

Lancaster County Council Regular Meeting Agenda

Monday, February 27, 2017

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

1. **Call to Order Regular Meeting – Chairman Steve Harper** 6:00 p.m.
2. **Welcome and Recognition – Chairman Steve Harper**
3. **Pledge of Allegiance and Invocation – Council Member Larry Honeycutt**
4. **Approval of the agenda** *[deletions and additions of non-substantive matter]*
5. **Special Presentations**
 - a. Presentation by York Technical College – Lancaster County Update; presented by the Off Campus Centers Leadership Team
 - b. Presentation on Promise Neighborhood Project by Paul N. McKenzie
6. **Citizen Comments** *[Speakers are allowed approximately 3 minutes. If there are still people on the list who have not spoken at the end of thirty (30) minutes, Council may extend the citizen comments section or delay it until a later time in the agenda]*
7. **Consent Agenda**
 - a. Minutes of the February 13, 2017 regular meeting – ***pgs. 4-9***
 - b. **2nd Reading of Ordinance 2017-1430 regarding rezoning of property of Elizabeth Hill**
Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As To Rezone Property Of Elizabeth Hill, Located Between U.S. Highway 521 And Charles Pettus Road From LDR, Low Density Residential District To NB, Neighborhood Business District; And To Provide For Other Matters Related Thereto. ***Planning Commission recommended approval by a vote of 6-0. Passed 7-0 at the February 13, 2017 Council Meeting. - Penelope Karagounis – pgs. 10-11***
8. **Non-Consent Agenda**
 - a. **Resolution 0952-R2017 regarding support for Lindsay Pettus Greenway**
Resolution Title: A Resolution Denoting Support For The Lindsay Pettus Greenway – ***(Favorable – I&R Committee) - Steve Willis – pgs. 12-13***

- b. **Resolution 0954-R2017 regarding donation of property from Sinacori Builders, LLC**
Resolution Title: A Resolution To Acknowledge Lancaster County's Acceptance Of An Offer By Sinacori Builders, LLC To Donate Gratuitously To Lancaster County A Ten (10) Acre Tract Of Real Property Located Near The Intersection of Harrisburg Road And Calvin Hall Road. – *John Weaver – pgs. 14-16*
- c. **1st Reading Of Ordinance 2017-1429 regarding Fee In Lieu of Tax and Incentive for Akzo Nobel Coatings Inc.**
Ordinance Title: An Ordinance To Authorize The Execution And Delivery Of The First Amendment To The Fee In Lieu Of Tax And Incentive Agreement Between Lancaster County, South Carolina And Akzo Nobel Coatings Inc. – *(Favorable - Administration Committee) - John Weaver – pgs. 17-25*
- d. **1st Reading of Ordinance 2017-1432 regarding Real Property Lease for United Global Solutions**
Ordinance Title: An Ordinance To Amend The Real Property Lease Between Lancaster County And United Global Solutions As Originally Approved Through The Passage Of Ordinance No. 2015-1340. – *(Favorable – Administration Committee) - John Weaver – pgs. 26-36*
- e. **1st Reading of Ordinance 2017-1433 regarding rezoning of property of F.R. Wilkerson III/NBI Investments III, LLC**
Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As To Rezone Property Of F.R. Wilkerson III/NBI Investments III LLC, Located At 182 Spice Road From LDR, Low Density Residential District To LI, Light Industrial District. *Planning Commission recommended denial by a vote of 6-1. – Penelope Karagounis – pgs. 37-75*
- f. **2nd Reading Of Ordinance 2017-1431 regarding budget amendment for Fiscal Year 2016-2017**
Ordinance Title: An Ordinance To Amend Ordinance No. 2016-1398, Relating To The Appropriation Of Funds And The Approval Of A Detailed Budget For Lancaster County For The Fiscal Year Beginning July 1, 2016 And Ending June 30, 2017 (FY 2016-2017), To Further Provide For Revenues And Expenditures During The Fiscal Year; And To Provide For Matters Related Thereto. – *Passed 6-0 at the February 13, 2017 Council Meeting. - Steve Willis/Kim Hill – pgs. 76-79*

9. **Discussion and Action Items**

a. Committee Reports

- 1. I&R Committee – Committee Chair Larry Honeycutt
- 2. Public Safety – Committee Chair Brian Carnes
- 3. Administration Committee – Committee Chair Charlene McGriff

b. Information on Amendment to Midway CDBG grant – *Steve Willis – pg. 80*

c. Information on Special elections to fill the Fifth Congressional seat – *Steve Willis – pg. 81*

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

None at this time.

11. Miscellaneous Reports and Correspondence

a. Budget Monitoring Report – Month of January 2017 – *pgs. 82-97*

b. Follow-up to Resolution 0949-R2017 – *pg. 98*

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

13. Executive Session

14. Calendar of Events - *pg. 99*

15. Adjournment

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

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



Members of Lancaster County Council

Steve Harper, District 5, Chairman

Charlene McGriff, District 2, Vice Chairwoman

Larry Honeycutt, District 4, Secretary

Brian Carnes, District 7

Jack Estridge, District 6

Terry Graham, District 1

Billy Mosteller, District 3

Minutes of the Lancaster County Council Regular Meeting

101 N. Main Street, Lancaster, SC 29720

Monday, February 13, 2017

Council Members present were Brian Carnes, Jack Estridge, Terry Graham, Steve Harper, Larry Honeycutt, Charlene McGriff and Billy Mosteller. Also present were Steve Willis, John Weaver, Sherrie Simpson, Chelsea Gardner, Penelope Karagounis, Veronica Thompson, the press and spectators. A quorum of Lancaster County Council was present for the meeting.

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

Call to Order regular meeting

Chairman Steve Harper called the regular meeting of Council to order at 6:00 p.m.

Welcome and Recognition/Pledge of Allegiance and Invocation

Chairman Steve Harper welcomed everyone to the meeting and announced the press notification was met. Terry Graham led the Pledge of Allegiance to the American Flag and delivered the invocation.

Approval of the agenda

John Weaver stated that agenda item 8b should be removed from the agenda since that item is a duplicate of item 8c and it would be unnecessary to pass both resolutions. Therefore, Resolution 0955-R2017 should be removed from the agenda. Brian Carnes moved to approve the agenda as amended. Seconded by Charlene McGriff. Passed 7-0.

Special Presentations

Chairman Steve Harper presented the 2016 State Champion 12 and under soccer all-star team with a Lancaster County Proclamation.

Chairman Harper also presented Janie Demby, EMS, and Sherri Brady, EMS, with Thumbs Up awards for extraordinary work performance.

Citizens Comments

Jane Knight, 2009 Kennedy Drive, Fort Mill, SC, spoke regarding the new Southern Paws Animal Hospital and the request from Dr. Hill, veterinarian, for a new state of the art animal hospital.

Sara Phillips, 2045 Robert H. Kirk Road, Lancaster, SC, spoke regarding the need to adopt a county wide policy for the Trap/Neuter/Return program for cats and the need to spay or neuter all animals adopted from the Lancaster Animal Shelter.

Barbara Taylor, 26533 Sandpiper Court, Fort Mill, SC, spoke regarding Dr. Hill's expansion of her facility and the re-zoning of that area in order to allow that expansion.

Janine Gross, 15155 Legend Oaks Court, Indian Land, SC, spoke regarding Dr. Hill's new facility. She stated that Dr. Hill, veterinarian, helps the animal shelter and with a new facility, Dr. Hill will be able to provide even more help to the shelter. She also spoke regarding the Trap/Neuter/Return program.

Joe Dillon, 4597 Old Hickory Road, spoke regarding the re-zoning of his property and other property under the new UDO.

Consent Agenda

Larry Honeycutt moved to approve the Consent Agenda item A. Seconded by Billy Mosteller. No discussion. Passed 7-0.

A. Minutes of the following meetings:

- January 23, 2017 regular county council meeting

Non-Consent Agenda

Resolution 0953-R2017: A Resolution To Approve The Consolidation Of Various Contiguous Real Property Parcels Owned By Haile Gold Mine Into A Single Parcel Containing 4,507.13 Acres.

Brian Carnes moved to approve Resolution 0953-R2017. Seconded by Charlene McGriff.

John Weaver noted that Jack Estridge recused himself from consideration of this resolution. The recusal form is on file with the Clerk to Council. John Weaver explained that Haile Gold Mine owns 93 parcels of land and each has its own tax map number. Approval of this resolution will allow the various parcels to be consolidated into one parcel and to be designated by a single tax map number. There will be no other impact on the county from a tax standpoint. Department of Health and Environmental Control has asked that these parcels be consolidated. The tax assessor has agreed to this consolidation.

There was no further discussion. Council voted 6-0-1 to approve Resolution 0953-R2017.

Resolution 0956-R2017: A Resolution To Amend The Master Multi-County Park Agreement Between Chesterfield County And Lancaster County, Dated As Of December 9, 2013, And Amended And Restated As Of November 9, 2015, So As To Add To The Agreement Property Of Carolina Packaging, Inc., And Property Of Talley Metals Technology, LLC Both Located In Chesterfield County; And To Provide For Other Matters Related Thereto.

Charlene McGriff moved to approve Resolution 0956-R2017. Seconded by Terry Graham.

John Weaver stated that this resolution will add 2 economic development incentive package programs for the Multi-County Park Agreement Between Chesterfield County and Lancaster County. Lancaster County only requires passage of a single resolution since the economic development project is in Chesterfield County.

There was no further discussion. Council voted 7-0 to approve Resolution 0956-R2017.

1st Reading of Ordinance 2017-1430 regarding rezoning of property of Elizabeth Hill

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As To Rezone Property Of Elizabeth Hill, Located Between U.S. Highway 521 And Charles Pettus Road From LDR, Low Density Residential District To NB, Neighborhood Business District; And To Provide For Other Matters Related Thereto.

Larry Honeycutt moved to approve the first reading of Ordinance 2017-1430. Seconded by Brian Carnes.

Penelope Karagounis stated that the Planning Commission recommends approval of the rezoning of the property and a public hearing was held regarding the rezoning.

Council voted 7-0 to approve the first reading of Ordinance 2017-1430.

2nd Reading of Ordinance 2017-1431 regarding budget amendment for Fiscal Year 2016-2017

Ordinance Title: An Ordinance To Amend Ordinance No. 2016-1398, Relating To The Appropriation Of Funds And The Approval Of A Detailed Budget For Lancaster County For The Fiscal Year Beginning July 1, 2016 And Ending June 30, 2017 (FY 2016-2017), To Further Provide For Revenues And Expenditures During The Fiscal Year; And To Provide For Matters Related Thereto.

Prior to the consideration of Ordinance 2017-1431, Larry Honeycutt excused himself from the county council meeting due to a prior family commitment, leaving 6 council members in attendance for the remainder of the meeting. A quorum of Lancaster County Council remained present for the meeting.

Brian Carnes moved to approve the first reading of Ordinance 2017-1431. Seconded by Charlene McGriff.

Council voted 6-0 to approve the first reading of Ordinance 2017-1431.

Discussion and Action Items

Nominations to UDO Advisory Committee:

Chairman Steve Harper nominated the following citizens to the UDO Advisory Committee: Michael Clancy, Scott Croxton and Steve Hucks. Steve Harper nominated himself and Brian Carnes as the council members to serve on the UDO Advisory Committee. The citizen nominations are for information only to the rest of the council and no vote was required for this chairman's nomination.

Penelope Karagounis explained the purpose the UDO Advisory Committee, which is to meet on an annual basis and discuss what is working and what is not working regarding the new UDO.

Nomination to the Board of Zoning Appeals.

Steve Harper nominated Darrell Reid to the Board of Zoning Appeals for District 5.

Billy Mosteller moved to approve the appointment. Seconded by Charlene McGriff. No further discussion. Passed 6-0.

Appointment of citizens to Economic Development Advisory Board.

Steve Willis stated that three citizens need to be appointed to the Economic Development Advisory Board. The County Administrator and the Economic Development Director recommended the following citizens to serve on the Economic Development Advisory Board: Kristen Blanchard of Nutramax representing manufacturing; Bruce Brumfield of Founders Federal Credit Union representing corporate; and Kevin Stillwell of American Wax representing small business.

Brian Carnes moved to approve the appointments. Seconded by Charlene McGriff.

Jack Estridge questioned the duties of the Advisory Board. Steve Willis stated that the Advisory Board helps determine on which sectors that economic development should focus. Council can sit in on the meetings but no council member is appointed to this Advisory Board. Steve Harper explained that the Advisory Board was created by Ordinance last year.

There was no further discussion. Council voted 6-0 to approve Kristen Blanchard, Bruce Brumfield and Kevin Stillwell to serve on the Economic Development Advisory Board.

Appointment of representative to the Olde English District Tourism Commission.

Steve Willis stated that Council has one appointment to the Olde English District Tourism Commission. Kirk Johnston previously served on this Commission and his reappointment is being requested.

Jack Estridge moved to approve the reappointment. Seconded by Billy Mosteller. Council voted 6-0 to approve the reappointment of Kirk Johnston to the Olde English District Tourism Commission.

Information on mosquito control grant for the Fire Rescue Service.

Mr. Willis explained that this item was for information only. No action required by Council at this time on this item as it is a 100% grant. This item will also be discussed at the Public Safety Committee meeting tomorrow. This grant is for mosquito control, working with the Department of Health and Environmental Control. The grant has been applied for but not awarded. The grant is for equipment only. No further discussion.

Information on Building Neighborhood Assets grant for the Sheriff's Office.

Mr. Willis stated that this item will also be discussed at the Public Safety Committee meeting tomorrow and this item was also for information only. No action required by Council at this time. This grant has been applied for but not yet awarded. It is a federal grant and does involve personnel. The personnel are not guaranteed beyond the grant period. The grant involves many other agencies and is funded over a three year period. Charlene McGriff explained that the focus of the grant is on addressing crime in high crime areas and improving relationships between law enforcement and neighborhoods.

Adjournment

Terry Graham moved to adjourn the meeting. Seconded by Billy Mosteller. Passed 6-0. Meeting was adjourned at 6:59 p.m.

Respectfully Submitted:

Approved by Council, February 27, 2017

Sherrie Simpson
Clerk to Council

Larry Honeycutt, Secretary

STATE OF SOUTH CAROLINA

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ORDINANCE NO. 2017-1430

COUNTY OF LANCASTER

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AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY SO AS TO REZONE PROPERTY OF ELIZABETH HILL, LOCATED BETWEEN US HIGHWAY 521 AND CHARLES PETTUS ROAD FROM LDR, LOW DENSITY RESIDENTIAL DISTRICT TO NB, NEIGHBORHOOD BUSINESS DISTRICT; AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.

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

Section 1. Findings and Determinations.

The Council finds and determines that:

(a) Elizabeth Hill applied to rezone property located between US Highway 521 and Charles Pettus Road from LDR, Low Density Residential District, to NB, Neighborhood Business District.

(b) On January 17, 2017, the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a vote of (6-0), recommended approval of the rezoning.

Section 2. Rezoning.

The Official Zoning Map is amended by changing the zoning district classification from LDR, Low Density Residential District to NB, Neighborhood Business District for the following property(ies) as identified by tax map number or other appropriate identifier:

Tax Map No. 0016-00-047.01

Section 3. Severability.

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

Section 4. Conflicting Provisions.

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

Section 5. Effective Date.

This ordinance is effective upon third reading.

And it is so ordained, dated this _____ day of _____, 2017.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: February 13, 2017 Passed 7-0

Second Reading: February 27, 2017

Third Reading: March 13, 2017 (Tentative)

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Agenda Item Summary

Ordinance # / Resolution#:	Resolution 0952-R2017
Contact Person / Sponsor:	Steve Willis
Department:	Administration
Date Requested to be on Agenda:	February I&R Meeting/ February 27 th Council Meeting

Issue for Consideration:

Resolution of Support for Lindsay Pettus Greenway.

Points to Consider:

This is a non-binding Resolution requested by the Greenway to show the support of County Council.

Funding and Liability Factors:

No funding is authorized by this Resolution. Any funding would have to come through future budget ordinances adopted by the Council then serving.

Council Options:

Approve or reject the Resolution.

Staff Recommendation:

Approve the Resolution.

Committee Recommendation:


Recommend approval.

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Agenda Item Summary

Resolution #: 0954 – R2017
Contact Person: John Weaver 
Department: County Attorney
Date Requested to be on Council Agenda: February 27, 2017
Committee: N/A

Issue for Consideration: Whether or not it is appropriate for County Council to consider passage of this Resolution whereby Lancaster County will accept from Sinacori Builders, LLC a ten (10) acre parcel of real property located on Harrisburg Road near the intersection of Calvin Hall Road.

Points to Consider: On November 28, 2017, through the passage of Ordinance No. 2015-1370, Lancaster County entered into a Development Agreement (DA) with Sinacori Builders that subsequently was executed by both parties and recorded with the register of Deeds. A provision of the DA was that the developer would dedicate ten (10) acres to the County. That offer has now been made by Sinacori and reconfirmed by letter of February 13, 2017.

Funding and Liability Factors: None.

Council Options: Approve or reject the Resolution..

Recommendation: A prompt decision to accept the offer, if that is the will of Council, is paramount. The decision of Council to accept the offer of the acreage must be made within fifteen (15) days of the Effective Date or the offer will expire and become null and void.

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

RESOLUTION NO.: 0954-R2017

A RESOLUTION

TO ACKNOWLEDGE LANCASTER COUNTY'S ACCEPTANCE OF AN OFFER BY SINACORI BUILDERS, LLC TO DONATE GRATITUOUSLY TO LANCASTER COUNTY A TEN (10) ACRE TRACT OF REAL PROPERTY LOCATED NEAR THE INTERSECTION OF HARRISBURG ROAD AND CALVIN HALL ROAD.

WHEREAS, on December 9, 2016 a Development Agreement between Sinacori builders, LLC and Lancaster County was recorded in the office of the Lancaster County Register of Deeds in Deed Book 1018 at page 15; and

WHEREAS, pursuant to Section 5.19 of the Agreement, the effective date of the contract was February 6, 2017; and

WHEREAS, pursuant to Section 4.01C of the Agreement, Sinacori Builders, LLC has offered to Lancaster County without charge a ten (10) acre portion of the Avondale Development, to which the Agreement is applicable, designated as Village A on the Master Plan and as further identified as Parcel 2 on a plat prepared by R. Joe Harris & Associates, Inc. dated January 17, 2017 and recorded in the Office of the Lancaster County Register of Deeds on January 18, 2017 in Plat Book 20127 at Page 31; and

WHEREAS, pursuant to Section 4.01C of the Agreement, Lancaster County must accept this offer by written notice to Sinacori within fifteen (15) days of the Effective Date or the offer will expire and become null and void; and

WHEREAS, on January 1, 2016, Brown and Caldwell, a national engineering firm, provided to the Avondale developer, D.R. Horton, a Phase 1 Environmental Site Assessment of the entire 190.063 acre parcel(s) known as Avondale, including the ten (10) acre tract being offered to Lancaster County; and

WHEREAS, the results of the assessment identified no evidence of on-site or off-site recognized environmental conditions and, further, that no wetlands are located on the target property; and

WHEREAS, July 18, 2016, a written appraisal of the then (10) acre parcel was reported by Stewart Tedford, MAI, SRA as having a value of Eight Hundred Ninety Thousand (\$890,000.00) Dollars; and

WHEREAS, pursuant to Lancaster County Code Section 2-296, all conditions of this acquisition of real property have been met but for County Council's passage of a Resolution wherein acceptance of the acreage is approved.

THEREFORE, BE IT RESOLVED, that Lancaster County Council through the passage of this resolution hereby accepts the offer of Sinacori Builders, LLC whereby it gratuitously will convey the ten (10) acre parcel identified herein pursuant to the terms and conditions noted in the aforesaid Development Agreement.

AND IT IS SO RESOLVED

Dated this _____ day of February, 2017.

Lancaster County, South Carolina

Steve Harper, Chairman, County Council

Larry Honeycutt, Secretary, County Council

ATTEST

Sherrie Simpson, Clerk to Council

Agenda Item Summary

Ordinance No.: 2017 - 1429

Contact Person: John Weaver

Department: County Attorney

Date Requested to be on Council Agenda: February 27, 2017

Committee: Administration Committee – February 14, 2017



Issue for Consideration: Whether or not it is appropriate for County Council to consider passage of this ordinance that amends the existing FILOT Agreement with Akzo Nobel Coatings, Inc?

Points to Consider: In December, 2011, Lancaster County Council approved a FILOT Agreement with Akzo Nobel Coatings, Inc. wherein a thirty (30) year term to the FILOT and a Special Source Revenue Credit was established. This amendment changes those 2011 terms by reducing the term from 30 years down to 20 years, terminates the Special Source Credits and permits the repayment of monies to the County for credits previously received by the company. Additionally, as noted in Section 3 of the First Amendment, new terms and conditions of continuing incentives have been provided – as will be explained by Jamie Gilbert at the time of Council's consideration of this ordinance.

Funding and Liability Factors: None.

Council Options: Approve or reject the ordinance.

Recommendation of Economic Development Director: Approve.

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

ORDINANCE NO. 2017-1429

AN ORDINANCE

TO AUTHORIZE THE EXECUTION AND DELIVERY OF THE FIRST AMENDMENT TO THE FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT BETWEEN LANCASTER COUNTY, SOUTH CAROLINA AND AKZO NOBEL COATINGS INC.

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

Section 1. Findings; Purpose.

(A) The Lancaster County Council finds that:

(1) Lancaster County, South Carolina (hereinafter referred to as the "County"), acting by and through its Council (the "Council"), is empowered under and pursuant to the provisions of the Fee in Lieu of Tax Simplification Act, codified as Chapter 44, Title 12 of the Code of Laws of South Carolina 1976, as amended (the "Act"), to enter into fee agreements with industries in connection with the acquisition, enlargement or improvement of industrial and commercial enterprises within the State of South Carolina (the "State");

(2) the County previously entered into a Fee in Lieu of Tax and Incentive Agreement with Akzo Nobel Coatings Inc. (the "Company"), dated as of December 12, 2011 (the "Fee Agreement"), for the purpose of, among other things, providing to the Company incentives in the form of a fee in lieu of tax arrangement and special source credits in connection with the "Project," as defined in the Fee Agreement;

(3) the scope of and timing for the implementation of the Project as envisioned by the terms of the Fee Agreement have changed; and

(4) the County and the Company have agreed to shorten the term of the fee in lieu of tax arrangement and to eliminate the special source credits.

(B) It is the purpose of this ordinance to approve an amendment to the Fee Agreement to provide for the (i) reduction of the number of years for which a Negotiated FILOT Payment is payable from thirty (30) to twenty (20) years, (ii) termination of the Special Source Credits, and (iii) repayment of certain Special Source Credits previously received by the Company.

Section 2. Statutory Findings.

Council makes the following additional findings:

(a) the Project will continue to constitute a “project” as said term is referred to and defined in Section 12-44-30(16) of the Act, and the First Amendment will promote the purposes enumerated in the Act, and in all respects conform to the provisions and requirements of the Act;

(b) the Project will continue to benefit the general public welfare of the County by providing or maintaining services, employment, recreation, and other public benefits not otherwise provided locally;

(c) neither the Project, the First Amendment, nor any documents or agreements entered into by the County in connection therewith will constitute or give rise to any pecuniary liability of the County or an incorporated municipality or a charge against its general credit or taxing power;

(d) the purposes to be accomplished by the Project and the First Amendment are proper governmental and public purposes; and

(e) the inducement of the expansion of the Project within the County and State is of paramount importance, and the benefits of the Project to the public will be greater than the costs.

Section 3. Approval and Execution of First Amendment.

The form, terms, and provisions of the First Amendment to the Fee in Lieu of Tax and Incentive Agreement (the “First Amendment”), attached hereto as Exhibit A, are approved, and all of the terms, provisions, and conditions thereof are incorporated herein by reference as if the First Amendment was set out in this ordinance in its entirety. The Council Chair and Council Secretary are authorized, empowered, and directed to execute and acknowledge the First Amendment in the name of and on behalf of the County, and thereupon to cause the Fee Agreement Amendment to be delivered to the Company. The First Amendment is to be in substantially the form as attached to this ordinance and hereby approved, with such changes therein as shall not be materially adverse to the County and as shall be approved by the officials of the County executing the same, upon the advice of counsel to the County, such officer’s execution thereof to constitute conclusive evidence of such officer’s approval of any and all changes or revisions therein from the form of the First Amendment attached to this ordinance.

Section 4. Authority to Act.

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

Section 5. Severability.

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

Section 6. Controlling Provisions.

To the extent this ordinance contains provisions that conflict with provisions contained elsewhere in the Lancaster County Code or other County ordinances, resolutions or orders, 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 _____, 2017.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: February 27, 2017
Second Reading: March 13, 2017 (Tentative)
Public Hearing: March 13, 2017 (Tentative)
Third Reading: March 27, 2017 (Tentative)

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Exhibit A to Ordinance No. 2017-1429

**First Amendment
to the
Fee in Lieu of Tax and Incentive Agreement
between
Lancaster County, South Carolina and Akzo Nobel Coatings Inc.**

This FIRST AMENDMENT TO THE FEE IN LIEU OF TAX AND INCENTIVE AGREEMENT (the "First Amendment") is dated as of March 27, 2017, by and between LANCASTER COUNTY, SOUTH CAROLINA, a body politic and corporate, a political subdivision of South Carolina (the "County") and AKZO NOBEL COATINGS INC., a corporation organized and existing under the laws of Delaware and authorized to do business in the South Carolina (the "Company").

RECITALS

WHEREAS, pursuant to Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as amended (the "Act"), the County and the Company entered into a Fee in Lieu of Tax and Incentive Agreement dated as of December 12, 2011 (the "Fee Agreement"), for the purpose of, among other things, providing to the Company incentives in the form of a fee in lieu of tax arrangement and special source credits in connection with the "Project," as defined in the Fee Agreement;

WHEREAS, the scope of and timing for the implementation of the Project as envisioned by the terms of the Fee Agreement have changed;

WHEREAS, the County and the Company have agreed to shorten the term of the fee in lieu of tax arrangement and to eliminate the special source credits;

WHEREAS, pursuant to Ordinance No. 2017-1429, and at the request of the Company, the County approved this First Amendment to the Fee Agreement for the purpose of (i) reducing the number of years for which a Negotiated FILOT Payment is payable from thirty (30) to twenty (20) years, (ii) terminating the Special Source Credits, and (iii) providing for the repayment of certain Special Source Credits previously received by the Company; and

WHEREAS, the County and Company now desire to enter into this First Amendment for the purposes stated above.

FIRST AMENDMENT

NOW, THEREFORE, in consideration of the above recitals and other lawful consideration duly paid and received, the parties agree that the Fee Agreement is amended as follows:

Section 1. *Incorporation of Recitals.* The above recitals are incorporated into this First Amendment as if the recitals were set out in this First Amendment in their entirety.

Section 2. *Amendment of Recapitulation.* Item 4 of the Recapitulation of Contents of Fee in Lieu of Tax and Incentive Agreement is amended to read:

“Length and Term of the Agreement – 20 years for each annual increment of investment in the Expansion Project placed in service during the Investment Period”

Section 3. *Amendment of Special Source Credits.* Section 3.02(a) of the Fee Agreement, relating to Special Source Credits, is amended to read:

“The County, as an additional incentive to induce the Company to locate the Expansion Project within the County and as reimbursement for investment in certain Special Source Improvements, and subject to the requirements of the Special Source Act, does hereby agree that the Company and each Co-Investor (each a “Claiming Entity”) shall each be entitled to receive, and the County shall provide, Special Source Credits against each annual FILOT Payment made by each Claiming Entity with respect to the Expansion Project, in an amount equal to fifty percent (50%) of each such FILOT Payment, for a period commencing with the year for which the initial annual Negotiated FILOT Payment is due hereunder and ending with the year for which the annual Negotiated FILOT Payment is due to be paid without penalty on or before January 15, 2017. In accordance with the Special Source Act and subject to Section 4.03 hereof, the Special Source Credits authorized herein shall not, in the aggregate, exceed the aggregate cost of Special Source Improvements funded from time to time in connection with the Expansion Project.”

Section 4. *Amendment of Compliance Requirements.* Section 4.04 of the Fee Agreement, relating to Failure to Comply with Minimum Contractual Investment Requirement and/or Minimum Jobs Requirement, is amended to read:

“(a) County and Company agree that neither the Minimum Contractual Investment Requirement and the Minimum Jobs Requirement were satisfied under this Agreement.

(b) Because of the failure to satisfy the Minimum Contractual Investment Requirement and the Minimum Jobs Requirement, Company agrees to reimburse the County for any Special Source Credits received prior to January 16, 2017, and the amount of the reimbursement shall be calculated according to the following formula:

The highest degree of compliance reached by the end of the Investment Period (but not to exceed the investment and job creation levels contained in the Minimum Contractual Investment Requirement and the Minimum Jobs Requirement) shall be measured against the Minimum Contractual Investment Requirement and the Minimum Jobs Requirement, and shall be weighted 50% Jobs/50% Investment times the aggregate Special Source Credits.

As an example, assuming investment in the Expansion Project totaled \$5,000,000 and job creation totaled 25 jobs by the end of the Investment Period and the Company had received, or will receive, in the aggregate, \$200,000 in Special Source Credits, the reimbursement would be:

$$((30-25)/30)=[16.666\%]$$

$$((\$7,500,000-\$5,000,000)/\$7,500,000)[33.333\%]$$

$$16.66\%+33.333\%/2=24.999\%$$

$$= 24.999\% \times \$200,000$$

The Company would owe \$49,998.

As an additional example, assuming investment in the Expansion Project totaled \$10,000,000 and job creation totaled 25 new jobs by the end of the Compliance Period and the Company had received, or will receive, in the aggregate \$200,000 in Special Source Credits, the reimbursement would be:

$$((30-25)/30)=[16.666\%]$$

$$((\$7,500,000-\$7,500,000)/\$7,500,000)=[(0\%)]$$

$$16.666\%+(0\%)/2=(8.3\%)$$

The Company would owe \$16,600.

Notwithstanding the provisions of Section 5.01(g) of this Agreement, the amount due the County pursuant to this Section 4.04(b) shall be paid not later than December 29, 2017 and shall be collected and enforced in accordance with Section 12-44-90 of the Negotiated FILOT Act.

(c) For property tax years beginning after December 31, 2016, Company agrees to maintain not less than seventy-seven (77) full-time jobs at the Expansion Project ("Jobs Maintenance Commitment"). If the number of full-time jobs falls below the number set forth in the Jobs Maintenance Commitment, then the Company agrees that the Company forfeits the benefit of the Negotiated FILOT Payment provided in Section 5.01(b) of this Agreement for the property tax year immediately following the property tax year in which the Jobs Maintenance Commitment is not maintained and the Company shall pay a fee-in-lieu of tax to the County computed in the same manner and amount as *ad valorem* property taxes would be computed. Beginning in calendar year 2017, the Company shall certify to the County Auditor on or before May 31 of each year following the end of a property tax year that the Company has complied with the Jobs Maintenance Requirement as of the end of such property tax year. If the certification is not made on or before May 31 of the applicable year, the Company agrees that the benefit of the Negotiated FILOT Payment provided in Section 5.01(b) of this Agreement are forfeited for the applicable property tax year and the Company shall pay a fee-in-lieu of tax to the County computed in the same manner and amount as *ad valorem* property taxes would be computed. Company agrees that this Agreement is terminated prospectively if the number of full-time jobs is below the number set forth in the Jobs Maintenance Commitment for three (3) consecutive years.

(d) Notwithstanding any other provision of this Agreement, the Company acknowledges and agrees that County's obligation to provide the Negotiated FILOT benefits end if the Company closes its facilities in the County (including, without limitation, the Expansion Project) or otherwise ceases operations in the County and this Agreement shall terminate prospectively beginning with the FILOT Payment due with respect to the year in which the Company, closes its facilities or otherwise ceases operations."

Section 5. *Amendment of Number of Negotiated FILOT Payments.* Section 5.01(b)(i) of the Fee Agreement, relating to number of annual Negotiated FILOT Payments, is amended to read:

"For each annual increment of investment in Negotiated FILOT Property, the annual Negotiated FILOT Payments shall be payable for a period of twenty (20) years. Accordingly, if such Negotiated FILOT Property is placed in service during more than one year, each year's investment during the Investment Period shall be subject to the Negotiated FILOT for a period of twenty (20) years."

Section 6. *Amendment of Remedy.* Section 5.01(f)(iii) of the Fee Agreement is amended to read:

“(iii) Reserved.”

Section 7. *Amendment of Notice Addresses.* Items (b) and (c) of Section 9.03, relating to Notices; Demands; Requests, is amended to read:

“(b) with a copy (which shall not constitute notice) to:

Lancaster County Attorney
Administration Building
101 N. Main Street, 2nd Floor (29720)
P.O. Box 1809 (29721-1809)
Lancaster, SC
Phone: 803-416-9426
Fax: 803-285-3361
Email: jweaver@lancastercountysc.net

(c) with a copy (which shall not constitute notice) to:

Lancaster County Department of Economic Development
Attn: Director
1033 W. Meeting Street (29720)
P.O. Box 1809 (29721)
Lancaster, SC
Phone: 803 286-3633
Email: jgilbert@lancastercountysc.net”

Section 8. *Payment of Expenses.* Upon submission of appropriate documentation of the expenditure, Company agrees to reimburse the County, not later than March 31, 2017, for the County’s reasonable unreimbursed actual costs incurred related to this First Amendment. The cost reimbursement is limited to County payments to third-party vendors, including, but not limited to, payments for attorney’s fees.

Section 9. *Representations and Warranties.* (A) Company represents and warrants, as the basis for the undertakings on its part contained in this First Amendment, that it (i) is a corporation organized and existing and in good standing under the laws of Delaware, (ii) is authorized to do business in South Carolina, (iii) has all requisite power to enter into this First Amendment, and (iv) by proper action has been duly authorized to execute and deliver this First Amendment.

(B) County represents and warrants, as the basis for the undertakings on its part contained in this First Amendment, that it (i) is a body politic and corporate and a political subdivision of the State, (ii) is authorized by the Act to enter into this First Amendment, (iii) has approved this First Amendment in accordance with the procedural requirements of the Act and any other applicable state law, and (iv) has authorized its officials to execute and deliver this First Amendment.

Section 10. *Multiple Counterparts.* This First Amendment may be executed in multiple counterparts, each of which shall be an original but all of which shall constitute but one and the same instrument.

Section 11. *Fee Agreement.* Except as specifically provided in this First Amendment, the Fee Agreement shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties hereto, each after due authorization, have executed this First Amendment to be effective as of the date first written above.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

[SEAL]

ATTEST:

By: _____
Sherrie Simpson, Clerk to County Council

AKZO NOBEL COATINGS INC.

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

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Agenda Item Summary

Ordinance #: 2017 - 1432

Contact Person: John Weaver

Department: County Attorney

Date Requested to be on Council Agenda: February 27, 2017

Committee: Administration (Favorable Recommendation 3-0)

Issue for Consideration: Whether or not it is appropriate for County Council to consider passage of this Ordinance that will permit the tenant, United Global Solutions, to sublet the use of the county's building on Charlotte Highway to a wholly-owned automotive repair and service business?

Points to Consider: United Global Solutions (UGS) leases from Lancaster County a building and 5+ acres of adjoining property on Charlotte Highway from the County. The Company is beginning its third year of occupancy in this 5 year lease. The Company is a satisfactory tenant. As part of its materials distribution operation, UGS maintains and services its transportation vehicles on the premises. The Company seeks the County's approval to begin servicing vehicles that are owned by others. The new vehicle servicing company is a UGS wholly-owned SC corporation that is incorporated separately for liability purposes.

Funding and Liability Factors: None.

Council Options: Approve or reject the ordinance.

Recommendation: The Administration Committee has recommended approval.

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

ORDINANCE NO.: 2017-1432

AN ORDINANCE

TO AMEND THE REAL PROPERTY LEASE BETWEEN LANCASTER COUNTY AND UNITED GLOBAL SOLUTIONS AS ORIGINALLY APPROVED THROUGH THE PASSAGE OF ORDINANCE NO. 2015-1340.

WHEREAS, on March 9, 2015, Lancaster County ("County") and United Global Solutions ("Company") agreed to the Company's lease of the County's property located at 3758 Charlotte Highway in Lancaster, SC through the passage of Ordinance No. 2015-1340; and

WHEREAS, on March 19, 2015, the County and the Company memorialized the agreement by entering into a Real Property Lease, recorded March 20, 2015 in the Office of the Lancaster County Register of Deeds, wherein the Company was authorized to utilize the facility for a materials distribution facility for a period of five (5) years, reference being made to the Lease for a more detailed and complete descriptions of the terms and conditions thereof; and

WHEREAS, the Company now seeks to amend the terms of Section 3, USE, of the herein described Lease so as to permit the Company's addition use of the facility for a retail automotive repair and servicing operation of third party, privately owned vehicles, the new servicing corporation/organization being known as Auto Masters of Carolinas, Inc., a wholly owned corporate enterprise of United Global Solutions, Inc.; and

WHEREAS, the proposed amendment to the Real Property Lease is attached hereto for the consideration of and the discussions by Council; and

WHEREAS, the Company has shown itself to be a responsible tenant and, further, that the additional use appears consistent with the Company's present use of the facility for the repair and servicing of its own vehicles;

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 the proposed Amendment to Real Property Lease is deemed to be acceptable and is approved by Council. Further, upon final passage, the Administrator is authorized to execute the Amendment in behalf of Lancaster

County and the fully executed Amendment shall become an integral provision of the Real Property Lease.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2017.

Lancaster County, South Carolina

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST

Sherrie Simpson,
Clerk to County Council

First Reading: February 27, 2017
Second Reading: March 13, 2017 (tentative)
Public Hearing: March 13, 2017 (tentative)
Third Reading: March 27, 2017 (tentative)

AMENDMENT TO REAL PROPERTY LEASE

THIS AMENDMENT TO REAL PROPERTY LEASE (this "Amendment") is entered into as of this _____ day of January, 2017, by and between LANCASTER COUNTY, SOUTH CAROLINA ("County") and UNITED GLOBAL SOLUTIONS, INC. ("Company"), a business entity formed and existing under the laws of the State of South Carolina, and authorized to do business in Lancaster County, South Carolina.

WITNESSETH

WHEREAS, on March 19, 2015, County and Company entered into a Real Property Lease (the "Lease") for that certain parcel of property containing 5.578 acres identified as 3758 Charlotte Highway, Lancaster, South Carolina; Tax Map Number 0032-00-018.00; and

WHEREAS, County and Company now wish to amend such Lease as set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants and agreements set forth herein, and in consideration of TEN AND 00/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and legal sufficiency of which is hereby acknowledged, County and Company hereby agree to amend the Lease as follows:

1. **USE.** Section 3 of the Lease is amended to read as follows: "Use. During the term hereof, Company or its sublessee shall occupy and use property authorized by County solely in connection with: (i) a material distribution facility; and/or (ii) an automotive repair and servicing facility. Use of facility by Company or Company's sublessee shall be in full compliance with all applicable rules, regulations, and requirements of any Federal, State, City, or County regulatory agency having jurisdiction over the Company's operations or that of Company's sublessee. Company and Company's sublessee shall also fully comply with all safety and security policies/directives as established by Lancaster County."
2. **SUBUSE.** Section 12 of the Lease is amended to read as follows: "Subuse and Assignment. Company shall not allow any other entity to occupy or use any of the property without the written consent of the Lancaster County Council and no attempted assignment of this Lease by Company shall be effective; provided, however, that Company is permitted to sublease a portion of the premises to Auto Masters of Carolinas, Inc. ("Sublessee") for the purpose of operating an automotive repair and servicing facility therein, so long as Sublessee maintains insurance of the type and amount set forth in Section 11 of this Lease."

[Remainder of Page Intentionally Left Blank]

IN WITNESS WHEREOF, County and Company have executed and delivered this Amendment as of the day, month, and year first above written.

ATTEST:

LANCASTER COUNTY:

By: _____
Its: _____
Date: _____

ATTEST:

UNITED GLOBAL SOLUTIONS, INC.

By: _____
Its: _____
Date: _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

PROBATE

Before me, the undersigned notary public, personally appeared the undersigned witness, who, being duly sworn, deposed and said that she saw the within named County, Lancaster County, by Steve Willis, its Administrator, sign, seal and deliver the foregoing Amendment to Real Property Lease and that she, together with the other witness whose signature appears above, witnessed the execution thereof.

Witness

SWORN To and subscribed before me
This ____ day of January, 2017.

Notary Public for South Carolina

My commission expires: _____

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

PROBATE

Before me, the undersigned notary public, personally appeared the undersigned witness, who, being duly sworn, deposed and said that she saw the within named Company, United Global Solutions, Inc., by Michael Hosseini, its Chief Financial Officer, sign, seal and deliver the foregoing Amendment to Real Property Lease and that she, together with the other witness whose signature appears above, witnessed the execution thereof.

Witness

SWORN To and subscribed before me
This ____ day of January, 2017.

Notary Public for South Carolina

My commission expires: _____

South Carolina Secretary of State Mark Hammond

Business Entities Online

File, Search, and Retrieve Documents Electronically

AUTO MASTERS OF CAROLINAS, INC.

Corporate Information

Entity Type: Corporation

Status: Good Standing

Domestic/Foreign: Domestic

Incorporated South Carolina
State:

Important Dates

Effective Date 08/24/2016

:

Expiration N/A
Date:Term End N/A
Date:Dissolved N/A
Date:

Registered Agent

Agent: MICHAEL HOSSEINI

Address: 3758 CHARLOTTE HWY
LANCASTER, South Carolina 29720

Official Documents On File

Filing Type	Filing Date
Incorporation	08/24/2016

For filing questions please contact us at 803-734-2158

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[South Carolina Secretary of State](#)



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
01/13/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER COMMERCIAL INS NET LLC 2420 SPRINGER DR STE 100 NORMAN, OK 73069 (888) 661-3938		CONTACT NAME: PHONE (A/C, No, Ext): (888) 661-3938 FAX (A/C, No): (877) 552-6091 E-MAIL: Service.center@travelers.com ADDRESS: Service.center@travelers.com	
INSURED AUTO MASTERS OF CAROLINAS INC 3758 CHARLOTTE HWY LANCASTER, SC 29720		INSURER(S) AFFORDING COVERAGE INSURER A : TRAVELERS CASUALTY INSURANCE COMPANY OF AMERICA INSURER B : INSURER C : INSURER D : INSURER E : INSURER F :	

COVERAGES

CERTIFICATE NUMBER: 804043148280310

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> HIRED AUTO <input checked="" type="checkbox"/> NON OWNED AUTO GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC <input type="checkbox"/> OTHER:	X		680-1J005898-17	01/12/2017	01/12/2018	EACH OCCURRENCE	\$1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$1,000,000
							MED EXP (Any one person)	\$5,000
							PERSONAL & ADV INJURY	\$1,000,000
							GENERAL AGGREGATE	\$2,000,000
							PRODUCTS - COMPI/OP AGG	\$2,000,000
								\$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						COMBINED SINGLE LIMIT (Ea accident)	\$
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE	\$
							AGGREGATE	\$
								\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				PER STATUTE	
							OTH-ER	
							E.L. EACH ACCIDENT	\$
							E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$
A	GARAGEKEEPERS - COMPREHENSIVE GARAGEKEEPERS - COLLISION			680-1J005898-17	01/12/2017	01/12/2018	\$250	\$120,000
							\$500	\$120,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

INSURED IS NAMED ADDITIONAL INSURED AS PER XTEND ENDORSEMENT.

CERTIFICATE HOLDER

LANCASTER COUNTY
ATTN: STEVE WILLIS COUNTY ADMIN
OR RYAN WHITAKER, RISK MANAGER
PO BOX 1809
LANCASTER, SC 29721

CANCELLATION

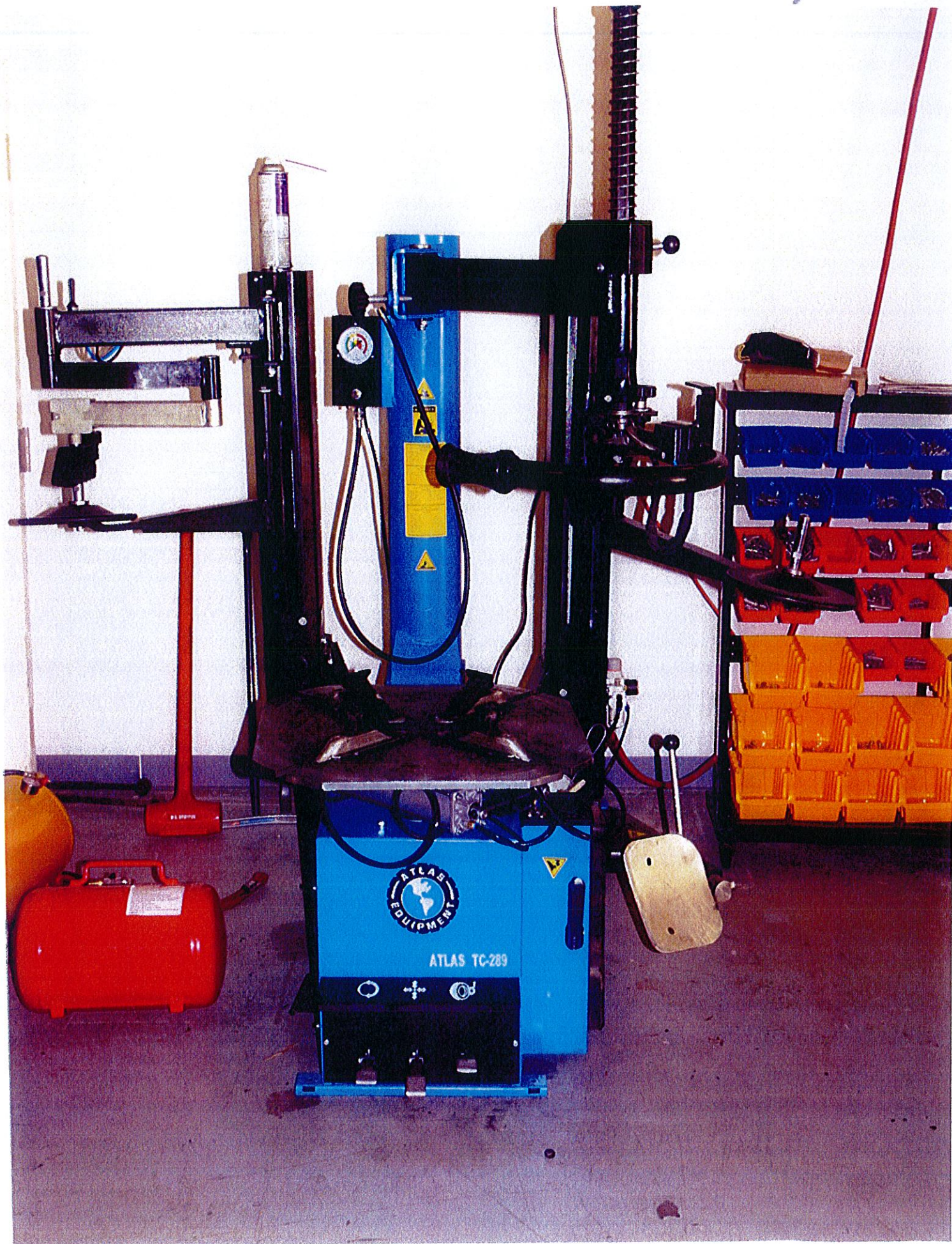
SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE


Mary J. Swan

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Agenda Item Summary

Ordinance # / Resolution#: RZ-017-007
Contact Person / Sponsor: Andy Rowe 
Department: Planning Department
Date Requested to be on Agenda: February 27, 2017

Issue for Consideration:

*Rezoning application of F.R. Wilkerson III to rezone \pm 21.36 acres from LDR, Low Density Residential District, to LI, Light Industrial District.

Points to Consider:

- *This zoning error was brought to County Council's attention on March 23, 2015. The Planning Department received this rezoning request from the County Administrator. Staff believes the designated property was not zoned appropriately when the county adopted zoning in 1998.
- *A question was raised from Planning Commission as to if the Board of Zoning Appeals could hear this case. After research staff has determined that the South Carolina code specifically prohibits the Board of Zoning Appeals from granting variances for a use not allowed within the particular district or to extend an existing non-conforming use.
- ***Please see staff report for full history of this case. ***
- *Any uses allowed as a permitted use for an LI, Light Industrial District can be used for this property if rezoned. If McClancy's ever decides to sell the property anything in the table of uses under LI would be allowed on this property if rezoned as well. We want to support the efforts of economic development in regards to supporting the expansion of local businesses. At the same time, we need to be cognizant of the concerns of a now established neighborhood known as Bridgemill.
- *The applicant has a site plan that depicts the new building expansion to be 19,200 square feet. The expansion if approved will have to adhere to the set requirements in the Unified Development Ordinance including the installation of a type C buffer yard for any new buildings constructed. This proposed zoning map amendment would create a \pm 21.36 acre, LI, Light Industrial zone at this location. Thus, the concept of "spot zoning" should be addressed. The South Carolina Supreme Court has defined spot zoning as the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area, for the benefit of the owners of that property and to the detriment of other owners. It is staff's opinion that if the subject property is rezoned to LI, it could be a detriment to the adjoining property owners either presently or in the future if sold. The Future Land Use Map identifies this property as Neighborhood Mixed-Use.
- *The Future Land Use Map also references Special-Use Industrial areas, none of which are located in this area.
- *We want to support the efforts of economic development in regards to supporting the expansion of local businesses. At the same time we need to be cognizant of the concerns of a now established neighborhood known as Bridgemill.

Funding and Liability Factors:

- *Several Citizens made comments regarding legal issues if approved.

Council Options:

- *To approve or deny the rezoning request.

Recommendation:

*The recommendation of the Planning Staff that the rezoning request for the property located at 182 Spice Road be **Denied**.

*On February 21, 2017 Planning Commission met and voted to **Deny** the rezoning request by a vote of (6-1). At the referenced meeting 5 citizens spoke against this rezoning request. A representative for Mr. Wilkerson spoke for the rezoning request emphasizing this case is a zoning error that should be corrected.

STATE OF SOUTH CAROLINA

COUNTY OF LANCASTER

)
)
)

ORDINANCE NO. 2017-1433

AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY SO AS TO REZONE PROPERTY OF F. R. WILKERSON III/NBI INVESTMENTS III LLC, LOCATED AT 182 SPICE ROAD FROM LDR, LOW DENSITY RESIDENTIAL DISTRICT TO LI, LIGHT INDUSTRIAL DISTRICT; AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.

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

Section 1. Findings and Determinations.

The Council finds and determines that:

(a) F.R. Wilkerson III applied to rezone property located at 182 Spice Road from LDR, Low Density Residential District, to LI, Light Industrial District.

(b) On February 21, 2017, the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a vote of (6-1), recommended to deny the rezoning.

Section 2. Rezoning.

The Official Zoning Map is amended by changing the zoning district classification from LDR, Low Density Residential District to LI, Light Industrial District for the following property(ies) as identified by tax map number or other appropriate identifier:

Tax Map No. 0010-00-001.00.

Section 3. Severability.

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

Section 4. Conflicting Provisions.

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

Section 5. Effective Date.

This ordinance is effective upon third reading.

And it is so ordained, this 27th day of March, 2017.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherri Simpson, Clerk to Council

First Reading: February 27, 2017

Second Reading: March 13, 2017

Third Reading: March 27, 2017

Approved as to form:

County Attorney

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PLANNING STAFF REPORT

I. Facts

A. General Information

Proposal: Rezoning application of F. R. Wilkerson III to rezone ± 21.36 acres from LDR, Low Density Residential District, to LI, Light Industrial District.

Property Location: The property is located at 182 Spice Road in the Indian Land section of Lancaster County, SC.

Legal Description: Tax Map 10, Parcel 1

Zoning Classification: Current: LDR, Low Density Residential District.

Voting District: District 7- Brian Carnes

B. Site Information

Site Description: The parcel is currently occupied by McClancy Seasoning Company. The building was constructed in 1980 and is considered to be one of the first major businesses in Indian Land.

C. Vicinity Data

Surrounding Conditions: The property has four parcels to the north zoned LDR, Low Density Residential District. Parcels to the south and west are all zoned PDD, Planned Development District (PDD-11 Bridgemill), and one adjacent parcel to the east is zoned MX, Mixed-Use District.

D. Exhibits

1. Rezoning Application
2. Location Map
3. Zoning Map
4. Future Land Use Map/Future Land Use Map (County)
5. Tax Inquiry Sheet
6. UDO – Section: 2.3 - Districts
7. UDO- Section: 7.1.5A – Required Buffer Yards/ 7.1.5B- Buffer Yard Types
8. UDO-7.1.7- General Installation and Maintenance Standards
9. Table of Uses- LI

II. Findings

Code Considerations:

2.3 DISTRICTS:

Low Density Residential District (LDR)

The Low Density Residential District is established to maintain previously developed or approved single-family residential subdivisions and their related recreational, religious, and educational facilities at a density of 1.5 dwelling units per acre. Intended to act as a transitional zoning district between rural living and urban development, these regulations are further intended to discourage any use which would be detrimental to the predominately residential nature of the areas included within the district.

Light Industrial District (LI)

The Light Industrial District is established for activities that can be operated in a relatively clean and quiet manner, and which will not be obnoxious to adjacent residential or business districts. This includes warehousing and wholesaling activities with limited contact with the general public. It is designed to prohibit most heavy industry, which should be properly segregated, and to prohibit any other use which would substantially interfere with the development of industrial establishments in the district. Limited opportunities for retail sales and services are also provided.

UNIFIED DEVELOPMENT ORDINANCE | Adopted 11.28.2016

III. Case History

This “zoning error” was brought to County Council’s attention on March 23, 2015. After an Executive Session, Steve Harper made a motion to direct Steve Willis, County Administrator, to initiate a rezoning as discussed in Executive Session. The Planning Department received this rezoning request from the County Administrator. Staff believes the designated property was not zoned appropriately when the county adopted zoning in 1998. At that time the Planning Department did not have adequate staff to be able to conduct windshield surveys for the entire county. The elected officials representing their districts made judgments on how parcels should be zoned.

On May 19th, 2015 Planning Commission met and conducted a public hearing on this case. At the referenced meeting there were 10 people who spoke against this rezoning and 1 person who spoke for the rezoning. The planning department had received a total of 34 emails against this rezoning that was presented at the rezoning hearing. The residents of Bridgemill Subdivision expressed that when buying their homes, they diligently researched the zoning of the area. They purchased their homes in good faith that the zoning would continue to be Residential.

There was also communication referencing that the McClancy's can file a variance with the Board of Zoning Appeals. At the May 19th, 2015 Planning Commission Meeting, Penelope Karagounis, Planning Director, mentioned that Kannapolis, North Carolina had a provision in their Unified Development Ordinance to allow a variance for an expansion to a non-conforming use. A memo was sent from Steve Willis, County Administrator to further explore the option if a variance would conflict with South Carolina law. Andy Rowe, Planner, sent an email to the Association of Counties to see if the option was possible for us to use this in Lancaster County, South Carolina. John DeLoache, Attorney from the Association of Counties in South Carolina responded back saying that the county would not be able to amend our zoning ordinance to allow the Board of Zoning Appeals to grant variances to extend a non-conforming use or to allow uses not already allowed in the zoning district. **The ordinance can not conflict with the authority granted to the Board of Zoning Appeals by the State Planning Enabling Act. Andy Rowe, Planner, found a section of the code and Mr. DeLoache agreed with section 6-29-800 prohibits the contemplated amendment. Section 6-29-800(A)(2)(d)(i) specifically prohibits the Board of Zoning Appeals from granting variances for a use not allowed within the particular district or to extend an existing non-conforming use.** Based on the research above there was no such provision that allows an applicant to file a variance for a non-conforming uses in our ordinance to expand. The Planning Commission's decision was to defer by a vote of (4-3).

At the July 21st Lancaster County Planning Commission meeting during citizens comments, one citizen spoke against this rezoning request. The property owner Mr. Wilkerson spoke for the rezoning, emphasizing that he has always been a good neighbor to the property owners of Bridgemill. Mr. Wilkerson also stated that he was not notified of a rezoning back when county began the zoning process in 1998 or when the county changed zoning districts in the panhandle area of the county in 2005 to control density. The Planning Commission decision was to Deny by a vote of (4-2).

On August 10th, 2015 Council had 1st reading of this rezoning request. Council approved 1st reading by a vote of (6-1). On August 24th, 2015 Council had 2nd reading of the rezoning request and approved 2nd reading by a vote of (6-1). On September 14th, 2015 Council had 3rd reading and deferred by a vote of (7-0). On November 9th, 2015 Council ultimately denied the rezoning request by a vote of (4-3). On November 23rd, 2015 Council decided to reconsider the case to zone the property to B-3(General Business) rather than I-1(Light Industrial) and by a vote of (5-1) decided to rehear the case on December 14th. On December 14th, 2015 Council made several motions during the meeting and subsequently made a motion to approve the rezoning, which was denied (0-7).

IV. Conclusions

After further research in this case in 2015, staff concluded that Mr. Wilkerson or the property owner at such time was indeed given proper notice in during the initial zoning in 1998, and again

in 2005 when the county rezoned this property. In the event Mr. Wilkerson or the property owner at the time did not receive a formal letter in the above referenced years, the newspaper published an article stating that the zoning would be changed to R-15 in 1998 and R-15P in 2005. If Mr. Wilkerson or the property owner at such time did not see the original zoning of R-15 in 1998, there were multiple articles that were published in various papers throughout the county for the zoning reclassification in May of 2005. It is unfortunate that over the course of seventeen years, the property owner continuously failed to acknowledge the two official notifications and various newspaper reports of his property's zoning classification. However, the county cannot be held responsible for zoning information successfully passing from property owner to property owner. Furthermore, the property owner is ultimately responsible for knowing the zoning classification for their property.

Planning staff believes that the recommendation should be to deny because we have no parameters for an orderly expansion of a non-conforming use with our current Unified Development Ordinance. Any uses allowed as a permitted use for an LI, Light Industrial District can be used for this property if rezoned. If McClancy's ever decides to sell the property anything in the table of uses under LI would be allowed on this property if rezoned as well (Exhibit 9). We want to support the efforts of economic development in regards to supporting the expansion of local businesses. At the same time, we need to be cognizant of the concerns of a now established neighborhood known as Bridgemill.

The applicant has a site plan that depicts the new building expansion to be 19,200 square feet. The existing building is 54,140 square feet. The new building expansion plus the existing building will total 73,340 square feet. The expansion if approved will have to adhere to the set requirements in the Unified Development Ordinance including the installation of a type C buffer yard for any new buildings constructed (Exhibit 7). A type C buffer yard per the Unified Development Ordinance has a minimum width of 40 feet that must include evergreen trees, canopy trees, understory trees and evergreen shrubs. A type C buffer yard also has other options of providing less buffer width and less vegetation, but requires either a berm or wall/ fence (Exhibit 7). The type C buffer yard required will further help screen a new constructed building from all adjacent properties including the Bridgemill subdivision (PDD-11 Bridgemill). In addition, the installation of the buffer yard must also be maintained (Exhibit 8).

This proposed zoning map amendment would create a \pm 21.36 acre, LI, Light Industrial zone at this location. Thus, the concept of "spot zoning" should be addressed. The South Carolina Supreme Court has defined spot zoning as the process of singling out a small parcel of land for a use classification totally different from that of the surrounding area, for the benefit of the owners of that property and to the detriment of other owners. It is staff's opinion that if the subject property is rezoned to LI, it could be a detriment to the adjoining property owners either presently or in the future if sold. The Future Land Use Map identifies this property as

Date of 1st Reading: 2-27-17
___ Approved ___ Denied ___ No Action

Date of 2nd Reading: 3-13-17
___ Approved ___ Denied ___ No Action

Date of 3rd Reading: 3-27-17
Approved ___ Denied ___ No Action

Neighborhood Mixed-Use based on the *Lancaster County Comprehensive Plan 2014-2024*. Neighborhood Mixed-Use according to the *Lancaster County Comprehensive plan 2014-2024* is identified as a “Walkable Neighborhood”. The Future Land Use Map also references Special-Use Industrial areas, none of which are located in this area (Exhibit 4).

V. Recommendation

Planning staff believes that the recommendation should be to deny because we have no parameters for an orderly expansion of a non-conforming use with our current UDO, the property if rezoned is considered “spot zoning”, and the subject property is not defined as a Special Use-Industrial District which conflicts with the Future Land Use Map. It is therefore the recommendation of the planning staff that the rezoning request for the property located at 182 Spice Road be denied.

VI. Recommendation from Planning Commission Meeting:

At the Lancaster County Planning Commission meeting on Tuesday, February 21, 2017 the Commission voted to **deny** the rezoning application of Mr. F.R. Wilkerson III by a vote of (6-1). At the above referenced meeting 5 citizens signed to speak against the rezoning at the public hearing. A representative for Mr. Wilkerson was present and gave a presentation in favor of the rezoning.

Exhibit 1



Planning Department
P.O. Box 1809, 101 N. Main Street, Lancaster, SC 29721
Phone: 803.285.6005, planning@lanastercountysc.net
www.mylanastersc.org

ZONING MAP AMENDMENT APPLICATION

SUBMITTAL REQUIREMENTS

- Completed Application
- Signatures of Applicant and Property Owner
- Deed and survey plat or boundary survey
- Fees associated with review

GENERAL INFORMATION

Property Address 182 Spice Rd
City INDIANLAND State SC Zip 29707 Tax Parcel ID _____
Current Zoning LDR Current Use INDUSTRIAL / MANUFACTURING
Proposed Zoning LIGHT INDUSTRIAL Total Acres Approx 23 Acres
Project Description REZONE FROM LDR TO LI
AK 1-25-17

Surrounding Property Description ON FILE

CONTACT INFORMATION

Applicant Name F.R. Wilkerson III / MANAGING Director NBI INVESTMENTS III
LLC.
Address 182 SPICE RD
City INDIANLAND State SC Zip 29707 Phone 704-236-2008
Fax _____ Email reidw@mcclancy.com
Property Owner Name ~~F.R. Wilkerson III~~ NBI INVESTMENTS III, LLC.
Address 182 SPICE RD
City INDIANLAND State S.C. Zip 29707 Phone 704-236-2008
Fax _____ Email reidw@mcclancy.com

APPLICATION CERTIFICATIONS

I hereby certify that I have read this application and the information supplied herein is true and correct to the best of my knowledge. I agree to comply with all applicable County ordinances and state laws related to the use and development of the land. I further certify that I am the property owner, or his/her authorized agent, or the subject property. I understand that falsifying any information herein may result in rejection or denial of this request.

[Signature]

Applicant

~~1/17/17~~ 1/17/17

Date

For:

NBI INVESTMENTS III, LLC.

Property Owner(s) J. R. WICKERSON III, MANAGING DIRECTOR

1/17/17

Date

Attach owner's notarized written authorization with property information if the applicant is not the owner.

LANCASTER COUNTY OFFICE USE ONLY

Application Number RZ-017-004 Date Received 1-17-17 Receipt Number 341909

Amount Paid \$250.00 Check Number 305333 Cash Amount _____

Received By AR Planning Commission Meeting Date 2-21-17

SCHEDULE/PROCESS

1. Submit Application

- The deadline for this application is at least 30 days prior to the Planning Commission meeting, held every third Tuesday of the month.
- Once an application is submitted, it is placed on the Planning Commission agenda for the following month.
- An application withdrawal should be made in writing and received prior to public notice in order to receive a refund.

2. Planning Commission

- Conducts a public hearing on the application to receive input from Lancaster County citizens, applicant, and other interested parties.
- Reviews the application to ensure it is consistent with the Lancaster County Unified Development Ordinance, Comprehensive Plan, and all adopted County plans.
- Makes a recommendation to the County Council.

3. County Council

- Approves, denies, or submits application to the Planning Commission for further study.
- Action requires three readings for approval.
- Subsequent to final County Council action on rezoning, notice of action will be provided to the applicant, owner, and adjacent property owners.

LANCASTER COUNTY ASSESSOR
Tax Map:
0010 00 001 00

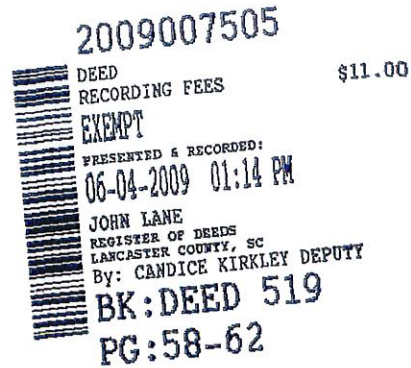
Exhibit 1

Prepared by:

Joshua B. Vann, Esq.
MORTON & GETTYS LLC
Post Office Box 707
Rock Hill, South Carolina 29731

After Recording Return to:

Culp Elliot & Carpenter, PLLC
Attn: Benjamin H. Ellis (23251_05/WSH)
4401 Barclay Downs Drive, Suite 200
Charlotte, North Carolina 28209



DEED PREPARED ONLY: TITLE NOT SEARCHED
BY PREPARER: NO RESPONSIBILITY ASSUMED
FOR NON-RESIDENT WITHHOLDING

RECORDED THIS 9th DAY
OF JUNE, 2009
IN BOOK O PAGE N-1

Cheryl Morgan
Auditor, Lancaster County, SC

SPECIAL WARRANTY DEED

THIS SPECIAL WARRANTY DEED is made as of the 07th day of May, 2009, by and between NBI INVESTMENTS, LLC, a South Carolina limited liability company, as party of the first part, hereinafter referred to as "Grantor," and NBI INVESTMENTS III, LLC, a South Carolina limited liability company having a mailing address of c/o Reid Wilkerson, One Spice Road, Fort Mill, South Carolina, 29707, as party of the second part, hereinafter referred to as "Grantee," the words "Grantor" and "Grantee" to include the successors and assigns of each of the parties hereto.

BACKGROUND STATEMENT

A. On April 24, 2009, the Property (being defined as the real property described in Exhibit A to this deed, attached and incorporated by this reference), was conveyed by Dixie M. Wilkerson ("Wilkerson") to Grantor. Grantor and Grantee each agree that Wilkerson inadvertently conveyed the Property to Grantor by inadvertently excluding "III" from the end of the Grantor's name as the grantee in the Wilkerson Deed, and that Wilkerson intended to convey the Property to Grantee as a capital contribution in contemplation of a later fair market value sale by Wilkerson of her interest in Grantee. The deed conveying the Property from Wilkerson to Grantor is recorded in the Lancaster County, South Carolina, Clerk of Court's Office in Book 514, at Page 223 ("Wilkerson Deed").

B. After the recordation of the Wilkerson Deed, Wilkerson passed away. Grantor accordingly can not convey the Property back to Wilkerson to correct the inadvertent conveyance of the Property to it, but, as Grantor and Grantee both agree that Wilkerson intended

of

to convey the Property to Grantee, Grantor has agreed to convey the Property to Grantee, subject to the terms and provisions of this Special Warranty Deed.

NOW, THEREFORE, FOR AND IN CONSIDERATION of the sum of Ten Dollars (\$10.00) in hand paid and other good and valuable consideration delivered to Grantor by Grantee at and before the execution, sealing and delivery hereof, the receipt and sufficiency of which is hereby acknowledged, Grantor has and hereby does grant, bargain, sell and convey unto Grantee, and the heirs, legal representatives, successors and assigns of Grantee, all of Grantor's right, title, and interest in and to the Property and all improvements affixed thereto and lying thereupon (with such improvements being considered as a part of the Property), together with further, all and singular, the rights, members, hereditaments, and appurtenances to the said Property belonging or in anywise incident or appertaining thereto (with the same being referred to with the Property hereinafter collectively as the "Property") subject, however, to the terms and provisions of this Special Warranty Deed.

The Property is hereby conveyed to the Grantee subject to all such matters as would be revealed by a current ALTA survey of the Property or a physical inspection thereof, ad valorem taxes for the 2009 tax year and other taxes which constitute a lien upon the Property but which are not yet due and payable, matters of zoning and other land use regulations which affect the Property and the use and development thereof, and such matters as are of record in the Lancaster County, South Carolina real estate records, including, without limitation, mortgages and other monetary liens, if any (with all of the foregoing being referred to hereinafter collectively as the "Exceptions"), the Exceptions and all such matters as may arise out of them being matters to which the warranty of Grantor as contained herein shall not apply.

TO HAVE AND TO HOLD the Property, subject to the above matters and Exceptions, together with any and all of the rights, members and appurtenances thereof, the same being, belonging or in anywise appertaining to, the only proper use, benefit and behoof of the Grantee and its successors and assigns forever, **IN FEE SIMPLE**, on the terms and conditions contained herein.

AND GRANTOR SHALL WARRANT and forever defend the right and title to the Property unto the Grantee against the claims of all persons whomsoever claiming by, through, or under Grantor, or Grantor's successors and assigns, but against no others, subject to the limitations and Exceptions contained herein.

SIGNATURE PAGE TO FOLLOW

IN WITNESS WHEREOF, Grantor has signed and sealed this deed as of the day and year first above written.

Signed, sealed and delivered
in the presence of:

Sarah Seaton (W-1)

Stacey Y. Sauls (W-2)

GRANTOR:
NBI INVESTMENTS, LLC

BY: Forrest R. Wilkerson, III
Forrest R. Wilkerson, III

ITS: Manager

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

PROBATE

PERSONALLY APPEARED before me the below signed witness and made oath that s/he saw Forrest R. Wilkerson, III, as the Manager of NBI Investments, LLC, the within named Grantor, sign, seal, and as said Grantor's act and deed, deliver the within written Special Warranty Deed for the uses and purposes therein mentioned, and that s/he, with the other witness signing above, witnessed the execution thereof.

SWORN to before me this 07th day
of May, 2009.

Sarah Seaton
Witness 1

Stacey Y. Sauls
Notary Public for South Carolina: Witness 2
My Commission Expires: 10/02/2017

[SEAL HERE]

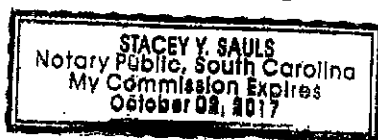


Exhibit 1

"EXHIBIT A"
LEGAL DESCRIPTION OF PROPERTY

All that certain piece, parcel or tract of land, lying, being and situate in Indian Land Township, Lancaster County, South Carolina, on the West side of Highway Number 521, containing 20.5 acres, more or less, designated as Tract Number Eight on a Plat of Subdivision entitled "Map of Property of M. Lavinia Davidson", dated September 17, 1957, made by W.C. White, Surveyor, recorded in the Office of the Clerk of Court for Lancaster County, South Carolina, in Plat Book 19 at Page 97, reference to which plat is made for a more particular description.

Derivation: This is the identical property conveyed to Forrest R. Wilkerson, Jr. and Dixie M. Wilkerson by deed of Isabella S. Stogner, dated December 15, 1983, recorded January 9, 1984, in Deed Book E-6 at Page 5672 in the Office of the Clerk of Court for Lancaster County, South Carolina; thereafter passed to Dixie M. Wilkerson through the Last Will and Testament of Forrest R. Wilkerson, Jr., dated April 4, 1989, and filed May 2, 2002 in Estate File # 02-E-1435, in the offices of the Clerk of Court for Mecklenburg County, North Carolina.

TOGETHER WITH:

All that certain piece, parcel or lot of land lying and being situate in the State of South Carolina, County of Lancaster, Indian Land Township, and containing 0.86 acre, and according to a survey thereof prepared by Hugh E. White, Jr., SCRLS, dated June 10, 1986, and filed as Plat No. 8013, having the following courses and distances to wit: Beginning at an iron pin at northeasternmost corner of property herein conveyed which point is located approximately 367.39 feet from center of 14 foot dirt road; thence S. 2-07-27 E. 51.48 feet to an iron pin; thence S. 74-07-31 W. 500.92 feet to an iron pin; thence N. 2-07-27 W. 140.00 feet to an iron pin; thence S. 88-03-52 E. 281.11 feet to an iron pin; thence N. 74-07-31 E. 212.24 feet to the point of beginning.

Derivation: This being the identical property conveyed to NBI Investments, LLC by deed of Dixie M. Wilkerson, dated April 24, 2009, recorded April 29, 2009, in Book 514 at Page 223, aforesaid records.

STATE OF SOUTH CAROLINA

COUNTY OF LANCASTER

AFFIDAVIT

1. I have read the information on this affidavit and I understand such information.
2. The property being transferred is known 20.5 acres and a 0.86 acre tract, bearing tax map number 0010-00-001.00 being in the township of Indian Land, Lancaster, South Carolina, was transferred by NBI Investments, LLC to NBI Investments III, LLC, a South Carolina Limited Liability Company, on the 27th day of May, 2009
3. The transaction was (check one):
 - (a) ☐ subject to the deed recording fee as a transfer for consideration paid or to be paid in money's worth.
 - (b) ☐ subject to the deed recording fee as a transfer between a corporation, a partnership, or other entity and a stockholder, partner, or owner of the entity, or is a transfer to a trust or as a distribution to a trust beneficiary.
 - (c) ☒ The above transaction is exempt, or partially exempt, from the recording fee as set forth in S.C. Code Ann. Section 12-24-10, *et seq.* because the deed is: #8 exemption.
4. Check one of the following if either item 3(a) or item 3(b) above has been checked:
 - (a) ☐ The fee is computed on the consideration paid or to be paid in money or money's worth in the amount of \$0.00.
 - (b) ☐ The fee is computed on the fair market value of this realty which is _____.
 - (c) ☐ The fee is computed based on the fair market value of the realty as established for property tax purposes which is _____.
5. Check: YES ☐ or No ☒ to the following: A lien or encumbrance existed on the land, tenement, or realty before the transfer and remained on the land, tenement, or realty after the transfer. If "Yes" the amount of the outstanding balance of this lien or encumbrance is: _____.
6. The deed recording fee is computed as follows:
 - (a) Place the amount listed in item 4 above here: \$ 0.00
 - (b) Place the amount listed in item 5 above here: 0.00
 - (c) Subtract line 6(b) from line 6(a) and place result here: \$ 0.00
7. The deed recording fee due is based on the amount listed on line 6(c) above and the deed recording fee due is: \$0.00.

As required by Code Section 12-24-70, I state that I am a responsible person who was connected with the transaction as Attorney. I further understand that a person required to furnish this affidavit who willfully furnishes a false or fraudulent affidavit is guilty of a misdemeanor and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than one year, or both.

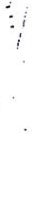
Morton & Gettys, LLC

BY: [Signature]
Joshua B. Vann, Attorney

SWORN to before me this 3rd day of June, 2009.

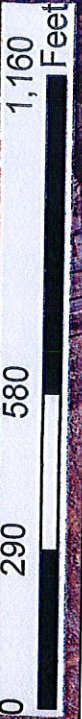
[Signature]
Notary Public for South Carolina

My commission expires: 11/17/2014



**RZ-017-004
Vicinity Map**

Exhibit 2

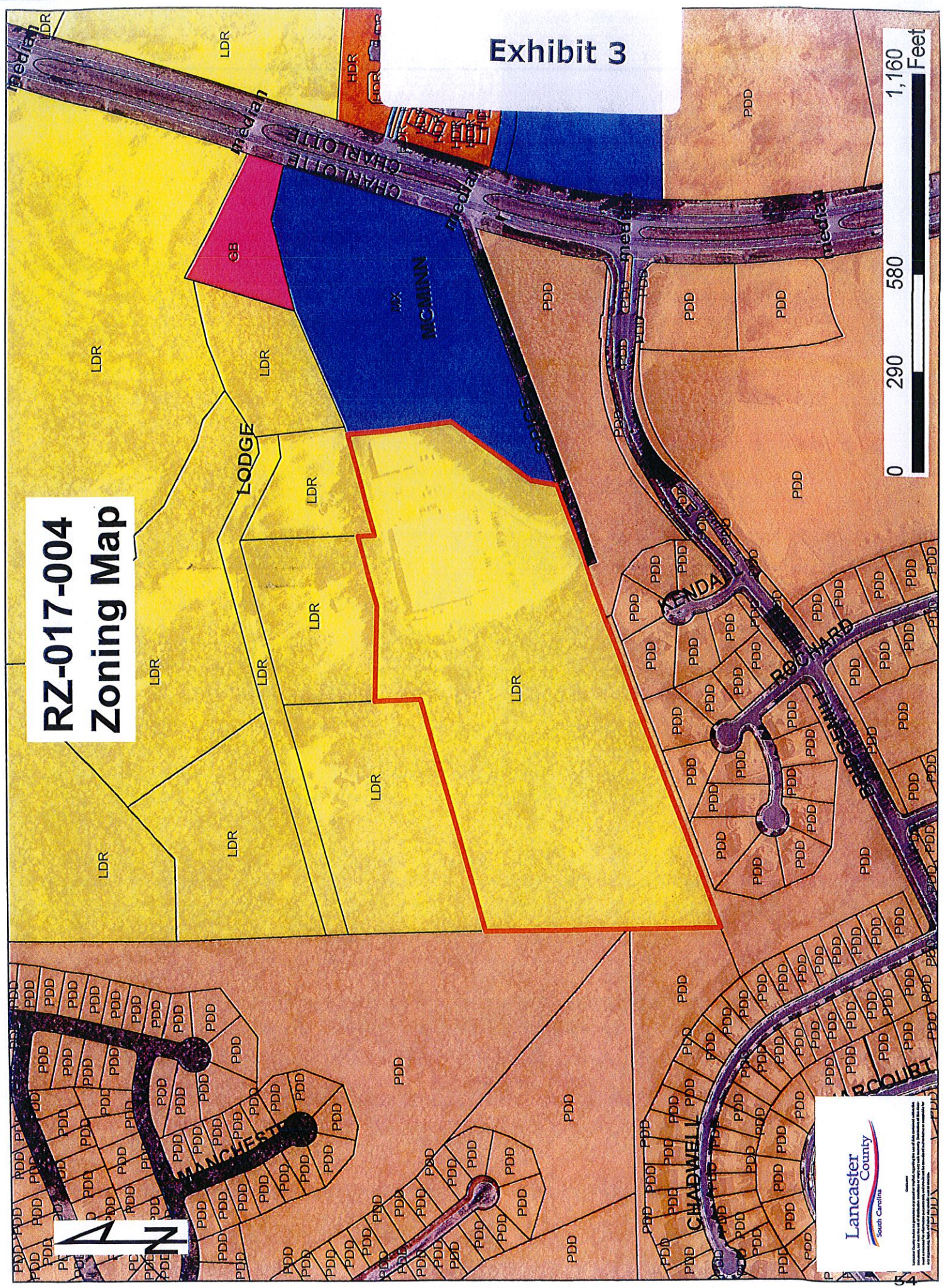


Lancaster
County
South Carolina



Exhibit 3

RZ-017-004
Zoning Map



Lancaster
County
South Carolina

Exhibit 4

RZ-017-004 Future Land Use Map

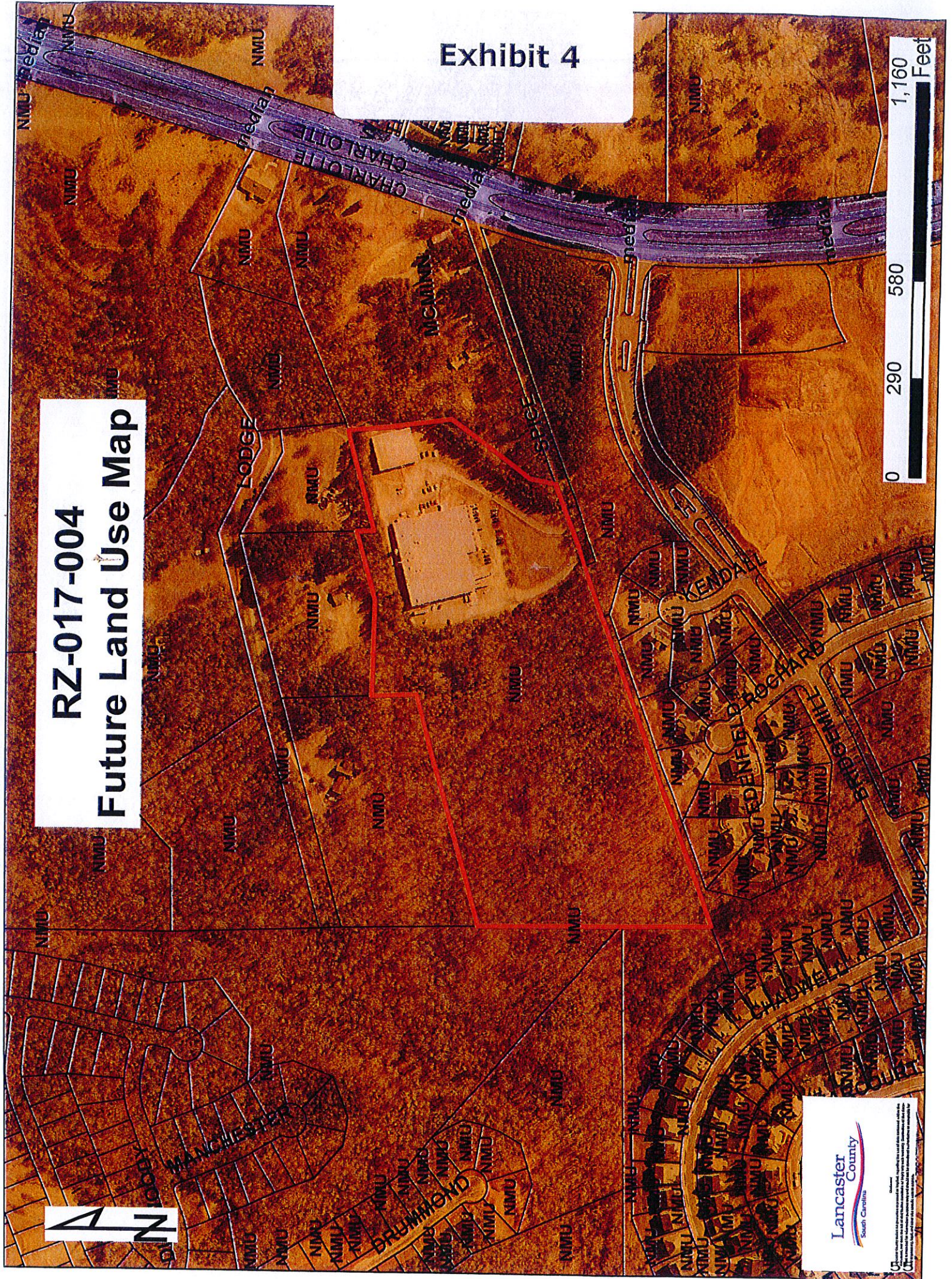
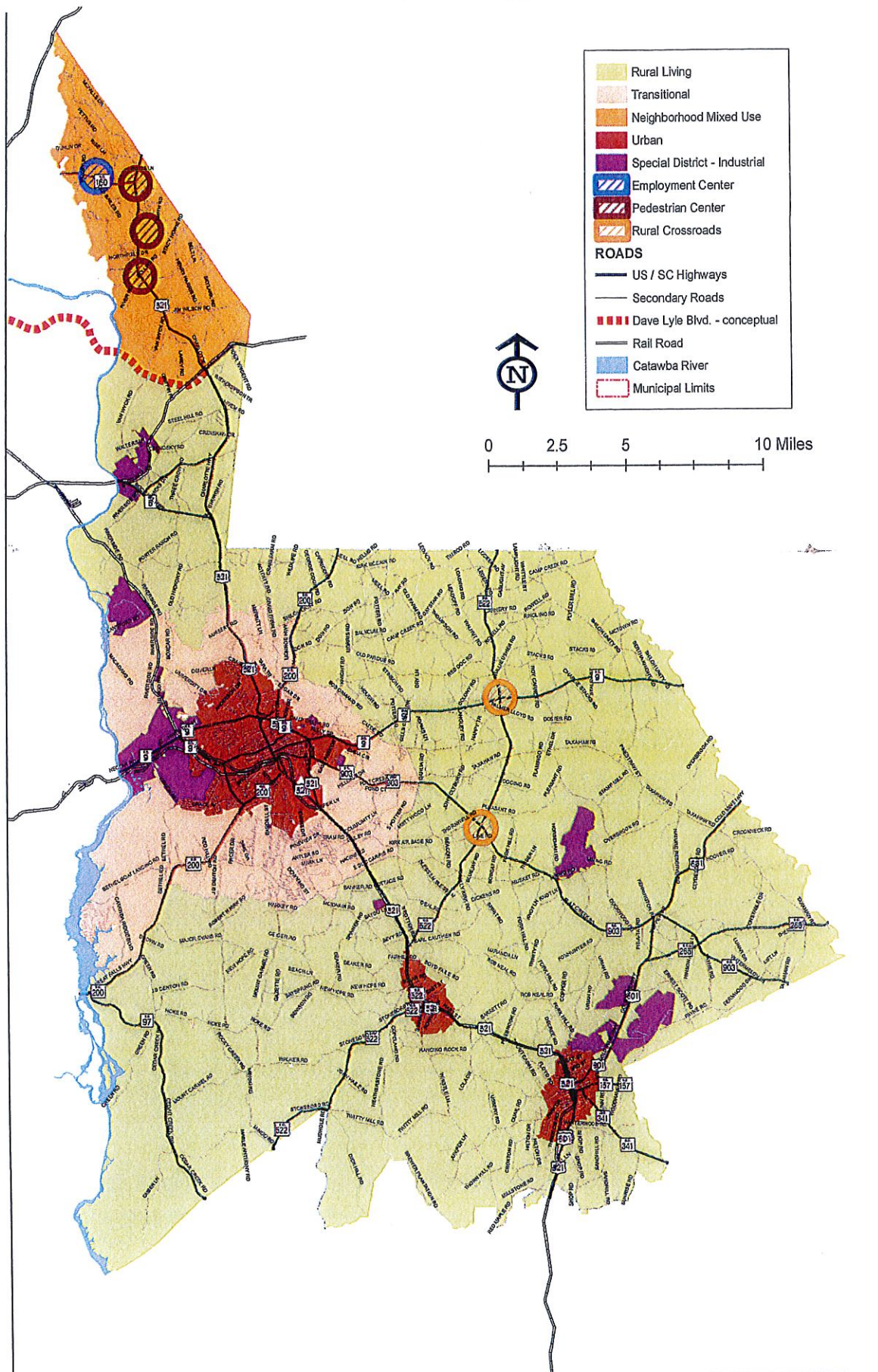


Exhibit 4

FUTURE LAND USE MAP





Parcel Summary

Exhibit 5

Parcel ID 0010-00-001.00
 Account # 1284
 Millage Group 01 - County - County(1)
 Land Size 20.5 AC
 Utilities
 2015 Tax Rate
 Location Address 182 SPICE RD , Indian Land
 Acres 21.360
 Zoning
 (Note: Not to be used on legal documents)
 Neighborhood 01
 Property Usage PICKED UP BY DOR (DOR)
 Plat Book/Page 0019/0197
 Block # / Lot #

Owner Information

% REID WILKERSON
 ONE SPICE RD
 INDIAN LAND SC 29707

NBI INVESTMENTS III LLC
 ONE SPICE RD
 INDIAN LAND SC 29707

Land Information

Land Use	Number of Units	Unit Type	Land Type	Frontage	Depth	AgUse Value
DOR (DOR)	21.36	ACRES	SITE	0	0	\$0

Sales Information

Sale Date	Sale Price	Instrument	Instrument Number	Deed Book	Deed Page	Vacant or Improved	Grantor	Grantee
3/6/2013	\$0	DEED OF DIST		719	36	Improved	NBI INVESTMENTS III LLC,	
5/27/2009	\$0	DEED		519	58	Improved	NBI INVESTMENTS LLC,	NBI INVESTMENTS III LLC
4/24/2009	\$0	DEED		514	223	Improved	WILKERSON, DIXIE M	NBI INVESTMENTS LLC
4/24/2009	\$0	MH PERMIT		0	0	Improved	GLOVER SHARON,	HARGETT SHARON G & STEPHENE
2/26/1970	\$0			A006	0309	Improved		

Area Sales Report

[Recent Sales in Area](#)
[Recent Sales in Neighborhood](#)

Assessed Values

2016

2015

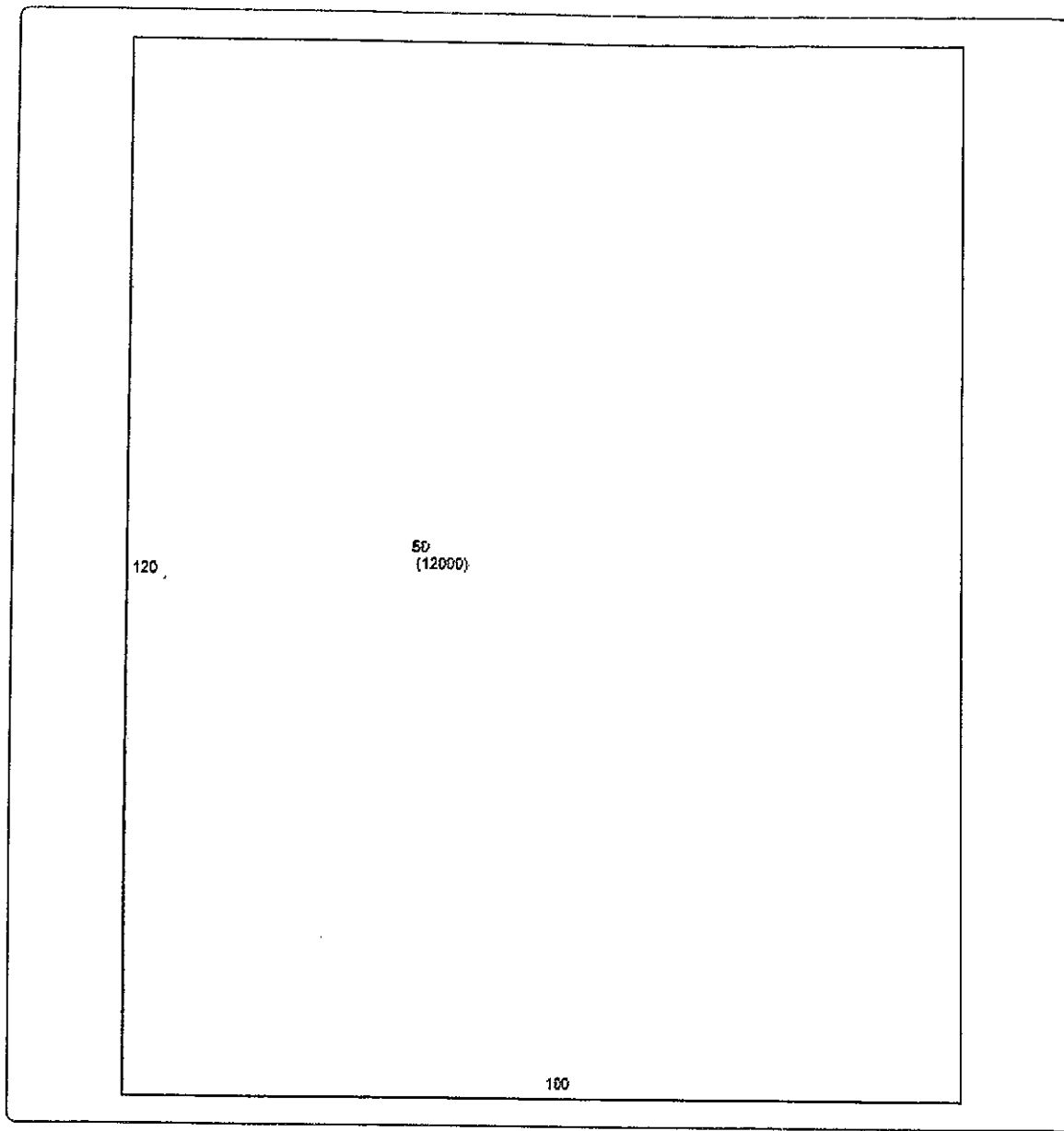
Market Land Value	\$750,200	\$750,200
+ Market Improvement Value	\$898,100	\$893,100
+ Market Misc Value	\$0	\$0
= Total Market Value	\$1,648,300	\$1,643,300
Taxable Land Value	\$750,200	\$750,200
+ Taxable Improvement Value	\$898,100	\$893,100
+ Taxable Misc Value	\$0	\$0
- Ag Credit Value	\$0	\$0
= Total Taxable Value	*\$1,648,300	*\$1,643,300
Assessed Land Value	\$0	\$0
+ Assessed Improvement Value	\$0	\$0
+ Assessed Misc Value	\$0	\$0
= Total Assessed Value	\$0	\$0

*This parcel is subject to the value cap

Sketches

Exhibit 5





No data available for the following modules: Commercial Building Information, Building Information, Mobile Home Information, Accessory Information, Photos.

The data contained on this site is intended for information purposes only. It is based on the best information available at the time of posting and is not warranted. The data may not reflect the most current records.

Last Data Upload: 1/18/2017 1:14:42 AM


 Developed by
The Schneider Corporation

Exhibit 5

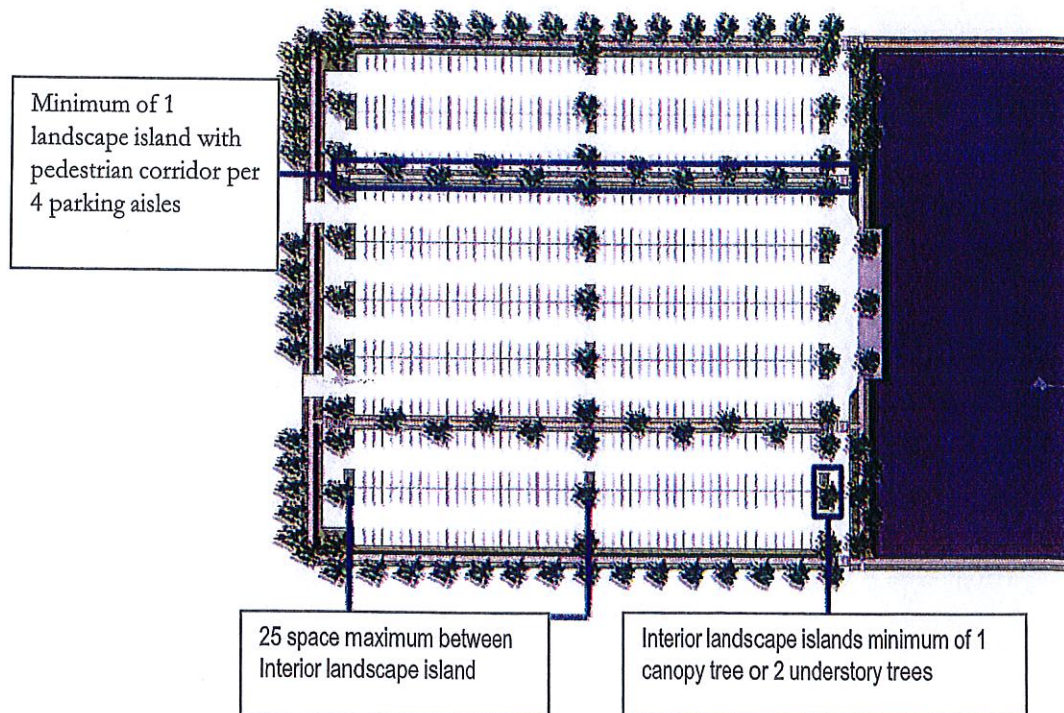
BASE DISTRICT	DESCRIPTION
Agricultural Residential District (AR)	The Agricultural Residential District is established as a district in which the principal uses of the land are restricted due to lack of available utilities, unsuitable soil types, steep slopes, or for the protection of prime agricultural lands.
Rural Residential District (RR)	The Rural Residential District is established as a district where the principal use of the land is for large rural living tracts of property with an abundance of open space, agricultural lands, and a high degree of separation between buildings.
Rural Neighborhood District (RN)	The Rural Neighborhood District is established to protect the residential character of communities and neighborhoods in the rural area at a density of 1.0 dwelling unit per acre. The district is intended to promote rural living, protect farmland, and to maintain the low density residential.
Rural Business District (RUB)	The Rural Business District is established for rural crossroads that represent the small nodes of commercial activity along rural highways. This district will accommodate small-scale businesses, such as gas stations, convenience stores, or restaurants, and serve some daily needs of the surrounding rural population.
Manufactured Home District (MH)	The Manufactured Home District accommodates manufactured homes in a variety of settings, including manufactured home parks, manufactured home subdivisions, and a single-lot mobile home district.
Low Density Residential District (LDR)	The Low Density Residential District is established to maintain previously developed or approved single-family residential subdivisions and their related recreational, religious, and educational facilities at a density of 1.5 dwelling units per acre. Intended to act as a transitional zoning district between rural living and urban development, these regulations are further intended to discourage any use which would be detrimental to the predominately residential nature of the areas included within the district.
Medium Density Residential District (MDR)	The Medium Density Residential District is established to maintain previously developed or approved single-family residential subdivisions and their related recreational, religious, and educational facilities at a density of 2.5 dwelling units per acre. Intended to act as a transitional zoning district between rural and urban development, these regulations are further intended to discourage any use which would be detrimental to the predominately residential nature of the areas included within the district.

Exhibit 6

BASE DISTRICT	DESCRIPTION
Light Industrial District (LI)	The Light Industrial District is established for activities that can be operated in a relatively clean and quiet manner, and which will not be obnoxious to adjacent residential or business districts. This includes warehousing and wholesaling activities with limited contact with the general public. It is designed to prohibit most heavy industry, which should be properly segregated, and to prohibit any other use which would substantially interfere with the development of industrial establishments in the district. Limited opportunities for retail sales and services are also provided.
Heavy Industrial District (HI)	The Heavy Industrial District is established to accommodate those industrial, manufacturing, or large-scale utility operations that, by their nature, may create some nuisance and which are not properly associated with, nor compatible with, residential, commercial, and service establishments. Retailing of manufactured items may be permitted in certain instances when it is conducted on the same building site as the principal use.
Mining District (M)	The Mining District is established for large-scale operations that extract and process mineral materials. This district may create some nuisance which is not properly associated with, nor compatible with, residential, commercial, and service establishments.
Urban Residential District (UR)	The Urban Residential District is established to accommodate a variety of housing types in a neighborhood setting with a density of 4 dwellings units per acre. The regulations of this district are intended to provide areas of the community for those persons desiring urban-sized in relatively high density neighborhoods within walking or biking distance from mixed-use centers.
High Density Residential District (HDR)	The High Density Residential District is established to serve as a transitional zoning district between rural and urban developments at a density of 8.0 dwelling units per acre. These regulations are further intended to discourage any detrimental effects to the predominately single-family residential areas adjacent to the district that provides for multiple family residential dwellings.
Residential Mixed-Use District (RMX)	The Residential Mixed-Use District is intended to provide for mixed-use transitional areas immediately adjacent to or in close proximity of mixed-use centers that permit some limited commercial uses and a wide variety of housing types in pedestrian-scaled, residential-style structures.

G. ADDITIONAL STANDARDS FOR LARGE PARKING LOTS (GREATER THAN 100 SPACES)

Pedestrian Walkways: For every 4 traffic aisles in parking bays, a landscape island between 2 back-to-back parking bays with a pedestrian walkway shall be provided and shall extend the entire length of the parking bay or aisle. The width of such landscape island shall be a minimum of 15 feet, measured from the back of curb to back of curb, and the width of the pedestrian walkway shall be a minimum of 5 feet. Trees shall be planted along the pedestrian walkway at the rate of 1 canopy tree or 2 understory trees for every 50 linear feet. Crosswalks shall be provided across private drives/driveways from these pedestrian islands to connect to any adjacent building entrances, private walkways, and public sidewalks along the street frontage.



7.1.5 BUFFERS AND SCREENING

Buffer yards are planting areas designed to separate incompatible adjacent uses and provide privacy and protection against potential adverse impacts of an adjoining incompatible use or zoning district.

Exhibit 7

A. REQUIRED BUFFER YARDS

1. **Required Yards by District:** Buffer yards shall be required in accordance with the table below, and the buffer yard types defined Section 7.1.5.B.

	Adjacent Zoning District					
	AR, RR, RM, OSP, MH, LDR, MDR, HDR	UR, RMX, INS	NC, GB	MX, IMX, PB, NB, GB	RB	LI, HI, M
District of Proposed Development	AR, RR, RN, OSP, MH, LDR, MDR, HDR	X	X	X	C*	C*
	UR, RMX, INS**	A	X	X	X	X
	NB, GB**	B	A	X	X	X
	MX, IMX, PB, NB, GB	A	A	X	X	X
	RB	C	C	B	A	X
	LI, HI, M	C	C	C	B	X
* Only required where adjacent; more intense use is pre-existing and no equivalent buffer is provided on the adjacent property						X = No Buffer Required
** Only multifamily and non-residential uses shall provide buffers between adjacent single family uses in detached homes						

2. **Required Buffer Yards around Existing Single Family Homes in the NB, GB, RB, LI, and HI Districts:** A Type A buffer shall be required for any non-residential development that occurs immediately adjacent to an existing single family home located within the NB, GB, RB, LI, and HI Districts. This buffer may be removed at such time that the existing single family home changes to a multifamily or non-residential use.
3. **Additional Buffer and Screening Requirements for Specific Uses:** Additional buffer and screening requirements for certain specific uses are included in use regulations for each use found in Chapter 5.
4. **Location:** Buffer yards are intended to be constructed along the perimeter of the property; however, when there is irregular topographic conditions such as when the perimeter of the property is at a lower grade than the use being screened, the Administrator may require the relocation of the required buffer yard in order to better serve its purpose.
5. **Relationship to Required Yards and Setbacks:** Where front, side, and rear yards are required by this chapter, buffer yards may be established within such yards. If a yard requirement is less than the minimum buffer requirement, the buffer width requirement shall override the minimum yard requirement.
6. **More Restrictive to Apply:** Where a proposed use or development-type abuts multiple use types or zoning districts along the same side or rear yard, the largest buffer requirement will apply along the entire side or rear property line.

7. **Buffer Location Restrictions:** Buffers shall not be located on any portion of any existing or proposed street right-of-way or utility easement (unless permitted by the easement holder).

B. BUFFER YARD TYPES

1. **Type A Buffer Yard:** A Type A buffer yard is a planting strip intended to separate uses, provide vegetation in densely developed areas, and enhance the appearance of individual properties.

Type A Buffer Yard Options	Minimum Depth	Minimum Plantings per 100 linear feet	Wall, Fence, or Berm	Required Opacity
Option 1	20 feet	1 Canopy Tree 2 Understory Trees 8 Evergreen Shrubs	Not Required	Semi-opaque (i.e., having only seasonal horizontal openings not exceeding 25% of the total width from the ground to a height of 6 feet within 2 years of planting)
Option 2	10 feet	2 Canopy Trees 2 Understory Trees 12 Evergreen Shrubs	Not Required	

2. **Type B Buffer Yard:** A Type B buffer yard is a medium density screen which is intended to create a visual separation between uses and zoning districts.

Type B Buffer Yard Options	Minimum Depth	Minimum Plantings per 100 linear feet	Wall, Fence, or Berm	Required Opacity
Option 1	20 feet	2 Evergreen Trees 1 Canopy Tree 2 Understory Trees 12 Evergreen Shrubs	Not Required	Semi-opaque (i.e., having only seasonal horizontal openings not exceeding 10% of the total width from the ground to a height of 8 feet within 2 years of planting)
Option 2	10 feet	1 Evergreen Tree 1 Canopy Tree 3 Understory Trees 24 Evergreen Shrubs	Not Required	

Exhibit 7

3. **Type C Buffer Yard:** A Type C buffer yard is intended to provide a very dense all-season sight barrier to significantly separate uses and zoning districts. It is intended to reduce intrusive lighting and noise from adjacent properties.

Type C Buffer Yard Options	Minimum Depth	Minimum Plantings per 100 linear feet	Wall, Fence, or Berm	Required Opacity
Option 1	40 feet	4 Evergreen Trees 4 Canopy Trees 4 Understory Trees 36 Evergreen Shrubs	Not Required	Completely opaque (i.e., having no horizontal openings from the ground to a height of 8 feet within 2 years of planting)
Option 2	25 feet	4 Evergreen Trees 4 Canopy Trees 4 Understory Trees	Wall or Fence	
Option 3	10 feet	2 Evergreen Trees 2 Canopy Trees 2 Understory Trees 12 Evergreen Shrubs	Berm	

C. BUFFER DETAILS

- Fences and Walls:** Any required 6-foot-tall privacy fence or wall shall be made of any combination of treated and stained wood, brick, stone, wrought iron, polymer, decorative face block, or other composite material as approved by the Administrator and maintained in a like-new manner with the finished side facing towards the zone to be buffered (protected). The material(s) used shall provide an opaque fence. All required vegetation shall be placed on the unfinished side of the fence or wall. A chain link fence with slats is not considered a solid fence for purposes of this section.
- Berms:** All berms, if provided, shall not exceed a slope with maximum rise of 1 foot to a run of 2 feet (a ratio of 1:2) and a maximum height of 4 feet with a compacted flat top of at least 15 inches wide. All berms, regardless of size, shall be stabilized with a ground cover or other suitable vegetation or permanent slope retention device. A combination of trees and shrubs are to be installed in an appropriate design scheme along the berm for appearance, durability, and maintenance as approved by the Administrator. Berms taller than 4 feet shall be approved by the Administrator on a case-by-case basis.
- Existing Vegetation, Fences, Walls, and Berms:** Existing vegetation berms, walls, or fences within the landscaped area, but not including chain link fencing, may be used to fulfill the standards for the type of landscaping required provided that these elements are in good condition as determined by the Administrator. Where existing vegetative areas are to be credited, they shall be shown on the plan with a certification by a licensed landscape architect that the existing vegetation fully complies with the landscape requirements.
- Riparian Buffer:** Any required riparian buffer may be used to satisfy other buffer requirements, provided the plants are equivalent in number and type required by the landscape ordinance. Additional plant materials shall be installed in the riparian buffer to satisfy any remaining plant requirements. Additional plantings shall meet best management practices as determined by the Administrator.

7.1.7 GENERAL INSTALLATION AND MAINTENANCE STANDARDS

A. LANDSCAPE PLAN SUBMITTAL REQUIREMENTS

When a development application is made on any land where the landscaping requirements of this chapter are applicable, such site/subdivision plan application shall be accompanied by a landscape plan as outlined in the Submittal Checklist in Appendix C, Manual of Specifications, Standards, and Design (MSSD).

B. PLANT MATERIAL SPECIFICATIONS

1. **Canopy (Large Shade) Trees:** All required canopy trees must be a native or locally-adapted species with an expected mature height of 35 feet or greater and an expected mature crown spread of 30 feet or greater. When planted, canopy trees must be a minimum of 8 feet high, and have a minimum caliper of 2.5 inches as measured at breast height (or approximately 4.5 feet above grade – DBH). Multi-stemmed trees shall have at least 3 stalks (minimum 1-inch DBH) and be at least 8 feet in height when planted.
2. **Evergreen Trees:** All required evergreen trees must be a native or locally-adapted species with green foliage that lasts through all seasons and an expected mature height of 20 feet or greater. Evergreen trees shall be a minimum of 8 feet in height and have a 2.5-inch DBH when planted.
3. **Understory (Small) Trees:** All required understory trees must be a minimum of 6 feet high and 2-inch DBH when planted. When mature, understory trees shall be between 15 and 30 feet in height.
4. **Shrubs:** Shrubs planted as part of a required buffer yard, shall meet the following specifications:
 - a. **Deciduous Shrubs:** All deciduous shrubs shall be a minimum of 18 inches in height when planted and shall reach a height of 30 inches and a minimum spread of 30 inches within 2 years of planting.
 - b. **Evergreen Shrubs:** All evergreen shrubs shall be a minimum of 30 inches in height when planted and shall reach a height of 48 inches and a minimum spread of 36 inches within 2 years of planting.

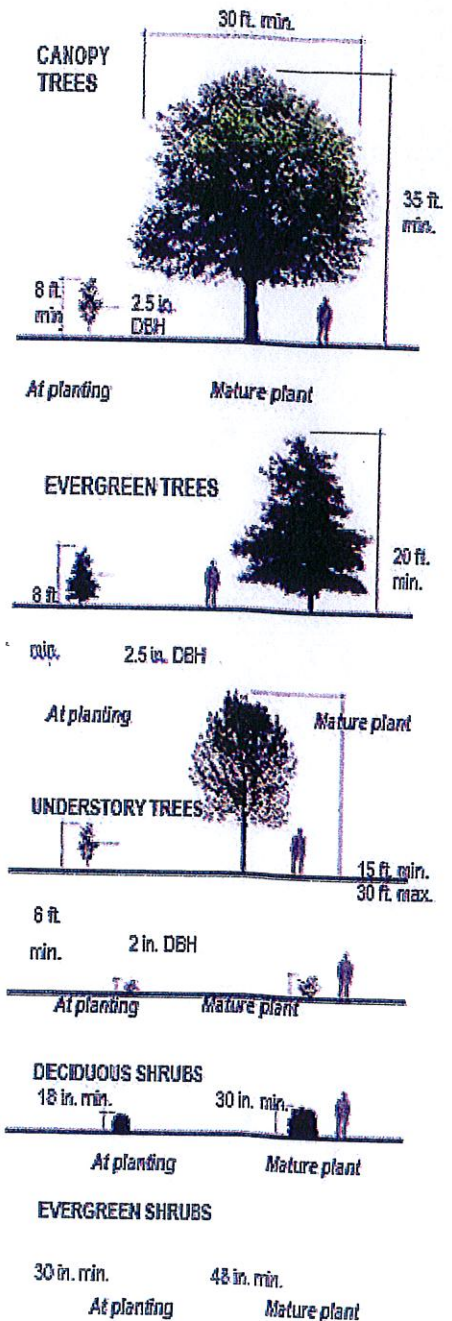


Exhibit 8

5. **Groundcover:** All required groundcover plants must be a minimum of 1.5 to 2.5-inch pots with a 4-inch minimum length when planted. Groundcover must be planted with on-center spacing equivalent to the average mature spread for each particular species.

C. **PLANT STANDARDS**

1. **General Material Standards:** All plant materials shall be installed in accordance with the standards found in the latest edition of American Standards for Nursery Stock published by the American Association of Nurserymen. After installation, plant materials shall be mulched with a 3-inch layer of appropriate material.
2. **Recommended Species List:** Plant materials utilized in meeting the requirements set forth in this section may be chosen from the Lancaster County recommended trees and shrubs list located in Section 4.3.2.J.6.vii. The use of drought-tolerant vegetation that is native to the area is encouraged to reduce dependency upon irrigation.

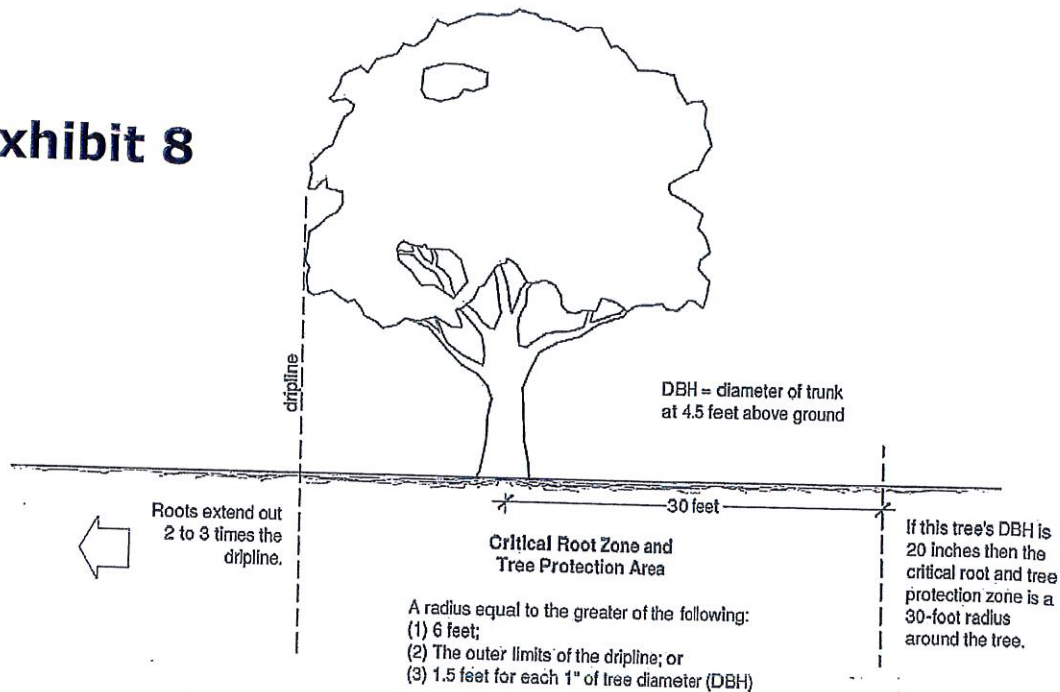
D. **GENERAL CONSTRUCTION STANDARDS**

1. **Easements & Right-of-Ways:** Nothing shall be planted or installed within an underground or overhead utility easement or a drainage easement without the consent of the Administrator and the easement holder at the time of site plan approval.
2. **Grading and Development in Required Landscape Areas:** The required landscaping shall not contain any development, impervious surfaces, or site features that do not function to meet these standards or that require removal of existing significant vegetation. If grading within a planting yard is proposed, slopes of 3:1 or less are encouraged to ensure the proper transition of grades to the adjacent property and to facilitate landscaping and maintenance.
3. **No Bare Soil Permitted:** All portions of the landscaping area not planted with shrubs and trees or covered by a wall or other screening device shall be planted with ground cover and/or grass or covered with natural mulch with a minimum depth of 3 inches.
4. **Overhead Power Lines:** Where overhead power lines are present, small trees (approximately 20 feet in height at maturity) must be utilized. One small maturing tree is required for every 35 feet of property abutting a street. (Utility lines such as cable and phone do not constitute a hazard, and large maturing trees should be used if only these are present.)
5. **Sight Distance:** All plant materials within the sight distance triangle at an intersection, or driveway access point as defined in Chapter 6 shall comply with Section 6.14.1.D – J. (Exception: SCDOT has separate provisions for state-maintained roadways.)

Exhibit 8

E. PROTECTION OF EXISTING TREES DURING CONSTRUCTION

Exhibit 8



1. Protective barricades shall be placed around all trees designated to be saved, prior to the start of development activities or grading. Protective barricades shall remain in place until development activities are completed. The following conditions are required:
 - a. Barricades may consist of 2 x 4 inch posts with 1 x 4 inch rails, orange safety fence, or a similar treatment and shall remain in place until development activities are complete.
 - b. Signs indicating that the barricade is protecting a tree save area within which construction traffic and storage of materials are not permitted shall be placed at a rate of 1 sign for every 100 linear feet of barricade.
 - c. The barricaded area shall remain free of all building materials, stockpiled soil, or other construction debris.
 - d. Construction traffic, storage of vehicles and materials, and grading shall not take place within the protective areas of the existing trees.
2. Barricades shall be erected at a recommended minimum distance from the base of protected trees according to the following standards:
 - a. For trees 10 inches or less DBH: Place at a minimum distance of 6 feet from the base of each protected tree or outside the dripline, whichever is greater.
 - b. For trees between 10 and 20 inches DBH: Place at a minimum distance equal to 1.5 feet for each 1 inch in caliper or outside the dripline, whichever is greater.
 - c. For trees of 20 inches or greater DBH: Place at a minimum distance of 30 feet from the base of each protected tree or outside the dripline, whichever is greater.

3. Land disturbance within a tree dripline is prohibited except for driveway access points, sidewalks, curb, and gutter.
4. Where grading within a tree dripline cannot be avoided, cut and fill shall be limited to 25 percent of the area within the dripline, and tree roots must be pruned with clean cuts at the edge of the disturbed area. (No fill shall be placed within the dripline of a tree without venting to allow air and water to reach the roots.)

F. INSPECTION

The Administrator may inspect the site after the issuance of a Certificate of Occupancy in order to ensure compliance with the approved site plan and to ensure that the landscape is properly maintained. The Administrator may issue a Notice of Violation to comply with the provisions of this ordinance if warranted upon an inspection under the provisions of Chapter 9 of this ordinance.

G. REPLACEMENT OF DISTURBED AND DAMAGED VEGETATION

Without prior approval, the disturbance of any required landscaped area or vegetation required by this ordinance shall constitute a violation. All disturbed landscaped areas and vegetation shall be replanted to meet the standards of this section, the stormwater regulations in Chapter 8, and the approved site or sketch plan (landscape plan).

7.2 PARKING AND DRIVEWAYS

7.2.1 PURPOSE AND INTENT

Parking lots and similar facilities are necessary elements in the built environment. However, these facilities can cause negative impacts including increased stormwater volume, velocity, and pollutants; increased surface level heat and glare; reduction in the efficiency of the connecting street system; reduction in the operations of the surrounding pedestrian and bicycle network; and interruption of a vibrant and attractive streetscape character. For these reasons, it is the intent of this chapter to impose regulations that mitigate the negative effects of parking lots in Lancaster County, preserve the character of the community, and protect the health, safety, and general welfare of Lancaster County's residents.

7.2.2 APPLICABILITY

The provisions of this chapter shall apply to all new and expanded development, as well as any changes in use that result in an increase in the minimum amount of required parking of at least 5 spaces or 10 percent of the existing spaces, whichever is greater.

7.2.3 PERMITTED PARKING LOCATIONS

The following table details the permitted parking locations for each district according to the building types detailed in Chapter 3 of this ordinance. Additional locational requirements may apply to parking areas for specific uses. Such requirements are outlined in Chapter 5, Use Regulations.

Exhibit 8

Exhibit 9

DISTRICT STANDARDS
2.5 USES PERMITTED

2

Section 2.5.3 Use Table (For detailed Use Definitions see Chapter 10.)

USE TYPES		RURAL				TRANSITIONAL						SPECIAL				NEIGHBORHOOD																	
AR	RR	RN	RUB	MH	LDR	MDR	PB	NB	GB	RB	INS	OSP	LI	HI	M	UR	HDR	RMX	MX	IMX	REF												
A. RESIDENTIAL																																	
Dwelling - Single Family	P	P	P	-	P	P	P	-	-	-	-	-	-	-	-	P	-	P	-	-													
Dwelling - Two Family	-	-	-	-	-	PR	PR	-	-	-	-	-	-	-	-	-	PR	-	-	-	5.2.1												
Dwelling - Townhome	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	P	P	P	P	P													
Dwelling - Multifamily	-	-	-	-	-	-	-	-	-	PR	-	-	-	-	-	-	PR	PR	PR	-	5.2.2												
Dwelling - Accessory	PR	PR	PR	-	PR	PR	PR	-	-	-	-	-	-	-	-	PR	PR	-	-	-	5.2.3												
Halfway Homes	-	-	-	-	-	-	-	-	SE	-	SE	-	-	-	-	-	-	-	-	-	5.2.4												
Live-Work Units	-	-	-	PR	-	-	PR	PR	-	-	-	-	-	-	-	-	-	PR	PR	PR	5.2.5												
Manufactured Housing	PR	PR	-	-	PR	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5.2.6												
Manufactured Home Park	SE	-	-	SE	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5.2.6												
Residential/Family Care Home (5 or fewer residents)	P	P	P	-	P	P	-	-	-	-	-	-	-	-	-	-	P	P	P	P													
Residential Care Facilities (6 or more residents)	-	-	-	PR	-	-	-	PR	PR	PR	PR	-	-	-	-	-	-	-	PR	PR	5.2.7												
B. LODGING																																	
Bed and Breakfast Homes (up to 8 rooms)	PR	PR	PR	PR	-	PR	-	PR	-	-	PR	-	-	-	-	PR	PR	-	PR	MX	IMX	REF											
Bed and Breakfast Inn (up to 12 rooms)	-	-	-	-	-	-	-	PR	-	-	PR	-	-	-	-	-	-	-	PR	PR	5.3.1												
Boarding or Rooming House	-	-	-	-	-	-	-	-	-	-	PR	-	-	-	-	-	-	-	-	-	5.3.2												
Campground	SE	SE	-	-	-	-	-	-	-	-	-	SE	-	-	-	-	-	-	-	-	5.3.3												
Dormitory	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-													
Fraternity/Sorority House	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-													
Hotel/Motel	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	P	P													
C. OFFICE/SERVICE																																	
ATM	-	-	-	P	-	-	-	P	P	P	P	-	P	-	-	-	-	-	P	P													
Banks, Credit Unions, Financial Services	-	-	-	P	-	-	-	P	P	P	P	-	P	-	-	-	-	-	P	P													
Business Support Services	-	-	-	-	-	-	-	P	P	P	P	-	P	-	-	-	-	-	P	P													
Crematoria	-	-	-	-	-	-	-	-	-	CU	-	-	CU	-	-	-	-	-	-	-	5.4.1												
Dry Cleaning and Laundry Services	-	-	-	-	-	-	-	P	P	P	-	-	P	-	-	-	-	-	P	P													
Funeral Homes	-	-	-	P	-	-	-	P	P	P	-	-	-	-	-	-	-	-	P	P													
Home Occupation	PR	PR	PR	-	PR	PR	-	-	-	-	-	-	-	-	-	PR	PR	PR	PR	PR	5.4.2												
Kennels, Indoor	PR	PR	PR	PR	-	-	-	PR	PR	PR	PR	-	PR	-	-	-	-	-	PR	PR	5.4.3												
Kennels, Outdoor	PR	PR	CU	PR	-	-	-	-	-	CU	CU	-	CU	-	-	-	-	-	-	-	5.4.4												
Medical Clinic	-	-	-	PR	-	-	PR	PR	PR	PR	-	-	-	-	-	-	-	-	PR	PR	5.4.5												
PR – Permitted by Right																						PR – Permitted with Review				CU – Conditional Use Required				SE – Special Exception Required			

P – Permitted by Right **PR** – Permitted with Review **CU** – Conditional Use Required **SE** – Special Exception Required

Exhibit 9

DISTRICT STANDARDS
2.5 USES PERMITTED

2

Lancaster County Unified Development Ordinance – Use Table

USE TYPES	RURAL										TRANSITIONAL										SPECIAL										NEIGHBORHOOD																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																		
	AR	RR	RN	RUB	MH	LDR	MDR	PB	NB	GB	RB	INS	OSP	LI	HI	M	UR	HDR	RMX	MX	IMX	REF	AR	RR	RN	RUB	MH	LDR	MDR	PB	NB	GB	RB	INS	OSP	LI	HI	M	UR	HDR	RMX	MX	IMX	REF																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																					
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Cemetery	PR	PR	PR	PR	-	PR	PR	-	PR	PR	PR	PR	-	-	-	-	-	PR	-	-	PR	5.6.1	-	-	-	-	-	-	-	-	-	PR	PR	PR	-	-	-	-	-	-	-	-	PR	5.6.1																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																					
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P – Permitted by Right

PR – Permitted with Review

CU – Conditional Use Required

SE – Special Exception Required

UNIFIED DEVELOPMENT ORDINANCE | Adopted 11.28.2016

2

DISTRICT STANDARDS
2.5 USES PERMITTED

SE – Special Exception Required

2-13

Exhibit 9

DISTRICT STANDARDS
2.5 USES PERMITTED

2

Lancaster County Unified Development Ordinance – Use Table

USE TYPES	RURAL				TRANSITIONAL								SPECIAL				NEIGHBORHOOD									
	AR	RR	RN	RUB	MH	LDR	MDR	PB	NB	GB	RB	INS	OSP	LI	HI	M	UR	HDR	RMX	MX	IMX	REF				
I. AGRICULTURE (CONTINUED)																										
Commercial Stables	AR	RR	RN	RUB	MH	LDR	MDR	PB	NB	GB	RB	INS	OSP	LI	HI	M	UR	HDR	RMX	MX	IMX	REF				
Ecotourism	P	P	P	P	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	-	-				
Farmer's Markets and Roadside Stands	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	5.10.5				
Forestry	P	P	P	P	-	P	-	-	-	P	P	P	P	P	P	P	-	-	-	-	-	-				
Gardens (Community and Private)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P	P	P	P	-				
Wineries	PR	PR	PR	PR	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5.10.6				
J. INFRASTRUCTURE																										
Airstrip/Airport	AR	RR	RN	RUB	MH	LDR	MDR	PB	NB	GB	RB	INS	OSP	LI	HI	M	UR	HDR	RMX	MX	IMX	REF				
Geothermal Energy Systems	-	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	-	-	-	-	-	-	5.11.1				
Solar Energy Systems	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	5.11.2				
Solar Farms	CU	CU	CU	-	-	-	-	-	-	-	-	-	-	CU	CU	-	-	-	-	-	-	5.11.3				
Utilities – Class 1	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	5.11.4				
Utilities – Class 2	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-				
Utilities – Class 3	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-				
Wireless Communication Facility (Concealed)	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	-				
Wireless Communication Facility (Up to 60.00')	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	5.11.5				
Wireless Communication Facility (60.01' to 199.99')	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	SE	5.11.5				
Wireless Communication Facility (200' and Over)	-	-	-	-	-	-	-	-	-	-	-	-	-	SE	SE	SE	-	-	-	-	-	5.11.5				
K. OTHER																										
Temporary Uses	AR	RR	RN	RUB	MH	LDR	MDR	PB	NB	GB	RB	INS	OSP	LI	HI	M	UR	HDR	RMX	MX	IMX	REF				
	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	PR	5.12				
P – Permitted by Right												PR – Permitted with Review					CU – Conditional Use Required					SE – Special Exception Required				

P – Permitted by Right PR – Permitted with Review CU – Conditional Use Required SE – Special Exception Required

STATE OF SOUTH CAROLINA

COUNTY OF LANCASTER

ORDINANCE NO. 2017-1431

~~Indicates Matter Stricken~~
Indicates New Matter

AN ORDINANCE

TO AMEND ORDINANCE NO. 2016-1398, RELATING TO THE APPROPRIATION OF FUNDS AND THE APPROVAL OF A DETAILED BUDGET FOR LANCASTER COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2016 AND ENDING JUNE 30, 2017 (FY 2016-2017), TO FURTHER PROVIDE FOR REVENUES AND EXPENDITURES DURING THE FISCAL YEAR; AND TO PROVIDE FOR MATTERS RELATED THERETO.

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

Section 1. Appropriations; Detailed Budget.

(a) Section 2. of Ordinance No. 2016-1398 is amended to read:

/A. Subject to the terms and conditions of this ordinance, the sums of money set forth below, if so much is necessary, are appropriated from the General Fund of the County and other applicable funds as specified, to meet the ordinary expenses, including debt service, of county government for the fiscal year beginning July 1, 2016 and ending June 30, 2017 ('FY 2016-2017):

APPROPRIATIONS	AMOUNT
Airport Fund	223,483
Capital Improvement Fund	1,887,024
Capital Project Sales Tax #2	9,734,690
	<u>10,424,915</u>
Capital Project Sales Tax #1	2,719,898
	<u>3,347,271</u>
County Debt	4,203,722
County Transportation Committee Fund	4,639,385
Court Mandated Security	1,308,333
E-911 Fund	625,150
General Fund	49,373,341
	<u>49,448,518</u>
Indian Land Fire Protection District Fund	605,936
Local Accommodations Tax Fund	50,000
Sunday Alcohol Sales Tax	7,000
Pleasant Valley Fire Protection District Fund	440,078
	<u>500,078</u>
Recreation Fund	2,540,062
	<u>2,555,062</u>
Development Agreement Fund	244,226

(b) The County Administrator is authorized to adjust the detailed operating budget for the County, as contained in the Annual Financial Plan, as previously approved by Council in Section 2A) of Ordinance No. 2016-1398, for the following items:

		Revenue	Expense
General Fund	Supplemental Revenue- State Library Aid	36,957	
	Technology and materials upgrades		36,957
	Supplemental Revenue- Fund Balance	38,220	
	Civil Enforcement Unit for Sheriff's Office		38,220
Capital Project Sales Tax #1 Fund	Supplemental Revenue-Fund Balance	627,373	
	Transfer to Capital Project Sales Tax #2 Fund		627,373
Capital Project Sales Tax #2 Fund	Supplemental Revenue- Transfer from Capital Project Sales Tax #1 Fund	690,225	
	Communications System		690,225
Recreation Fund	Supplemental Revenue-Sale of Land	15,000	
	Maintenance and Renovations- Boan Field		15,000
Pleasant Valley Fire Fund	Supplemental Revenue-Fund Balance	60,000	
	Equipment for new pumper tanker		60,000

Animal Shelter Fees Section 1.01

Microchip Fee	Per animal	\$10.00
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Planning Fees Section 14.02

Amendment- PDD Mixed Use District	\$2,000.00
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Planning Fees Section 14.06

Commercial Review Fee	Each	\$300 plus \$150 per disturbed acre
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Section 4. Severability.

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

Section 5. Conflicting Provisions.

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

Section 6. Effective Date.

This ordinance is effective upon third reading.

SIGNATURES FOLLOW ON NEXT PAGE.

AND IT IS SO ORDAINED, dated this _____ day of _____, 2017.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading:	February 13, 2017	Passed 6-0
Second Reading:	February 27, 2017	
Public Hearing:	March 13, 2017	Tentative
Third Reading:	March 13, 2017	Tentative

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Agenda Item Summary

Ordinance # / Resolution#:	Information Item
Contact Person / Sponsor:	Steve Willis
Department:	Administration
Date Requested to be on Agenda:	February 27, 2017

Issue for Consideration:

Minor amendment to Midway CDBG grant.

Points to Consider:

Mrs. Grazier Rhea of the Council of Governments advises there has been a recent change in standards regarding the payment of engineering costs for CDBG grants.

We will handle this administratively but there will be both a programmatic and a financial change I need to make Council aware of. This change will increase our payment by \$15.

I realize this is a minor amount but since it is a change in a grant project I wanted to make sure that Council was aware of this.

Funding and Liability Factors:

\$15 additional county payment.

Council Options:

No action is necessary as we will handle this administratively but since this is a grant program we did want to make sure that Council was informed.

Staff Recommendation:

N/A

Committee Recommendation:

N/A

Agenda Item Summary

Ordinance # / Resolution#:	Information Item
Contact Person / Sponsor:	Steve Willis
Department:	Administration
Date Requested to be on Agenda:	February 27, 2017

Issue for Consideration:

Special elections to fill the Fifth Congressional seat.

Points to Consider:

We anticipate the need to hold three (3) elections between now and the end of the fiscal year to fill the vacancy created when the US Senate confirmed Mick to become Director of the Office of Management and Budget. We won't know for sure until May. At a minimum we will have to conduct a party primary and a general election. A party runoff is likely given the number of announced candidates.

None of these elections were included in the FY 16-17 budget document as we had no way of knowing they would be needed.

We won't know actual cost until the late June timeframe. At that point it is too late to pass a budget amendment.

Funding and Liability Factors:

Unknown funding impact as we do not know how many elections will need to be conducted.

We must conduct the elections; simply not doing so is not an option from a liability standpoint.

This will throw the Elections and Voter Registration Department over budget. My plan is to prepare a memo to Finance and the External Auditor that I am aware of the situation and that we will simply go over budget this fiscal year in that area. As always, the Election Commission and staff will only spend the amount needed to conduct the elections.

Council Options:

Accept this planned course of action or direct that other action be taken.

Staff Recommendation:

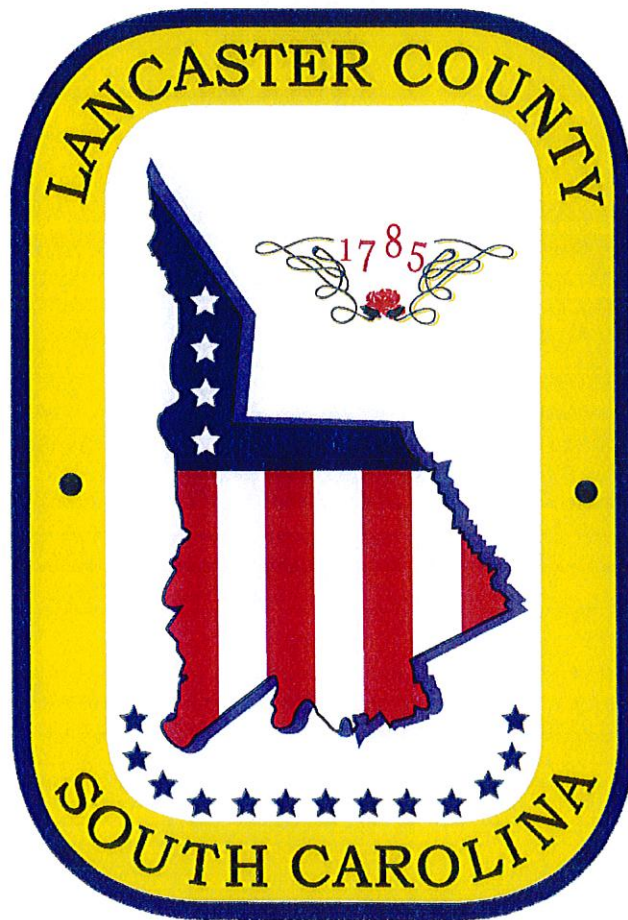
Proceed as outlined above.

Committee Recommendation:

N/A – filing will open for the seat prior to the next Admin Committee meeting.

Budget Monitoring Report

Month of January 2017



Administration Committee

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
General Fund Fund Balance	5
General Fund Major Projects Tracker	6
Other Fund Overview	7-10
General Fund Revenue & Expenditure Summary	11-13
General Fund Department Summary	14-15

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.

January Collections	Current YTD Collections	Previous YTD Collections	Total Budgeted Collections	% of Target
8,101,531	22,873,424	22,415,975	30,268,104	76%

Major Revenue Source - Other Taxes

These FY2017 revenues come from road improvement fees.

January Collections	Current YTD Collections	Previous YTD Collections	Total Budgeted Collections	Current % of Target
184,842	1,308,769	1,247,308	2,105,000	62%

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.

January Collections	Current YTD Collections	Previous YTD Collections	Total Budgeted Collections	% of Target
792,312	2,186,114	1,517,888	4,472,895	49%

Major Revenue Source – Charges for Services

The majority (\$2,540,000 FY2017) of these revenues come from ambulance fees. Other sources are solid waste fees, convenience fee for SCDMV stickers, and delinquent tax costs.

January Collections	Current YTD Collections	Previous YTD Collections	Total Budgeted Collections	% of Target
318,948	1,924,525	1,554,407	2,991,900	64%

Major Revenue Source - Licenses and Permits

These revenues are associated with land ownership transfers and new home and commercial construction. The majority (\$3,095,830) of FY2017 budgeted revenues in this category come from anticipated building permit revenue.

January Collections	Current YTD Collections	Previous YTD Collections	Total Budgeted Collections	% of Target
642,061	3,499,082	2,894,929	4,491,315	78%

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.

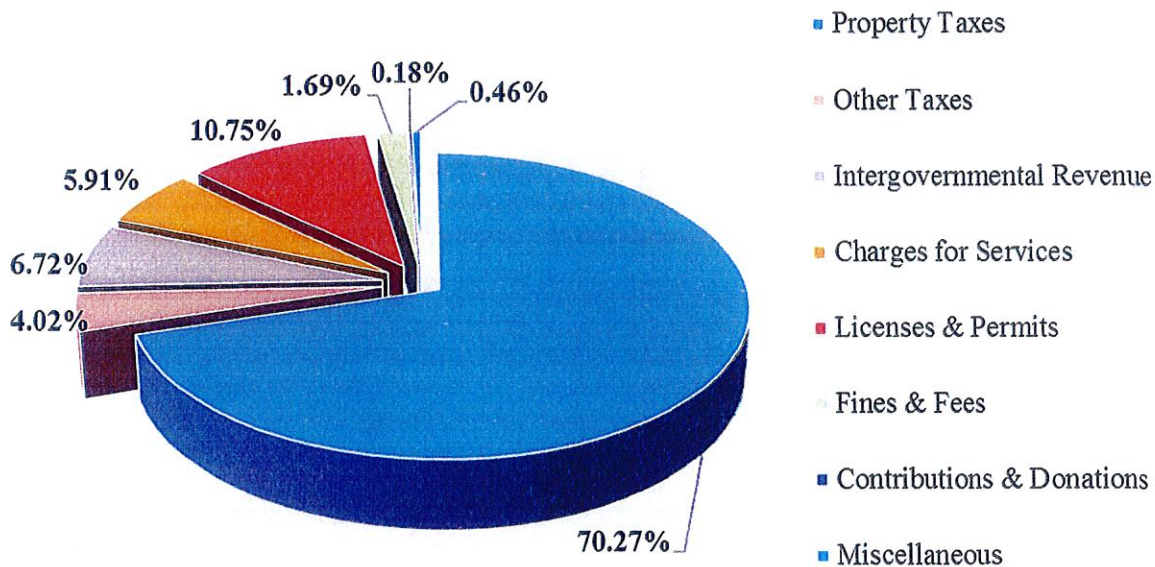
	January Collections	Current YTD Collections	Previous YTD Collections	Total Budgeted Collections	% of Target
Fines & Fees	146,628	549,140	447,058	918,250	60%
Contributions & Donations	4,593	59,356	90,451	53,000	112%
Miscellaneous	7,953	150,973	111,723	154,212	98%

Total Revenue January: \$10,198,869

Major Revenue Sources:

Ad Valorem Taxes--Current	\$6,648,495
Fee in Lieu of Tax--Current	\$716,242
State Aid to Sub Division	\$703,787
Permits-Building	\$370,001
Local Option Rollback	\$369,719
Charges-Ambulance	\$295,923

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



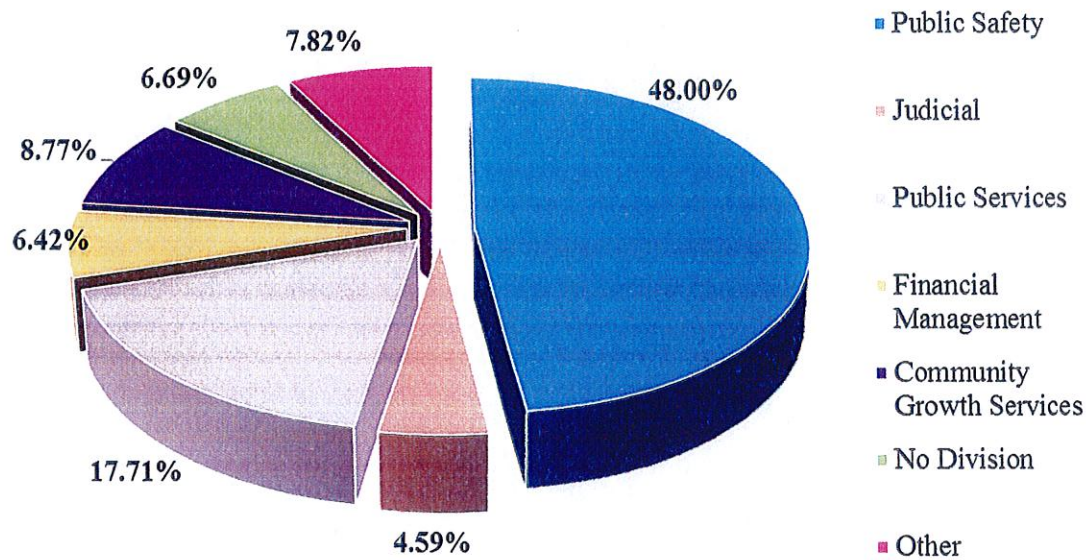
General Fund Expenditure Overview

Total Expenditures January: \$3,351,961

Major Expenditures:

Wages & Salaries	\$1,627,958
Fringe Benefits	\$618,093
Direct Assistance	\$219,596
Contractual Services	\$198,867
Disposal Contract	\$115,072
Utilities	\$82,972

General Fund YTD Expenditures by Division



General Fund

CATEGORY	BUDGET	YTD	%
Revenues	45,456,676	32,551,383	71.61%
Expenditures	-46,561,979	-26,106,551	56.07%
Other Financing Source	3,916,665	0	
Other Financing Source	-2,811,362	0	
Revenues Over (Under) Expenditures	0	6,444,832	

Fund Balance Estimates

Estimated Unassigned Fund Balance (GF): \$25,422,323 which is about 51% of the total GF budget.

Overall the GF expenditure budget reflects a remaining percentage of 56%. Revenue collections are within 28% of estimates.

	Current Year	Prior Year
Nonspendable	\$1,280,176	\$1,232,416
Restricted	\$4,245,527	\$3,350,775
Committed	-	-
Assigned	\$3,839,633	\$9,188,889
Unassigned	\$25,422,323	\$16,047,288
Fund Balance End of January	\$34,787,659	\$29,819,368

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

Major Projects Tracker

Responsible Department	Project/Item	Budget	YTD Expenditures	Status
GIS	Pictometry	\$60,000	\$15,267	Flyover has begun.
Solid Waste	Disposal Contract Rebid	\$1,600,000	\$742,659	Contract signed with Republic—Complete.
Roads	EMS Slope	\$350,000	\$12,375	Design is done and bid package is almost complete.
IT	Cyber Security-CJIS Compliance	\$75,000	\$44,703	Software required for logging and auditing compliancy has been purchased, but not fully implemented. End-of-life video evidence analysis computer has been replaced; new computer meets security standards and has built-in redundancy to avoid data loss.
Recreation	Pool Repairs	\$100,000	-	The pool bid opening is February 8. A committee will do the scoring. There may be a valve that may need to be replaced in the pump room as well. That is a recent find and the pool is losing an inch of water in a day. Will have get quotes on that so that work can be done same time.
Administrator	Historic Jail Repairs	\$268,940	\$17,500	Trying to get cost estimates down to make it work within the budget.
Fleet/Administrator	Fleet Facility	\$1,612,066	\$4,000	Coming back to I&R Committee February 14.
Risk Management	Security Upgrades	\$106,830	-	Going to begin on physical security upgrades this fiscal year. Will have to carry forward some funding to next fiscal year to complete the card reader system upgrades.
Administrator	DSS Building Renovation	\$75,000	-	DHEC approved plans to move offices.
Solid Waste	IL Convenience Center	\$784,135	\$755,810	Project moving forward. Paving is done, waiting on utilities to be hooked up.

Other Fund Overview-January 31, 2017

CAPITAL IMPROVEMENT FUND

CATEGORY	BUDGET	YTD	%
Revenues	1,594,000	1,428,080	89.59%
Expenditures	-1,887,024	-1,367,516	72.47%
Other Financing Source	293,024	0	
Revenues Over (Under) Expenditures	0	60,564	

COURT MANDATED SECURITY

CATEGORY	BUDGET	YTD	%
Revenues	1,283,500	1,117,153	87.04%
Expenditures	-1,308,333	-658,282	50.31%
Other Financing Source	24,833	0	
Revenues Over (Under) Expenditures	0	458,870	

VICTIMS SERVICES FUND

CATEGORY	BUDGET	YTD	%
Revenues	86,605	37,809	43.66%
Expenditures	-86,605	-45,938	53.04%
Other Financing Source	0	0	
Revenues Over (Under) Expenditures	0	-8,128	

E-911

CATEGORY	BUDGET	YTD	%
Revenues	625,150	247,373	39.57%
Expenditures	-583,434	-307,993	52.79%
Other Financing Use	-41,716	0	
Revenues Over (Under) Expenditures	0	-60,620	

COUNTY TRANSPORTATION COMMISSION FUND

CATEGORY	BUDGET	YTD	%
Revenues	2,226,200	1,786,228	80.24%
Expenditures	-4,639,385	-3,828,266	82.52%

Other Financing Source	2,413,185	0
Revenues Over (Under) Expenditures	0	-2,042,038

INDIAN LAND FIRE PROTECTION DISTRICT FUND

CATEGORY	BUDGET	YTD	%
Revenues	546,000	560,917	102.73%
Expenditures	-605,936	-409,135	67.52%
Other Financing Source	59,936	0	
Other Financing Use	0	0	
Revenues Over (Under) Expenditures	0	151,782	

LOCAL ACCOMODATIONS TAX FUND

CATEGORY	BUDGET	YTD	%
Revenues	40,000	40,109	100.27%
Expenditures	-50,000	-24,138	48.28%
Other Financing Source	10,000	0	
Revenues Over (Under) Expenditures	0	15,972	

SUNDAY ALCOHOL SALES TAX FUND

CATEGORY	BUDGET	YTD	%
Revenues	0	3,030	-
Expenditures	-7,000	0	0.00%
Other Financing Source	7,000	0	
Revenues Over (Under) Expenditures	0	3,030	

DEBT SERVICE FUND

CATEGORY	BUDGET	YTD	%
Revenues	2,625,276	2,135,698	81.35%
Expenditures	-4,203,722	-730,061	17.37%
Other Financing Source	1578446	0	
Revenues Over (Under) Expenditures	0	1,405,637	

CAPITAL PROJECT SALES TAX FUND 1

CATEGORY	BUDGET	YTD	%
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Revenues	0	4,542	-
Expenditures	-2,196,347	-1,465,082	66.71%
Other Financing Source	2,734,456	0	0.00%
Other Financing Use	-538,109	0	0.00%
Revenues Over (Under) Expenditures	0	-1,460,540	

CAPITAL PROJECT SALES TAX FUND 2

CATEGORY	BUDGET	YTD	%
Revenues	8,500,000	4,254,563	50.05%
Expenditures	-4,515,000	-6,104,894	135.21%
Other Financing Source	1,234,690	234,690	19.01%
Other Financing Use	-4,985,000	0	0.00%
Revenues Over (Under) Expenditures	234,690	-1,615,641	

RECREATION FUND

CATEGORY	BUDGET	YTD	%
Revenues	1,406,052	748,528	53.24%
Expenditures	-2,540,062	-1,260,416	49.62%
Other Financing Source	1,134,010	50,425	
Revenues Over (Under) Expenditures	0	-461,463	

AIRPORT FUND

CATEGORY	BUDGET*	YTD*	%
Revenues	158,197	66,480	36.51%
Expenditures	-223,483	-119,348	157.91%
Other Financing Source	65,286	0	
Revenues Over (Under) Expenditures	0	-52,868	

*Does not include grant revenue or expenditures

PLEASANT VALLEY FIRE PROTECTION DISTRICT FUND

CATEGORY	BUDGET	YTD	%
Revenues	440,078	436,475	99.18%
Expenditures	-410,078	-164,803	40.19%
Other Financing Source	0	0	

Other Financing Use	-30,000	0	0.00%
Revenues Over (Under) Expenditures	0	271,672	

DEVELOPMENT AGREEMENT FUND

CATEGORY	BUDGET	YTD
Revenues	0	0
Expenditures	-9,536	-8,910
Other Financing Source	244,226	0
Other Financing Use	-234,690	-234,690
Revenues Over (Under) Expenditures	0	-243,600

COUNTY OF LANCASTER
REVENUE & EXPENDITURE STATEMENT

FY 2016-2017

01/01/2017 TO 01/31/2017

	<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	21,784,157.00	7,604,624.20	19,186,313.32	2,597,843.68	88
410 DELINQUENT PROPERTY TAXES	816,500.00	-61,020.74	307,082.43	509,417.57	38
417 PROPERTY TAXES-STATE REIM	1,702,447.00	21,818.71	131,768.66	1,570,678.34	8
418 PROPERTY TAXES-LOST REV	5,950,000.00	532,407.29	3,243,099.80	2,706,900.20	55
419 MULTI COUNTY PILOT	15,000.00	3,701.81	5,159.33	9,840.67	34
422 OTHER TAXES	2,105,000.00	184,842.41	1,308,768.79	796,231.21	62
434 INTERGOVERNMENTAL- STATE	3,512,875.00	729,328.50	1,694,952.52	1,817,922.48	48
435 STATE AID TO LIBRARY	114,978.00	0.00	66,264.96	48,713.04	58
436 INTERGOVERNMENTAL- LOCAL	845,042.00	62,983.85	413,435.99	431,606.01	49
437 INTERGOVERNMENTAL-FEDERAL	0.00	0.00	5,205.06	-5,205.06	0
439 OTHER GOVERNMENTAL REVENUE	0.00	0.00	6,255.48	-6,255.48	0
440 LICENSE- MISCELLANEOUS	0.00	0.00	204.00	-204.00	0
441 LICENSE- FRANCHISE	468,385.00	144,289.17	357,202.86	111,182.14	76
442 LIC & PERMITS- BLDG	3,095,830.00	402,483.00	2,488,346.00	607,484.00	80
444 LIC & PERMITS- PLANNING	24,100.00	8,460.00	30,175.00	-6,075.00	125
446 LIC & PERMITS- ROD	900,000.00	86,378.80	620,694.10	279,305.90	69
448 LIC & PERMITS- CORONER	3,000.00	450.00	2,460.00	540.00	82
450 CHGS. FOR SVCS.- PUBLIC W	111,400.00	12,278.07	59,357.32	52,042.68	53
455 CHGS. FOR SVCS.- FEES	272,500.00	5,641.80	177,163.95	95,336.05	65
456 CHGS. FOR SVCS.- COPIES	14,800.00	1,360.60	10,333.10	4,466.90	70
457 CHGS. FOR SVCS.- OTHER	28,200.00	1,590.25	12,461.55	15,738.45	44
458 CHGS. FOR SVCS.- EMS	2,540,000.00	295,922.66	1,648,175.01	891,824.99	65
459 CHGS. FOR SVCS.- MISC	27,000.00	2,155.00	17,034.50	9,965.50	63
460 FINES & FEES-MISC	2,500.00	68,507.83	69,392.83	-66,892.83	2,776
461 FINES & FEES- COURTS	792,500.00	60,076.92	393,241.98	399,258.02	50
463 FINES & FEES- DRUF FORF	0.00	0.00	5,837.12	-5,837.12	0
464 FINES & FEES- OTHER	10,000.00	1,300.00	5,810.00	4,190.00	58
465 FINES & FEES- OTHER	0.00	0.00	1,493.12	-1,493.12	0
466 FINES & FEES- OTHER	15,000.00	490.00	5,800.00	9,200.00	39
467 FINES & FEES- OTHER	30,000.00	7,025.00	26,025.00	3,975.00	87
468 FEES- BANK	68,250.00	9,228.04	41,539.56	26,710.44	61
470 CONTRIBUTION & DONATIONS	25,000.00	1,905.00	51,365.20	-26,365.20	205
471 LIBRARY DONATIONS	28,000.00	2,687.80	7,991.18	20,008.82	29
480 INTEREST INCOME	25,500.00	0.00	51,869.10	-26,369.10	203
490 OTHER INCOME	92,212.00	5,736.30	80,002.67	12,209.33	87
491 OTHER INCOME	35,000.00	2,157.10	18,930.12	16,069.88	54
495 OTHER INCOME	1,500.00	59.92	171.12	1,328.88	11

	<u>BUDGETED</u>	<u>CURRENT PERIOD</u>	<u>YEAR-TO-DATE INCLUDING ENCUMBRANCES</u>	<u>REMAINING BALANCE</u>	<u>PCT USED</u>
TOTAL REVENUE	45,456,676.00	10,198,869.29	32,551,382.73	12,905,293.27	72
EXPENDITURE:					
500 WAGES	20,671,410.00	1,627,958.00	11,502,816.46	9,168,593.54	56
510 FRINGE	8,171,032.00	618,093.37	4,400,286.12	3,770,745.88	54
520 OTHER PERSONNEL EXPENDITURE	347,500.00	14,828.92	103,480.19	244,019.81	30
530 TRAVEL, TRAINING, & DUES	455,136.00	23,129.96	250,344.66	204,791.34	55
540 SUPPLIES	432,320.00	25,481.05	229,833.60	202,486.40	53
541 POSTAGE	537,495.00	37,510.79	276,533.60	260,961.40	51
542 CLOTHING	209,704.50	7,950.27	99,417.07	110,287.43	47
543 SUPPLIES- LAUNDRY	228,500.00	14,064.97	109,553.83	118,946.17	48
544 SUPPLIES- PUBLIC WORKS	522,000.00	12,251.37	462,945.84	59,054.16	89
545 SUPPLIES- CUSTODIAL	20,000.00	1,081.29	7,817.08	12,182.92	39
547 SUPPLIES- ANIMAL FOOD	3,000.00	82.68	919.77	2,080.23	31
548 SUPPLIES- HAND TOOLS	20,000.00	654.61	22,200.16	-2,200.16	111
549 SUPPLIES- WELCOME CENTER	4,000.00	24.63	338.24	3,661.76	8
550 EQUIPMENT- NON CAPITAL	86,000.00	15,898.18	39,106.75	46,893.25	45
551 EQUIPMENT- GENERAL	592,976.20	49,260.43	351,420.27	241,555.93	59
560 CAPITAL EQUIPMENT	271,495.09	0.00	189,706.82	81,788.27	70
570 UTILITIES	1,048,340.00	82,972.28	609,945.09	438,394.91	58
571 UTILITIES- TELEPHONE	547,540.00	47,852.68	278,816.73	268,723.27	51
580 RENT	7,500.00	1,200.00	4,820.00	2,680.00	64
581 RENT- BUILDING	78,766.00	2,652.25	43,563.50	35,202.50	55
582 RENT- EQUIPMENT	5,000.00	0.00	0.00	5,000.00	0
590 MAINTENANCE	1,695,796.32	62,516.08	693,535.00	1,002,261.32	41
591 MAINTENANCE- GENERAL	66,500.00	2,369.99	45,520.71	20,979.29	68
593 MAINTENANCE-SVC AGREEMENT	640,500.00	19,867.64	336,529.98	303,970.02	53
594 MAINTENANCE- BLDG	172,000.00	18,192.90	135,761.46	36,238.54	79
600 CONTRACTUAL SERVICES	2,439,865.39	198,866.77	1,699,740.17	740,125.22	70
604 PS-MEDICAL & PROFESSIONAL	756,215.00	41,817.40	408,843.66	347,371.34	54
605 CS- PRINTING	371,155.60	2,771.61	261,388.66	109,766.94	70
608 SC DEPT OF CORRECTIONS	25,000.00	645.00	7,245.00	17,755.00	29
612 CS-DISPOSAL CONTRACT	1,600,000.00	115,071.75	807,565.65	792,434.35	50
613 DEMOLITION EXPENSE	50,000.00	0.00	53,830.00	-3,830.00	108
620 DIRECT ASSISTANCE	13,041.00	13,040.77	13,040.77	0.23	100
625 DIRECT ASSISTANCE	1,112,031.00	219,595.57	798,100.98	313,930.02	72
650 INSURANCE	933,774.00	0.00	929,261.00	4,513.00	100
670 ADVERTISING	93,650.00	2,938.02	59,534.92	34,115.08	64
680 FEE REIMBURSEMENT	600.00	0.00	0.00	600.00	0
690 SPECIAL PROJECTS	1,264,851.00	26,231.64	247,799.78	1,017,051.22	20
691 SP- PROMOTIONS	56,000.00	6,058.91	29,412.79	26,587.21	53
750 EQUIPMENT LEASE	145,300.00	24,779.59	90,146.39	55,153.61	62
760 GRANTS MATCH	318,000.00	9,793.45	52,564.04	265,435.96	17

	<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			387,459.77	59,705.23	87
780 MISCELLANEOUS	45,000.00	1,320.00	15,405.00	29,595.00	34
781 MISCELLANEOUS	55,250.00	1,894.78	32,469.58	22,780.42	59
782 OVER/SHORT	570.00	-254.47	-378.63	948.63	-66
783 DRUG FORFEITURE	0.00	53.00	6,592.17	-6,592.17	0
786 DONATIONS	0.00	1,443.17	11,316.33	-11,316.33	0
TOTAL EXPENDITURE	<u>46,561,979.10</u>	<u>3,351,961.30</u>	<u>26,106,550.96</u>	<u>20,455,428.14</u>	<u>56</u>
EXCESS OF REVENUE BEFORE	<u>-1,105,303.10</u>	<u>6,846,907.99</u>	<u>6,444,831.77</u>		<u>-583</u>
OTHER FINANCING SOURC					
801 TRANSFER IN	30,000.00	0.00	14.90	29,985.10	0
810 OFS FUND BALANCE	3,886,665.10	0.00	0.00	3,886,665.10	0
TOTAL OTHER FINANCING SOURC	<u>3,916,665.10</u>	<u>0.00</u>	<u>14.90</u>	<u>3,916,650.20</u>	<u>0</u>
OTHER FINANCING USE:					
950 TRANSFERS	2,811,362.00	0.00	0.00	2,811,362.00	0
TOTAL OTHER FINANCING USE	<u>2,811,362.00</u>	<u>0.00</u>	<u>0.00</u>	<u>2,811,362.00</u>	<u>0</u>
EXCESS OF REVENUE AFTER	<u>0.00</u>	<u>6,846,907.99</u>	<u>6,444,846.67</u>		<u>0</u>

BUDGET REPORT BY DEPARTMENT - EXPENDITURE

Current Period: 01/01/2017 To 01/31/2017

County Of Lancaster

FY 2016-2017

Ideal Remaining Percent: 41 %

Account	Budgeted	Current	Year To Date	Encumbrance	Remaining Balance	PCT
005 Non-Departmental	1,454,205.00	19,040.74	1,133,948.12	0.00	320,256.88	22
007 Cnty Economic Dev. Dept.	410,821.96	22,877.66	195,298.12	12,499.50	203,024.34	49
011 County Council	2,957,518.00	20,529.14	495,047.79	30,920.00	2,431,550.21	82
012 Council Transfers	1,199,296.00	0.00	0.00	0.00	1,199,296.00	100
014 Direct Assistance	989,541.00	232,636.34	709,492.75	0.00	280,048.25	28
021 Administrator	557,719.78	51,842.62	291,882.51	261.78	265,575.49	48
022 Legal Team	243,927.00	15,548.92	135,125.03	0.00	108,801.97	45
023 Finance	664,855.00	45,377.70	347,816.09	0.00	317,038.91	48
024 Human Resources	214,799.00	15,214.61	118,417.35	0.00	96,381.65	45
025 Risk Management	206,446.00	10,402.69	53,817.55	0.00	152,628.45	74
026 Mis	1,031,952.60	60,565.44	588,396.91	0.00	443,555.69	43
027 Gis	206,019.00	9,722.76	77,807.57	45,800.97	82,410.46	40
029 Zoning	353,465.00	22,880.81	219,540.70	0.00	133,924.30	38
031 Building	994,673.00	56,885.73	415,035.00	0.00	579,638.00	58
032 Planning	480,093.00	58,404.01	309,386.86	0.00	170,706.14	36
041 Assessor	886,172.00	58,613.19	490,673.90	0.00	395,498.10	45
043 Auditor	392,714.00	29,428.01	206,320.92	0.00	186,393.08	47
044 Treasurer	380,715.00	26,439.80	223,376.27	0.00	157,338.73	41
045 Delinquent Tax	322,239.00	15,845.90	171,616.30	0.00	150,622.70	47
051 Registration & Elect	304,893.00	10,289.11	210,984.52	0.00	93,908.48	31
060 Register Of Deeds	338,553.00	27,809.17	176,281.14	0.00	162,271.86	48
061 Circuit Court	82,503.00	2,945.02	26,901.75	0.00	55,601.25	67
063 Clerk Of Court	364,253.00	27,097.56	198,739.29	0.00	165,513.71	45
064 Family Court	367,568.00	25,801.07	193,631.15	0.00	173,936.85	47
068 Coroner	436,343.00	43,735.98	261,273.96	0.00	175,069.04	40
069 Probate Court	439,804.00	33,002.04	239,818.90	2,861.46	197,123.64	45
070 Mag-Countywide	883,974.00	62,503.47	496,162.84	0.00	387,811.16	44
110 Sheriff	7,863,216.78	578,300.99	4,208,396.18	19,340.17	3,635,480.43	46
111 Sher:Drug Asset Forf	0.00	53.00	6,592.17	0.00	-6,592.17	0
117 Sheriff Dpt- Town Of Kers	527,367.00	40,169.43	298,858.59	0.00	228,508.41	43
120 Detention Center	2,207,132.08	165,492.79	1,209,004.32	18,071.27	980,056.49	44
121 School Resource Officers	117,146.00	10,493.09	79,376.54	0.00	37,769.46	32
130 Communications	1,792,733.00	123,352.89	850,401.24	0.00	942,331.76	53
140 Emergency Management	415,848.00	23,652.09	178,580.03	17,782.08	219,485.89	53
141 Fire Service	1,276,837.00	81,242.38	696,752.67	128,861.31	451,223.02	35
142 Town Of Kershaw- Fire	146,727.00	10,081.28	77,748.89	3,500.00	65,478.11	45
144 Lanc. County Firefighters	1,094,677.64	81,019.86	607,307.82	10,131.32	477,238.50	44
153 Lancaster Ems	6,228,318.00	511,001.07	3,522,222.37	18,784.46	2,687,311.17	43
202 Roads & Bridges	2,895,205.00	117,066.35	1,313,759.02	216,071.97	1,365,374.01	47
210 Fleet Operations	573,244.00	39,275.71	309,866.26	16,442.76	246,934.98	43
251 Building Maintenance	1,496,605.00	108,617.75	835,982.29	52,583.58	608,039.13	41
310 Landfill-Solid Waste	56,366.00	2,029.64	9,382.52	0.00	46,983.48	83
312 Solid Waste Collect	3,480,342.26	328,764.48	1,893,443.84	344,883.07	1,242,015.35	36
318 Animal Shelter	186,804.00	13,755.65	92,355.58	0.00	94,448.42	51
330 Health Services	82,600.00	6,284.77	50,570.78	0.00	32,029.22	39
601 Dept. Of Social Services	139,210.00	2,985.01	23,012.72	0.00	116,197.28	83

BUDGET REPORT BY DEPARTMENT - EXPENDITURE

Current Period: 01/01/2017 To 01/31/2017

County Of Lancaster

FY 2016-2017

Ideal Remaining Percent: 41 %

Account	Budgeted	Current	Year To Date	Encumbrance	Remaining Balance	PCT
602 D.S.S. Family Indep	58,330.00	1,659.41	29,963.10	0.00	28,366.90	49
610 Veterans Affairs	173,609.00	14,233.33	101,773.66	0.00	71,835.34	41
840 Library	1,228,884.00	86,990.84	650,136.26	0.00	578,747.74	47
999 Lease	167,077.00	0.00	124,690.50	0.00	42,386.50	25
Report Totals Net	49,373,341.10	3,351,961.30	25,156,970.64	938,795.70	23,277,574.76	47

Agenda Item Summary

Ordinance # / Resolution#:	Follow-up to Resolution 0949-R2017
Contact Person / Sponsor:	Steve Willis
Department:	Administration
Date Requested to be on Agenda:	February 27, 2017

Issue for Consideration:

Removal of Through Trucks Prohibited signage.

Points to Consider:

At the January 9th Council meeting the County Council remanded this Resolution to be handled by the Infrastructure and Regulations Committee. At their meeting of February 14th the Committee voted to transmit the requested letter to SCDOT. The vote was 3 to 0 on Taxahaw Road and 2 to 1 (Councilman Graham opposed) on Steele Hill Road.

Funding and Liability Factors:

N/A; these are state secondary roads.

Council Options:

No further action is needed as the Committee has acted as directed by full Council. The file copy of the Resolution will note this action for the record.

Staff Recommendation:

N/A

Committee Recommendation:

N/A – their action has been noted above.

MEETINGS & FUNCTIONS – 2017

DAY/DATE	TIME	FUNCTION/LOCATION
Monday, February 27th	6:00 p.m.	Council Meeting Council Chambers, Administration Building
Saturday, March 11th	7:30 p.m.	The Manhattans Concert, Performing Arts Series Bundy Auditorium – USC-L
Monday, March 13th	6:00 p.m.	Council Meeting Council Chambers, Administration Building
Tuesday, March 14 th	3:00 p.m.	Infrastructure and Regulation Committee (I&R) Council Conference Room
Tuesday, March 14th	5:00 p.m.	Public Safety Committee Council Conference Room
Tuesday, March 14th	5:00 p.m.	Administration Committee Council Chambers, Administration Building
Monday, March 27th	6:00 p.m.	Council Meeting Council Chambers, Administration Building

LANCASTER COUNTY STANDING MEETINGS

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