99.55%
Expenditures	-1,215,584	-755,799	62.18%
Other Financing Source	22,084	0	
Revenues Over (Under) Expenditures	0	432,315	

VICTIMS SERVICES FUND

CATEGORY	BUDGET	YTD	%
Revenues	86,605	55,795	64.43%
Expenditures	-86,605	-63,568	73.40%
Other Financing Source	0	0	
Revenues Over (Under) Expenditures	0	-7,773	

E-911

CATEGORY	BUDGET	YTD	%
Revenues	727,550	270,189	37.14%
Expenditures	-671,459	-298,463	44.45%
Other Financing Use	-56,091	0	
Revenues Over (Under) Expenditures	0	-28,274	

COUNTY TRANSPORTATION COMMISSION FUND

CATEGORY	BUDGET	YTD	%
Revenues	5,220,600	5,032,935	96.41%
Expenditures	-5,394,400	-1,709,210	31.68%
Other Financing Source	173,800	0	
Revenues Over (Under) Expenditures	0	3,323,726	

INDIAN LAND FIRE PROTECTION DISTRICT FUND

CATEGORY	BUDGET	YTD	%
Revenues	495,000	530,602	107.19%
Expenditures	-522,574	-379,832	72.68%
Other Financing Source	27,574	0	
Other Financing Use	0	-2,344.00	
Revenues Over (Under) Expenditures	0	148,426	

LOCAL ACCOMODATIONS TAX FUND

CATEGORY	BUDGET	YTD	%
Revenues	30,000	50,353	167.84%
Expenditures	-30,000	-23,134	77.11%
Other Financing Source	0	0	
Revenues Over (Under) Expenditures	0	27,219	

DEBT SERVICE FUND

CATEGORY	BUDGET	YTD	%
Revenues	1,859,931	1,825,037	98.12%
Expenditures	-1,859,931	-2,169,998	116.67%
Other Financing Source	0	0	
Revenues Over (Under) Expenditures	0	-344,961	

CAPITAL PROJECT SALES TAX FUND

CATEGORY	BUDGET	YTD	%
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Revenues	8,500,000	2,392,595	28.15%
Expenditures	-3,481,149	-753,872	21.66%
Other Financing Source	3,466,149	0	0.00%
Other Financing Use	-8,485,000	-11,016,814	129.84%
Revenues Over (Under) Expenditures	0	-9,378,091	

RECREATION FUND

CATEGORY	BUDGET	YTD	%
Revenues	1,387,503	1,061,332	76.49%
Expenditures	-2,447,396	-1,802,712	73.66%
Other Financing Source	1,059,893	1,059,893	
Revenues Over (Under) Expenditures	0	318,513	

AIRPORT FUND

CATEGORY	BUDGET*	YTD*	%
Revenues	191,059	106,695	55.84%
Expenditures	-255,345	-180,843	70.82%
Other Financing Source	64,286	64,286	
Revenues Over (Under) Expenditures	0	-9,862	

PLEASANT VALLEY FIRE PROTECTION DISTRICT FUND

CATEGORY	BUDGET	YTD	%
Revenues	417,344	462,648	110.86%
Expenditures	-392,344	-295,726	75.37%
Other Financing Source	0	0	
Other Financing Use	-25,000	-33,078	132.31%
Revenues Over (Under) Expenditures	0	133,844	

DEVELOPMENT AGREEMENT FUND

CATEGORY	BUDGET	YTD
Revenues	418,349	1,592,000

Expenditures	-14,450	-11,764
Other Financing Source	0	0
Other Financing Use	-403,899	0
Revenues Over (Under) Expenditures	0	1,580,236
Total Funds Due by Date FY2016: \$1,262,000*		

*In the month of December, there was a sale and an additional payment that would not have otherwise been due until next fiscal year was collected. Therefore the amount of revenue is more than what was expected this fiscal year.

COUNTY OF LANCASTER
REVENUE & EXPENDITURE STATEMENT

FY 2015-2016

04/01/2016 TO 04/30/2016

	<u>BUDGETED</u>	<u>CURRENT PERIOD</u>	<u>YEAR-TO-DATE INCLUDING ENCUMBRANCES</u>	<u>REMAINING BALANCE</u>	<u>PCT USED</u>
10 GENERAL FUND					
REVENUE:					
400 CURRENT PROPERTY TAXES	20,443,906.00	279,203.79	20,651,622.29	-207,716.29	101
410 DELINQUENT PROPERTY TAXES	916,500.00	179,464.53	685,985.36	230,514.64	75
417 PROPERTY TAXES-STATE REIM	1,601,947.00	21,332.75	1,654,288.72	-52,341.72	103
418 PROPERTY TAXES-LOST REV	5,700,000.00	544,367.69	4,532,918.19	1,167,081.81	80
419 MULTI COUNTY PILOT	15,000.00	0.00	15,402.79	-402.79	103
422 OTHER TAXES	2,100,000.00	204,136.59	1,881,382.68	218,617.32	90
434 INTERGOVERNMENTAL- STATE	3,458,875.00	705,821.24	2,377,578.48	1,081,296.52	69
435 STATE AID TO LIBRARY	95,815.00	23,953.75	145,750.07	-49,935.07	152
436 INTERGOVERNMENTAL- LOCAL	897,930.00	53,404.82	719,908.17	178,021.83	80
437 FEDERAL GRANT	0.00	20,601.39	20,601.39	-20,601.39	0
439 OTHER GOVERNMENTAL REV	0.00	28,085.17	35,148.98	-35,148.98	0
440 LICENSE- MISCELLANEOUS	0.00	200.00	4,377.00	-4,377.00	0
441 LICENSE- FRANCHISE	452,000.00	32,001.09	370,856.98	81,143.02	82
442 LIC & PERMITS- BLDG	2,968,200.00	609,266.00	3,527,772.00	-559,572.00	119
444 LIC & PERMITS- PLANNING	24,100.00	6,205.00	41,225.00	-17,125.00	171
446 LIC & PERMITS- ROD	900,000.00	77,912.87	916,615.94	-16,615.94	102
448 LIC & PERMITS- CORONER	2,000.00	260.00	1,780.00	220.00	89
450 CHGS. FOR SVCS.- PUBLIC W	111,400.00	9,696.37	77,583.99	33,816.01	70
455 CHGS. FOR SVCS.- FEES	272,500.00	12,307.41	224,941.97	47,558.03	83
456 CHGS. FOR SVCS.- COPIES	14,650.00	2,329.75	21,323.65	-6,673.65	146
457 CHGS. FOR SVCS.- OTHER	28,200.00	2,537.10	19,107.84	9,092.16	68
458 CHGS. FOR SVCS.- EMS	2,450,000.00	77,920.72	1,935,360.37	514,639.63	79
459 CHGS. FOR SVCS.- MISC	26,000.00	2,900.50	23,219.18	2,780.82	89
460 FINES & FEES-TEMP VEH TAG	3,000.00	190.00	1,635.00	1,365.00	55
461 FINES & FEES- COURTS	817,500.00	66,179.85	578,364.78	239,135.22	71
464 FINES & FEES- OTHER	10,000.00	100.00	7,400.00	2,600.00	74
465 FINES & FEES- OTHER	0.00	166.67	8,393.01	-8,393.01	0
466 FINES & FEES- OTHER	15,000.00	630.00	8,784.00	6,216.00	59
467 FINES & FEES- OTHER	20,000.00	8,875.00	48,925.00	-28,925.00	245
468 FEES- BANK	68,250.00	5,887.48	57,953.01	10,296.99	85
470 CONTRIBUTION & DONATIONS	18,000.00	0.00	110,194.42	-92,194.42	612
471 LIBRARY DONATIONS	28,000.00	122.27	10,028.89	17,971.11	36
480 INTEREST INCOME	25,500.00	0.00	50,988.69	-25,488.69	200
490 OTHER INCOME	92,212.00	8,303.42	86,523.33	5,688.67	94
491 OTHER INCOME	26,000.00	5,834.60	26,644.24	-644.24	102
495 OTHER INCOME	1,500.00	63.64	250.48	1,249.52	17

	<u>BUDGETED</u>	<u>CURRENT PERIOD</u>	<u>YEAR-TO-DATE INCLUDING ENCUMBRANCES</u>	<u>REMAINING BALANCE</u>	<u>PCT USED</u>
TOTAL REVENUE	43,603,985.00	2,990,261.46	40,880,835.89	2,723,149.11	94
EXPENDITURE:					
500 WAGES	19,754,606.00	1,501,435.91	15,294,676.47	4,459,929.53	77
510 FRINGE	7,826,460.25	578,809.10	6,044,146.03	1,782,314.22	77
520 OTHER PERSONNEL EXPENDITURE	327,500.00	30,153.81	175,154.31	152,345.69	53
530 TRAVEL, TRAINING, & DUES	435,536.00	23,441.42	276,377.81	159,158.19	63
540 SUPPLIES	417,518.00	39,438.81	332,313.22	85,204.78	80
541 POSTAGE	460,898.00	92,088.24	397,351.58	63,546.42	86
542 CLOTHING	201,536.00	11,452.60	134,706.37	66,829.63	67
543 SUPPLIES- LAUNDRY	220,000.00	15,258.52	162,986.47	57,013.53	74
544 SUPPLIES- PUBLIC WORKS	522,000.00	41,617.92	452,397.77	69,602.23	87
545 SUPPLIES- CUSTODIAL	20,000.00	1,859.80	16,223.75	3,776.25	81
547 SUPPLIES- ANIMAL FOOD	3,000.00	0.00	824.88	2,175.12	27
548 SUPPLIES- HAND TOOLS	20,000.00	684.00	20,418.90	-418.90	102
549 SUPPLIES- WELCOME CENTER	4,000.00	421.66	3,252.25	747.75	81
550 EQUIPMENT- NON CAPITAL	82,500.00	5,224.84	28,123.38	54,376.62	34
551 EQUIPMENT- GENERAL	568,777.00	70,899.97	412,103.74	156,673.26	72
560 CAPITAL EQUIPMENT	940,642.32	93,658.02	647,447.62	293,194.70	69
570 UTILITIES	1,027,640.00	96,964.28	854,317.94	173,322.06	83
571 UTILITIES- TELEPHONE	510,790.00	43,849.82	401,529.70	109,260.30	79
580 RENT	7,500.00	0.00	4,770.00	2,730.00	64
581 RENT- BUILDING	78,766.00	6,325.00	65,675.00	13,091.00	83
582 RENT- EQUIPMENT	5,000.00	0.00	0.00	5,000.00	0
590 MAINTENANCE	1,748,100.00	125,097.94	1,025,805.64	722,294.36	59
591 MAINTENANCE- GENERAL	66,500.00	7,107.36	52,471.67	14,028.33	79
593 MAINTENANCE-SVC AGREEMENT	626,500.00	90,925.59	530,823.73	95,676.27	85
594 MAINTENANCE- BLDG	172,000.00	20,996.47	165,408.41	6,591.59	96
600 CONTRACTUAL SERVICES	2,066,682.13	207,593.72	1,334,488.58	732,193.55	65
604 PS-MEDICAL & PROFESSIONAL	662,151.00	51,732.17	498,517.68	163,633.32	75
605 CS- PRINTING	372,466.60	34,650.64	309,175.30	63,291.30	83
608 SC DEPT OF CORRECTIONS	25,000.00	1,335.00	12,270.00	12,730.00	49
612 CS-DISPOSAL CONTRACT	1,300,000.00	123,372.36	1,033,061.40	266,938.60	79
613 DEMOLITION EXPENSE	50,000.00	1,650.00	30,180.00	19,820.00	60
620 DIRECT ASSISTANCE	13,041.00	0.00	13,040.77	0.23	100
625 DIRECT ASSISTANCE	977,033.00	186,098.77	933,021.17	44,011.83	95
650 INSURANCE	974,059.00	0.00	949,493.24	24,565.76	97
670 ADVERTISING	92,700.00	3,899.71	62,375.79	30,324.21	67
680 FEE REIMBURSEMENT	600.00	0.00	50.00	550.00	8
690 SPECIAL PROJECTS	501,504.92	15,059.84	291,399.37	210,105.55	58
691 SP- PROMOTIONS	56,000.00	3,383.62	44,492.91	11,507.09	79
750 EQUIPMENT LEASE	146,000.00	22,592.93	110,561.07	35,438.93	76
760 GRANTS MATCH	338,000.00	1,240.55	47,403.02	290,596.98	14

	<u>BUDGETED</u>	<u>CURRENT PERIOD</u>	<u>YEAR-TO-DATE INCLUDING ENCUMBRANCES</u>	<u>REMAINING BALANCE</u>	<u>PCT USED</u>
771 DS- LEASE PURCHASE	437,732.00	41,152.25	437,731.19	0.81	100
780 MISCELLANEOUS	50,000.00	1,485.00	27,380.00	22,620.00	55
781 MISCELLANEOUS	160,888.00	4,951.15	40,871.48	120,016.52	25
782 OVER/SHORT	570.00	-74.15	-896.01	1,466.01	-157
783 DRUG FORFEITURE	0.00	810.00	3,100.85	-3,100.85	0
786 DONATIONS	3,000.00	881.95	22,647.85	-19,647.85	755
TOTAL EXPENDITURE	<u>44,275,197.22</u>	<u>3,599,526.59</u>	<u>33,699,672.30</u>	<u>10,575,524.92</u>	<u>76</u>
DEFICIENCY OF REVENUE BEFORE	<u>-671,212.22</u>	<u>-609,265.13</u>	<u>7,181,163.59</u>		<u>-1,070</u>
OTHER FINANCING SOURCE:					
801 TRANSFER IN	35,422.00	0.00	35,422.00	0.00	100
810 OFS FUND BALANCE	9,260,170.97	0.00	0.00	9,260,170.97	0
820 SALE OF CAPITAL ASSETS	0.00	0.00	500,000.00	-500,000.00	0
TOTAL OTHER FINANCING SOUR	<u>9,295,592.97</u>	<u>0.00</u>	<u>535,422.00</u>	<u>8,760,170.97</u>	<u>6</u>
OTHER FINANCING USE:					
950 TRANSFERS	8,624,380.75	0.00	1,222,266.75	7,402,114.00	14
TOTAL OTHER FINANCING USE	<u>8,624,380.75</u>	<u>0.00</u>	<u>1,222,266.75</u>	<u>7,402,114.00</u>	<u>14</u>
DEFICIENCY OF REVENUE AFTER	<u>0.00</u>	<u>-609,265.13</u>	<u>6,494,318.84</u>		<u>0</u>

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FY 2015-2016

COUNTY OF LANCASTER BUDGET REPORT BY FUND

CURRENT PERIOD: 04/01/2016 TO 04/30/2016

IDEAL REMAINING PERCENT: 17 %

ACCOUNT	BUDGETED	CURRENT	YEAR TO DATE	ENCUMBRANCE	REMAINING BALANCE	PCT
Fund: 10 GENERAL FUND						
005 Department: 005 NON-DEPARTMENTAL	1,484,909.00	36,957.96	1,293,216.23	0.00	191,692.77	13.00
007 Department: 007 CNTY ECONOMIC DEV. DEPT	318,810.25	39,314.57	123,137.66	9,800.00	185,872.59	58.00
011 Department: 011 COUNTY COUNCIL	8,592,463.00	98,414.63	708,618.86	0.00	7,883,844.14	92.00
012 Department: 012 COUNCIL TRANSFERS	1,124,179.00	0.00	1,124,179.00	0.00	0.00	0.00
014 Department: 014 DIRECT ASSISTANCE	844,124.00	186,098.77	800,111.94	0.00	44,012.06	5.00
021 Department: 021 ADMINISTRATOR	518,059.73	33,778.08	357,456.31	5,511.78	155,091.64	30.00
022 Department: 022 LEGAL TEAM	290,518.00	18,357.16	175,640.45	0.00	114,877.55	40.00
023 Department: 023 FINANCE	645,007.88	53,608.66	493,240.34	0.00	151,767.54	24.00
024 Department: 024 HUMAN RESOURCES	207,030.10	14,240.97	157,600.78	0.00	49,429.32	24.00
025 Department: 025 RISK MANAGEMENT	98,921.00	6,865.18	71,474.14	0.00	27,446.86	28.00
026 Department: 026 MIS	943,094.36	86,979.70	669,669.42	54,800.60	218,624.34	23.00
027 Department: 027 GIS	149,144.00	8,492.89	95,659.95	0.00	53,484.05	36.00
029 Department: 029 ZONING	382,866.00	49,359.60	279,935.60	14,011.17	88,919.23	23.00
031 Department: 031 BUILDING	948,920.00	59,618.45	595,014.81	0.00	353,905.19	37.00
032 Department: 032 PLANNING	567,486.59	65,189.93	422,438.98	2,598.92	142,448.69	25.00
035 Department: 035 ECONOMIC DEVELOPMENT	98,087.75	0.00	98,087.75	0.00	0.00	0.00
041 Department: 041 ASSESSOR	876,607.00	70,502.88	615,765.62	0.00	260,841.38	30.00
043 Department: 043 AUDITOR	379,711.68	28,359.26	301,294.64	447.63	77,969.41	21.00
044 Department: 044 TREASURER	378,158.00	28,743.15	302,414.60	0.00	75,743.40	20.00
045 Department: 045 DELINQUENT TAX	316,500.00	45,417.43	247,606.39	0.00	68,893.61	22.00
051 Department: 051 REGISTRATION & ELECT	312,716.00	53,108.15	279,725.39	0.00	32,990.61	11.00
060 Department: 060 REGISTER OF DEEDS	337,793.50	20,416.92	238,456.39	9,764.50	89,572.61	27.00
061 Department: 061 CIRCUIT COURT	82,607.00	2,655.82	42,821.40	0.00	39,785.60	48.00
063 Department: 063 CLERK OF COURT	469,479.99	38,301.16	376,270.37	0.00	93,209.62	20.00
064 Department: 064 FAMILY COURT	359,188.53	24,823.16	273,806.83	0.00	85,381.70	24.00
068 Department: 068 CORONER	418,552.04	44,270.29	365,175.40	0.00	53,376.64	13.00
069 Department: 069 PROBATE COURT	444,715.64	29,640.10	312,059.75	0.00	132,655.89	30.00
070 Department: 070 MAG-COUNTYWIDE	852,346.00	66,018.95	681,050.75	0.00	171,295.25	20.00
110 Department: 110 SHERIFF	7,814,022.32	550,683.54	5,739,165.76	44,714.87	2,030,141.69	26.00
111 Department: 111 SHER:DRUG ASSET FORF	0.00	810.00	3,100.85	0.00	-3,100.85	0.00
117 Department: 117 SHERIFF DPT- TOWN OF KER	493,760.65	40,491.20	398,119.92	1,546.80	94,093.93	19.00
120 Department: 120 DETENTION CENTER	2,030,899.00	156,712.49	1,551,950.09	10,259.21	468,689.70	23.00
121 Department: 121 SCHOOL RESOURCE OFFICE	113,152.00	9,641.34	106,146.12	0.00	7,005.88	6.00
130 Department: 130 COMMUNICATIONS	1,601,602.92	104,983.29	1,214,738.36	10,223.92	376,640.64	24.00
140 Department: 140 EMERGENCY MANAGEMENT	363,258.00	80,516.67	285,443.24	6,328.70	71,486.06	20.00

FY 2015-2016

COUNTY OF LANCASTER
BUDGET REPORT BY FUND

CURRENT PERIOD: 04/01/2016 TO 04/30/2016

IDEAL REMAINING PERCENT: 17 %

<u>ACCOUNT</u>	<u>BUDGETED</u>	<u>CURRENT</u>	<u>YEAR TO DATE</u>	<u>ENCUMBRANCE</u>	<u>REMAINING BALANCE</u>	<u>PCT</u>
141 Department: 141 FIRE SERVICE	1,272,325.00	87,534.24	912,231.06	76,383.30	283,710.64	22.00
142 Department: 142 Town of KERSHAW- FIRE	140,996.00	10,513.70	111,407.63	0.00	29,588.37	21.00
144 Department: 144 LANC. COUNTY FIREFIGHTER	987,692.00	84,026.93	720,227.04	5,506.64	261,958.32	27.00
153 Department: 153 LANCASTER EMS	6,345,931.00	504,393.35	5,066,428.98	39,606.28	1,239,895.74	20.00
202 Department: 202 ROADS & BRIDGES	2,483,581.00	185,793.88	1,784,387.74	178,266.58	520,926.68	21.00
210 Department: 210 FLEET OPERATIONS	542,564.00	41,243.32	379,012.91	7,253.20	156,297.89	29.00
251 Department: 251 BUILDING MAINTENANCE	1,482,243.25	131,897.73	1,120,044.22	23,014.92	339,184.11	23.00
310 Department: 310 LANDFILL-SOLID WASTE	60,852.46	0.00	28,489.79	2,500.00	29,862.67	49.00
312 Department: 312 SOLID WASTE COLLECT	2,879,759.00	202,520.70	1,762,982.51	209,706.08	907,070.41	31.00
318 Department: 318 ANIMAL SHELTER	156,218.92	14,993.91	130,963.29	0.00	25,255.63	16.00
330 Department: 330 HEALTH SERVICES	82,600.00	6,939.55	67,964.13	0.00	14,635.87	18.00
601 Department: 601 DEPT. OF SOCIAL SERVICES	64,210.00	8,351.09	51,418.33	0.00	12,791.67	20.00
602 Department: 602 D.S.S. FAMILY INDEP	58,330.00	4,917.20	48,773.22	0.00	9,556.78	16.00
610 Department: 610 VETERANS AFFAIRS	161,561.41	12,228.49	134,900.36	0.00	26,661.05	17.00
840 Department: 840 LIBRARY	1,159,867.00	109,647.90	909,339.51	0.00	250,527.49	22.00
999 Department: 999 LEASE	162,156.00	41,152.25	162,156.00	0.00	0.00	0.00
10 Fund: 10 GENERAL FUND	52,899,577.97	3,599,526.59	34,191,320.81	712,245.10	17,996,012.06	34.00
Report Totals Net	52,899,577.97	3,599,526.59	34,191,320.81	712,245.10	17,996,012.06	34.00

Agenda Item Summary

Ordinance # / Resolution#:	Proposed Resolution 0918-R2016
Contact Person / Sponsor:	Brian Carnes
Department:	County Council
Date Requested to be on Agenda:	May 23, 2016

Issue for Consideration:

Proposed Resolution to adopt the bridge on Gilroy Drive into the Lancaster County road system.

Points to Consider:

While County Code allows staff to accept roadways into the county system under certain circumstances it is silent on bridges.

Council action will be required via Resolution to accept the bridge.

Council had asked about the engineering report and topography of the area. The report is attached. An aerial of the area is attached. Topography on the North Carolina side is not an issue but the Pineville Town Council will not grant an easement at this time. On the York County side any road connection would require a bridge over Sugar Creek.

Funding and Liability Factors:

No funding is associated with acquisition. Unknown funding would be required for any needed repairs or replacement.

The potential for approximately 160 homes with a single access point is a liability concern.

Council Options:

Accept or reject the bridge.

Staff Recommendation:

We will have to face the problem of providing services should something happen to the bridge regardless of ownership. Financial liability associated with ownership should something happen to the bridge is a major concern.

Committee Recommendation:

This has not been through a Committee as Council previously considered the issue and asked that it be brought back.

DRAFT

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 23rd day of May, 2016

LANCASTER COUNTY, SOUTH CAROLINA

(SEAL)

Bob Bundy, Chair, County Council

Steve Harper, Secretary, County Council

ATTEST:

Debbie Hardin, Clerk to Council

Approved as to form:

John Weaver, County Attorney



Lancaster County Assessor

Parcel: undefined Acres:


Name:		Land Value	
Site:		Improvement Valt	
Sale:		Accessory Value	
		Total Value	
Mail:			



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: 05/15/16 : 15:35:09

Agenda Item Summary

Ordinance # / Resolution#: Fancy Pokket USA Holdings, Inc., - Discussion and/or Motion
Contact Person / Sponsor: John Weaver 
Department: County Attorney
Date Requested to be on Agenda: County Council - May 23, 2016

Issue for Consideration: What action, if any, would Council like to take in responding to Fancy Pokket's request for a waiver of the mortgage held by Lancaster County?

Points to Consider: Following Council's directives, the attached letter was prepared by me and forwarded to Mr. Timani. In response, I was told that the letter was acceptable to the bank so long as the, "...Is issued **within a reasonable time** from the date of this letter..." I asked Mr. Timani for the name of the bank and the banking officer along with an address and phone number so as to coordinate language satisfactory with the bank and Council's directive. Mr. Timani would not agree to that request. I asked how long he estimated it would be before the bank approved the loan – his response was 30 days. I asked how long it would take him afterwards to complete the work necessary for the Certificate of Occupancy – his response was 60 days. I suggested a reasonable time be defined in the letter as September 1, 2016. That suggestion was rejected. Mr. Timani proposed that the deadline be set at October 31, 2016 and that the letter had to be forthcoming not later than May 20th. The Council not meeting until May 23 and I not having the authority to independently agree to that demand, I contacted the Chairman who, in turn, placed the item on this Council's agenda for a discussion/decision.

Pursuant to the information contained in the letter, the Certificate of Occupancy was to have been issued during the summer months of 2014 had construction and completion been timely. Two (2) 90-day extensions have been granted previously by Council.

Funding and Liability Factors: A copy of the relevant page from the Incentive and Conveyance of property Agreement is attached for review. Note the second highlighted section of Article II a). Via Resolution 2013-R826, Council authorized the approval of a Termination of Repurchase Option as filed 12/12/13 in Deed Book 771 at Page 38 even though the construction had not been completed. As a result, there appears nothing that would prohibit Fancy Pokket from selling the property at any time to a third party inasmuch as there is no construction loan mortgage on the property. To release the County's mortgage now or in the future would allow the Fancy Pokket property to be conveyed free and clear of any mortgage or encumbrance.

Council Options: Fancy Pokket has requested a release/waiver of the County's existing mortgage of \$274,000. The Council may exercise its collective judgment to set a specific time

or, alternatively, Council may decide not to approve the release/waiver until such time as the Certificate of Occupancy is issued.

Finally, because Fancy Pokket has not met the timeline set forth in the original agreement and because there is no restriction on Fancy Pokket selling the property, the Council has the option of not releasing the mortgage at all until the entire \$274,000 balance or some lesser sum is paid.

Recommendation: None



FILE COPY

May 12, 2016

Mike Timani, President
Fancy Pokket USA Holdings, Inc.
1220 St. George Blvd.
Moncton, NB E1E 4K7

Dear Mr. Timani:

This letter is written at the request of the Lancaster County Chairman of County Council and the County Administrator. On February 13, 2013, Fancy Pokket USA Holdings, Inc. (Mortgagor) executed a mortgage in favor of the County of Lancaster County, South Carolina in an amount of \$274,000.00 whereby certain property owned by the Mortgagor was pledged to Lancaster County, the property generally described on the Lancaster County Assessor's records as Tax Map Number: Portion of 0083-00-007.01. This is a 13 acre parcel as indicated on a plat recorded in Lancaster County in Deed Book 2013 at Page 55.

In conjunction with that mortgage, on December 28, 2012, Lancaster County Council passed Ordinance No. 1188 whereby an Incentive and Conveyance of Property Agreement was approved. I call your attention to a portion of that document relevant to this letter, particularly, Article II a), wherein the following language appears,

"...After initiation of construction of a building, if the building is not completed within eighteen (18) months from the date of the conveyance to the Company, the Company must pay the County the sum of \$274,000 as reimbursement for the Property within ninety (90) days from the end of the date on which the Company's obligation to complete should have been met...."

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 you and the banking institution with whom you are in negotiations that so long as the Certificate of Occupancy for your baking company here in Lancaster County is issued within a reasonable time from the date of this letter 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 this mortgage obligation.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "John L. Weaver", is written over a circular official stamp.

John L. Weaver
County Attorney

ARTICLE II. Company Commitments.

The Company agrees as follows:

- a) The Company will acquire the Property from the County for a consideration of \$100.00 subject to the terms of this Agreement, including Article IV hereof. In return for acquiring the Property for nominal consideration, the Company commits to complete the construction of the Facility on the Property within eighteen (18) months of the conveyance of the Property to the Company.

As used in this Article II(a), "completion of construction" and "complete the construction" and similar phrases means the issuance of a certificate of occupancy for the Facility.

Company agrees that the County has the right to reserve in the deed in which the County conveys title to the Property to the Company a repurchase option (the "Repurchase Option") in which County has the right (subject to the payment provisions below), but not the obligation, to cause the Company to reconvey the Property to the County for the consideration of \$100.00 if the Company fails to initiate construction of the building on the Property within six (6) months from the date of conveyance to the Company. As used in this Agreement, "initiate construction of the building" means pouring the concrete footings for the building. After initiation of construction of a building, if the building is not completed within eighteen (18) months from the date of conveyance to the Company, the Company must pay the County the sum of \$274,000 as reimbursement for the Property within ninety (90) days from the end of the date on which the Company's obligation to complete should have been met. At any time after the Company has complied with the building requirements described in this Article II(a), the County agrees to execute, within fifteen (15) business days after requested by the Company, a recordable document acknowledging termination of the Repurchase Option.

The County's right to receive payment as provided in this Article II(a) shall be secured by a mortgage on the Property given by the Company to the County. The County agrees that the mortgage will be subordinated to any other mortgage that may be required by a lender financing the construction of the building on the Property at the closing of the construction loan from such lender and upon receipt by the County of an executed construction contract providing for the construction of the Facility. The County's mortgage shall be released upon payment of the amount provided in Article II(a) or completion of construction of the Facility within eighteen (18) months from the date of conveyance to the Company. Company agrees that, other than the mortgage given by the Company to the County, until the Company closes on a construction loan for the Facility on the Property, no other mortgage on the Property may be given by the Company.

- b) The Company will (i) create not less than sixty-eight (68) new fulltime jobs (i.e., at least thirty (30) hours per week) paying at least an average of \$12.00 per hour, including all cash compensation such as overtime and cash bonuses (the "Jobs Requirement"); and (ii) invest at least eight million dollars (\$8,000,000) in economic development property in the Project, including the value of machinery and equipment and a new building on the

2

STATE OF SOUTH CAROLINA)

COUNTY OF LANCASTER)

RESOLUTION NO. 0826- R2013

A RESOLUTION

TO AUTHORIZE AND APPROVE THE TERMINATION OF A REPURCHASE OPTION FOR PROPERTY LOCATED IN THE LANCASTER AIR-RAIL PARK AND CONVEYED TO PROJECT BRICK (FANCY POKKET USA HOLDINGS, INC.); TO AUTHORIZE AND APPROVE AN ADDITIONAL FOUR MONTHS FOR PROJECT BRICK (FANCY POKKET USA HOLDINGS, INC.) TO COMPLETE THE CONSTRUCTION OF A FACILITY ON THE PROPERTY; AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.

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

Section 1. Findings and determinations; Purpose.

(A) The Council finds and determines that:

(1) Lancaster County, South Carolina (the "County") previously entered into an Incentive and Conveyance of Property Agreement dated as of December 28, 2012 (the "Agreement"), by and among Fancy Pokket USA Holdings, Inc. and Fancy Pokket USA, LLC (both known as "Project Brick"), the County, and the City of Lancaster, South Carolina;

(2) the Agreement provided for the conveyance of an approximately thirteen (13) acre tract to Project Brick and the County conveyed the tract to Fancy Pokket USA Holdings, Inc. (the "Company") by that certain Limited Warranty Deed executed on February 13, 2013 and recorded in Book 714, Page 296-301, Register of Deeds, Lancaster County, South Carolina (the "Limited Warranty Deed") (the "Property");

(3) Article II(a) of the Agreement contains a provision that authorizes the County to reserve in the deed a repurchase option in favor of the County pursuant to which the County has the right, but not the obligation, to cause Company to reconvey the Property for a consideration of \$100.00 if the Company fails to initiate construction of a building on the Property within six (6) months from the date of conveyance to the Company (the "Repurchase Option");

(4) the Limited Warranty Deed includes the Repurchase Option and it specifically requires commencement of construction on or before August 13, 2013;

(5) Article II(a) of the Agreement also contains a provision that requires the Company to pay the County the sum of \$274,000 as reimbursement for the Property if the Company has not completed the construction of a facility within eighteen (18) months from the date of conveyance and the County's right to receive payment is secured by a mortgage recorded in Mortgage Book 2616, Pages 276-281, Register of Deeds, Lancaster County, South Carolina;

(6) Article II(a) of the Agreement further provides that at any time after the Company has complied with the requirement to initiate construction of the building and to complete its construction, the County agrees to execute, within fifteen (15) business days after requested by the Company, a recordable document acknowledging termination of the Repurchase Option;

(7) although construction of a building on the Property has been initiated, it began later than the August 13, 2013 date originally envisioned by the Company and County; and

(8) Company has requested the County (i) to terminate the Repurchase Option contained in the Limited Warranty Deed because construction of the building has been initiated, and (ii) to approve an additional four (4) months for the completion of construction of the building before the Company is required to reimburse the County as set forth in the Agreement.

(B) It is the purpose of this resolution to authorize and approve the termination of the Repurchase Option contained in the Limited Warranty Deed and the Agreement and to approve an additional four (4) months for the completion of the building.

Section 2. Termination of repurchase option.

The Repurchase Option contained in the Limited Warranty Deed and the Agreement is hereby terminated and the County Administrator is authorized and directed to execute the Termination of Repurchase Option, attached hereto as Exhibit A, in the name of and on behalf of Lancaster County and to deliver such Termination of Repurchase Option to the Company for recordation with the Lancaster County Register of Deeds. The Clerk to Council is authorized to attest the execution of the Termination of Repurchase Option by the County Administrator. The Termination of Repurchase Option is to be in substantially the form as attached to this resolution and hereby approved, or with such changes therein as the County Administrator determines, upon advice of counsel, necessary and that do not materially change the matters contained in the form of the Termination of Repurchase Option.

Section 3. Approval of additional time to complete construction.

The Council approves the addition of four (4) months to the period of time set forth in Article II(a) of the Agreement for the Company to complete the construction of a building on the Property so that if the building is not completed within twenty-two (22) months from the date of conveyance (February 13, 2013) to the Company, the Company must pay the County the sum of \$274,000 as reimbursement for the Property. The County Administrator is authorized to execute any documents, and to do any and all things, necessary to effectuate the purpose and intent of this section.

Section 4. Authority to act.

The Council Chair, Council Secretary, Clerk to Council, County Administrator, and all other appropriate officials of the County are authorized and directed to do any and all things necessary to effectuate the purpose of this resolution.

Section 5. Conflicting provisions.

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

Section 6. Severability.

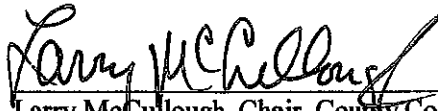
If any section of this resolution is, for any reason, determined to be void or invalid by a court of competent jurisdiction, it shall not affect the validity of any other section of this resolution which is not itself void or invalid.


Section 7. Effective Date.

This resolution is effective upon its adoption.


Adopted this 9th day of December, 2013.

LANCASTER COUNTY, SOUTH CAROLINA

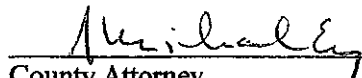

Larry McCullough, Chair, County Council


Jack Estridge, Secretary, County Council

Attest:


Debbie C. Hardin, Clerk to Council

Approved as to form:


County Attorney

THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

Termination of Repurchase Option

This TERMINATION OF REPURCHASE OPTION is dated this 9th day of December, 2013, and executed by Lancaster County, South Carolina (the "County").

The County, as grantor under that certain Limited Warranty Deed dated February 13, 2013, recorded in Book 714, Page 296-301, Lancaster County Register of Deeds (the "Deed"), retained a right to repurchase the Property (as defined in the Deed) for the consideration of \$100.00, if grantee failed to commence construction on or before August 13, 2103 or otherwise comply with the repurchase terms set forth in the Incentive and Conveyance of Property Agreement dated December 28, 2012 by and among grantor, the City of Lancaster, and Fancy Pokket USA Holdings, Inc. and Fancy Pokket USA, LLC, referred to collectively as Project Brick (the "Repurchase Option"). The County now desires to terminate the Repurchase Option by execution of this instrument.

As authorized and approved by passage of Resolution No. 0826-R2013 by the County Council, the undersigned hereby terminates the Repurchase Option and authorizes the recordation of this termination with the Lancaster County Register of Deeds.

WITNESSES:

LANCASTER COUNTY, SOUTH CAROLINA

Deborah C. Hardin
Name: Deborah C. Hardin

By: Steve Willis
Its: County Administrator

Virginia Burgess
Name: Virginia Burgess

STATE OF SOUTH CAROLINA)

COUNTY OF LANCASTER)

ACKNOWLEDGEMENT

I, Deborah C. Hardin, Notary Public for the State of South Carolina, do hereby certify Steve Willis, County Administrator of Lancaster County, South Carolina, personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Subscribed to and sworn before me this 10th day of December, 2013.

Deborah C. Hardin (L.S.)
Notary Public, State of South Carolina

My Commission Expires: 3/26/2020

2013018595

DEED NO CHARGE
RECORDING FEES

\$0.00

PRESENTED & RECORDED:
12-12-2013 02:25 PM

JOHN LANE
REGISTER OF DEEDS
LANCASTER COUNTY, SC
By: JOHN LANE REGISTER

BK: DEED 771

PG: 38-38

Agenda Item Summary

Ordinance # / Resolution#:	Discussion Item
Contact Person / Sponsor:	Steve Willis
Department:	Admin
Date Requested to be on Agenda:	May 23, 2016 Council Meeting

Issue for Consideration:

Initial draft of Local Hospitality Tax ordinance for discussion.

Points to Consider:

This is the first draft of the ordinance as recommended by the Administration Committee.

This would impose a 2% hospitality tax on prepared foods except within the City of Lancaster. **NOTE:** The Town of Kershaw is considering this tax and may well impose it prior to adoption by Council.

This is modeled on the City of Lancaster ordinance with the exception of a provision allowing county staff to audit the books of a business. That segment was not included.

Attached is information on what foods are covered. This comes from the City of Lancaster website.

Funding and Liability Factors:

Unknown at this time as we have no master list of covered businesses. Using Department of Revenue data I feel comfortable with a conservative estimate of \$800,000 per year in revenue but that is a very conservative estimate. The City of Lancaster FY 16-17 budget has over \$900,000 in planned expenditures.

The funding can only be used for specific purposes and not as General Fund revenue. The funds must be segregated from other county funds.

Council Options:

Adopt or reject the ordinance.

Staff Recommendation:

Approve the ordinance with such modifications that Council may desire.

Committee Recommendation:

Approval with conditions. These will be discussed by the Committee members but they would like to include in the ordinance findings a segment that the proceeds would be used for tourism related functions in the Parks and Recreation area and historic/ nature tourism areas. Initial projects would be upgrades for tournament venues at Walnut Creek, Buford, and Springdale with potential bond funding for a large sports complex.

ARTICLE V. - LOCAL HOSPITALITY TAX

Sec. 28-60. - Declaration of policy, purpose, intent.

This article is enacted to preserve the general health, safety, and welfare of the general public and to promote the tourism industry within the County of Lancaster, South Carolina, by imposing a local tax for the purpose of creating a fund which will be utilized for purposes enumerated in Section 6-1-730(A) of the Code of Laws of South Carolina as such may be amended.

Sec. 28-61. - Imposition of a two percent local hospitality tax.

There is hereby imposed within the County of Lancaster, except within the city limits of the City of Lancaster, a two (2) percent local hospitality tax upon the gross proceeds derived from the sale of all prepared meals and beverages served within the County of Lancaster, except within the city limits of the City of Lancaster, by any establishment. In addition, the tax shall be imposed on all prepared foods and beverages sold in establishments licensed for the consumption of alcoholic beverages, beer, or wine within the County of Lancaster, except within the city limits of the City of Lancaster.

Sec. 28-62. - Payment of tax.

(a) Responsibility for collecting the tax established herein shall be the liability of the provider of the services for items described in section 28-61. The tax shall be paid at the time of delivery of the services or items to which the tax applies and shall be collected by the provider or seller of the service, services, or items.

(b) The tax collected by the seller or provider of services or items as required under section 28-61 shall be remitted to the Lancaster County Finance Department as follows:

(1) On a monthly basis when the estimated amount of tax collected is more than fifty dollars (\$50.00) a month (annual gross revenue in excess of thirty thousand dollars (\$30,000.00)).

(2) On a quarterly basis when the estimated amount of tax collected is between twenty-five dollars (\$25.00) a month to fifty dollars (\$50.00) a month (annual gross revenue between fifteen thousand dollars (\$15,000.00) and thirty thousand dollars (\$30,000.00)).

(3) On an annual basis when the estimated amount of average tax collections is less than twenty-five dollars (\$25.00) a month (annual gross revenue receipts less than fifteen thousand dollars (\$15,000.00)).

(c) Total collections and required reports shall be submitted to the Lancaster County Finance Department by the twentieth day of each month and shall cover sales for the previous month. Payments covered under the provision of subsection (b)(2) shall be submitted quarterly by the twentieth day of January, April, July, and October and shall cover sales for the previous quarter. Payments covered under the provision of subsection (b)(3) shall be submitted by January 20th and shall cover sales for the

previous year. Any collections not remitted by the above stated deadlines shall be subject to a penalty of five (5) percent of the unpaid amount for each calendar month, or portion thereof, after the due date until paid. The failure to collect from patrons the amount imposed by this article shall not relieve any establishment subject to this article from making the required remittance.

Sec. 28-63. - Payment.

Payment of the accommodations tax established herein shall be remitted by the vendor to the County of Lancaster as provided in section 28-62, along with such return or form as may be established by the county for such purposes. Any tax not timely remitted shall be subject to a penalty of five (5) percent of the sum owed for each month or portion thereof until paid.

Sec. 28-52. - Failure to remit.

The failure of any vendor subject to this ordinance to remit to the County the tax imposed by the provisions of this article shall constitute a misdemeanor punishable as provided for in section 1-10 of the Lancaster County Code of Ordinances; and each day a violation continues to exist shall constitute a separate offense.

Sec. 28-53. - Special account.

There is hereby established a special account to be known as the local hospitality account into which the taxes remitted shall be deposited by the county and used solely for the purposes provided by law.

SUBJECT: Hospitality Tax information

Revenue Base:

I contacted the Department of Revenue for information in order to calculate a potential revenue stream. They could not break out prepared food at locations such as grocery stores (deli sandwiches, cooked foods, etc.) nor could they break out what was collected inside the municipalities. Here is the base data from which I am working:

Lancaster County Food Services NAICS Codes						
Start Date: 7/1/2014 End Date: 6/30/2015						
LANCASTER						
NAICS	NAICS TITLE	UNITS	GROSS SALES	NET TAXABLE SALES	3% FOOD NET TAXABLE	TOTAL NET TAXABLE
722110	FULL-SERVICE RESTAURANTS	93	\$52,336,020.05	\$51,835,109.74	\$0.00	\$51,835,109.74
722211	LIMITED-SERVICE RESTAURANTS	25	\$23,434,871.83	\$23,246,480.47	\$0.00	\$23,246,480.47
722212	CAFETERIAS, GRILL BUFFETS, AND BUFFETS	5	\$1,768,174.17	\$1,751,384.17	\$0.00	\$1,751,384.17
722213	SNACK AND NONALCOHOLIC BEVERAGE BARS	1	\$9,309.00	\$9,309.00	\$0.00	\$9,309.00
722310	FOOD SERVICE CONTRACTORS	5	\$12,781.16	\$11,689.21	\$0.00	\$11,689.21
722320	CATERERS	7	\$28,494.63	\$28,494.63	\$0.00	\$28,494.63
722330	MOBILE FOOD SERVICES	10	\$99,988.52	\$96,910.52	\$0.00	\$96,910.52
			\$77,689,639.36	\$76,979,377.74	\$0.00	\$76,979,377.74

Using \$76,979,377.74 as my base number, a 2% (maximum allowed – Council could certainly decide to utilize 1%) Hospitality Tax would yield \$1,539,587.55. Keeping in mind that this would include locations inside the City of Lancaster, and that we could not charge a county tax inside the city limits as they are already capturing the maximum allowable amount, we would need to deduct \$797,921 which was their collections from the above time period. That yields a balance of \$741,666.55.

Given that this number does not include any prepared foods from locations such as grocery stores, I think a conservative revenue estimate of \$800,000 per year would be in order. I do believe that number is very conservative and would also note that the revenue stream would grow as growth continues in the unincorporated area.

Potential Uses:

This is governed by state law, a copy of which is below. I would note that you mentioned potentially using this revenue for development of large parks. I believe, but would certainly defer to John on legal opinions, that such a use would be permissible. I know that Rock Hill utilizes this funding source for Cherry Park and Manchester. The key is using it for large parks where regional, state, and national tournaments are held since it must be tourism related per section 6-1-730(A)(2). Locally Walnut Creek Park would likely qualify while Roy Hardin Park would absolutely not qualify. There is precedent for bonding these funds to pay for capital projects.

State Law:

ARTICLE 7
Local Hospitality Tax

SECTION 6-1-700. Short title.

This article may be cited as the "Local Hospitality Tax Act".

HISTORY: 1997 Act No. 138, Section 9.

SECTION 6-1-710. Definitions.

As used in the article:

(1) "Local governing body" means the governing body of a county or municipality.

(2) "Local hospitality tax" is a tax on the sales of prepared meals and beverages sold in establishments or sales of prepared meals and beverages sold in establishments licensed for on-premises consumption of alcoholic beverages, beer, or wine.

(3) "Positive majority" means a vote for adoption by the majority of the members of the entire governing body, whether present or not. However, if there is a vacancy in the membership of the governing body, a positive majority vote of the entire governing body as constituted on the date of the final vote on the imposition is required.

HISTORY: 1997 Act No. 138, Section 9.

SECTION 6-1-720. Imposition of local hospitality tax.

(A) A local governing body may impose, by ordinance, a local hospitality tax not to exceed two percent of the charges for food and beverages. However, an ordinance imposing the local hospitality tax must be adopted by a positive majority vote. The governing body of a county may not impose a local hospitality tax in excess of one percent within the boundaries of a municipality without the consent, by resolution, of the appropriate municipal governing body.

(B) All proceeds from a local hospitality tax must be kept in a separate fund segregated from the imposing entity's general fund. All interest generated by the local hospitality tax fund must be credited to the local hospitality tax fund.

HISTORY: 1997 Act No. 138, Section 9.

SECTION 6-1-730. Use of revenue from local hospitality tax.

(A) The revenue generated by the hospitality tax must be used exclusively for the following purposes:

- (1) tourism-related buildings including, but not limited to, civic centers, coliseums, and aquariums;
- (2) tourism-related cultural, recreational, or historic facilities;
- (3) beach access and renourishment;
- (4) highways, roads, streets, and bridges providing access to tourist destinations;
- (5) advertisements and promotions related to tourism development; or
- (6) water and sewer infrastructure to serve tourism-related demand.

(B)(1) In a county in which at least nine hundred thousand dollars in accommodations taxes is collected annually pursuant to Section 12-36-920, the revenues of the hospitality tax authorized in this article may be used for the operation and maintenance of those items provided in (A)(1) through (6) including police, fire protection, emergency medical services, and emergency-preparedness operations directly attendant to those facilities.

(2) In a county in which less than nine hundred thousand dollars in accommodations taxes is collected annually pursuant to Section 12-36-920, an amount not to exceed fifty percent of the revenue in the preceding fiscal year of the local hospitality tax authorized pursuant to this article may be used for the additional purposes provided in item (1) of this subsection.

HISTORY: 1997 Act No. 138, Section 9; 1999 Act No. 93, Section 14; 2006 Act No. 314, Section 2, eff June 1, 2006; 2010 Act No. 290, Section 36, eff January 1, 2011.

SECTION 6-1-740. Cumulative rate of local hospitality tax.

The cumulative rate of county and municipal hospitality taxes for any portion of the county area may not exceed two percent, unless the cumulative total of such taxes was in excess of two percent or were authorized to be in excess of two percent prior to December 31, 1996, in which case the cumulative rate may not exceed the rate that was imposed or adopted as of December 31, 1996.

HISTORY: 1997 Act No. 138, Section 9.

SECTION 6-1-750. Local hospitality tax revenue upon annexation.

In an area of the county where the county has imposed a local hospitality tax that is annexed by a municipality, the municipality must receive only that portion of the revenue generated in excess of the county local hospitality tax revenue for the previous twelve months in the area annexed.

HISTORY: 1997 Act No. 138, Section 9.

SECTION 6-1-760. Ordinances prior to March 15, 1997; calculation; revenue.

(A) With respect to capital projects and as used in this section, "tourist" means a person who does not reside in but rather enters temporarily, for reasons of recreation or leisure, the jurisdictional boundaries of a municipality for a municipal project or the immediate area of the project for a county project.

(B) Notwithstanding any provision of this article, any ordinance enacted by county or municipality prior to March 15, 1997, imposing an accommodations fee which does not exceed the three percent maximum cumulative rate prescribed in Section 6-1-540, is calculated upon a base consistent with Section 6-1-510(1), and the revenue from which is used for the purposes enumerated in Section 6-1-530, remains authorized and effective after the effective date of this section. Any county or municipality is authorized to issue bonds, pursuant to Section 14(10), Article X of the Constitution of this State, utilizing the procedures of Section 4-29-68, Section 6-17-10 and related sections, or Section 6-21-10 and related sections, for the purposes enumerated in Section 6-1-530, to pledge as security for such bonds and to retire such bonds with the proceeds of accommodations fees imposed under Article 5 of this chapter, hospitality fees imposed under this chapter, state accommodations fees allocated pursuant to Section 6-4-10(1), (2), and (4), or any combination thereof, and the pledge of such other nontax revenues as may be available for those purposes for capital projects used to attract and support tourists.

HISTORY: 1997 Act No. 138, Section 10; 2010 Act No. 284, Section 1, eff upon approval (became law without the Governor's signature on June 28, 2010).

SECTION 6-1-770. Remitting tax to local governing body; frequency determined by estimated average amounts.

The tax provided for in this article must be remitted to the local governing body on a monthly basis when the estimated amount of average tax is more than fifty dollars a month, on a quarterly basis when the estimated amount of average tax is twenty-five dollars to fifty dollars a month, and on an annual basis when the estimated amount of average tax is less than twenty-five dollars a month.

HISTORY: 1998 Act No. 419, Part II, Section 63B.

WHAT WOULD BE TAXED?

The following is from the City of Lancaster website:

Hospitality Tax is a two percent (2%) local hospitality fee tax upon the gross proceeds derived from the sale of all prepared foods and beverages served within the City of Lancaster by any establishment. In addition, the tax is imposed on all prepared foods and beverages sold in establishments licensed for the consumption of alcoholic beverages, beer, or wine within the City of Lancaster.

Prepared foods means food prepared or modified by an establishment that at the time of sale is ready for consumption by the public, regardless of the food's actual quantity, presentation, or packaging.

Establishment means any business within the City of Lancaster that sells prepared meals and beverages.

What items are taxed?*

All food and/or beverages prepared or modified for immediate consumption, such as:

- Produce (vegetables, fruit) cut, sliced, cored, etc., or prepared/modified on site (vegetable/ fruit trays)
- Meats and cheeses cut, sliced, or prepared on site (meat/cheese trays)
- Salads made on site
- Sandwiches/subs prepared on site
- Bakery items cooked/baked on site
- Coffee brewed on site
- Popcorn made on site
- Ice cream prepared on site
- Seafood steamed/cooked on site
- Grilled hamburgers and hot dogs, pizza, nachos, chicken, etc.
- Packaged dinners cooked on site (Thanksgiving dinners, etc.)
- Fountain drinks
- Any food prepared, modified, or cooked on site by an employee or contractor
- Any prepared foods or meals that are subject to South Carolina Sales Tax
- Any served beverage, inclusive of beer, wine, and liquor

What items are exempt from the tax?*

- Cold, canned or bottled drinks in a vending machine on site
- Consolidating fruit into a basket (fruit baskets)
- Prepackaged items (not prepared or modified on site) consolidated into a larger container to make one package (gift baskets)
- Prepackaged, ready-to-consume meats, cheeses, and deli salads
- Packaged dinners that are not cooked or modified on site
- Items cooked or baked off site without modifications on site
- Ready-to-eat prepackaged food a customer re-heats on site (customer makes the food consumable)
- Prepackaged cans, boxes, or jars of food
- Bags of chips, pretzels, nuts, candy, or other prepackaged food items

* This list serves as an example only and is not an all-inclusive list of taxable/ exempt items.

NOTE: The Administrative Committee asked if food from charitable groups, such as a fire department bar-b-que, would be taxed. We checked with the SCAC representative on the Tourism Expenditure review Committee and learned that it would not be taxed.

Please advise if any additional information is needed.

Agenda Item Summary

Ordinance # / Resolution#:	Information Item
Contact Person / Sponsor:	Steve Willis/Jeff Catoe
Department:	Admin/Public Services
Date Requested to be on Agenda:	April 25, 2016 – Council as information May 12, 2016 I&R Committee May 23, 2015 – Council as an Action Item

Issue for Consideration:

Designation of Lancaster County MS4 area.

Points to Consider:

By statute the urbanized area of Lancaster County must be designated as a MS4 (storm water) area.

The MS4 plan submitted to SC DHEC contained only the urbanized area.

SC DHEC has rejected the portion of the plan designating the covered area. They are designating the entire panhandle of Lancaster County north of the US 521 / SC 5 intersection.

This will greatly expand the area Council has previously designated for MS4 coverage, including the imposition of storm water fees.

Council must determine whether or not to appeal the determination of SC DHEC. As the letter indicates, waivers are generally not applicable to areas with a population of 10,000 or greater.

Funding and Liability Factors:

Unknown at this time. The MS4 plan will need to be amended to include the much larger area to determine the cost of handling this area.

Council Options:

Accept or appeal the MS4 designation by SC DHEC

Committee Recommendation:

The following motion was made at the May 12, 2016 I&R Committee meeting:

Larry McCullough moved not to appeal the MS4 designation by SC DHEC. Seconded by Larry Honeycutt. Passed 2-0. (Councilman Estridge was not present at the time of the discussion and vote).



Catherine E. Heigel, Director

Promoting and protecting the health of the public and the environment

April 14, 2016

Jeff Catoe
Public Works Director
Lancaster County
PO Box 1809
Lancaster, SC 29721

Re: Designation of a portion of Lancaster County as a Small Municipal Separate Storm Sewer Systems (SMS4) to Authorize Discharges to all Waters of the State under the State of South Carolina National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges from Regulated Small Municipal Separate Storm Sewer Systems (SMS4), SCR030000.

Dear Mr. Catoe,

We at the South Carolina Department of Health and Environmental Control (SCDHEC) appreciate the opportunity to meet with you to review Lancaster County's SMS4 Notice of Intent (NOI).

According to the 2010 U.S. Census, at least five distinct portions of Lancaster County became part of the Charlotte NC – SC Urbanized Area (UA). Based on that classification, SMS4s owned or operated by Lancaster County became automatically designated for regulation under Phase II of the NPDES Storm Water Program for Discharges from SMS4.

In addition, the Department is required to consider, and designate, portions of the SMS4 where it is determined that discharges from the SMS4 result, or have the potential to result, in exceedances of water quality standards, including impairment of designated uses, or other significant water quality impacts, including habitat and biological impacts.

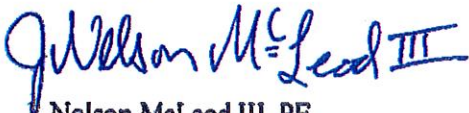
After water quality factors stated above were considered, the South Carolina Department of Health and Environmental Control (SCDHEC) is designating the portion of Lancaster County north of South Carolina Highway 5 as a Regulated Small Municipal Separate Storm Sewer System (SMS4). This area is comprised of TMDL watershed areas (Waxhaw and Twelvemile Creeks), and includes Sugar Creek, listed in the 2014 303(d) list of impaired waters in addition to the 5 portions of Lancaster County included in the Charlotte NC – SC UA as required in South Carolina Water Pollution Control Permits Regulation 61-9 §122.32.

There are waiver provisions from designation for Storm Water Permitting requirements contained in SC R. 61-9 §122.32.(e) & (h). However, these waiver provisions are not applicable to regulated SMS4s with population of 10,000 or more.

Designating the area north of South Carolina Highway 5 as the Lancaster County regulated SMS4 will allow Lancaster County an opportunity to ensure that development in this high growth area occurs in a manner that will meet the County's goals of protecting waters quality. SCDHEC will place a draft certificate of coverage on public notice giving the public an opportunity to comment. A fact sheet supporting the designation of the regulated SMS4 as the area north of South Carolina Highway 5 located in the jurisdiction of Lancaster County will be prepared.

Looking forward to the successful implementation of the NPDES Phase II Municipal Stormwater Program in Lancaster County.

Sincerely,

A handwritten signature in blue ink that reads "Nelson McLeod III". The signature is stylized with a large "N" and "M".

Nelson McLeod III, PE
Environmental Engineer
MS4 Program

Attachments.

cc: John Gast, Keck & Wood, Inc, 215 Hampton Street, Suite 100, Rock Hill, South Carolina 29730

References

SC Water Pollution Control Permits Regulation 61-9 §122.32 Criteria for regulation of a small MS4:

- (a)(1)** Small MS4 located in urbanized area
- (c)** Waiver requirements
- (f)(1)(i)** Small MS4 located in urbanized area
- (f)(1)(ii)** Total population and population density
- (f)(1)(iii)** Adjacent to and impacting a designated MS4
- (g)(1)(i)** On 303d list of impaired waters
- (g)(1)(iii)** Population growth
- (g)(1)(iv)** Three miles of urbanized area
- (g)(2)(i)** Contributing to violation of water quality standard
- (g)(2)(vi)** MS4 approaches two or more criteria
- (h)** Waivers and phasing

SC Water Pollution Control Permits Regulation 61-9 §124.10 **Public notice of permit actions and public comment period**

List of Impaired 303d

http://www.scdhec.gov/HomeAndEnvironment/Docs/tmdl_14-303d.pdf

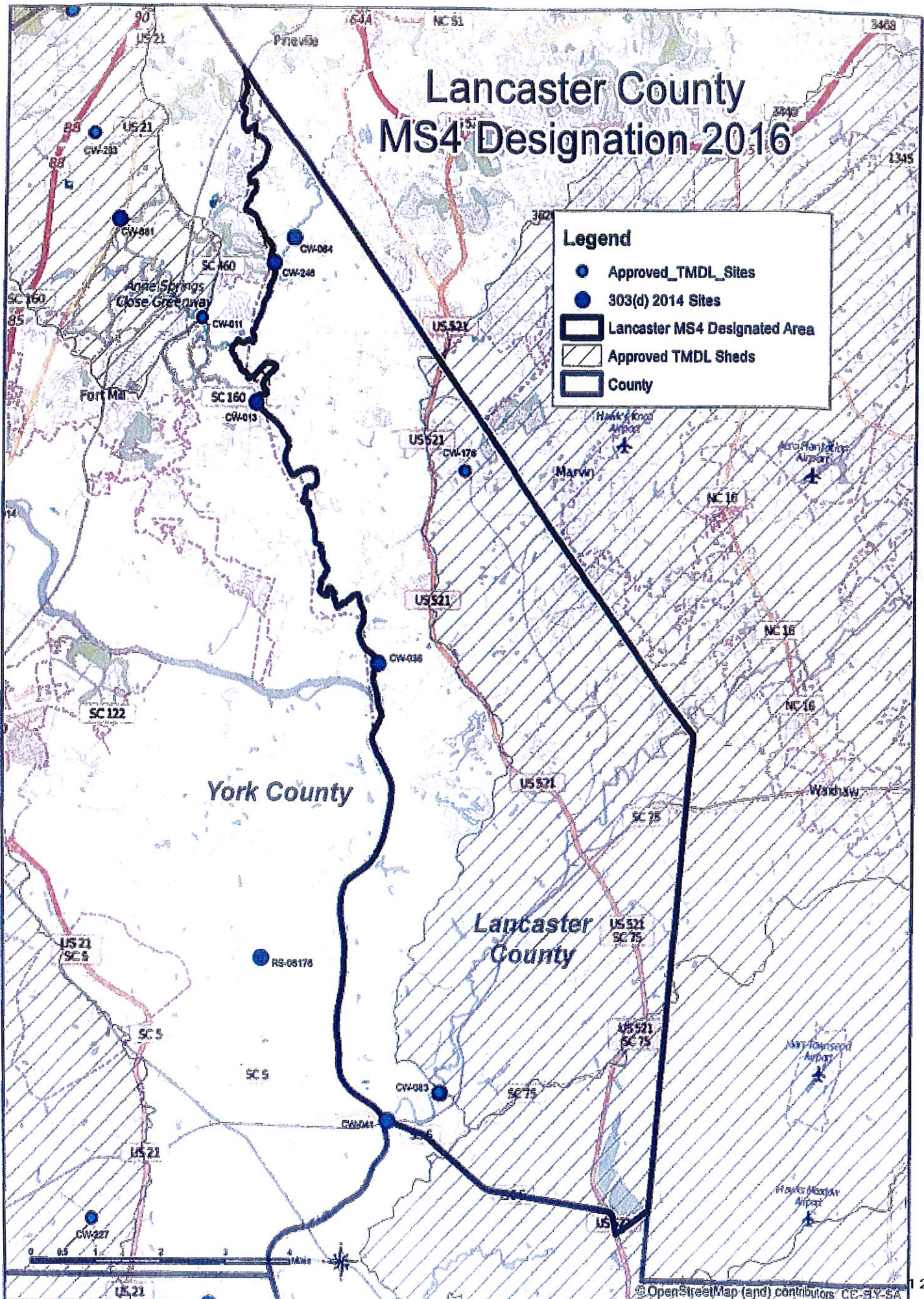
List of Approved TMDLs

http://www.scdhec.gov/HomeAndEnvironment/Docs/tmdl_08sites.pdf

Lancaster County MS4 Designation 2016

Legend

- Approved TMDL Sites
- 303(d) 2014 Sites
- ▭ Lancaster MS4 Designated Area
- ▨ Approved TMDL Sheds
- ▭ County



Agenda Item Summary

Ordinance # / Resolution#:	Information Item
Contact Person / Sponsor:	Darren Player
Department:	140, Emergency Management
Date Requested to be on Agenda:	May 10, 2016 Public Safety Committee Meeting May 23, 2016 County Council Meeting

Issue for Consideration: Acceptance of the formula driven Emergency Management Planning Grant (EMPG) known as the Local Emergency Management Planning Grant (LEMPG).

Points to Consider: This grant is awarded to Lancaster County Emergency Management on an annual basis based on a formula derived by SCEMD that takes into account a base amount and county population. The grant match is provided by existing Emergency Management Staff salaries, and EOC building expenses and contracts related to EOC functions.

Funding and Liability Factors: The match is provided by existing salaries and EOC expenses so no other county funds will be needed. No liability attaches. The grant funds upgrades to existing EOC equipment, IT, security and expenses for plan development. Lancaster County Emergency Management is a subgrantee to SC Emergency Management the Grantee of the EMPG from FEMA.

Council Options: This is a 100% grant so no action by Council is needed. This is an informational item to make sure Council was informed of the grant.

Recommendation: Staff recommendation is to accept the grant as offered by SCEMD.

Committee Recommendation:
The Public Safety Committee concurred with acceptance.

The State of South Carolina
Military Department



OFFICE OF THE ADJUTANT GENERAL

ROBERT E. LIVINGSTON, Jr.
MAJOR GENERAL
THE ADJUTANT GENERAL

April 14, 2016

Darren Player, Director
Lancaster County Emergency Management
P.O. Box 1809
Lancaster, SC 29721

REF: 2016 LEMPG Allocations

Dear Mr. Player:

This is the 2016 Local Emergency Management Performance Grant (LEMPG) application requirements notification. All required information to apply for the county grant is found at <http://ftp.emd.sc.gov>. The Username is [REDACTED] and the password is [REDACTED]. A copy of this letter has been sent to your county administrator/manager for information. Your county's **estimated** annual award is \$58,644 which includes \$35,000 for EM Special Project funding. Your completed grant application is due to EMD by Friday May 27, 2016. Please note that this is not an award letter, but an application request to receive the grant funds. An actual award letter will be forwarded following SCEMD's award from the federal government.

The county will be reimbursed upon receipt of quarterly reports with supporting documentation of allowable expenditures. Each county will be responsible for providing the match for the grant award. **If your county has elected to participate in WebEOC software, the yearly charge becomes part of the grant award and must be matched.** Please note that the period of performance for the 2016 LEMPG is July 1, 2016 to June 30, 2017.

Of special note are the requirements outlined below:

1. Planning: LEMPG program participants must ensure EOPs are Comprehensive Preparedness Guidance (CPG) 101 v.2 compliant.
2. Exercises: LEMPG program funded personnel, to include personnel used as match, must participate in no less than three exercises in a 12-month period.
3. Training: LEMPG program funded personnel, to include personnel used as match, must complete the following training requirements: IS-100.b, IS-200.b, IS-700.a, IS-800.b, IS-120 or IS-139, IS-230.d, IS-235.b, IS-240.a, IS-241.a, IS-242.a, and IS-244.b.
4. The CERT program is now funded with LEMPG funds that must be matched by the county. Counties that want to participate must request the additional CERT funds up to a maximum of \$9,000.00, add to their budget submission and include as a scope of work item.
5. The Department of Homeland Security adopted 2 C.F.R. Part 200. The provision of 2 C.F.R. Part 200 will apply to all sub-recipient grant awards.

A 2016 LEMPG checklist has been added in the FTP site to assist in preparing the application.

Emergency Management Division
2779 Fish Hatchery Road
West Columbia, South Carolina 29172
(803) 737-8500 • (803) 737-8570

Finance and Administration

April 14, 2016

Page Two

If you have any questions or if we can assist you in any way, please contact Morgan Denny, (803) 737-8559, Deborah Dawson, (803) 737-8598, or your Regional Emergency Manager.

Sincerely,

A handwritten signature in black ink, appearing to read 'K. Stenson', with a horizontal line extending to the right.

Kim Stenson
Director

KS/dd

CC: County Administrators

Agenda Item Summary

Ordinance # / Resolution#:	Information Item
Contact Person / Sponsor:	Jeff Catoe/ Steve Willis
Department:	Public Works/ Admin
Date Requested to be on Agenda:	May 23, 2016

Issue for Consideration:

Information on use of Foxhole.

Points to Consider:

We have met with the Mecklenburg County staff regarding continued use of the Foxhole.

Mecklenburg will work with us in obtaining temporary permits. Their permit system will go into effect July 1, 2016.

We will obtain permits and issue them to panhandle residents living north of the CSX Railroad line upon proof of residency with a SC driver's license and vehicle registration.

Permits will be issued for residential disposal only; no commercial permits will be issued by Lancaster County. Anyone desiring to dispose of commercial wastes must purchase their own permit.

Discussions with the engineer and contractor had not concluded at the time of this report; more information will be forthcoming at the Council meeting.

Funding and Liability Factors:

We will purchase permits at the stated price; however, Mecklenburg will work with us to split them into either 3 month permits or 6 month permits, depending upon discussions regarding site construction. Estimated cost will be \$10,000 which will come from the current budget.

Council Options:

Approve or disapprove of the plan.

Staff Recommendation:

Approval.

Committee Recommendation:

This is coming as follow-up from the last Council meeting and has not been through the I&R Committee.



Lancaster County Fire Rescue

PO Box 1809
Lancaster, SC
29721

Business Phone
803-283-8888

Fax
803-283-6333

E-mail
LCFR@compurium.net

Sound and Progressive



Date: May 11, 2016
To: Debbie Hardin, Clerk to Council
From: Darren Player, Director *DP*
Subject: Fire Commission Members for 2016-2020

The Lancaster County Fire Commission respectfully submits five new members, named below, for approval by the Lancaster County Council.

Bell Town Fire Department
Jamie Gainer
3960 J.B. Denton Road
Lancaster, SC 29720
(803) 285-9692

McDonald Green Fire Department
Francis "Butch" Ghent
2331 Watts Drive
Lancaster, SC 29720
(803) 285-4035

Camp Creek Fire Department
Jessie Lee Dobson
1651 Pageland Hwy
Lancaster, SC 29720
(803) 804-1591

Pleasant Valley Fire Department
Michael Kirkpatrick
8716 E Meadow Ridge Rd
Indian Land, SC 29707
(803) 372-8263

Elgin Fire Department
Richard D. Vawter
3053 Laurens Court
Lancaster, SC 29720
(574) 210-1053

The Lancaster County Fire Commission respectfully submits the name of a new member from the Heath Springs Fire district for approval by 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
(803) 246-1420

If you have questions or need any additional information, please contact our office.



216 SOUTH CATAWBA STREET PO BOX 1149 LANCASTER, SC 29721-1149 TEL 803-286-8414 FAX 803-286-6109

May 17, 2016

Debbie Hardin, Clerk to Council
Lancaster County
P.O. Box 1809
Lancaster, SC 29721-1809

RE: Joint Recreation Commission Nomination

Dear Ms. Hardin:

At the May 10th Council Meeting, the City Council unanimously nominated Pamela Giardiello to serve a second term as the City's representative to Joint Recreation Commission.

With Regards,



Steven "Flip" Huffles
City Administrator



May 4, 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 after May 25th, Tennis Channel (SD & HD) will be made available with Variety Pass/Preferred TV in addition to Sports Pass.

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 cursive script that reads "Ben Breazeale".

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

MEETINGS & FUNCTIONS – 2016

DAY/DATE	TIME	FUNCTION/LOCATION
Monday May 23 rd	6:30 p.m.	Regular Council Meeting
Thursday, June 9 th	6:00 p.m.	Board Member of the Year Dinner Historic Courthouse
Monday, June 13 th	6:30 p.m.	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
Thursday, June 16 th	4:30 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 month7:00 p.m. ... Fire Commission, Covenant Street EOC Building

2nd and 4th Tuesday of each month9:00 a.m. ... Development Review Committee, Council Chambers

2nd Tuesday of each month6:30 p.m. ... Zoning Appeals Board, County Council Chambers

2nd Tuesday of each month6:30 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 Tuesday6:00 p.m. ... Historical Commission, Library Conference Room

3rd Thursday of each month6:30 p.m. ... Community Relations Commission, County Council Chambers

1st Thursday of each month5:00 p.m. ... Planning Commission work session, County Council Chambers

3rd Tuesday of each month6:30 p.m. ... Planning Commission, County Council Chambers