

# Lancaster County Council Regular Meeting Agenda

Monday, July 17, 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 Jack Estridge**
4. **Approval of the agenda** *[deletions and additions of non-substantive matter]*
5. **Special Presentations**
  - a. Introduction of Scott Edgar as the new County Engineer – *Steve Willis*
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 June 26, 2017 regular meeting – *pgs. 5-12*
  - b. **3<sup>rd</sup> Reading of Ordinance 2017-1451 regarding Amending the Zoning Map And Rezoning 9 Parcels of Property that were Zoned Incorrectly Due to Computer Error**  
Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As To Correct And Rezone Nine (9) Parcels Of Property Situated At Various Locations Throughout Lancaster County That Inadvertently Were Zoned Incorrectly Due To A Computer Error Occurring During Council’s Consideration Of The 2016 Uniform Development Ordinance And Update Of The Official Lancaster County Zoning Map. – *Planning Commission recommended approval by a vote of 6-0. Passed 6-0 at the June 12, 2017 County Council Meeting. Passed 7-0 at the June 26, 2017 County Council Meeting. – Alex Moore – pgs. 13-15*
8. **Non-Consent Agenda**
  - a. **Resolution 0965-R2017 regarding Extension of Fee Agreement with Horton Machine And Custom Design, Inc.**  
Resolution Title: A Resolution Consenting To An Extension Of The Investment Period For Horton Machine And Custom Design, Inc. Under Its Fee Agreement With Lancaster County Pursuant To Section 12-44-30(13), Code Of Laws Of South Carolina, 1976, As Amended (The “Code”). – *(Favorable Recommendation – Administration Committee). – Jamie Gilbert – pgs. 16-19*

**b. Resolution 0966-R2017 regarding Approval of Master Development Plan of Apartment Complex**

Resolution Title: A Resolution To Approve The Favorable Recommendation Of Both The Lancaster County Planning Staff And The Lancaster County Planning Commission Of A Mixed Use District/Master Development Plan Of An Apartment Complex Located Along Possum Hollow Road And The Western Edge Of Edgewater. – *Alex Moore – pgs. 20-28*

**c. Public Hearing and 2<sup>nd</sup> Reading of Ordinance 2017-1452 regarding Amended Fee Agreement Between AG-APG Edgewater Property Owner, LLC And Lancaster County**

Ordinance Title: An Ordinance Authorizing The Execution And Delivery Of An Amended And Restated Fee Agreement Between AG-APG Edgewater Property Owner, L.L.C., And Lancaster County, South Carolina. (*Favorable Recommendation – Administration Committee*). *Passed 7-0 at the June 26, 2017 County Council Meeting. – John Weaver – pgs. 29-59*

**d. 1<sup>st</sup> Reading of Ordinance 2017-1453 regarding rezoning property of David and Sherry Walden**

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As To Rezone Property Of David And Sherry Walden, Located ± 400 Feet North Of The Intersection Of Cedar Creek Road And Great Falls Highway Near The Lancaster/Chester County Line From PDD, Planned Development District (PDD-2 Catawba Ridge AKA Bear Creek Landing) To AR, Agricultural Residential District. – *Planning Commission recommended approval by a vote of 7-0. – Alex Moore – pgs. 60-84*

**e. 1<sup>st</sup> Reading of Ordinance 2017-1454 regarding rezoning property of Kershaw Properties LLC**

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As To Rezone Two (2) Properties Owned By Kershaw Properties LLC. The First Property Is Located At The Corner Of Third Street And Kershaw Camden Highway, The Second Property Is Located At The Corner Of Second Street And Kershaw Camden Highway. The Applicant Has Requested Both Properties To Be Rezoned From MDR, Medium Density Residential District To GB, General Business District. – *Planning Commission recommended approval by a vote of 7-0. – Alex Moore – pgs. 85-100*

**f. 1<sup>st</sup> Reading of Ordinance 2017-1455 regarding Establishment of the Stormwater Management Utility and Amend the UDO**

Ordinance Title: An Ordinance To Establish The Lancaster County Stormwater Management Utility, To Amend Lancaster County's Uniform Development Ordinance (UDO) So As To Add Thereto The Terms, Conditions And Provisions Of The Lancaster County Stormwater Management Utility, Including A Determination Of The Geographic Boundaries Subject To The Utility's Management Oversight And The Fees Associated Therewith. – *Planning Commission recommended approval by a vote of 7-0. - Jeff Catoe/Scott Edgar/John Gast– pgs. 101-136*



- g. **1<sup>st</sup> Reading of Ordinance 2017-1456 regarding Rezoning Property of Bryan O’Neal**  
Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As To Rezone Property Owned By Bryan O’Neal, Located At 2271 Boxcar Road, From LDR, Low Density Residential District And IMX, Industrial Mixed Use District to RUB, Rural Business District And From IMX, Industrial Mixed Use District To LDR, Low Density Residential District. – *Planning Commission recommended approval by a vote of 7-0. – Alex Moore – pgs. 137-146*

9. **Discussion and Action Items**

a. Committee Reports

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

b. Nomination for appointment to Boards and Commissions for District 1 – **pg. 147**

- Betty F. Broome for Historical Commission – 3<sup>rd</sup> Term (requires 2/3 vote of Council)

c. Nomination for appointment to Boards and Commissions for District 6 – **pg. 148**

- Cynthia (Cindi) Blackmon for Health and Wellness – 1<sup>st</sup> Term

d. Nomination for appointment to Boards and Commissions for District 7 – **pg. 149**

- George Kirlin for Library Board – 1<sup>st</sup> Term

e. Nomination for appointment to Library Board – At large member – **pg. 150**

- James D. Boling

f. Appointment to fill unexpired term on the Council of Governments Workforce Innovation and Opportunity Act Board – **pg. 151**

- Kim Linton

g. Annual grant from State Emergency Management – **Steve Willis/Darren Player – pgs. 152-154**

h. FAA grant for Airport heavy aircraft apron – **(Favorable Recommendation – I&R Committee) - Steve Willis/Paul Moses – pgs. 155-156**

i. Scope of Work for Fire Service Study – **Steve Willis – pg. 157**

j. Updates to Social Media Platforms – **(Favorable Recommendation – Administration Committee) - Jessica Kennington – pgs. 158-168**

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

None at this time.

**11. Miscellaneous Reports and Correspondence**

- a. Charter Communications – *pgs. 169-170*
- b. Lancaster County's Community Assistance Visit Results – *pgs. 171-174*
- c. New ICC Building Valuation Tables – *pg. 175*
- d. Unfunded Tax Millage Idea – *pg. 176*

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

**13. Executive Session**

**14. Calendar of Events – *pg. 177***

**15. Adjournment**

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

*Lancaster County Council agendas are posted at the Lancaster County Administration Building and are available on the Website: [www.mylancastersc.org](http://www.mylancastersc.org)*





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, June 26, 2017

Council Members present were Brian Carnes, Jack Estridge, Terry Graham, Steve Harper, Larry Honeycutt, Charlene McGriff and Billy Mosteller. Also present were John Weaver, Steve Willis, Sherrie Simpson, Kimberly Hill, Penelope Karagounis, 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 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. Brian Carnes led the Pledge of Allegiance to the American Flag and delivered the invocation.

### **Approval of the agenda**

John Weaver asked that two contractual matters be added to Executive Session. Larry Honeycutt moved to amend the agenda to add two contractual matters to Executive Session. Seconded by Charlene McGriff. The motion to amend the agenda passed by unanimous vote of 7-0.

Larry Honeycutt moved to approve the agenda as amended. Seconded by Brian Carnes. Council approved the amended agenda by unanimous vote of 7-0.

## **Special Presentations**

Jeff Hammond, Clerk of Court, swore in the new Auditor for Lancaster County, Susan Hunter Wallace.

Chairman Steve Harper presented Andy Rowe, Planning Department, with a metal Thumbs Up award for special recognition for his job performance.

Chairman Steve Harper presented Jill Newman, Procurement Department, with a plaque for the Employee of the Quarter – 1<sup>st</sup> Quarter.

Billy Mosteller congratulated Charles Deese, Planning Commission, on being named Board Member of the Year.

## **Citizens Comments**

Ben Levine, 5062 Terrier Lane, Indian Land, SC, spoke in support of Jerry Holt's nomination to the Planning Commission.

Sara Phillips, 2045 Robert H. Kirk Road, Lancaster, SC, spoke regarding Trap/Neuter/Return.

Dave Leebrick, 18438 East Marbella Lane, Indian Land, SC, spoke in support of Jerry Holt's nomination to the Planning Commission.

Tom Kovach, 16294 Reynolds Drive, Indian Land, SC, spoke in support of Jerry Holt's nomination to the Planning Commission.

Bob Korkos, 5207 Kelston Lane, Indian Land, SC, spoke in support of Jerry Holt's nomination to the Planning Commission.

Caroline Oliver, 934 Forest Drive, Lancaster, SC, spoke in support of Trap/Neuter/Return and low cost spay and neuter.

Rosa Sansbury, 821 Obenosky Road, Van Wyck, SC, spoke in support of Jerry Holt's nomination to the Planning Commission.

Paul Slazas, 13186 Wilburn Park Lane, Indian Land, SC, spoke in support of Jerry Holt's nomination to the Planning Commission.

Jane Tanner, 7041 Whittingham Drive, Indian Land, SC, spoke in support of Jerry Holt's nomination to the Planning Commission on behalf of herself and on behalf of the Indian Land Action Council as President.



## Consent Agenda

Billy Mosteller moved to approve Consent Agenda Item a, Item b, Item c, Item d, Item e, Item f and Item g. Seconded by Larry Honeycutt. No further discussion. Council approved Consent Agenda Items a, b, c, d, e, f and g by unanimous vote of 7-0.

- a. Minutes of the June 12, 2017 regular meeting
- b. **3<sup>rd</sup> Reading of Ordinance 2017-1445 regarding Amendment to the Fee In Lieu Of Tax And Incentive Agreement Between Lancaster County And PCI Group, Inc., And LTRR Realty, LLC**  
Ordinance Title: An Ordinance To Ratify, Authorize And Approve The Execution And Delivery Of An Amendment To The Fee in Lieu Of Tax And Incentive Agreement Among Lancaster County, PCI Group, Inc., And LTRR Realty, LLC, As Previously Approved By Ordinance No. 2016-1426; To Ratify, Authorize And Approve The Execution And Delivery Of An Amendment To The Lease Agreement Between Lancaster County And LTRR Realty, LLC, As Previously Approved By Ordinance No. 2016-1426; To Express The Intention Of Council To Provide Monies To The Economic Development Fund.
- c. **3<sup>rd</sup> Reading of Ordinance 2017-1446 regarding the Adoption of the Capital Improvements Program 2017 Through 2026**  
Ordinance Title: An Ordinance To Adopt The Lancaster County Capital Improvements Program 2017 Through 2026 As Recommended By The Lancaster County Planning Commission.
- d. **3<sup>rd</sup> Reading of Ordinance 2017-1448 regarding Long Term Lease Of Two Pieces Of Property To The Indian Land Fire Department**  
Ordinance Title: An Ordinance To Authorize And Approve The Long Term Lease Of Two County Owned Parcels Of Real Property To The Indian Land Volunteer Fire Department, Inc. For The Department's Use In Providing Enhanced Fire Service Protection.
- e. **3<sup>rd</sup> Reading of Ordinance 2017-1449 regarding Amending Prisoner Housing Fees**  
Ordinance Title: An Ordinance To Amend Article Chapter 2, Article II, Division 5 (Prisoner Housing Fees) Of The Lancaster County Code Of Ordinances By The Addition Of Section 2-231(b) And, Further, To Approve An Intergovernmental Agreement Between The City Of Lancaster And The County Of Lancaster That Is Consistent With The Language And Provisions Contained In Section 2-231(b).

- f. **3<sup>rd</sup> Reading of Ordinance 2017-1450 regarding Amending the Procurement Code**  
Ordinance Title: An Ordinance To Amend Portions Of Article VI (Lancaster County Procurement Code) Of The Lancaster County Code Of Ordinances So As To Make Various Changes To The Wording And Terms Contained In Section 2-256, To Delete In Its Entirety The Wording Noted In Section 2-287 And To Substitute And Replace Therefore The New Provisions Of Section 2-287 As Detailed Herein.
- g. **2<sup>nd</sup> Reading of Ordinance 2017-1451 regarding Amending the Zoning Map And Rezoning 9 Parcels of Property that were Zoned Incorrectly Due to Computer Error**  
Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As To Correct And Rezone Nine (9) Parcels Of Property Situated At Various Locations Throughout Lancaster County That Inadvertently Were Zoned Incorrectly Due To A Computer Error Occurring During Council's Consideration Of The 2016 Uniform Development Ordinance And Update Of The Official Lancaster County Zoning Map.

## **Non-Consent Agenda**

### **Resolution 0962-R2017 regarding Fee Agreement Between Lancaster County And IX WR 3023 HSBC Way, L.P.**

Resolution Title: A Resolution To Consent To The Transfer Of The Fee Agreement Between Lancaster County And IX WR 3023 HSBC Way, L.P. To Angelo Gordon Real Estate, Inc. Or Its Affiliate Or Designee.

Brian Carnes moved to approve the Resolution. Seconded by Charlene McGriff. Resolution 0962-R2017 passed by unanimous vote of 7-0.

### **Resolution 0963-R2017 regarding Special Source Revenue Credit Agreement with Unique Loom, LLC**

Resolution Title: A Resolution To State The Commitment Of Lancaster County To Enter Into A Special Source Revenue Credit Agreement With Unique Loom, LLC, And/Or Its Designee Or Nominee; To Provide The General Terms Of The Special Source Revenue Credit Agreement; To State The Commitment Of Lancaster County To Place Project Property In A Multi-County Park.

Charlene McGriff moved to approve the Resolution. Seconded by Billy Mosteller. Resolution 0963-R2017 passed by unanimous vote of 7-0.

### **Resolution 0964-R2017 regarding the Hazard Mitigation Plan**

Resolution Title: A Resolution Adopting The Lancaster County Multi-Jurisdictional Hazard Mitigation Plan As Approved By The Federal Emergency Management Agency.

Billy Mosteller moved to approve the Resolution. Seconded by Brian Carnes. Resolution 0964-R2017 passed by unanimous vote of 7-0.



**3<sup>rd</sup> Reading of Ordinance 2017-1447 regarding FY 2017-2018 Budget**

Ordinance Title: An Ordinance To Appropriate Funds And Approve A Detailed Budget For Lancaster County For The Fiscal Year Beginning July 1, 2017 And Ending June 30, 2018 (FY 2017-18); To Set Millage Rates For The Levy Of Ad Valorem Taxes; To Approve A Schedule Of Taxes, Fees And Charges For FY 2017-18.

Charlene McGriff moved to approve the 3<sup>rd</sup> Reading of Ordinance 2017-1447. Seconded by Larry Honeycutt. The 3<sup>rd</sup> Reading of Ordinance 2017-1447 passed by unanimous vote of 7-0.

**1<sup>st</sup> Reading of Ordinance 2017-1452 regarding Amended Fee Agreement Between AG-APG Edgewater Property Owner, LLC And Lancaster County**

Ordinance Title: An Ordinance Authorizing The Execution And Delivery Of An Amended And Restated Fee Agreement Between AG-APG Edgewater Property Owner, L.L.C., And Lancaster County, South Carolina.

Brian Carnes moved to approve the 1<sup>st</sup> Reading of Ordinance 2017-1452. Seconded by Charlene McGriff. The 1<sup>st</sup> Reading of Ordinance 2017-1452 passed by unanimous vote of 7-0.

**Discussion and Action Items**

**Committee Reports:**

*I&R Committee:*

Larry Honeycutt reported that the I&R Committee met on June 13, 2017. The Committee discussed several topics. First, he reported that the Committee discussed the Harrisburg Road Recreation Site. Secondly, the Committee voted to move the annexation of the Kershaw Parks and Recreation facility to full Council with a favorable recommendation. He stated that the Committee discussed the parking situation at Walnut Creek during athletic functions. The Committee also discussed Regency Park Road and the County is waiting to hear from the developer regarding this Road. The Committee discussed the City of Lancaster leaving the Recreation Department in 2018 and further discussions will occur in 2018.

*Public Safety Committee:*

Brian Carnes reported that the Public Safety Committee met on June 26, 2017. The Committee received an update on a potential fire service study in Lancaster County. The Committee voted to move the Intergovernmental Agreement with Kershaw to full Council with a favorable recommendation. The Committee also received information regarding the State Emergency Management annual grant, which was for information only. The Committee also voted to move Resolution 0964-R2017 to full Council with a favorable recommendation and that Resolution has already been addressed by Council earlier tonight. The Committee also heard a report about the need for warehouse space for the Fire Commission and Fire Rescue staff, which is not a top

priority as far as building projects. The Committee did discuss the possibility of the Fire Commission and Fire Rescue using the public works building once public works gets a new building. The Committee also received an update on the STAR team and they have asked for a written report regarding the STAR team. The Committee also reviewed the Development Agreement funds.

#### *Administration Committee:*

Charlene McGriff reported that the Administration Committee met on June 13, 2017. The Committee reviewed and made favorable recommendations to full Council regarding Resolution 0962-R2017, Ordinance 2017-1452 and Resolution 0963-R2017, all of which have already been discussed and voted on tonight. The Committee also voted to move the fee waiver for government building projects to full Council with a favorable recommendation and that discussion is coming up during Discussion and Action Items. Kimberly Hill provided a monthly report regarding revenues and expenditures for the month of May to the Committee.

#### **Nominations for appointments to Boards and Commissions for District 1.**

Billy Mosteller moved to approve the appointments of William (Bill) Sherritt to the Construction Board of Appeals and F. Roy Sansbury to the Board of Assessment Appeals. Seconded by Larry Honeycutt. The appointments passed by unanimous vote of 7-0.

#### **Nominations for appointments to Boards and Commissions for District 5.**

Larry Honeycutt moved to approve the appointments of Randy Collins to the Airport Commission, Quinton Rodgers to the Joint Recreation Commission, Thomas Monroe to the Library Board and Tommy Dabney to the Planning Commission. Seconded by Billy Mosteller. The appointments passed by unanimous vote of 7-0.

#### **Nomination for appointment to Boards and Commissions for District 3.**

Terry Graham moved to approve the appointments of Lisa Hallman to the Library Board and Robert Bundy to the County Transportation Commission. Seconded by Charlene McGriff. The appointments passed by unanimous vote of 7-0.

#### **Nomination for appointments to Boards and Commissions for District 7.**

Larry Honeycutt requested that the nomination for the reappointment of Jerry Holt to the Planning Commission be removed from the list of District 7 nominees and requested that a roll call vote be held on his name. Charlene McGriff also called for a roll call vote for Jerry Holt's reappointment to the Planning Commission.



Larry Honeycutt moved to approve the appointments of Jennifer Ersek to the Health and Wellness Board and Frances Liu to the Board of Zoning Appeals. Seconded by Terry Graham. The appointments passed by unanimous vote of 7-0.

Brian Carnes read a statement regarding the policy for Board and Commission appointments and how appointments are evaluated. He stated that Jerry Holt should be appointed on the basis of his qualifications and he reviewed his qualifications. He asked that Council approve his nomination of Jerry Holt to the Planning Commission.

The Roll Call vote for the reappointment of Jerry Holt to the Planning Commission was as follows: Jack Estridge – Yea; Brian Carnes – Yea; Larry Honeycutt – Nay; Steve Harper – Nay; Charlene McGriff – Nay; Billy Mosteller – Nay; and Terry Graham – Yea. Jerry Holt was not reappointed to the Planning Commission by a vote of 4-3.

**Potential annexation of Kershaw Parks and Recreation Facility.**

Brian Carnes moved to approve the request for Steve Willis to file an annexation request with the Town of Kershaw for the Kershaw Recreational center. Seconded by Jack Estridge. Passed by unanimous vote of 7-0.

**Fee Waiver for Government Building Projects.**

Charlene McGriff moved to approve the request for the County to be able to recoup expenses for building projects for other governmental agencies if the County has to expend funds for that project. Seconded by Billy Mosteller. Passed by unanimous vote of 7-0.

**Executive Session**

Charlene McGriff moved to go into Executive Session to hear an economic development discussion on Project HY and to consider two contractual matters. Seconded by Brian Carnes. Passed by unanimous vote of 7-0.

Jack Estridge moved to come out of Executive Session. Seconded by Charlene McGriff. Passed by unanimous vote of 7-0.

Upon returning to open session, Attorney John Weaver noted that Council considered an economic development briefing on Project HY and considered two contractual matters during Executive Session. He stated that during the course of Executive Session no votes were taken and no decisions were made.

***Two contractual matters.***

In conjunction with the contractual matter discussed in Executive Session, Billy Mosteller moved that the County Attorney be authorized to move forward with the appropriate written notice to the Company identified. Seconded by Charlene McGriff. Passed by unanimous vote of 7-0.

In conjunction with the second contractual matter discussed in Executive Session, Billy Mosteller moved that the Administrator be authorized to move forward with final negotiations with the Company identified earlier provided that there is compliance with the associated provisions of the Lancaster County Procurement Code. Seconded by Larry Honeycutt. Passed by unanimous vote of 7-0.

**Adjournment**

Larry Honeycutt moved to adjourn the meeting. Seconded by Brian Carnes. Passed by unanimous vote of 7-0. The Council meeting was adjourned at 8:00 p.m.

Respectfully Submitted:

Approved by Council, July 17, 2017

Sherrie Simpson  
Clerk to Council

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Larry Honeycutt, Secretary

## COUNTY OF LANCASTER

## AN ORDINANCE

**TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY SO AS TO CORRECT AND REZONE NINE (9) PARCELS OF PROPERTY SITUATED AT VARIOUS LOCATIONS THROUGHOUT LANCASTER COUNTY THAT INADVERTENTLY WERE ZONED INCORRECTLY DUE TO A COMPUTER ERROR OCCURRING DURING COUNCIL'S CONSIDERATION OF THE 2016 UNIFORM DEVELOPMENT ORDINANCE AND UPDATE OF THE OFFICIAL LANCASTER COUNTY ZONING MAP.**

**WHEREAS**, on November 28, 2016, Council passed ordinance 2016-1422, legislation that approved a new Uniform Development ordinance and an update of the official Lancaster County Zoning Map; and

**WHEREAS**, during the course of that process and the administrative/electronic transition that was necessary in reclassifying/rezoning in excess of forty thousand (40,000) parcels throughout the county, a computer glitch apparently caused nine (9) parcels of property to be improperly zoned, namely

<u>TMS#</u>	<u>Present Incorrect Zoning</u>	<u>Recommended Zoning</u>	<u>Property Location</u>
1. 0126-00-001.01	RN	INS	4600 Great Falls Highway
2. 0104-00-003.00	PDD	LDR	2766 Flowergate Farm Road
3. 0083-00-014.00	LI	OSP	1 mile SE of Chester Hwy and Grace Avenue
4. 0066-00-025.00	INS	LI	1,000' NW of Chester Hwy and Riverside Drive
5. 0027-00-027.00	GB	RN	460 Rock Hill Highway
6. 0005-00-074.03	PDD	MDR	9949 Harrisburg Road
7. 0049-00-131.00	INS	LDR	2632 Charlotte Highway
8. 0054-00-029.04	RR	RUB	NE corner of Old Camden Hwy and Shiloh Unity Road
9. 0102A-0D-005.00	MDR	NB	2265 Country Club Drive

**WHEREAS**, each of the property owners has been notified of the electronic error, has been advised of the course of action to correct error and, finally, each property owner has verified their understanding and has agreed to the necessary rezoning so as to correct the error; and



**WHEREAS**, after a proper public advertisement of the proposed rezoning and a Public Hearing, on May 16, 2017, the Planning Commission recommended to approve all nine (9) rezoning applications by a unanimous 6-0 vote.

**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 Official Zoning Map is amended as follows:

<u>TMS#</u>	<u>Correct Zoning District Classification</u>
1. 0126-00-001.01	INS
2. 0104-00-003.00	LDR
3. 0083-00-014.00	OSP
4. 0066-00-025.00	LI
5. 0027-00-027.00	RN
6. 0005-00-074.03	MDR
7. 0049-00-131.00	LDR
8. 0054-00-029.04	RUB
9. 0102A-0D-005.00	NB

**Section 2. Severability**

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

**Section 3. 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 supersedes all other provisions and this ordinance is controlling.

**Section 4. Effective Date.**

This ordinance is effective upon passage of Third Reading.

**AND IT IS SO ORDAINED**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2017

**LANCASTER COUNTY, SOUTH CAROLINA**

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Steve Harper, Chair, County Council

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Larry Honeycutt, Secretary, County Council

ATTEST:

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Sherrie Simpson, Clerk to Council

First Reading:	June 12, 2017	Passed 6-0
Second Reading:	June 26, 2017	Passed 7-0
Third Reading:	July 17, 2017	

## Administration Committee Agenda Item Summary

Ordinance # / Resolution#: Resolution #0965-R2017

Contact Person / Sponsor: Jamie Gilbert

Department: Economic Development

Date Requested to be on Agenda: July 11, 2017

### **Issue for Consideration:**

Horton Machinery is a 20 person CNC machining operation located at 4777 Stoneboro Road in Heath Springs. The 40 year old company provides machining services for projects around the world. 90% of Horton Machinery's employees reside in Lancaster County. Most salaries at Horton Machinery are 31.5% higher than the county average wage.

The company has a thirty year FILOT which began five years ago and has a 6% assessment rate with a fixed millage rate of 262.3 mills. The FILOT required a minimum capital investment of \$2.5 million within a five year investment period. Horton Machinery has invested over \$2.6 million during the investment period which meets the FILOT's minimum investment requirement of \$2.5 million. It had a five year SSRC at 50% that ended last year.

Horton Machinery is seeking to strengthen its operation over the next several years through the purchase of new machining equipment. The new investment could be at least \$2 million and result in several new jobs being created at the facility. Horton Machinery is requesting that the Lancaster County Council extend the investment period from five to ten years as permitted by state law. The extension would allow for any additional investments being made at the facility over the next five years to be covered by the FILOT.

### **Points to Consider:**

The county has expressed its commitment to assist small businesses, especially in targeted areas of the county such as Heath Springs. The extension of the investment period for Horton Machinery would allow the company to better position itself for additional contracts. In addition to assisting the company's workforce, the additional investment could lead to additional employment opportunities at the facility.

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

There is no funding required or liability factors.

### **Committee Options:**

Vote to approve or decline sending Resolution 0965-R201 which extends Horton Machinery's FILOT investment period an additional five years to the Lancaster County Council for review and consideration.

### **Recommendation:**

Approve sending Resolution 0965-R201 to the Lancaster County Council for review and consideration.



STATE OF SOUTH CAROLINA            )  
  )  
COUNTY OF LANCASTER                )       **RESOLUTION NO. 0965-R2017**

**A RESOLUTION CONSENTING TO AN EXTENSION OF THE INVESTMENT PERIOD FOR HORTON MACHINE AND CUSTOM DESIGN, INC. UNDER ITS FEE AGREEMENT WITH LANCASTER COUNTY PURSUANT TO SECTION 12-44-30(13), CODE OF LAWS OF SOUTH CAROLINA, 1976, AS AMENDED (THE “CODE”).**

**WHEREAS**, pursuant to Title 12, Chapter 44 of the Code of Laws of South Carolina, 1976, as amended (the “Act”), Lancaster County, South Carolina (the “County”) entered into a Fee Agreement with Horton Machine and Custom Design, Inc. (the “Company”) dated as of May 21, 2012 in order to provide, among other things, for the payment by the Company of fees in lieu of ad valorem taxes (“FILOT”) with respect to the Company’s qualifying investment in the “Project”, as defined in such agreement (the “Fee Agreement”); and

**WHEREAS**, the qualifying investment period with respect to the Project as provided in the Fee Agreement terminates on November 30, 2017, unless otherwise extended (the “Initial Investment Period”); and

**WHEREAS**, pursuant to Section 12-44-30(13) of the Act, the County may grant an up to five-year extension of the Initial Investment Period, provided that the minimum statutory investment required of the Company with respect to the Project pursuant to the Act has been met by the end of such period; and

**WHEREAS**, the Company has invested within the Initial Investment Period in excess of \$2,500,000 which exceeds the minimum statutory investment requirement in the Project; and

**WHEREAS**, the Company has applied for a five-year investment period extension prior to expiration of the Initial Investment Period so as to include additional investment the Company contemplates making in the Project under the terms of the Fee Agreement.

**NOW, THEREFORE, BE IT RESOLVED** by the Lancaster County Council (“County Council”) in a meeting duly assembled as follows:

Section 1. The County Council hereby finds that the Project directly and indirectly substantially benefits the County, the taxing entities within the County and the citizens and residents of the County due to the investment created by the Company which contributes to the tax base and economic welfare of the County, and the County Council further finds that the extension of the Initial Investment Period as provided herein will result in substantial public benefits to the County by enhancing the likelihood that additional investments will occur in the Project during the extended investment period.

Section 2. In accordance with Section 12-44-30(13) of the Act, the County hereby consents to an extension of the Initial Investment Period by five (5) years to December 31, 2022.

Section 3. The Chairman of the County Council, for and on behalf of the County, is hereby authorized and directed to do any and all things necessary to effect the extension of the Initial Investment Period and the performance of all obligations of the County under and pursuant to the Fee Agreement.

Section 4. The provisions of this Resolution are hereby declared to be severable, and if any section, phrase, or provision shall for any reason be declared by a court of competent jurisdiction to be invalid or unenforceable, such declaration shall not affect the validity of the remainder of the sections, phrases, and provisions hereunder.

Section 5. All orders, resolutions, ordinances, and parts thereof in conflict herewith are, to the extent of such conflict, hereby repealed, and this Resolution shall take effect and be in full force from and after its passage and approval.

**AND IT IS SO RESOLVED**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

**LANCASTER COUNTY, SOUTH CAROLINA**

(SEAL)

\_\_\_\_\_  
Steve Harper, Chair, County Council

\_\_\_\_\_  
Larry Honeycutt, Secretary, County Council

**ATTEST:**

\_\_\_\_\_  
Sherrie Simpson, Clerk to Council

**STATE OF SOUTH CAROLINA            )**  
**)**  
**COUNTY OF LANCASTER                )**

I, the undersigned, Clerk to County Council of Lancaster County, South Carolina (“County Council”) DO HEREBY CERTIFY:

That the foregoing constitutes a true, correct, and verbatim copy of a Resolution adopted by the County Council. The Resolution was read and received a favorable vote at the public meeting of the County Council on \_\_\_\_\_, \_\_, 2017. At such meeting, a quorum of County Council was present and remained present throughout the meeting.

Attached hereto are excerpts of the minutes of the meeting of the County Council. The County Council complied with the Freedom of Information Act, Chapter 4, Title 30 of the S.C. Code of Laws, 1976, in connection with said meetings of County Council.

The Resolution is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my Hand and the Seal of Lancaster County Council, South Carolina, as of this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Clerk to Lancaster County Council  
Lancaster County, South Carolina



## Agenda Item Summary

Ordinance # / Resolution# 0966-R2017

Person / Sponsor: Alex Moore

Department: Planning

Date Requested to be on Agenda: July 17<sup>th</sup>, 2017

### **Issue for Consideration:**

This is the County Council review portion of the Mixed Use District Master Development Plan for Phase I of the Integra Edgewater project (MX-017-001). The Lancaster County UDO requires that one public hearing be held at Planning Commission. Subsequently the applicant is directed to submit the Plan for final approval by County Council. This County Council review does not entail a public hearing. Interested parties may speak at Citizen Comment.

### **Points to Consider:**

- **DEVELOPER:** Integra Land Company
- **SITE ACREAGE:** The total site consists of  $\pm$  27.37 Acres. The current MX plan submittal is Phase I and consists of  $\pm$  20.89 acres. The balance of the site is proposed to be developed as Phase II.
- 
- **CURRENT ZONING:** Mixed Use District (MX)
- **PROPOSED DENSITY:** 13.46 Dwelling Units/Acre (15 Dwelling Units per acre permitted)
- **OPEN SPACE:**  $\pm$  7.62 Acres provided (36.5%). 10% Open Space Required.
- **STREETS** will be *Private*
- **OFF-SITE ROAD IMPROVEMENTS:** The developer, Integra Land Company, engaged the services of Ramey Kemp & Associates to prepare a Traffic Impact Analysis (TIA) for this project. This TIA recommended that no off-site road improvements be constructed by the developer as a result of Phase I of this project (289 dwelling units). Lancaster County subsequently engaged the services of a consulting traffic engineer who concurred with the findings of this TIA. Additionally a signal warrant study was prepared by Ramey Kemp & Associates to determine if a traffic signal is needed at the intersection of SC HWY 160 and Possum Hollow Road. This warrant study indicated that a traffic signal will not be warranted as a result of the current Phase I of this project. SCDOT has concurred with this finding.

### **Council Options:**

To approve or deny the Phase I MX-017-001 Mixed Use District Master Development Plan.

### **Recommendation:**

Based on the required Findings of Fact, Lancaster County Planning Staff recommends that County Council **APPROVE** the MX-017-001 Mixed Use District Master Development Plan.

RESOLUTION NO. 0966-R2017

TO APPROVE THE FAVORABLE RECOMMENDATION OF BOTH THE LANCASTER COUNTY PLANNING STAFF AND THE LANCASTER COUNTY PLANNING COMMISSION OF A MIXED USE DISTRICT/ MASTER DEVELOPMENT PLAN OF AN APARTMENT COMPLEX LOCATED ALONG POSSUM HOLLOW ROAD AND THE WESTERN EDGE OF EDGEWATER

**WHEREAS**, after consideration of the particular details in the application, the Planning Staff recommended approval of the project subject to certain conditions noted hereinafter; and

**WHEREAS**, in accordance with Unified Development Ordinance section 9.2.3 a Mixed Use Master Plan is to be reviewed and approved with finality by Lancaster County Council.

Lancaster County Council approves the Master Plan Preliminary Plat subject to the following condition:

Resolution No. 0966-R2017  
Page 1 of 2

**AND IT IS SO RESOLVED**

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



**PLANNING STAFF REPORT**  
**MX-017-001 THE FLATS AT EDGEWATER**

---

**I. FACTS**

**(A) GENERAL INFORMATION**

**Proposal:** Mixed Use District Master Development Plan

**Property Location:** The property is located adjacent to Possum Hollow Road in the Edgewater Business Park. This is within the Indian Land section of Lancaster County.

**Legal Description:** TMS 008-00-026.03

**Zoning Classification:** This parcel is zoned Mixed Use District (MX).

**(B) SITE INFORMATION**

**Site Description:** Please note the existing conditions/site analysis sheet within the plan-set.

**(C) VICINITY DATA**

**Surrounding Conditions:** The site is surrounded by parcels which are currently zoned Neighborhood Business District (NB), Regional Business District (RB), Professional Business District (PB), Planned Development District (PDD-5), and Medium Residential District (MDR). The 2024 Future Land Use Map indicates that this site is located within a Pedestrian Center Node

**(D) EXHIBITS**

1. Mixed Use District/Master Development Plan Application
2. Neighborhood Meeting Information
3. Location Map
4. Zoning Map
5. Traffic Impact Analysis
6. Signal Warrant Analysis
7. Lancaster County Technical Review Committee (TRC) Comments
8. Applicant Response to Comments
9. Mixed Use District Master Development Plan-Set

## **II. Findings**

- **DEVELOPMENT DATA SUMMARY: THE FLATS AT EDGEWATER**

**Developer:** Integra Land Company of Lake Murray, FL

**Site Acreage:** The total site consists of  $\pm$  27.37 Acres. The current MX plan submittal is Phase I and consists of  $\pm$  20.89 acres. The balance of the site is proposed to be developed as Phase II.

**Current Zoning:** Mixed Use District (MX)

**Proposed Density:** 13.46 Dwelling Units/Acre

**Open Space:**  $\pm$  7.62 Acres provided (36.5%). 10% Open Space Required.

**Streets will be *Private***

**Off-Site Road Improvements:** The developer, Integra Land Company, engaged the services of Ramey Kemp & Associates to prepare a Traffic Impact Analysis (TIA) for this project. This TIA recommended that no off-site road improvements be constructed by the developer as a result of Phase I of this project (289 units). Lancaster County subsequently engaged the services of a consulting traffic engineer who concurred with the findings of this TIA.

Additionally a signal warrant study was prepared by Ramey Kemp & Associates to determine if a traffic signal is needed at the intersection of SC HWY 160 and Possum Hollow Road. This warrant study indicated that a traffic signal will not be warranted as a result of the current Phase I of this project. SCDOT has concurred with this finding.

- **MIXED USE DISTRICT MASTER PLAN REVIEW PROCESS:**

The Flats at Edgewater Mixed Use District Master Plan is subject to the Mixed Use standards of UDO Chapter 3. This plan must adhere to building placement, building façade design, parking and other parameters of site plan review.

In accordance with UDO Chapter 9 the applicant submitted the Mixed Use District Master Development Plan on May 1<sup>st</sup>, 2017 (Exhibit 1). The Lancaster County Technical Review Committee (TRC) convened on Tuesday May 9<sup>th</sup>, 2017 to discuss the project.

On May 23<sup>rd</sup>, 2017 the applicant held a neighborhood meeting. Information and results regarding this neighborhood meeting is included (Exhibit 2).

Project comments from the Lancaster County TRC members were provided to the applicant on May 24<sup>th</sup>, 2017 (Exhibit 7).

The applicant resubmitted the Master Plan per these TRC Comments on June 5<sup>th</sup>, 2017. A resubmittal response letter is included (Exhibit 8). The current Mixed Use District Master Plan was resubmitted on June 12<sup>th</sup> to include additional building elevations (Exhibit 9).

• **DECISIONS/FINDINGS OF FACT:**

Following the public hearing on Tuesday June 20<sup>th</sup>, the Planning Commission may approve, deny, or approve with conditions the application for a Mixed-Use District/Master Development Plan. Approval of The Flats at Edgewater Mixed-Use District/Master Development Plan shall be not be granted unless the “findings of fact” can be made.

### **III. CONCLUSIONS**

Lancaster County Planning Staff has reviewed The Mixed-Use District Master Development Plan and makes the following findings of fact in accordance with the Lancaster County UDO. The Findings of Fact below are based on the structure of the “*Decisions/Findings of Fact*” found on Lancaster County UDO page 9-27.

- a. **CONSISTENCY WITH COMPREHENSIVE PLAN:** The Lancaster County Comprehensive Plan indicates that this site is located within the Neighborhood Mixed Use land use category. Additionally, this site is located within a Pedestrian Node. This Mixed Use District Master Plan is in conformity with the Lancaster County Comprehensive Plan.
- b. **INTEGRATION WITH TRANSPORTATION SYSTEM:**
  - i. **Pedestrian connections to ensure accessibility to current or future transit service:** Transit is not currently provided to this area but ample pedestrian connections will be included within and adjacent to this community.
  - ii. **Connectivity to existing and future roadways, sidewalks and pathways:** Sidewalks within this project are being designed so as to connect with the existing sidewalk along Lengers Way. Sidewalk will also be installed along both sides of Edgewater Parkway Extension.
  - iii. **Complete streets roadway design that accommodates multiple transportation modes:** The principal street within this project has been designed so that pedestrians, bicyclists and autos are able to safely operate simultaneously. This is accomplished sidewalks and a 10-foot wide multiuse path.
  - iv. **Strategic locations of parking lots and structures:** Parking lot locations are in conformance with the standards of UDO Chapter 7 which requires parking for MX Districts be provided principally within the 2<sup>nd</sup> and 3<sup>rd</sup> layer. On-street parking is allowed per UDO Section 3.11.
  - v. **Compatibility with the regional transportation system of arterials and collectors:** An interconnected network of streets is necessary for a region to provide transportation alternatives. Arterials and collectors are components of such as system. Both Lengers Way and Edgewater Corporate Parkway (future collector) are categorized as collector streets. These collectors should function so that traffic efficiently moves from the neighborhood level to the arterial network (SC HWY 160 and US HWY 521).
  - vi. **Access management to provide internal connections between uses and prohibit individual driveway access to perimeter roads:** Internal connections are established via this plan so that residents will be able to access uses within this project via walking or bicycling. Such access is expanded in the aggregate to the overall Edgewater Corporate Park via pedestrian and auto-connectivity.



- c. IMPACT ON INFRASTRUCTURE: The TRC review process has considered the impact of this project on infrastructure. TRC members were notified of this submittal and were given opportunity to provide comments on the Master Plan.

Departments with infrastructure related comments included Lancaster County Fire Service, Lancaster County Water & Sewer District (LCWSD), SCDOT and Planning.

One of the principal concerns of Fire Service was that the Edgewater Parkway Extension be constructed within Phase I. This is because projects in Lancaster County that have 100 or more dwelling units on a single point of access must have a second means of ingress/egress. The extension of Edgewater Corporate Parkway to Possum Hollow Road will fulfill this requirement.

SCDOT did initially state that a connection to Possum Hollow Road was not desired. However, this correspondence also noted that SCDOT would consider another Possum Hollow Road access location (i.e. some shifting of the connection). SCDOT has subsequently added that they will work with the developer on a proposed connection if the developer is amiable to placing the connection where it needs to be from the standpoint of SCDOT. This will be dealt with during the construction plan review stage as the connection to Possum Hollow Road cannot be made without an encroachment permit approval from SCDOT. SCDOT encroachment permit approval will consider the issue of sight distance constraints and existing pavement markings on the roadway.

SCDOT also required that a signal warrant analysis be done for the SC HWY 160/Possum Hollow Road intersection (Exhibit 6). This study indicated that a traffic signal would not be warranted with the proposed 2019 buildout scenario of this project. SCDOT has concurred with the findings of this study.

Planning Staff plans to work with SCDOT to see that a future signal warrant study is done for the SC HWY 160/Possum Hollow Road intersection at such time that Phase II of this project is proposed. Any Phase II units would be developed north of and fronting Edgewater Parkway Extension.

- d. COMPATIBILITY OF USES AND STRUCTURES: The proposed land uses and structures within this Mixed Use project will be appropriate to the location. The Enclave at Bailes Ridge and the future Two Capital multifamily development are in close proximity and it is anticipated that building design within The Flats at Edgewater will meet or exceed these projects.

It is also important to note that, unlike the aforementioned multi-family developments, the current project is predicated on Lancaster County's Form Based Code (FBC) requirements as enumerated in UDO Chapter 3. The FBC standards require much more attention to building design, building placement, pedestrian connectivity, parking location and street design. As noted within Chapter 3, the standards and provisions for mixed-use districts are designed to create walkable, mixed-use environments.

Staff would like to note the specific building placement of the Type 5 building which, on the plan, fronts along the proposed Edgewater Corporate Parkway Extension. The parameters of UDO Chapter 3 for Mixed Use Plans require that setbacks and build-to-zones use the edge of right-of-way as the baseline for setbacks and build-to-zone.

The HCOD traverses the property at this location as is illustrated in Exhibit 4. Thus, in this instance the Type 5 building will use the Highway Corridor Overlay District (HCOD) line as the baseline rather than the edge of right-of-way.

- e. **GENERAL SITE DESIGN:** Planning Staff notes that each of the required site design characteristics have been incorporated into the Mixed Use Development. This includes pedestrian accessibility, open space and other common areas for public gathering and interaction and amenities.

Residential and office uses have been located within the same and adjoining structures.

Additionally, the building design conforms to the requirements of UDO Chapter 3 with respect to materials. The proposed structures do provide architectural relief and interest and promote and enhance comfortable pedestrian scale and orientation.

- f. **HOUSING DIVERSITY:** Housing diversity has been provided with three different building types to include Apartment Building Type, Stacked Flat Building Type with units over garages, and Stacked Flat Building Type with units over office.
- g. **PERMITTED FLEXIBILITY:** The permitted flexibility in overall design for this Mixed Use project has resulted in a more functional development than would otherwise have been produced. More opportunities for resident activity and interaction are present than within a standard multifamily including but not limited to a functional and safe street design as related to pedestrians.
- h. **INTERCONNECTIVITY:** In accordance with the UDO this Mixed Use development will not be gated. The project is designed so as to be integrated into the surrounding community with connectivity provided via sidewalks.

#### **IV. RECOMMENDATION**

Based on the required Findings of Fact and associated information regarding this project, Planning Staff advises that Planning Commission recommend **APPROVAL** of the Mixed Use District Master Plan **WITH THE FOLLOWING CONDITION:** Upon completion of the SC HWY 160 widening project the developer shall submit a full twelve-hour signal warrant study for the SC HWY 160 and Possum Hollow Road intersection. If the warrant study indicates a signal is justified at this intersection, the developer shall have an engineered signalization plan prepared and submitted to SCDOT for review and subsequent installation of a traffic signal. Depending on logistical constraints of SCDOT, Lancaster County may require that the developer pay for installation of this traffic signal. Non-performance by the developer on the matter of potential signalization installation may result in Lancaster County holding necessary approvals at this juncture.



# Exhibit 4

Lancaster County  
South Carolina

## Legend



Highway Corridor Overlay

SUBJECT PROPERTY  
MX-017-001

Feet

1,240

930

620

310

0

155

310

0

310

620

930

1,240

1,550

3,100

8



**ORDINANCE NO. 2017-1452**

**AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDED AND RESTATED FEE AGREEMENT BETWEEN AG-APG EDGEWATER PROPERTY OWNER, L.L.C., AND LANCASTER COUNTY, SOUTH CAROLINA.**

**Section 1. Findings.**

(a) Lancaster County, South Carolina (the “County”) acting by and through its County Council (the “County Council”) is authorized and empowered pursuant to the provisions of Title 12, Chapter 44 of the Code of Laws of South Carolina 1976, as amended (the “Act”), to enter into fee in lieu of tax agreements with any industry, with said agreements identifying certain properties of such industries as economic development property, through which powers the industrial development of the State of South Carolina (the “State”) and the County will be promoted and trade developed by inducing manufacturing and commercial enterprises to locate, remain, and expand in the State and the County and thus utilize and employ the workforce, products, and natural resources and benefit the general public welfare of the State and County by providing services, employment, or other public benefits not otherwise adequately provided locally;

(b) by ordinance adopted on December 5, 2005, the County previously approved and entered into a fee in lieu of taxes agreement dated as of December 1, 2005 (the “Original Fee Agreement”) among the County, Decision One Mortgage Company, LLC, a North Carolina limited liability company, HSBC Technology & Services (USA) Inc., a Delaware corporation, and HSBC Mortgage Services, Inc., a Delaware corporation, as tenants (collectively, “HSBC Entities”), and Edgewater Partners One, LLC, an Indiana limited liability company, as owner of the property located at 3023 HSBC Way, Lancaster County, South Carolina (the “Property”);



(c) based on information provided by the current owner of the Property, the HSBC Entities are no longer tenants in the Property and have been released from their obligations under the Original Fee Agreement with the County;

(d) the Property is owned or will be owned by AG-APG Edgewater Property Owner, L.L.C., a Delaware limited liability company ("Owner") which purchased the Property and, in connection therewith, obtained an assignment of the Original Fee Agreement by assignment dated \_\_\_\_\_, 2017, to which assignment the County consented by Resolution No. \_\_\_\_-R2017, adopted on June 26, 2017;

(e) Owner is the sole remaining party to the Original Fee Agreement with the County;

(f) the Owner has requested that the County approve an Amended and Restated Fee Agreement (the "Amended Fee Agreement") to reflect the revised ownership structure of the Property and to make certain clarifying amendments to the Original Fee Agreement related to the change in ownership structure; and

(g) it appears that the Amended Fee Agreement, which is attached to this ordinance, is in appropriate form and is an appropriate instrument to be executed and delivered by the County for the purposes intended

## **Section 2. Approval of Amended Fee Agreement.**

(A) The form, terms, and provisions of the Amended Fee Agreement attached hereto as Exhibit A, are approved, and all of the terms, provisions, and conditions thereof are incorporated herein by reference as if the Amended Fee Agreement 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 Amended Fee Agreement in the name of and on behalf of the County, and thereupon to cause the Amended Fee Agreement to be delivered to the Owner. The Amended Fee Agreement 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 Amended Fee Agreement attached to this ordinance.

(B) If AG-APG EDGEWATER PROPERTY OWNER, L.L.C., is not the owner of the Property on the date this Ordinance is adopted by Council, then the Council Chair and Council Secretary are authorized to substitute in the executed and delivered Amended Fee Agreement IX WR 3023 HSBC Way, L.P. as the owner and party to the Amended Fee Agreement.

## **Section 3. Authority to Act.**

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

## **Section 4. Severability.**

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

**Section 5.      Controlling Provisions.**

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

**Section 6.      Effective Date.**

This ordinance takes effect 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:	6-26-2017	Passed 7-0
Second Reading:	7-17-2017	
Public Hearing:	7-17-2017	
Third Reading:	8-14-2017	(Tentative)

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**Exhibit A to Ordinance No. 2017-1452**

**Amended and Restate Fee Agreement  
Lancaster County, South Carolina and AG-APG Edgewater Property Owner, L.L.C.**

See attached.

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**AMENDED AND RESTATED  
FEE AGREEMENT**

BETWEEN

**LANCASTER COUNTY, SOUTH CAROLINA**

AND

**AG-APG EDGEWATER PROPERTY OWNER, L.L.C.,**  
a Delaware limited liability company

DATED AS OF [\_\_\_\_], 2017



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**AMENDED AND RESTATED  
FEE AGREEMENT**

THIS AMENDED AND RESTATED FEE AGREEMENT (this "Fee Agreement") is made and entered into as of [\_\_\_\_], 2017 (the "Effective Date"), by and between LANCASTER COUNTY, SOUTH CAROLINA, a body politic and corporate and a political subdivision of the State of South Carolina, acting by and through its County Council as governing body of the County; and AG-APG EDGEWATER PROPERTY OWNER, L.L.C., a Delaware limited liability company.

**W I T N E S S E T H :**

WHEREAS, the County (as hereinafter defined) is authorized by the Act (as hereinafter defined) to enter into a Fee Agreement with companies meeting the requirements of such Act, which identifies certain property of such companies as economic development property to induce such companies to locate in the State and to encourage companies now located in the State to expand their investments and thus make use of and employ the workforce and other resources of the State;

WHEREAS, as of December 1, 2005, Edgewater Partners One, LLC, an Indiana limited liability company ("EPO"), was in the process of constructing a corporate office facility at that certain real property located at 3023 HSBC Way, Lancaster County, South Carolina, pursuant to an agreement with Decision One Mortgage Company, LLC, a North Carolina limited liability company ("DOM"), HSBC Technology & Services (USA) Inc., a Delaware corporation ("HSBCTS"), and HSBC Mortgage Services, Inc., a Delaware corporation ("HSBCMS"; and together with DOM and HSBCTS, collectively, the "HSBC Entities"), whereby, upon completion, the HSBC Entities would lease such building from EPO and install therein office furniture, equipment and other property in order to operate a corporate headquarters therein for financial services and other related activities;

WHEREAS, pursuant to an Inducement Resolution adopted on June 6, 2005 (the "Inducement Resolution"), the County committed to enter into a fee agreement with HSBCMS under the code name "Project Spartacus", which would provide for payments of fees-in-lieu of taxes for the Project (as hereinafter defined);

WHEREAS, the HSBC Entities were related entities that occupied space in the Project and owned personal property subject to *ad valorem* taxation in the absence of the Original Fee Agreement (as hereinafter defined);

WHEREAS, pursuant to the Act, the County found and still finds that (a) the Project benefits the general public welfare of the County by providing services, employment and other public benefits not otherwise adequately provided locally; (b) neither the Project nor any documents or agreements entered into by the County in connection therewith would give rise to any pecuniary liability of the County or incorporated municipality or to any charge against its general credit or taxing power; (c) the purposes accomplished by the Project are proper governmental and public purposes; and (d) the benefits of the Project are greater than the costs;

WHEREAS, pursuant to an Ordinance adopted on December 5, 2005 (the "Original Ordinance"), as an inducement to the HSBC Entities to develop the Project, the County Council authorized the County to enter into a fee agreement with the HSBC Entities and EPO which identified the property comprising the Project as economic development property under the Act, and accordingly, the County, the HSBC Entities and EPO executed and delivered that certain Fee Agreement, dated as of December 1, 2005 (the "Original Fee Agreement"), regarding the Project;

WHEREAS, prior to the Effective Date, the HSBC Entities, EPO and their successors and/or assigns have fulfilled all of their respective obligations under the Original Fee Agreement, including the minimum investment and job creation obligations, as well as any reimbursement obligations, and, pursuant to the Original Fee Agreement, the Project was first placed in service in 2006;

WHEREAS, prior to the Effective Date, the HSBC Entities' tenancy at the Project ceased and the HSBC Entities have been released by the County from their respective obligations under the Original Fee Agreement, and accordingly, the HSBC Entities no longer have any rights or obligations under the Original Fee Agreement;

WHEREAS, prior to the Effective Date, through a series of assignments, the rights and obligations of EPO under the Original Fee Agreement were assigned to IX WR 3023 HSBC Way, L.P., a Delaware limited partnership (the "Seller");

WHEREAS, prior to the Effective Date, the Seller sold the Project to the Company (as hereinafter defined) and in connection therewith the Seller assigned its rights under the Original Fee Agreement to the Company, which assignment has been duly consented to and approved by the County by Resolution No. \_\_\_\_-R2017 adopted on June 26, 2017 pursuant to the terms of the Original Fee Agreement; and

WHEREAS, as authorized by the Act, the County and the Company now desire to amend and restate the Original Fee Agreement so as to remove all references to the HSBC Entities and EPO from the Original Fee Agreement and to make certain clarifying changes to the Original Fee Agreement.

NOW, THEREFORE, FOR AND IN CONSIDERATION of the respective representations and agreements hereinafter contained and other value, the parties hereto agree as follows:

## **ARTICLE I**

### **WAIVER OF RECAPITULATION; DEFINITIONS; INCORPORATION OF RECITALS; AMENDMENT AND RESTATEMENT OF ORIGINAL FEE AGREEMENT**

**SECTION 1.1. *Waiver of Statutorily Required Recapitulation.*** Pursuant to Section 12-44-55(B) of the Act, the County, the Company and any other Sponsors waive any and all compliance with any and all of the provisions, items or requirements of Section 12-44-55.

**SECTION 1.2. *Rules of Construction; Use of Defined Terms.*** Unless the context



clearly indicates otherwise, in this Fee Agreement words and terms defined in Section 1.3 hereof are used with the meanings ascribed thereto.

From time to time herein, reference is made to the term taxes or *ad valorem* taxes. All or portions of the Project may be located in a Multi-County Industrial Park and, as such, would be exempt from *ad valorem* taxation under and by virtue of the provisions of Subsection D of Section 13 of Article VIII of the S.C. Constitution (the "MCIP Provision"). With respect to facilities located in a Multi-County Industrial Park, references to taxes or *ad valorem* taxes means the payments-in-lieu-of-taxes provided for in the MCIP Provision.

### **SECTION 1.3. Definitions.**

**"Act"** means Title 12, Chapter 44, Code of Laws of South Carolina, 1976, as in effect on the date hereof and, to the extent such amendments are specifically made applicable to this Fee Agreement or the Project, as the same may be amended from time to time; provided, that if any such amendment shall be applicable only at the option of the County or the Company, then such amendment shall only be applicable with the prior written consent of both the County and the Company.

**"Administration Expense"** means the reasonable and necessary out-of-pocket expenses, including attorneys' fees, incurred by the County with respect to the preparation, review, approval and execution of this Fee Agreement.

**"Chair"** means the Chair of County Council (or the person or persons authorized to perform the duties thereof in the absence of the Chair).

**"Clerk"** means the Clerk of County Council (or the person or persons authorized to perform the duties thereof in the absence of the Clerk).

**"Commencement Date"** means the last day of the property tax year when Project property was first placed in service, it being acknowledged that the Project was first placed in service in 2006, and therefore the Commencement Date is December 31, 2006.

**"Company"** means AG-APG Edgewater Property Owner, L.L.C., a Delaware limited liability company, and its successors and assigns.

**"County Administrator"** means the County Administrator of the County (or person or persons authorized to perform the duties thereof in the absence of the County Administrator).

**"County Council"** means the governing body of the County.

**"County"** means Lancaster County, South Carolina, and its successors and assigns.

**"DOR"** means the South Carolina Department of Revenue and any successor thereto.

**"Equipment"** means all machinery, apparatus, equipment, fixtures, office facilities, furnishings, computer equipment, and other personal property to the extent such property became

a part of the Project under the Original Fee Agreement or becomes a part of the Project under this Fee Agreement.

**“Event of Default”** shall mean any Event of Default specified in Section 9.1 of this Fee Agreement.

**“Fee Term”** shall mean the duration of this Fee Agreement with respect to each Stage of the Project as specified in Section 5.3 hereof.

**“Improvements”** shall mean improvements to the Real Property, including all buildings and parking structures, together with any and all additions, accessions, replacements and substitutions thereto or therefor, and all fixtures now or hereafter attached thereto, to the extent such additions, accessions, replacements, and substitutions became part of the Project under the Original Fee Agreement or become part of the Project under this Fee Agreement.

**“Investment Period”** shall mean the period beginning with the first day that Project property was purchased or acquired as contemplated by the Original Fee Agreement, and ending on the last day of the fifth property tax year following the Commencement Date, it being acknowledged that the Investment Period expired on December 31, 2011.

**“MCIP Law”** shall mean the provisions of Article VIII, Section 13, Subsection D of the Constitution of the State of South Carolina 1895, as amended, and Sections 4-1-170, -172 and -175 of the Code of Laws of South Carolina, 1976, as amended.

**“Multi-County Industrial Park”** means an industrial or business park established by two or more counties acting under the provisions of the MCIP Law.

**“Payments-in-Lieu-of-Taxes”** means the payments to be made by the Company and any sponsors pursuant to Section 5.1 of this Fee Agreement.

**“Person”** shall mean an individual or a corporation, limited liability company, partnership, business trust, estate, joint venture, and any other legal or commercial entity.

**“Project”** shall mean the Real Property and the Equipment and Improvements constructed on the Real Property, together with the acquisition, construction, installation, design and engineering thereof which are eligible for inclusion as economic development property under the Act and became subject to the Original Fee Agreement or become subject to this Fee Agreement.

**“Real Property”** means (a) as of the effective date of the Original Fee Agreement, the land identified on Exhibit A-1 hereto, and (b) as of the Effective Date, the land identified on Exhibit A-2 hereto, it being acknowledged that the land identified on Exhibit A-2 is a portion of the land identified on Exhibit A-1, in each case together with all and singular rights, members, hereditaments and appurtenances belonging or in any way incident or appertaining thereto to the extent such became a part of the Project under the Original Fee Agreement or become a part of the Project under this Fee Agreement; all Improvements now or hereafter situated thereon; and all fixtures now or hereafter attached thereto, to the extent such Improvements and fixtures

became part of the Project under the Original Fee Agreement or become part of the Project under this Fee Agreement.

**“Replacement Property”** means any property acquired or constructed after the Investment Period as a replacement for any property theretofore forming a part of the Project and disposed of, or deemed disposed of, as provided in Section 5.2 hereof.

**“Sponsors”** shall mean all entities participating in the investment in the Project whether through ownership, lease, lease-purchases or otherwise and which are or have subsequent to the date hereof become a party to this Fee Agreement, including, but not limited to, sponsor affiliates (as defined in the Act), and all successors and assigns of such entities; provided, however, that, as of the Effective Date, it is acknowledged that there are no Sponsors that are a party to this Fee Agreement; and provided, further, that no Sponsor shall become a party to this Fee Agreement without the Company’s prior written consent, which consent may be granted or withheld in the Company’s sole and absolute discretion.

**“Stage”** in respect of the Project shall mean the year in which Equipment, Improvements and Real Property, if any, were placed in service during each year of the Investment Period.

**“State”** means the State of South Carolina.

Any reference to any agreement or document in this Article I or otherwise in this Fee Agreement shall be deemed to include any and all amendments, supplements, addenda and modifications to such agreement or document, unless the context clearly indicates otherwise.

**SECTION 1.4. *Incorporation of Recitals.*** The foregoing recitals are hereby incorporated into this Fee Agreement as if separately stated herein.

**SECTION 1.5. *Amendment and Restatement of Original Fee Agreement.*** The Original Fee Agreement is hereby amended and restated in its entirety and superseded by this Fee Agreement.

## **ARTICLE II LIMITATION OF LIABILITY; INDUCEMENT**

**SECTION 2.1. *Limitation of Liability.*** Anything herein to the contrary notwithstanding, any financial obligation the County may incur hereunder, including for the payment of money, shall not be deemed to constitute a pecuniary liability or a charge against its general credit or taxing power; provided, however, that nothing herein shall prevent the Company from enforcing its rights hereunder by suit for *mandamus* or specific performance.

**SECTION 2.2. *Inducement.*** The County and the Company acknowledge that pursuant to the Act, no part of the Project has been, is or will be subject to *ad valorem* property taxation in the State, and that this factor, among others, has induced the Company to enter into this Fee Agreement.

## **ARTICLE III**



## REPRESENTATIONS, WARRANTIES AND COVENANTS

**SECTION 3.1. *Representations and Warranties of the County.*** The County represents and warrants to the Company as follows:

(a) (i) it is a body politic and corporate and a political subdivision of the State; (ii) it is authorized by the Act to enter into this Fee Agreement; (iii) it has approved this Fee Agreement in accordance with the procedural requirements of the Act and any other applicable state law; and (iv) it has authorized its officials to execute and deliver this Fee Agreement; and

(b) to the best of the County's knowledge, no Event of Default has occurred or currently exists under the Original Fee Agreement or this Fee Agreement, and no matters have occurred that, with the giving of notice and/or the passage of time, would result in an Event of Default under the Original Fee Agreement or this Fee Agreement.

### **SECTION 3.2. *Intentionally Omitted.***

**SECTION 3.3. *Representations, Warranties and Covenants of the Company.*** The Company makes the following representations, warranties to and enters into the following covenants with the County:

(a) The Company is a limited liability company duly organized and validly existing under the laws of the State of Delaware and is qualified to do business in South Carolina. The Company has full corporate power to execute this Fee Agreement and to fulfill its obligations described herein and, by proper corporate action, has authorized the execution and delivery of this Fee Agreement.

(b) Neither the execution and delivery of this Fee Agreement, nor the consummation and performance of the transactions described herein, conflict with, or will, to its knowledge, result in a material breach of any of the material terms, conditions or provisions of any agreement, restriction, statute, law, rule, order or regulation to which the Company is now a party or by which it is bound.

(c) There is no action, suit, proceeding, inquiry or investigation at law or in equity before or by any judicial or administrative court or agency, public board or body, pending or threatened, against or affecting the Company wherein an unfavorable decision, ruling or finding would materially adversely affect the Company or the consummation of the transactions described in this Fee Agreement.

(d) All consents, authorizations and approvals required on the part of the Company in connection with this Fee Agreement and the transactions contemplated hereby and the acquisition of the Project have been obtained and remain in full force and effect or will be obtained unless the failure to have or obtain such consent, authorization or approval does not have a material adverse effect on the Company.



(e) This Fee Agreement is (or, when executed, will be) legal, valid and binding obligations of the Company enforceable against the Company in accordance with its terms, except as such terms may be limited by laws affecting creditors' rights generally.

(f) The execution and delivery of this Fee Agreement by the County has been instrumental in inducing the Company to acquire the Project in the County.

(g) Each year during the term of this Fee Agreement, the Company shall deliver to the County Auditor, County Assessor, and County Treasurer a copy of its and any Sponsors' most recent annual filings made with DOR with respect to the Project, not later than thirty (30) days following delivery thereof to DOR.

## **ARTICLE IV**

### **COMMENCEMENT AND COMPLETION OF THE PROJECT; MODIFICATIONS**

#### **SECTION 4.1. *The Project.***

(a) Prior to the Effective Date, in accordance with and as required by Section 12-44-40(F) of the Act, the HSBC Entities, counting the investments of the HSBC Entities, and any other Sponsors under the Original Fee Agreement, committed to a Project which meets a minimum taxable investment of at least \$5,000,000.

(b) Prior to the Effective Date, the HSBC Entities acquired, constructed and/or installed certain economic development property which comprises the Project.

(c) Pursuant to the Act, the Company and the County hereby agree that the property comprising the Project shall continue to be economic development property as defined under the Act.

**SECTION 4.2. *Diligent Completion.*** The Company agrees to use reasonable efforts to cause the acquisition of the Project to be completed. Anything contained in this Fee Agreement to the contrary notwithstanding, the Company shall not be obligated to complete the acquisition of the Project and may terminate this Agreement with respect to all or a portion of the Project as set forth in Article X.

**SECTION 4.3. *Modifications to Project.*** The Company and the Sponsors may make or cause to be made from time to time any additions, modifications or improvements to the Project that they may deem desirable for their business purposes.

**SECTION 4.4. *Representations and Covenants.*** No representation of the County is hereby made with regard to the design, capabilities or condition of the Project or compliance by the Project or any Person with laws regulating the construction or acquisition of the Project or environmental matters pertaining to the Project.

## **ARTICLE V**

### **PAYMENTS-IN-LIEU-OF-TAXES; DISPOSITION OF PROPERTY; REPLACEMENT PROPERTY; FEE TERM**

**SECTION 5.1. *Payments-in-Lieu-of-Taxes.*** The parties acknowledge that the Project is exempt from *ad valorem* property taxes. However, the Company and any Sponsors shall be required to make Payments-in-Lieu-of-Taxes with respect to the Project as provided in this Section 5.1. In accordance with the Act, and unless this Fee Agreement is sooner terminated, the Company shall make annual Payments-in-Lieu-of-Taxes with respect to the Project (including to the extent applicable, on behalf of any Sponsors), said payments being due in the manner and payable and subject to penalty assessments prescribed by the Act. Such amounts shall be calculated and payable as follows:

(a) The Company has agreed to make annual Payments-in-Lieu-of-Taxes with respect to the Project in an amount equal to the property taxes that would be due with respect to such property, if it were taxable, but using an assessment ratio of 6.0% and a fixed millage rate equal to 262 mills which the parties understand is the millage rate in effect on June 30, 2005. Subject in all events to the provisions of the Act, the fair market value estimate determined by the DOR will be as follows:

- (i) for any real property, if real property is constructed for the fee or is purchased in an arm's length transaction, using the original income tax basis for South Carolina income tax purposes without regard to depreciation; otherwise, the fair market value must be reported at its fair market value for *ad valorem* property taxes as determined by appraisal; and
- (ii) for personal property, using the original tax basis for South Carolina income tax purposes less depreciation as allowed by law.

(b) The Payments-in-Lieu-of-Taxes must be made on the basis that the Project property, if it were otherwise subject to *ad valorem* property taxes, would be allowed all applicable exemptions from those taxes, except for the exemptions allowed under Section 3(g) of Article X of the South Carolina Constitution and Section 12-37-220(B)(32) and (34) of the Code of Laws of South Carolina, as amended.

(c) The Company and any Sponsors shall make Payments-in-Lieu-of-Taxes for each year during the term hereof beginning with respect to the property tax year following the year in which Project property is first placed in service. The Payments-in-Lieu-of-Taxes shall be made to the County Treasurer on the due dates which would otherwise be applicable for *ad valorem* property taxes for the Project, with the first payment being due on the first date following the Commencement Date when, but for the Original Fee Agreement, such taxes would have been paid with respect to the Project.

(d) Any property that was placed in service as part of the Project during the Investment Period shall be included in the calculation of payments pursuant to paragraphs (a) and (b), above, for a period not exceeding 20 years following the year in which such property was placed in service. Replacement Property shall be included (using its income tax basis) in the calculation of



payments pursuant to paragraphs (a), (b) and (c), above, but only up to the original income tax basis of property which is being disposed of in the same property tax year. Replacement Property shall be deemed to replace the oldest property subject to this Fee Agreement which is disposed of in the same tax year that the Replacement Property is placed in service. More than one piece of Replacement Property can replace a single piece of economic development property. Replacement Property does not have to serve the same function as the property it is replacing. To the extent that the income tax basis of the Replacement Property exceeds the original income tax basis of the property which it is replacing, the portion of such property allocable to the excess amount shall be subject to annual payments calculated as if the exemption for economic development property under the Act were not allowed. Replacement Property is entitled to the fee payment pursuant to this Section 5.1 for the period of time remaining on the 20-year fee period for the property which it is replacing.

### **SECTION 5.2. *Disposal of Property; Replacement Property.***

(a) In any instance where the Company or a Sponsor (to the extent permitted by the Company) in its sole discretion determines that any item or items of property included in the Project have become, in whole or in part, inadequate, obsolete, worn out, unsuitable, undesirable or unnecessary, the Company or such Sponsor may remove such item (or such portion thereof as the Company or such Sponsor shall determine) or items and sell, trade in, exchange or otherwise dispose of it or them (as a whole or in part) without any responsibility or accountability to the County therefor. The loss or removal from the Project of any property, or any portion thereof, as a result of fire or other casualty or by virtue of the exercise or threat of the power of condemnation or eminent domain shall be deemed to be a disposal of such property, or portion thereof, pursuant to this Section 5.2. Subject to the provisions of Section 5.1(d), and this Section 5.2 with respect to Replacement Property, the Payments-in-Lieu-of-Taxes required by Article V hereof shall be reduced by the amount thereof applicable to any property included in the Project, or part thereof, disposed of, or deemed disposed of, pursuant to this Section 5.2.

(b) The Company or a Sponsor (to the extent permitted by the Company) may, in its sole discretion, replace, renew or acquire and/or install other property in substitution for, any or all property or portions thereof disposed of, or deemed disposed of, pursuant to Section 5.2(a) hereof. Any such property may, but need not, serve the same function, or be of the same utility or value, as the property being replaced. Absent a written election to the contrary made at the time of filing the first property tax return that would apply to such property, such property shall be treated as Replacement Property.

**SECTION 5.3. *Fee Term.*** With respect to each Stage of the Project, the applicable term of this Fee Agreement shall be from the first day of the property tax year after the property tax year in which such Stage is placed in service through the last day of the property tax year which is the nineteenth year following the first property tax year in which such Stage is placed in service; provided, that the maximum term of this Fee Agreement shall not be more than 20 years from the end of the last year of the Investment Period or such longer period of time as shall be legally required or permitted under the Act. This Fee Agreement shall terminate with respect to the Project or any Stage or part thereof upon the earlier to occur of (a) payment of the final installment of Payments-in-Lieu-of-Taxes pursuant to Section 5.1 hereof, or (b) exercise by the Company of its option to terminate pursuant to Section 10.1 hereof.

**ARTICLE VI**  
**PROPERTY TAX EXEMPTION AND ABATEMENT**

**SECTION 6.1. *Protection of Tax Exempt Status of the Project.*** In order to insure that the Project is not and will not become subject to *ad valorem* property taxes under the laws of the State of South Carolina or any political subdivision thereof, the County and the Company covenant that:

(a) all right and privileges granted to either party under this Fee Agreement shall be exercised so that if any conflict between this Section and any other provision in any document shall arise, then in that case, this Section shall control; and

(b) the County, any Sponsors, and the Company have not committed and will not knowingly commit any act which would cause the Project to be subject to *ad valorem* property taxes by the County or political subdivision of the State of South Carolina in which any part of the Project is located.

**SECTION 6.2. *Rescission and Reversion in the Event of Termination.*** In the event it shall be determined by a court of competent jurisdiction that the Project or any portion thereof are subject to State, County, or other local property taxes, then, at the option of the Company, the provisions of Section 11.4 hereof shall apply, either to the Project as a whole or to such portion thereof as the Company may elect.

**ARTICLE VII**  
**EFFECTIVE DATE**

**SECTION 7.1. *Effective Date.*** This Fee Agreement shall become effective as of the date first written above (the Effective Date).

**ARTICLE VIII**  
**SPECIAL COVENANTS**

**SECTION 8.1. *Confidentiality/Limitation on Access to Project.*** (A) The Company agrees that the County and its authorized agents have the right at all reasonable times and upon prior reasonable notice to enter upon and examine and inspect the Project and to have access to and examine and inspect all of the Company's books and records pertaining to the Project. The right of examination and inspection shall be exercised only upon reasonable and necessary terms and conditions prescribed by the Company to protect the Company's confidentiality and proprietary rights. Any such entrance upon and examination and inspection of the Project shall be at the County's expense.

(B) The County acknowledges and understands that the Company may have and maintain at the Project certain confidential and proprietary information, including, but not limited to, trade secrets, financial, sales or other information concerning the Company's operations and processes ("Confidential Information") and that any disclosure of the Confidential Information could result in substantial harm to the Company and could have a significant detrimental impact on the



Company's employees and also upon the County. Except as required by law, including, without limitation, court orders, the County agrees to use its best reasonable efforts to keep confidential, and to cause employees, agents and representatives of the County to keep confidential, the Confidential Information which may be obtained from the Company, their agents or representatives, when the Confidential Information is clearly marked and identified as Confidential Information and known to the County to be Confidential Information. The County shall not knowingly and willfully disclose and shall cause all employees, agents and representatives of the County not to knowingly and willfully disclose the marked and identified Confidential Information to any person or entity other than in accordance with the terms of this Agreement. If a demand is made for the release, under color of law, to a third party of any Confidential Information, the County shall notify the Company and give the Company the opportunity to contest the release.

**SECTION 8.2. Assignment.** With the County's consent, which shall not be unreasonably withheld, any or all of the Company's or any Sponsor's interest in the Project and/or this Fee Agreement may be transferred or assigned by the Company or any Sponsor or any assignee to any other entity; provided, however, that such approval is not required in connection with financing related transfers or any other transfers not requiring consent of the County under the Act. No assignment or transfer shall affect or reduce any of the obligations of the Company or any Sponsor hereunder, which shall continue in full force and effect as the obligations of a principal and not of a guarantor or surety, except that the Company or any Sponsor shall be released from its obligations hereunder upon the written consent of, and release by the County, which will not be unreasonably withheld. The Company or any Sponsor shall give the County written notice of any such assignment or transfer and provide the County a copy of any such assignment or transfer. The County further agrees that the County Council can provide any required consent by a resolution of County Council. The County Administrator and the Clerk to County Council are hereby expressly individually and jointly authorized and directed to evidence the County's consent by timely executing such documents as the Company or any Sponsor may reasonably request.

## **ARTICLE IX EVENTS OF DEFAULT AND REMEDIES**

**SECTION 9.1. Events of Default Defined.** The occurrence of any one or more of the following events shall be an "Event of Default" under this Fee Agreement:

(a) If the Company or any Sponsor shall fail to make any Payment-in-Lieu-of-Taxes or any other amount required under this Fee Agreement after written notice of such default has been given and such default continues for a period of 60 days; or

(b) If the Company or any Sponsor shall fail to observe or perform any covenant, condition or agreement required herein to be observed or performed by the Company (other than as referred to in Section 9.1(a) hereof), and such failure shall continue for a period of 30 days after written notice of default has been given to the Company by the County; provided if by reason of "*force majeure*" as hereinafter defined the Company or a Sponsor is unable in whole or in part to carry out any such covenant, condition or agreement or if it takes longer than 30 days to cure such default and the Company or a Sponsor is diligently attempting to cure such default,

there shall be no Event of Default during such inability. The term "*force majeure*" as used herein shall mean circumstances not reasonably within the control of the parties, such as, without limitation, acts of God, strikes, lockouts or other industrial disturbances; war; acts of public enemies; mobilization or military conscription on a large scale; order of any kind of the government of the United States or any State, or any civil or military authority other than the County Council; insurrections; riots; landslides; earthquakes; fires; lightning; storms; droughts; floods; requisitions, confiscation, or commandeering of property; fuel restrictions; general shortages of transport, goods, or energy; or

(c) If any material representation or warranty on the part of the Company or the Sponsors made in this Fee Agreement, or in any report, certificate, financial or other statement furnished in connection with this Fee Agreement or the transactions described herein shall have been false or misleading in any material respect; or

(d) if the Company shall file a voluntary petition seeking an order for relief in bankruptcy, or shall be adjudicated insolvent, or shall file any petition or answer or commence a case seeking any reorganization, composition, readjustment, liquidation or similar order for relief or relief for itself under any present or future statute, law or regulation, or shall seek or consent to or acquiesce in the appointment of any trustee, receiver or liquidator of the Company or of the Project, or shall make any general assignment for the benefit of creditors, or shall admit in writing its inability to pay its debts generally as they become due; or

(e) if a petition shall be filed or a case shall be commenced against the Company seeking an order for relief in bankruptcy or any reorganization, composition, readjustment, liquidation or similar relief under any present or future statute, law or regulation, and shall remain undismissed or unstayed for an aggregate of one hundred eighty (180) days (whether or not consecutive), or if any trustee, receiver or liquidator of the Company or of all or any substantial part of its properties or of the Project shall be appointed without the consent or acquiescence of the Company and such appointment shall remain unvacated or unstayed for an aggregate of one hundred eighty (180) days (whether or not consecutive).

## **SECTION 9.2. *Remedies on Default.***

(a) Whenever any Event of Default shall have happened and be subsisting, the County may take whatever action at law or in equity is available to it, including a termination of this Fee Agreement. Although the parties acknowledge that the Project is exempt from *ad valorem* property taxes, there shall be a lien on the Project for tax purposes for Payments-in-Lieu-of-Taxes as provided in Section 12-44-90 of the Act, and the County and any other taxing entity affected thereby may, without limiting the generality of the foregoing, exercise the remedies provided by general law (Title 12, Chapter 49) and the Act relating to the enforced collection of taxes.

(b) The County's right to receive Payments-in-Lieu-of-Taxes hereunder shall have a first priority lien status pursuant to Section 12-44-90 of the Act and Chapters 4 and 54 of Title 12 of SC Code Ann. (1976), as amended. In the event the Company or any Sponsor should fail to make any of the payments required in this Fee Agreement, the item or installment so in default shall continue as an obligation of the Company or such Sponsor until the amount in default shall



have been fully paid, and the Company or such Sponsor agrees to pay the same with interest thereon to the extent required by law and subject to such penalties as provided by law.

(d) In no event shall this Fee Agreement terminate with respect to the Company or any Sponsor as long as such Sponsor or the Company maintains a minimum investment of \$5,000,000.

**SECTION 9.3. *Default by County and Company Remedies.*** In the event the County fails to observe or perform any covenant, condition or agreement required to be performed or observed by the County under this Fee Agreement, the Company or any Sponsor may bring such actions against the County as are available to it at law or in equity.

**SECTION 9.4. *No Remedy Exclusive.*** No remedy herein conferred upon or reserved to the County, the Company, or any Sponsor is intended to be exclusive of any other available remedy or remedies, but in each and every instance such remedy shall be cumulative and shall be in addition to every other remedy given under this Fee Agreement or now or hereafter existing at law or in equity or by statute. Unless otherwise provided herein, no delay or omission to exercise any right or power shall be construed to be a waiver thereof, but any such right and power may be exercised from time to time and as often as may be deemed expedient.

**SECTION 9.5. *No Additional Waiver Implied by One Waiver.*** In the event any warranty, covenant or agreement contained in this Fee Agreement should be breached by the Company, a Sponsor, or the County and thereafter waived by the other party to this Fee Agreement, such waiver shall be limited to the particular breach so waived and shall not be deemed to waive any other breach.

**SECTION 9.6. *Certain Company Obligations to Survive Termination.*** No termination or expiration of the term of this Fee Agreement shall relieve the Company or the Sponsors of their liability and obligations to make the payments due and payable under this Fee Agreement, all of which shall survive any such termination.

## ARTICLE X COMPANY OPTION TO TERMINATE

**SECTION 10.1. *Company Option to Terminate.*** Subject to Section 9.5 hereof, from time to time (including, without limitation, any time during which there may be subsisting an Event of Default), and at any time, upon at least 30 days notice, the Company (but not any Sponsor unless the Company consents) may terminate this Fee Agreement with respect to the entire Project or any portion thereof, provided, however, the Company shall have made payment to the County of all outstanding payments under this Fee Agreement. Upon termination of all or part of this Fee Agreement, the Company will become liable for *ad valorem* property taxes on the Project or such portion thereof.

## ARTICLE XI MISCELLANEOUS

**SECTION 11.1. *Leased Equipment.*** The parties hereto agree that, to the extent that applicable law allows the benefits of the Act, in the form of Payments-in-Lieu-of-Taxes to be

made under Section 5.1(a), to be applicable to personal property to be installed in the buildings and leased to but not purchased by the Company from Sponsors under any form of lease, then such personal property shall, at the election of the Company, be subject to Payments-in-Lieu-of-Taxes to the same extent as the Equipment covered by this Fee Agreement, subject, at all times, to the requirements of such applicable law. The parties hereto further agree that this Fee Agreement may be interpreted or modified as may be necessary or appropriate in order to give proper application of this Fee Agreement to such tangible personal property without such construction or modification constituting an amendment to this Fee Agreement, and thus not requiring any additional action by the County Council. The County Administrator, after consulting with the County Attorney, shall be and hereby is authorized to make such modifications, if any, as may be necessary or appropriate in connection therewith.

**SECTION 11.2. Notices.** All notices, approvals, consents, requests and other communications hereunder shall be in writing and may be delivered personally, or may be sent by facsimile or certified mail, return receipt requested, to the following addresses, unless the parties are subsequently notified of any change of address in accordance with this Section 11.2:

If to the Company:

AG-APG Edgewater Property Owner, L.L.C.  
c/o Angelo, Gordon & Co., L.P.  
245 Park Avenue, 24<sup>th</sup> Floor  
New York, New York 10167  
Attention: Matthew Jackson  
Facsimile: (212) 867-5436

With a copy to (which shall not constitute notice):

Atlanta Property Group, LLC  
Peachtree 25<sup>th</sup> Building  
1718 Peachtree Street, NW, Suite 100  
Atlanta, Georgia 30309  
Attention: C. Sheppard Dinos  
Facsimile: (404) 442-6111

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and:

Duval & Stachenfeld LLP  
555 Madison Avenue, 6<sup>th</sup> Floor  
New York, New York 10022  
Attention: Terri L. Adler, Esq. & File Manager (File No. 2009.2103)  
Facsimile: (212) 883-8883

and:

Haynsworth Sinkler Boyd, P.A.  
1201 Main Street, Suite 2200



Columbia, South Carolina 29201  
Attention: Edward G. Kluiters  
Facsimile: (803) 765-1243

If to the County:

County of Lancaster, South Carolina  
ATTN: Steve Willis, County Administrator  
101 N. Main St. (29720)  
P.O. Box 1809 (29721-1809)  
Lancaster, South Carolina  
Phone: (803) 416-9300  
Email: [swillis@lanastercountysc.net](mailto:swillis@lanastercountysc.net)

With a copy to (which shall not constitute notice):

Mr. Jamie Gilbert  
Economic Development Director, Lancaster County  
P.O. Box 1809  
Lancaster, South Carolina 29721  
Telephone: (803) 286-3633  
Fax: (803) 416-9497  
Email: [jgilbert@lanastercountysc.net](mailto:jgilbert@lanastercountysc.net)

Any notice shall be deemed to have been received as follows: (1) by personal delivery, upon receipt; (2) by facsimile, 24 hours after confirmed transmission or dispatch; and (3) by certified mail, 3 business days after delivery to the U.S. Postal authorities by the party serving notice.

**SECTION 11.3. *Binding Effect.*** This Fee Agreement shall inure to the benefit of and shall be binding upon the County and the Company and their respective successors and assigns.

**SECTION 11.4. *Rescission and Severability.*** In the event that the Act or the Payments-in-Lieu-of-Taxes arrangement described in Section 5.1 hereof is determined to be invalid in its entirety, the parties hereby agree that except as the final judicial decision may otherwise require, the Company and the Sponsors shall be entitled to retain any benefits received under or pursuant to this Fee Agreement; otherwise, in the event any provision of this Fee Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, that decision shall not invalidate or render unenforceable any other provision of this Fee Agreement, unless that decision destroys the basis for the transaction, in which event the parties shall in good faith attempt to preserve, to the maximum extent possible, the benefits provided and to be provided to the Company and the Sponsors hereunder by either restructuring or reconstituting this Fee Agreement under any then applicable law, including, but not limited to, Chapter 12 of Title 4, Code of Laws of South Carolina, as amended. In all events shall the Company and all Sponsors be entitled to the provisions of 12-44-160 of the Act.

**SECTION 11.5. *Fiscal Year; Property Tax Year.*** If the Company's fiscal year is a calendar year and if such fiscal year changes in the future so as to cause a change in the

Company's property tax year, the Company shall notify the County in writing and the timing of the requirements set forth in this Fee Agreement shall be revised accordingly.

**SECTION 11.6. *Amendments, Changes and Modifications.*** Except as otherwise provided in this Fee Agreement, this Fee Agreement may not be amended, changed, modified, altered or terminated without the written consent of the County, the Company and any Sponsors who are then a party to this Fee Agreement. To the maximum extent allowed by law, any such County consent may be provided by a resolution of County Council.

**SECTION 11.7. *Execution of Counterparts.*** This Fee Agreement may be executed in several counterparts. Any action may be brought upon any counterpart of this Fee Agreement or any counterpart of any document that is attached to this Fee Agreement as an exhibit.

**SECTION 11.8. *Law Governing Construction of Fee Agreement.*** The laws of the State of South Carolina shall govern the construction of this Fee Agreement.

**SECTION 11.9. *Filings.*** Whenever the County shall be required to file or produce any reports, notices or other documents during the Fee Term, the Company and any Sponsor shall in due time furnish to the County the completed form of such report, notice or other required documents together with a certification by the Company and any Sponsor that such document is accurate. In the event of the failure or refusal of the Company to comply with this provision, the Company agrees to pay the County's attorneys' fees and administrative time in producing and filing such report or documents, such amounts to be paid within 30 days after presentation of a statement therefor by the County. Likewise, in the event of the failure or refusal of any Sponsor to comply with this provision, the applicable Sponsor agrees to pay the County's Attorneys' fees and administrative time in producing and filing such report or documents, such amounts to be paid within 30 days after presentation of a statement therefore by the County.

**SECTION 11.10. *Headings.*** The headings of the articles and sections of this Fee Agreement are inserted for convenience only and shall not be deemed to constitute a part of this Fee Agreement.

**SECTION 11.11. *Further Assurance.*** From time to time the County agrees to execute and deliver to the Company and the Sponsors such additional instruments as the Company or any Sponsor may reasonably request to effectuate the purposes of this Fee Agreement.

**SECTION 11.12. *Administration Expenses.*** (A) The Company agrees to reimburse the County for its Administration Expenses promptly upon written request therefor, but in no event later than thirty (30) days after receiving the written request from the County. The written request shall include a description of the nature of the Administration Expenses.

(B) The Company agrees to reimburse the County for expenses incurred by the County for accountants and similar experts used by the County in the computation, preparation and verification of the annual Payments-in-Lieu-of-Taxes upon written request therefor; *provided, however*, the maximum annual reimbursement pursuant to this subsection is capped at Five Hundred and No/100 dollars (\$500.00). The written request shall include a description of the nature of such expenses.

*[Signatures Appear on the Following Pages]*

IN WITNESS WHEREOF, LANCASTER COUNTY, SOUTH CAROLINA, and AG-APG EDGEWATER PROPERTY OWNER, L.L.C., pursuant to due authority, have duly executed this Amended and Restated Fee Agreement, all as of the date first above written.

**LANCASTER COUNTY, SOUTH CAROLINA**

\_\_\_\_\_  
Steve Harper, Chair, County Council

\_\_\_\_\_  
Larry Honeycutt, Secretary, County Council

ATTEST:

\_\_\_\_\_  
Sherrie Simpson, Clerk to Council

*[Company Signatures Continue on the Following Page]*



COMPANY:

**AG-APG EDGEWATER PROPERTY OWNER,  
L.L.C.**

By: AG-APG Sunbelt Parent, L.L.C., its sole member

By: AG Real Estate Manager, Inc., its manager

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

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

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

## EXHIBIT A-1

### ORIGINAL DESCRIPTION OF LAND

#### DECISION ONE TRACT

All of that parcel of land, lying and being situate in the Township of Indian Land, County of Lancaster, State of South Carolina, being a portion of the property of Hans L. Lengers VII, LLC, as described in the Office of Registrar of Deeds for the County of Lancaster in Deed Book T-12 at Page 294 (Plat #3242), containing 13.295 acres, more or less, being shown on a map by ForeSite Engineering and Surveying for Lauth Property Group, dated March 15, 2005, revised on June 8, 2005, titled ALTA/ACSM Land Title Survey of a Portion of Property of Hans L. Lengers VII, LLC, being more fully described as:

**Commencing** at a found South Carolina Department of Highways and Transportation Department (SCDOT) monument (no identification) in the median of US Highway 521 (public right of way of 182 feet); thence from said monument South 52°02'55" West for a distance of 1,108.70 feet, to a set iron pin on the northerly line of property of Billy Howard Revocable Declaration of Trust, Et.Al., as described in Deed Book 63 at page 164 (also shown on Plat #9659), and the **POINT OF BEGINNING**; thence with said line and the northerly line of property of Jerry A. Pressley and Robbie C. Pressley, as described in Deed Book C-6 at Page 5996 (also shown on Plat #2852) South 40°09'34" West for a distance of 750.71 feet to a set iron pin; thence leaving said line and through the lands of the grantor North 85°01'58" West for a distance of 565.88 feet to a set iron pin; thence along a line within Edgewater Lake North 04°58'02" East for a distance of 721.11 feet to a point in the lake; thence South 85°01'58" East for a distance of 150.00 feet to a set iron pin near the lake bank; thence South 85°01'58" East for a distance of 699.83 feet to an intersection with the northwesterly line of Parcel 1, as shown in Plat 2004-647; thence with said line South 28°04'02" East for a distance of 6.13 feet to a set iron pin; thence continuing with said line South 49°50'54" East for a distance of 177.85 feet to the **POINT OF BEGINNING**.

## EXHIBIT A-2

### CURRENT DESCRIPTION OF LAND

#### Fee Parcel:

BEING A PORTION OF THAT PARCEL OF LAND, LYING AND BEING SITUATED IN THE TOWNSHIP OF INDIAN LAND, COUNTY OF LANCASTER, STATE OF SOUTH CAROLINA, BEING A PORTION OF THE PROPERTY OF HANS L. LENGERS VIII, LLC, AS DESCRIBED IN THE OFFICE OF THE REGISTER OF DEEDS FOR THE COUNTY OF LANCASTER IN DEED BOOK T-12, AT PAGE 294 (PLAT #3243), BEING SHOWN ON A MAP BY FORESITE ENGINEERING AND SURVEYING DATED JUNE-JULY, 2006, LAST REVISED AUGUST 24, 2006, TITLED A.L.TA./A.C.S.M. LAND TITLE SURVEY OF TRACT 2, 13.004 ACRES OF LAND OF EDGEWATER CORPORATE CENTER SUBDIVISION BEING ALL OF THE PROPERTY OF EDGEWATER PARTNERS ONES, LLC LOCATED IN INDIAN LAND TOWNSHIP, COUNTY OF LANCASTER, STATE OF SOUTH CAROLINA, BEING MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT A FOUND SOUTH CAROLINA DEPARTMENT OF HIGHWAYS AND TRANSPORTATION DEPARTMENT (SCDOT) MONUMENT (NO IDENTIFICATION) IN THE MEDIAN OF US HIGHWAY 521 (PUBLIC RIGHT OF WAY OF 182 FEET); THENCE FROM SAID MONUMENT SOUTH 52°02'55" WEST FOR A DISTANCE OF 1,108.70 FEET, TO A SET IRON PIN ON THE NORTHERLY LINE OF PROPERTY OF BILLY HOWARD REVOCABLE DECLARATION OF TRUST, ET.AL.,AS DESCRIBED IN DEED BOOK 63, AT PAGE 164 (ALSO SHOWN ON PLAT #9659), AND THE POINT OF BEGINNING; THENCE WITH SAID LINE AND THE NORTHERLY LINE OF PROPERTY OF CRISIS HILL, INC. AS DESCRIBED IN DEED BOOK O, AT PAGE C-01 SOUTH 40°09'34" WEST FOR A DISTANCE OF 750.70 FEET TO A SET IRON PIN; THENCE LEAVING SAID LINE AND THROUGH THE LANDS OF EDGEWATER PARTNERS ONE, LLC THE FOLLOWING SEVEN COURSES AND DISTANCES: (1) NORTH 85°01'58" WEST FOR A DISTANCE OF 443.28 FEET TO A SET IRON PIN; (2) NORTH 09°34'29" EAST FOR A DISTANCE OF 100.31 FEET TO A SET IRON PIN; (3) NORTH 85°01'58" WEST FOR A DISTANCE OF 130.62 FEET TO A POINT IN EDGEWATER LAKE; (4) THENCE ALONG A LINE WITHIN EDGEWATER LAKE NORTH 04°58'02" EAST FOR A DISTANCE OF 621.13 FEET TO A POINT IN SAID LAKE; (5) THENCE SOUTH 85°01'58" EAST AND PASSING OVER AN EXISTING IRON PIN ON THE BANK OF THE LAKE AT A DISTANCE OF 150.00 FEET, AND CONTINUING FOR A TOTAL DISTANCE OF 849.83 FEET TO A SET IRON PIN IN THE LINE OF TRACT 5 AS SHOWN IN PLAT BOOK 2006, PAGE 29 AND 30 IN THE LANCASTER COUNTY OFFICE OF THE REGISTER OF DEEDS; (6) THENCE WITH SAID LINE OF TRACT 5 SOUTH 28°04'02" EAST FOR A DISTANCE OF 6.13 FEET TO A SET IRON PIN; (7) THENCE CONTINUING WITH SAID LINE SOUTH 49°50'54" EAST A DISTANCE OF 177.85 FEET TO THE POINT OF BEGINNING (THE "LAND").

LESS AND EXCEPT:

THAT CERTAIN PORTION OF THE PROPERTY DESCRIBED ABOVE IDENTIFIED AS "LENGERS WAY, 50' R/W TO BE DEDICATED HEREON/TRACT 2 R/W TO BE DEDICATED" ON THAT CERTAIN PLAT ENTITLED "EDGEWATER CORPORATE CENTER SUBDIVISION OF A PORTION OF THE PROPERTY OF HANS L. LENGERS VIII, LLC, AS DESCRIBED IN DEED BOOK T-12, AT PAGE 294 AND ALL OF THE PROPERTY OF EDGEWATER PARTNERS ONE, LLC, A DESCRIBED IN DEED BOOK 289, AT PAGE 95, LOCATED IN INDIAN LAND TOWNSHIP, COUNTY OF LANCASTER, STATE OF SOUTH CAROLINA", PREPARED BY FORESITE ENGINEERING AND SURVEYING DATED MAY 27, 2005, LAST REVISED SEPTEMBER 23, 2005, AND RECORDED IN PLAT BOOK 2006, AT PAGES 29 AND 30, IN THE OFFICE OF THE REGISTER OF DEEDS FOR THE COUNTY OF LANCASTER, SOUTH CAROLINA.

Per the ALTA/NSPS Land Title Survey made by Burton Engineering Associates, dated May 4, 2017; Job No. 017.673.001, the Fee Parcel is further described as:

Tract 2A Portion North of Lengers Way Legal Description:

Being all that certain tract of land consisting of approximately 11.229 acres located in Indian Land Township, Lancaster County near the intersection of Lengers Way and Possum Hollow Road and being more particularly described as follows:

Commencing from a set mag nail a common corner to Carolina Surgery Center, LLC as recorded in Lancaster County, South Carolina Register of Deeds in Deed Book 386 Page 129 and shown on Plat Book 2006 Page 834 and in the northern right of way of Lengers Way 50' right of way as shown on Plat Book 2006 Page 631, said mag mail being the Point of Beginning, thence with the northern right of way of Lengers Way the following 7 common lines, 1) S40°09'34"W 418.64' to a found mag nail passing a set mag nail at 15.00' and a set mag nail at 45.00', 2) a curve to the right with a radius of 226.76', a length of 80.27' and a chord bearing and distance of S50°45'58"W 79.85' to a found mag nail, 3) S61°02'46"W 280.83' to a found mag nail, 4) a curve to the right with a radius of 222.08', a length of 131.35' and a chord bearing and distance of S77°59'24"W 129.44' to a found mag nail, 5) N85°01'58"W 175.68' to a set mag nail, 6) N09°34'29"E 50.15' to a point in the pond, 7) N85°01'58"W 130.66' to a point in the pond a common corner to RMB Edgewater, LLC as recorded in Deed Book 757 Page 244 and shown on Plat Book 2012 Page 55, thence with 2 common lines, 1) N04°58'02"E 621.13' to a point in the pond, 2) S85°01'58"E 94.53' to a common corner of The Blake at Edgewater, LLC as recorded in Deed Book 999 Page 269 and shown on Plat Book 2016 Page 722, thence with the common line S85°01'58"E 595.08' to a found nail a common corner to Carolina Surgery Center, LLC passing a found disturbed #5 rebar at 55.64', thence with following 3 common lines of Carolina Surgery Center, LLC, 1) S85°01'58"E 160.22' to a found rebar with cap, 2) S28°04'02"E 6.13' to a found rebar with cap, 3) S49°50'54"E 127.85' to the Point of Beginning. Containing 11.229 acres.

Tract 2B Portion South of Lengers Way Legal Description:



Being all that certain tract of land consisting of approximately 0.498 acre located in Indian Land Township, Lancaster County near the intersection of Lengers Way and Possum Hollow Road and being more particularly described as follows:

Commencing from a set mag nail a common corner to Carolina Surgery Center, LLC as recorded in Lancaster County, South Carolina Register of Deeds in Deed Book 386 Page 129 and shown on Plat Book 2006 Page 834 and in the northern right of way of Lengers Way 50' right of way as shown on Plat Book 2006 Page 631, thence S49°50'54"E 50.00' to a found a rebar with cap in the southern right of way of Lengers Way, thence S40°09'34"W 418.63' to a set #4 rebar in the southern right of way of Lengers Way and being in the common line of C&M Properties of SC, LLC as recorded in Deed Book 899 Page 164 and shown on Plat Book 2014 Page 200, said rebar being the Point of Beginning, thence with the common line of C&M Properties of SC, LLC S40°09'34"W 3.16' to a found #4 rebar a common corner to Crisis Hill, Inc. as recorded in Deed Book 296 Page 264 and shown on Plat Book 97 Page 19 and Plat 2852, thence with the common line S40°09'34"W 328.92' to a found #4 rebar a common corner to North Regional III, LLC as recorded in Deed Book 931 Page 281 and shown on Plat Book 2009 Page 461 (Tract 3), thence with the common line N85°01'58"W 263.75' to a found #4 rebar in the southern right of way of Lengers Way, thence with the southern right of way 3 common lines, 1) a curve to the left with a radius of 272.08', a length of 161.13' and a chord bearing and distance of N78°00'42"E 158.78' to a found #4 rebar, 2) N 61°02'46"E 280.89' to a found #4 rebar, 3) a curve to the left with a radius of 276.72', a length of 98.45' and a chord bearing and distance of N50°43'41"E 97.93' to the Point of Beginning. Containing 0.498 acre.

# The Lancaster News

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

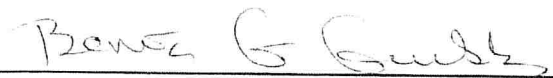
**NOTICE OF A PUBLIC  
HEARING PRIOR TO FINAL  
ACTION BY THE COUNTY  
COUNCIL OF LANCASTER  
COUNTY TO ENTER INTO  
AN ORDINANCE**

Notice is hereby given by the County Council of Lancaster County (the "County Council") that a public hearing for the below-referenced Ordinance will be held at the Council Chambers of the County Council, County Administration Building, 101 N. Main Street, 2nd floor, Lancaster, South Carolina at 6:00 p.m. on July 17, 2017 in conjunction with a regularly scheduled meeting of the County Council. Such Ordinance is titled as follows: ORDINANCE NO. 2017-1452 AUTHORIZING THE EXECUTION AND DELIVERY OF AN AMENDED AND RESTATED FEE AGREEMENT BETWEEN AG-APG EDGEWATER PROPERTY OWNER, L.L.C., AND LANCASTER COUNTY, SOUTH CAROLINA; AND TO PROVIDE FOR OTHER MATTERS RELATED THERETO.

Subject to the normal rules of County Council regarding appearances, members of the public are invited to attend and make comment concerning the proposed Ordinance.

By order of the County Council of Lancaster County, South Carolina.  
187-75-1 F-Haynsworth  
SinklerBoyd-Bill

This is to certify that the attached Legal Notice was published in The Lancaster News in the issue of *June 23, 2017*.



Notary Public of South Carolina

My Commission Expires  
January 13, 2021.

## Agenda Item Summary

Ordinance # / Resolution# 2017-1453 (RZ-017-013)

Contact Person / Sponsor: Andy Rowe

Department: Planning

Date Requested to be on Agenda: July 17, 2017

### **Issue for Consideration:**

This is a rezoning application of David and Sherry Walden to rezone  $\pm$  8.47 acres from PDD, Planned Development District to AR, Agricultural Residential District. The applicant proposes to construct an open air venue for weddings, corporate, and church/community events. Currently zoned PDD, Planned Development District (PDD-2 Catawba Ridge aka Bear Creek Landing)

### **Points to Consider:**

Staff has reviewed the PDD-2 (Catawba Ridge aka Bear Creek Landing) boundary survey and PDD Ordinance and have found the subject property (0128-00-013.00) is not part of the PDD district (Exhibit 2 & 2A). Planning staff believes this property was incorrectly zoned. The applicant has stated that they wish to construct an open air venue for weddings and events. The only zoning district in this area that would fit the applicant's plans would be the AR, Agricultural Residential District. The other district that would allow a venue would be the RN, Rural Neighborhood District. Unfortunately the Rural Neighborhood District will not allow for this project due to the additional use regulations found in Chapter 5 (Exhibit 8). If rezoned to Rural Neighborhood, the applicant would be limited in size (up to 6,000 square feet) and could not meet the minimum separation standards (100 feet from adjacent property lines). The proposed site plan for the venue will have to be reviewed through the TRC (Technical Review Committee) to ensure compliance.

The Future Land Use Map identifies this property as Rural Living based on the *Lancaster County Comprehensive Plan 2014-2024*. Considering the property is located in a rural area near the Catawba River, a proposed wedding venue/open air venue could fit in this area. The zoning map shows the subject property in a transitional zoned area due to the fact that it separates the RN, Rural Neighborhood District from the AR, Agricultural Residential District (Exhibit 4). Based on the division line of the zoning districts and the "Rural Living" designation on the Future Land Use Map, zoning this parcel to Agricultural Residential will fit the general area. In addition the western properties are owned by Duke Energy and in the future will need to be changed from PDD to a suitable zoning district that will allow for a class 3 utility.

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

N/A

### **Council Options:**

To approve or deny the rezoning request.

### **Recommendation:**

The planning staff recommend that the rezoning request be approved.

At the Lancaster County Planning Commission meeting on Tuesday, June 20, 2017 the Commission voted to **approve** the rezoning application of David and Sherry Walden by a vote of (7-0). At the above referenced meeting one citizen spoke against this rezoning stating that there was insufficient evidence that the property was not in the PDD. Staff would note the evidence can be found within the staff report and supporting documentation with many hours of research done by staff. The PDD owner email to staff containing plat information can be found on Exhibit 2A of the staff report. The PDD owner clearly indicates in this email with attached plat, what is owned by the PDD. In addition, the PDD owner also inquires in this email asking what the proposed use of the property would be beside the PDD. Also included in the staff report is The Bear Creek Landing Conceptual Master Plan for that shows the boundaries of the PDD (Exhibit 2 60 10). The complete staff report can be located on [www.mylancasteresc.org](http://www.mylancasteresc.org) -Click on Planning and go to 2017 Agendas.



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STATE OF SOUTH CAROLINA

)

ORDINANCE NO. 2017-1453

COUNTY OF LANCASTER

)

**AN ORDINANCE**

**TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY SO AS TO REZONE PROPERTY OF DAVID AND SHERRY WALDEN, LOCATED ± 400 FEET NORTH OF THE INTERSECTION OF CEDAR CREEK ROAD AND GREAT FALLS HIGHWAY NEAR THE LANCASTER/CHESTER COUNTY LINE FROM PDD, PLANNED DEVELOPMENT DISTRICT (PDD-2 CATAWBA RIDGE AKA BEAR CREEK LANDING) TO AR, AGRICULTURAL RESIDENTIAL DISTRICT.**

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

**Section 1. Findings and Determinations.**

The Council finds and determines that:

(a) David and Sherry Walden applied to rezone property located ± 400 feet north of the intersection of Cedar Creek Road and Great Falls Highway near the Chester County/Lancaster County line from PDD, Planned Development District (PDD-2 Catawba Ridge aka Bear Creek Landing), to AR, Agricultural Residential District.

(b) On June 20, 2017, the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a vote of (7-0), recommended approval of the rezoning.

**Section 2. Rezoning.**

The Official Zoning Map is amended by changing the zoning district classification from PDD, Planned Development District (PDD-2 Catawba Ridge aka Bear Creek Landing) to AR, Agricultural Residential District for the following property(ies) as identified by tax map number or other appropriate identifier:

Tax Map No. 0128-00-013.00.

**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**

**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:	July 17, 2017	
Second Reading:	August 14, 2017	(Tentative)
Third Reading:	August 28, 2017	(Tentative)

-----  
THE REMAINDER OF THIS PAGE IS INTENTIONALLY LEFT BLANK.

Date of 1<sup>st</sup> Reading: 7-17-17  
\_\_ Approved \_\_ Denied \_\_ No Action

Date of 2<sup>nd</sup> Reading: 8-14-17  
\_\_ Approved \_\_ Denied \_\_ No Action

Date of 3<sup>rd</sup> Reading: 8-28-17  
\_\_ Approved \_\_ Denied \_\_ No Action

## **PLANNING STAFF REPORT: RZ-017-013**

---

### **I. FACTS**

#### **A. GENERAL INFORMATION**

**Proposal:** This is a rezoning application of David and Sherry Walden to rezone  $\pm$  8.47 acres from PDD, Planned Development District to AR, Agricultural Residential District. The applicant proposes to construct an open air venue for weddings, corporate, and church/community events.

**Property Location:** The property is located  $\pm$  400 feet north of the intersection of Cedar Creek Road and Great Falls Highway near the Chester County/Lancaster County line in Lancaster County, SC.

**Legal Description:** Tax Map 128, Parcel 13

**Zoning Classification:** Current: PDD, Planned Development District (PDD-2 Catawba Ridge aka Bear Creek Landing)

**Voting District:** District 4, Larry Honeycutt

#### **B. SITE INFORMATION**

**Site Description:** The property is currently vacant and wooded.

#### **C. VICINITY DATA**

**Surrounding Conditions:** The property is surrounded north, south, and east, by PDD, Planned Development District. Adjacent parcels to the west include PDD, Planned Development District, and OSP, Open Space Preservation District.

#### **D. EXHIBITS**

1. Rezoning Application
2. Property Information and PDD Maps
- 2A. Email from PDD owner and survey showing PDD boundary
3. Vicinity Map
4. Zoning Map/Zoning Map (Zoomed Out)
5. Future Land Use Map
6. Tax Inquiry Sheet
7. UDO – Chapter 2-Section: 2.3 – Districts
8. UDO – Chapter 5-Section: 5.6.2 – Event Venue/Banquet Hall
9. Table of Uses
10. Letter From PDD Owner

Date of 1<sup>st</sup> Reading: 7-17-17  
\_\_ Approved \_\_ Denied \_\_ No Action

Date of 2<sup>nd</sup> Reading: 8-14-17  
\_\_ Approved \_\_ Denied \_\_ No Action

Date of 3<sup>rd</sup> Reading: 8-28-17  
\_\_ Approved \_\_ Denied \_\_ No Action

## II. FINDINGS

### Code Considerations:

### 2.3 DISTRICTS:

#### 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.

### UNIFIED DEVELOPMENT ORDINANCE | Adopted 11.28.2016

## III. CONCLUSIONS

Staff has reviewed the PDD-2 (Catawba Ridge aka Bear Creek Landing) boundary survey and PDD Ordinance and have found the subject property (0128-00-013.00) is not part of the PDD district (Exhibit 2 & 2A). Planning staff believes this property was incorrectly zoned. The applicant has stated that they wish to construct an open air venue for weddings and events. The only zoning district in this area that would fit the applicant's plans would be the AR, Agricultural Residential District. The other district that would allow a venue would be the RN, Rural Neighborhood District. Unfortunately the Rural Neighborhood District will not allow for this project due to the additional use regulations found in Chapter 5 (Exhibit 8). If rezoned to Rural Neighborhood, the applicant would be limited in size (up to 6,000 square feet) and could not meet the minimum separation standards (100 feet from adjacent property lines). The proposed site plan for the venue will have to be reviewed through the TRC (Technical Review Committee) to ensure compliance.

The Future Land Use Map identifies this property as Rural Living based on the *Lancaster County Comprehensive Plan 2014-2024*. Considering the property is located in a rural area near the Catawba River, a proposed wedding venue/open air venue could fit in this area. The zoning map shows the subject property in a transitional zoned area due to the fact that it separates the RN, Rural Neighborhood District from the AR, Agricultural Residential District (Exhibit 4). Based on the division line of the zoning districts and the "Rural Living" designation on the Future Land Use Map, zoning this parcel to Agricultural Residential will fit the general area. In addition the western properties are owned by Duke Energy and in the future will need to be changed from PDD to a suitable zoning district that will allow for a class 3 utility.

## IV. RECOMMENDATION:

It is therefore the recommendation of the planning staff that the rezoning request for the property located ± 400 feet north of the intersection of Cedar Creek Road and Great Falls Highway near the Chester County/Lancaster County line be approved.



Date of 1<sup>st</sup> Reading: 7-17-17  
☐ Approved ☐ Denied ☐ No Action

Date of 2<sup>nd</sup> Reading: 8-14-17  
☐ Approved ☐ Denied ☐ No Action

Date of 3<sup>rd</sup> Reading: 8-28-17  
☐ Approved ☐ Denied ☐ No Action

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

At the Lancaster County Planning Commission meeting on Tuesday, June 20, 2017 the Commission voted to **approve** the rezoning application of David and Sherry Walden by a vote of (7-0). At the above referenced meeting one citizen spoke against this rezoning stating that there was insufficient evidence that the property was not in the PDD. Staff would note the evidence can be found within the staff report and supporting documentation with many hours of research done by staff. The PDD owner email and plat information can be found on exhibit 2A of the staff report. The PDD owner clearly indicates what is owned by the PDD as well as the inquiry of the proposed use of the property beside the PDD. Also included in the staff report in exhibit 2 is The Conceptual Master Plan for Bear Creek Landing.

David and Sherry Walden  
511 Wateree Key Court  
Winnsboro, South Carolina 29180  
803-416-7976

To Whom It May Concern,

Re. Tax Map Number 0128-00-013.00

We are interested in taking a portion of the 8.47 acres we own located in the Cedar Creek Township of Lancaster County, SC and building a venue to accommodate approximately 100 to 150 people for the purpose of weddings, corporate events, church and community events.

We have been working diligently with Elaine Boone since December of 2016 to determine the zoning ordinances of our parcel of land. Mrs. Boone and her department have not been successful in determining if this particular property falls under any specific zone and therefore has advised us to apply to the Zoning Department for permission to continue to explore the possibility of developing a portion of the property as mentioned above. She said because the current files cannot determine if this property falls under a particular zone, we should take this next step at no charge to us.

Please see attached application and let us know if we have failed to include the appropriate information.

Thank you,

David & Sherry Walden

---

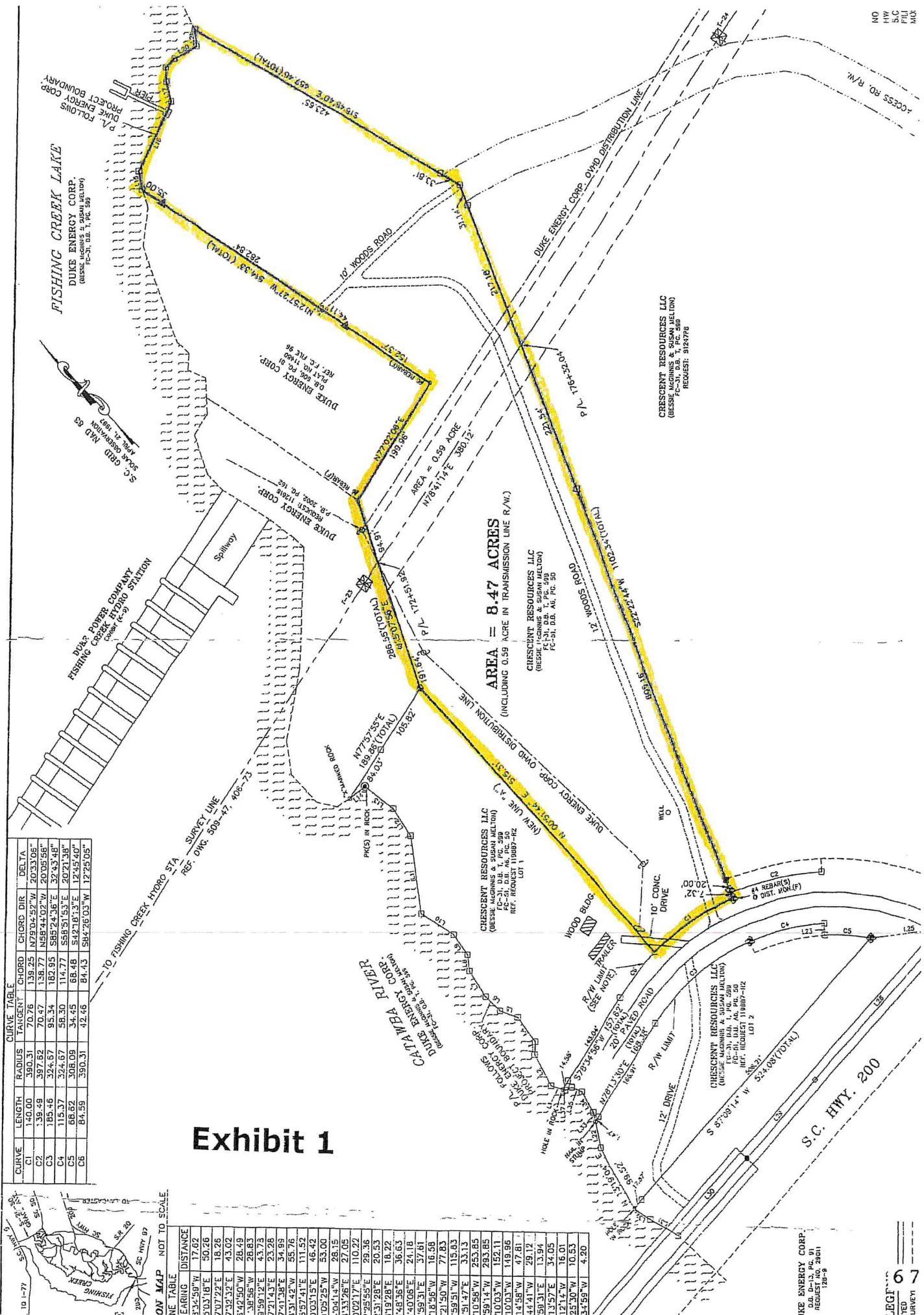
## Exhibit 1

# Exhibit 1

CURVE TABLE				
CURVE	LENGTH	RADIUS	CHORD	CHORD DIR
C1	140.00	390.31	70.76	139.25
C2	139.49	397.62	70.47	138.77
C3	185.46	324.67	95.34	182.95
C4	115.37	324.67	58.30	114.77
C5	66.62	308.09	34.45	68.46
C6	84.59	390.31	42.46	84.43

ON MAP NOT TO SCALE.

NE TABLE	EARING	DISTANCE
1	3°32'59"W	17.62
2	3°03'18"E	50.26
3	7°07'22"E	18.26
4	7°32'32"E	43.02
5	14°25'00"W	28.49
6	38°56'30"W	28.83
7	3°58'12"E	43.73
8	2°14'31"E	23.28
9	2°41'38"E	34.99
10	1°31'42"W	55.76
11	3°57'41"E	111.52
12	10°31'15"E	46.42
13	10°25'25"W	53.00
14	20°41'44"W	38.15
15	1°33'26"E	27.02
16	10°21'17"E	110.22
17	1°28'55"E	29.36
18	1°28'28"E	20.53
19	14°38'E	36.63
20	14°08'E	24.18
21	59°31'E	37.61
22	18°56"W	16.68
23	21°50"W	77.83
24	59°51"W	115.83
25	51°47'E	33.13
26	10°58"W	253.85
27	59°14"W	283.85
28	10°03"W	152.11
29	10°03"W	149.96
30	14°58"W	47.81
31	44°41"W	29.12
32	59°31'E	13.94
33	1°57'E	34.05
34	12°14"W	16.01
35	25°30"W	10.53
36	34°59"W	4.20



DUKE ENERGY CORP.  
D.D. 0-12, PG. 91  
REQUEST NO. 2001  
128-9

LEGF...  
EYED  
SURVEY



LANCASTER COUNTY ASSESSOR  
Tax Map:  
0128 00 013 00

Prepared by: Parker Poe Adams & Bernstein LLP  
Three Wells Fargo Center  
401 South Tryon St.  
Suite 3000  
Charlotte, NC 28202

Tract No. S-5390

Return to: Grantee

RECORDED THIS 12th DAY  
OF JULY, 2012  
IN BOOK 2012 PAGE C-1

EXCISE TAX - \$296.00

*Cheryl Morgan*  
Auditor, Lancaster County, SC

STATE OF SOUTH CAROLINA )  
:  
COUNTY OF LANCASTER )

GENERAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS that

CRESCENT RESOURCES, LLC, a Georgia limited liability company (successor by merger and conversion to Crescent Resources, Inc., whose name was changed from Crescent Land and Timber Corp. by Articles of Amendment filed in the office of the South Carolina Secretary of State) ("Grantor"), whose address is 227 West Trade Street, Suite 1000, Charlotte, NC 28202, in consideration of the sum of Eighty Thousand and No/100 Dollars (\$80,000.00), to it in hand paid, the receipt whereof is hereby acknowledged, has granted, bargained, sold and released, and by these presents does grant, bargain, sell and release, subject to the easements, restrictions, reservations, covenants, conditions and other exceptions set forth below, unto **DAVID WALDEN and SHERRY D. WALDEN** ("Grantee"), whose address is 511 Wateree Key Court, Winnsboro, South Carolina 29180, and their heirs, successors and assigns, all that certain tract of land described in Exhibit A attached hereto ("Property").

The Property is conveyed subject to the following easements, restrictions, reservations, covenants, conditions and other exceptions (collectively, "Exceptions"):

- (1) flood easements in favor of Duke Energy Carolinas, LLC (formerly known as Duke Power Company and Duke Energy Corporation) and riparian rights of others, including, but not limited to, the flood easement to flood to the 426.5 foot contour line and all other reservations, restrictions and conditions contained in that deed recorded in Deed Book A6, Page 50;

**Exhibit 1**

2012008916

DEED  
RECORDING FEES \$10.00  
STATE TAX \$208.00  
COUNTY TAX \$88.00

PRESENTED & RECORDED:  
07-11-2012 09:59 AM

JOHN LANE  
REGISTER OF DEEDS  
LANCASTER COUNTY, SC  
By: CANDICE PHILLIPS DEPUTY

BK: DEED 676

PG: 288-291

PPAB 1956065v1

- (2) transmission line and retail electric line rights-of-way, if any, reserved by or granted to Duke Energy Carolinas, LLC (formerly known as Duke Power Company and Duke Energy Corporation), including, but not limited to, the 68' wide transmission line shown on the Plat as "Duke Energy Corp. 68' R/W";
- (3) ad valorem taxes for the year 2012 and subsequent years;
- (4) "rollback" or other deferred ad valorem property taxes;
- (5) matters affecting title to the Property as shown on the Plat or which would be shown on a current and accurate survey of the Property (including any encroachments);
- (6) easements, covenants, restrictions and conditions of record, and rights-of-way of public and private streets and roads, including, but not limited to, the access rights-of-way shown on the Plat as "Gravel Dr";
- (7) easements, restrictions and rights-of-way as may be apparent from an inspection of the Property; and
- (8) zoning, subdivision, land use and other laws, regulations or ordinances applicable to the Property.

**TOGETHER WITH**, subject to the Exceptions, all and singular the rights, members, hereditaments and appurtenances to the Property belonging, or in anywise incident or appertaining.

**TO HAVE AND TO HOLD**, subject to the Exceptions, all and singular the Property, unto the said Grantee and Grantee's heirs, successors and assigns forever.

Subject to the Exceptions, Grantor covenants with Grantee that Grantor is seized of the Property in fee simple, that Grantor has the right to convey the same in fee simple, and that the title is marketable and free of all encumbrances. Grantor does hereby bind itself and its heirs, successors and assigns, to warrant and forever defend all and singular the Property, subject to the Exceptions, unto Grantee, his heirs, successors and assigns against every person whomsoever lawfully claiming the same, or any part thereof.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed this 28<sup>th</sup> day of June, 2012.

Signed, Sealed and Delivered in the Presence of:

**CRESCENT RESOURCES, LLC,**  
a Georgia limited liability company

Jane V. Lowery  
Print Name: Jane V. Lowery  
Witness #1

By: James M. Short, Jr.  
James M. Short, Jr.  
President, Land Management Division

Susan Higginson  
Print Name: Susan Higginson  
Witness #2

STATE OF NORTH CAROLINA  
COUNTY OF MECKLENBURG

Personally appeared before me the undersigned witness who being duly sworn deposes and says that he/she saw the within named James M. Short, Jr., President, Land Management Division of **CRESCENT RESOURCES, LLC**, a Georgia limited liability company, sign, and as its act and deed deliver the foregoing instrument for the uses and purposes therein mentioned, and that he/she, together with Susan Higginson (witness #2), the other witness subscribed above, witnessed the execution thereof.

Jane V. Lowery  
(Witness #1 sign here)

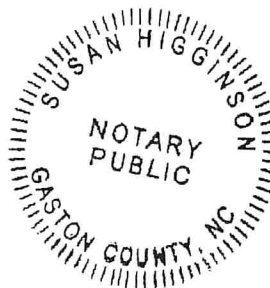
Sworn to and subscribed before  
me this the 28<sup>th</sup> day of  
June, 2012.

Susan Higginson  
Notary Public

Notary Public for Gaston Co., North Carolina

My Commission Expires: March 27, 2016

[NOTARIAL STAMP-SEAL]



**EXHIBIT A**

All references to recording information shall refer to documents that were recorded in the Office of the Register of Deeds for the county in which the Property is located.

All that certain tract of land located in Cedar Creek Township, Lancaster County, South Carolina, designated as "AREA = 8.47 ACRES" on plat recorded in Plat Book 2012, Page 192 ("Plat"); **AND BEING** all or a portion of the land conveyed to Wateree Power Company (presently known as Duke Energy Carolinas, LLC) by deed from Bessie McInnis and Susan Melton (F.C.-31) recorded in Deed Book T, Page 599; and by deed to Crescent Land & Timber Corp. (presently known as Crescent Resources, LLC) from Duke Power Company (presently known as Duke Energy Carolinas, LLC) recorded in Deed Book A6, Page 50.

**Tax Parcel Number: 0128-00-013.00**



## Elaine Boone

---

**From:** Elaine Boone  
**Sent:** Thursday, January 05, 2017 2:45 PM  
**To:** Penelope Karagounis; 'Kara Drane'  
**Cc:** Robert "Rob" Jackson (rjackson@catawbacog.org); Nicholas Cauthen; Alex J. Moore; Andy Rowe; Kenneth Cauthen  
**Subject:** Re: PPD 2 Planned Development District a/k/a Bear Creek Landing, now known as Edgewater  
**Attachments:** DOC010517-01052017152108.pdf  
**Importance:** High

Penelope/Kara,

I know you can't read the first map (color issue) we have someone who bought property from Crescent Resources Tax Map Number: 0128-00-013.00. Nick and I went through all folders located in the back room and really couldn't tell whether this piece of property or the other two pieces owned by Duke Energy were part of the PDD. So we went upstairs to the Register of Deeds Office and pulled all large plats of the entire property. If you look at the Plat 192 it labels the property to the east as Walnut Grove Ventures (TMS 0128-00-012.00), but doesn't state this on the Walden property or the Duke Energy property so it is our determination that the tracts are not a part of the Planned Development District. With this being said I think that the property owned by Duke Energy should be zoned according to the use table as AR,RR, LI or HI.....According to the definition it should be classified as Class 3? The Walden property should probably or could probably be zoned AR, RR or RN. Let me know what you all think....

Thanks,

J. Elaine Boone  
Planner II  
Lancaster County Planning Department  
101 N. Main Street  
P.O. Box 1809  
Lancaster, S.C. 29721  
Phone: (803) 416-9396 Direct  
Phone: (803) 285-6005 Main  
Fax: (803) 285-6007

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## Exhibit 2

## Elaine Boone

---

**From:** Nicholas Cauthen  
**Sent:** Friday, February 10, 2017 9:11 AM  
**To:** Elaine Boone  
**Subject:** FW: Re: Property located on Great Falls Hwy 200 Tax Map Number: 0128-00-013.00

---

**From:** Elaine Boone  
**Sent:** Thursday, February 09, 2017 2:35 PM  
**To:** Kara Drane; Penelope Karagounis  
**Cc:** davidwalden@metromasonryinc.com; Nicholas Cauthen; Andy Rowe  
**Subject:** Re: Property located on Great Falls Hwy 200 Tax Map Number: 0128-00-013.00

Kara/Penelope,

Over the past few weeks I have researched the tax map number above to see whether or not this parcel is a part of the original PDD-2, Catawba Ridge a/k/a Edgewater located at Fishing Creek. When the PPD was approved no tax map numbers were recorded on the original documents that I could find. Although the zoning maps over the years have included all parcels down to the dam in the PDD-2. I did find a plat adjacent to the property that says Walnut Grove Ventures, LLC (Tax Map Number: 0128-00-012.00) that was part of the PDD, but labeled nothing else as being part of the PDD down to the dam. My thought is that the properties located around the dam are not part of the PDD, but labeled incorrectly when being mapped. Duke Energy would have to keep their properties closest to the dam for maintenance/repair, they are classified as a Class 3 Utility under the Utilities Definition and allowed in the AR, RR, LI and HI zoning districts as a permitted use. The properties located to the south of the property across Great Falls Highway are zoned RN, Rural Neighborhood District. I also have a copy of the deed for David Walden's property and it states nothing about being located in the PDD. He purchased the property from Crescent Resources and would like to construct a 4,000 s.f. building that would be used for weddings and corporate events. (Event Venue/Banquet Hall) This use is allowed in the RN District. I also spoke to John Weaver County Attorney he said "If the use is allowed in both districts why should it matter?" The only way to answer this correctly would be to know what zoning district should be applied to Mr. Walden's property. Is this something that would have to go to the UDO – Advisory Committee? Or is this something that can be handled sooner. Thoughts.....

Thanks,

**J. Elaine Boone** | Planner II | Lancaster County Planning Department  
P: 803.416.9396 | F: 803.285.6007 | [eboone@lanastercountysc.net](mailto:eboone@lanastercountysc.net)  
101 N. Main Street | Lancaster, SC 29720 | [www.mylanastersc.org](http://www.mylanastersc.org)



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## Exhibit 2

# Exhibit 2

Subject Property

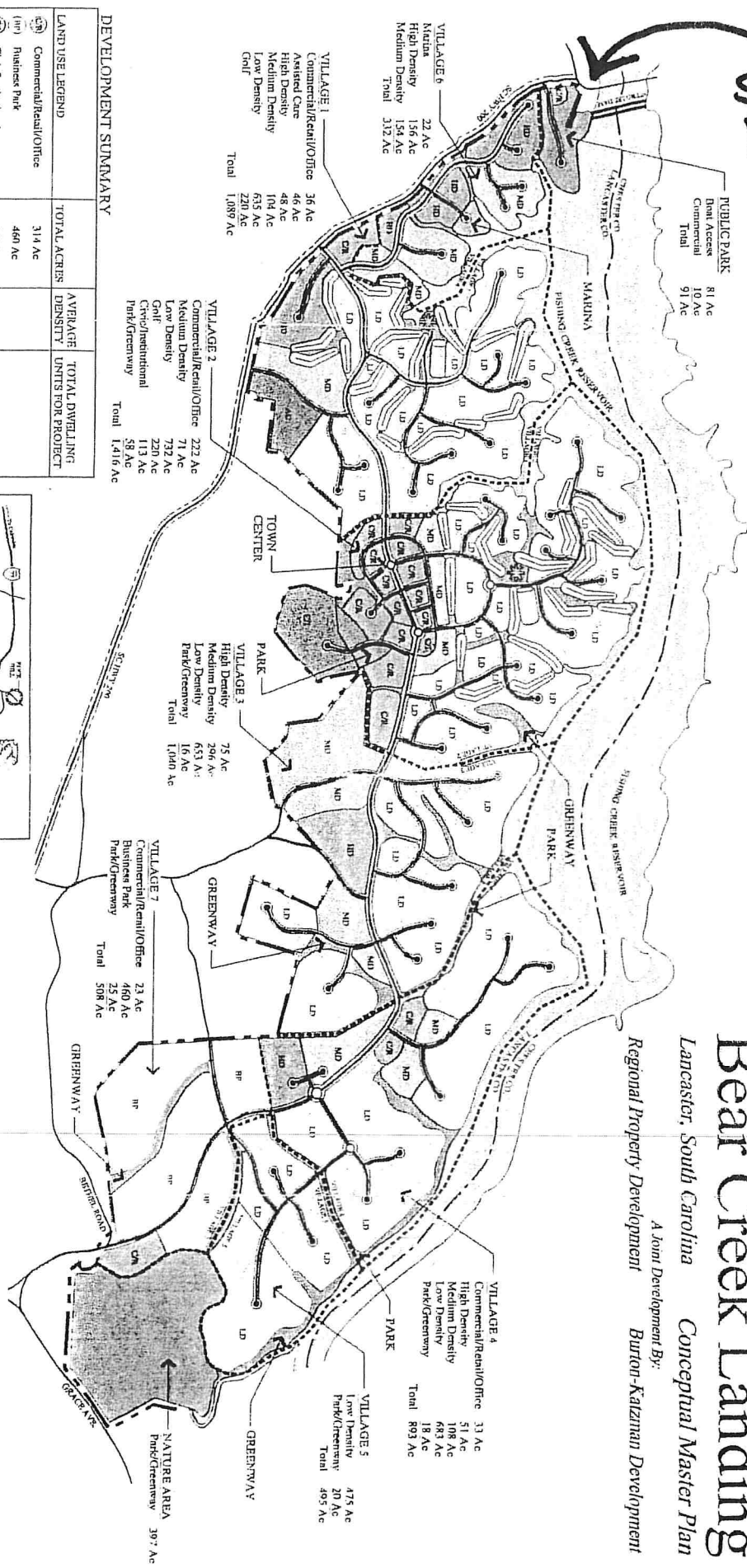
## Bear Creek Landing

Lancaster, South Carolina

Regional Property Development

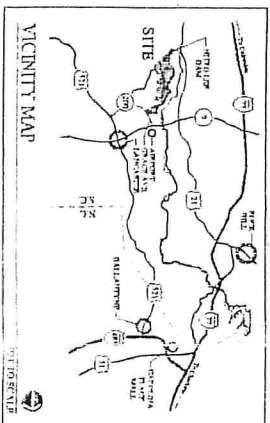
A Joint Development By:

Burton-Katzman Development

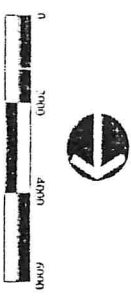


### DEVELOPMENT SUMMARY

LAND USE LEGEND	TOTAL ACRES	AVERAGE DENSITY	TOTAL DWELLING UNITS FOR PROJECT
(CRO) Commercial/Residential Office	314 Ac		
(BP) Business Park	460 Ac		
(CR) Civic/Residential	113 Ac		
(LD) Low Density Residential	3,178 Ac	3 DU	9,534 Units
(MD) Medium Density Residential	713 Ac	5 DU	3,665 Units
(HD) High Density Residential	310 Ac	10 DU	3,100 Units
(AC) Assisted Care	46 Ac		
(MA) Marina	22 Ac		
(OSP) Open Space (Parks, Greenways)	1,065 Ac		
(GC) Golf Course			
<b>TOTAL</b>	<b>6,261 Ac</b>		<b>16,400 Units</b>



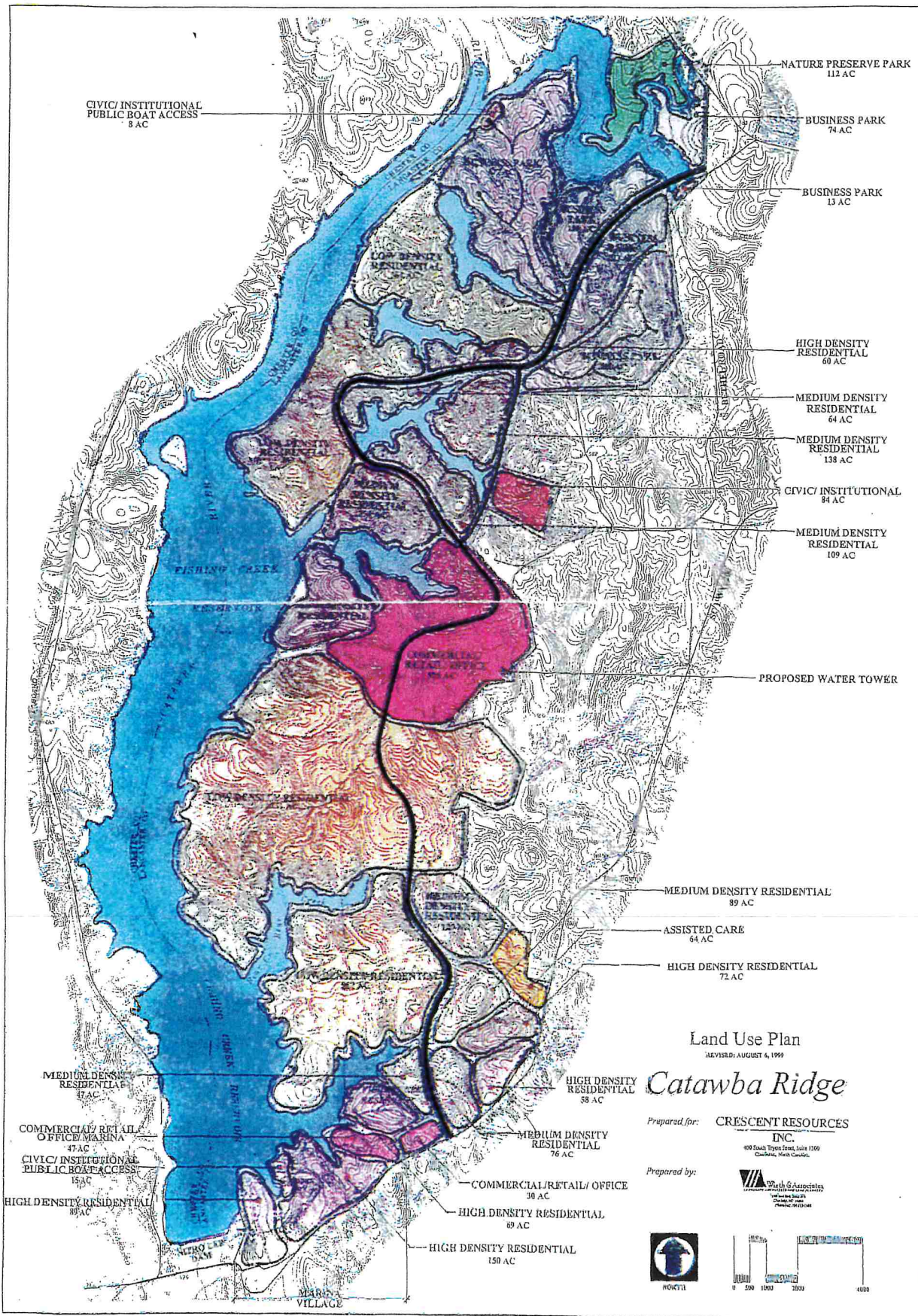
NOTE: THIS CONCEPTUAL MASTER PLAN IS DESIGNED TO SHOW APPROPRIATE ACRES FOR PROPOSED USES, WHICH MAY BE MOVED OR REVISED WITHIN FUTURE MASTER PLANS IN ACCORDANCE WITH THE GENERAL DEVELOPMENT AGREEMENT AND THE ZONING ORDINANCE ADOPTED SPECIFICALLY FOR THIS SITE.



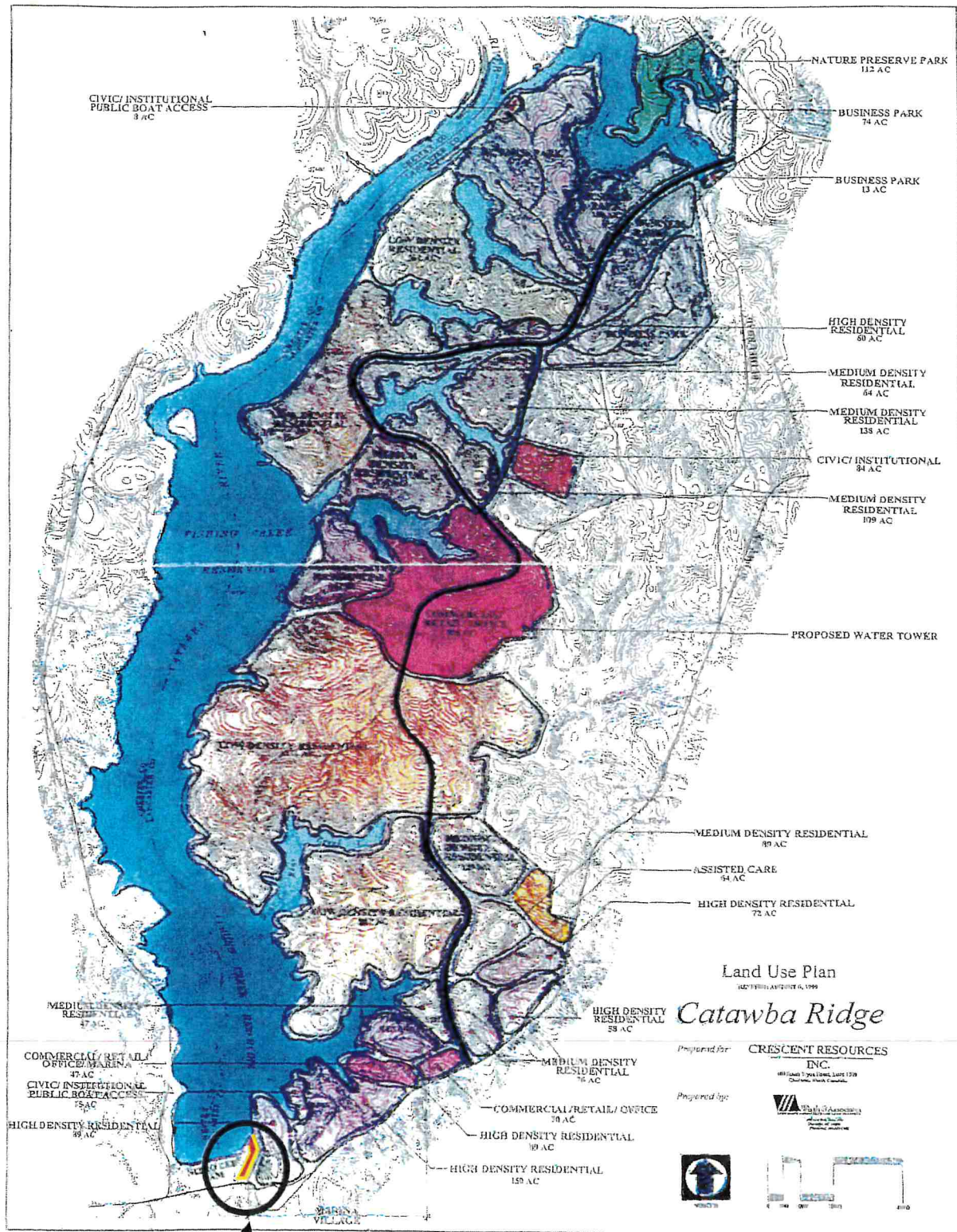
**LandDesign, Inc.**  
Landscape Architects  
and Planners  
July 15, 1998



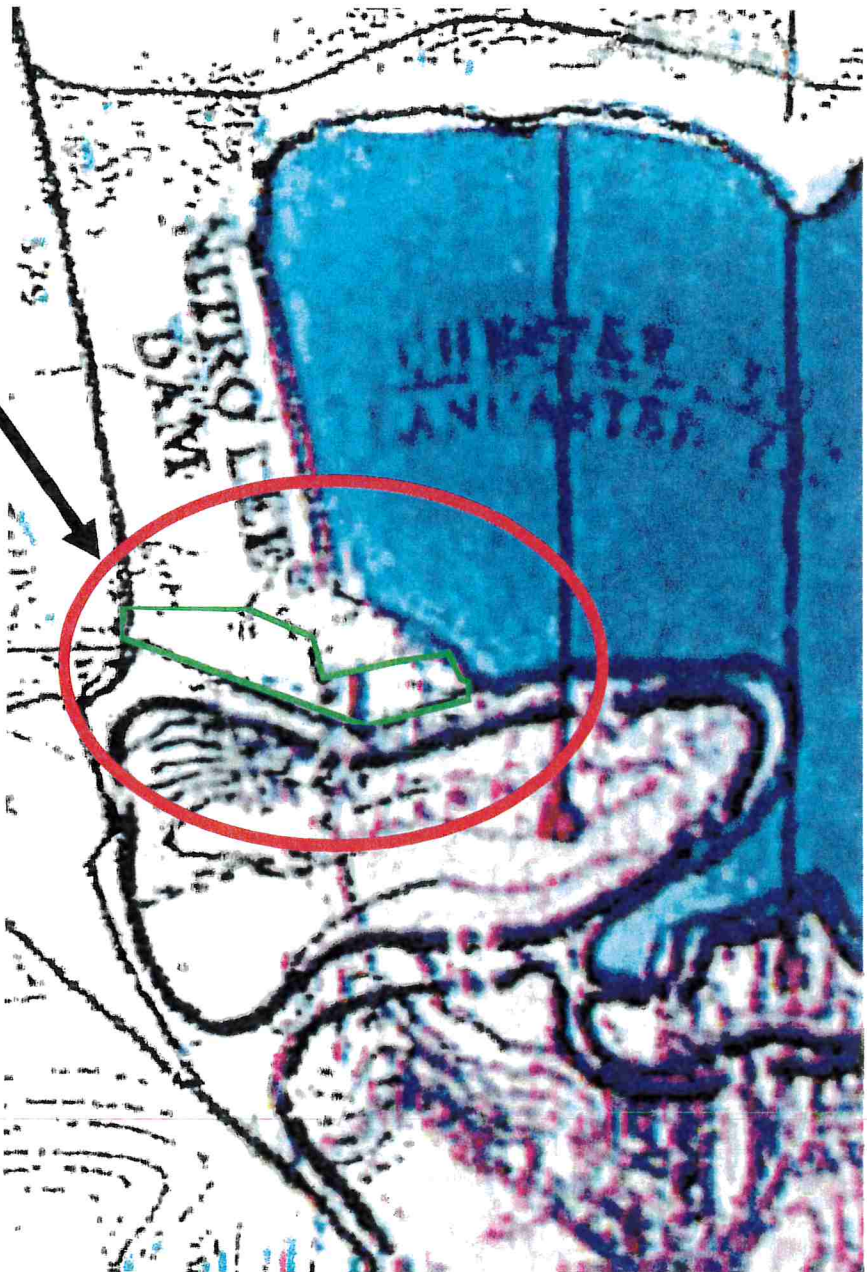
# Exhibit 2











Subject Property- Tax Map 128, Parcel 13 (Walden Property)

## Exhibit 2

Elaine Boone

---

**From:** Alan Shaia <at.shaia@verizon.net>  
**Sent:** Tuesday, June 6, 2017 10:15 AM  
**To:** Elaine Boone  
**Subject:** Re Rezoning RZ-017-013  
**Attachments:** Crescent - Map Plat 2.pdf; ATT00001.htm; Crescent - Map Plat.pdf; ATT00002.htm

THIS IS AN EXTERNAL E-MAIL — Use caution when clicking on links as they could open malicious websites.  
—IT Helpdesk, [support.lancastercountysc.net](mailto:support.lancastercountysc.net)

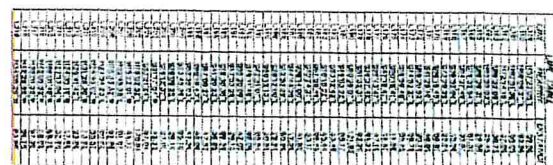
Per our conversation, I have attached copies of our survey for property we own under Walnut Grove Ventures, LLC. Would like to know where this proposed rezoning property is located.

*Alan Shaia*

403 East Grace Street  
Richmond, Va 23219  
(W) 804-225-0923  
(F) 804-649-3643  
(M) 804-405-2641  
[at.shaia@verizon.net](mailto:at.shaia@verizon.net)

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Exhibit 2 A



Subject  
Property

RD (NAD 83)

		OPTIONAL ORDER FORM	
		<b>GRESCENT RESOURCES LLC</b>	
PROJECT NAME NO. 0073-01		RFG# 06 31 09 01	
TENDER, DATE OPEN		TAX ID# 125 00 01	
CITY/STATE		FACILITY SERIAL COUNTRY	
DATE		ZONAL DESIGNATION	
DATE		RECEPTION	

## CRESCENT RESOURCES

CHAMBERS, M.C. 2020-10-03

<sup>1</sup> This document originally formed and used by the "Tide" magazine in the 1970s and is provided as a historical document. See the project report for a complete end note.

RECEIVED: PLAT ROOM 07 PM 70

[illegible]

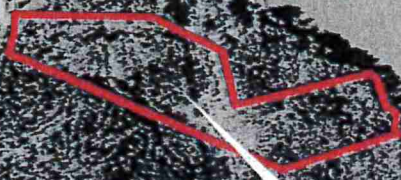




## Exhibit 3

### RZ-017-013 Vicinity Map

Subject Property  
0128-00-013.00



0 550 1,100 2,200  
Feet







# RZ-017-013 Zoning Map

Subject Property  
0128-00-013.00



Exhibit 4



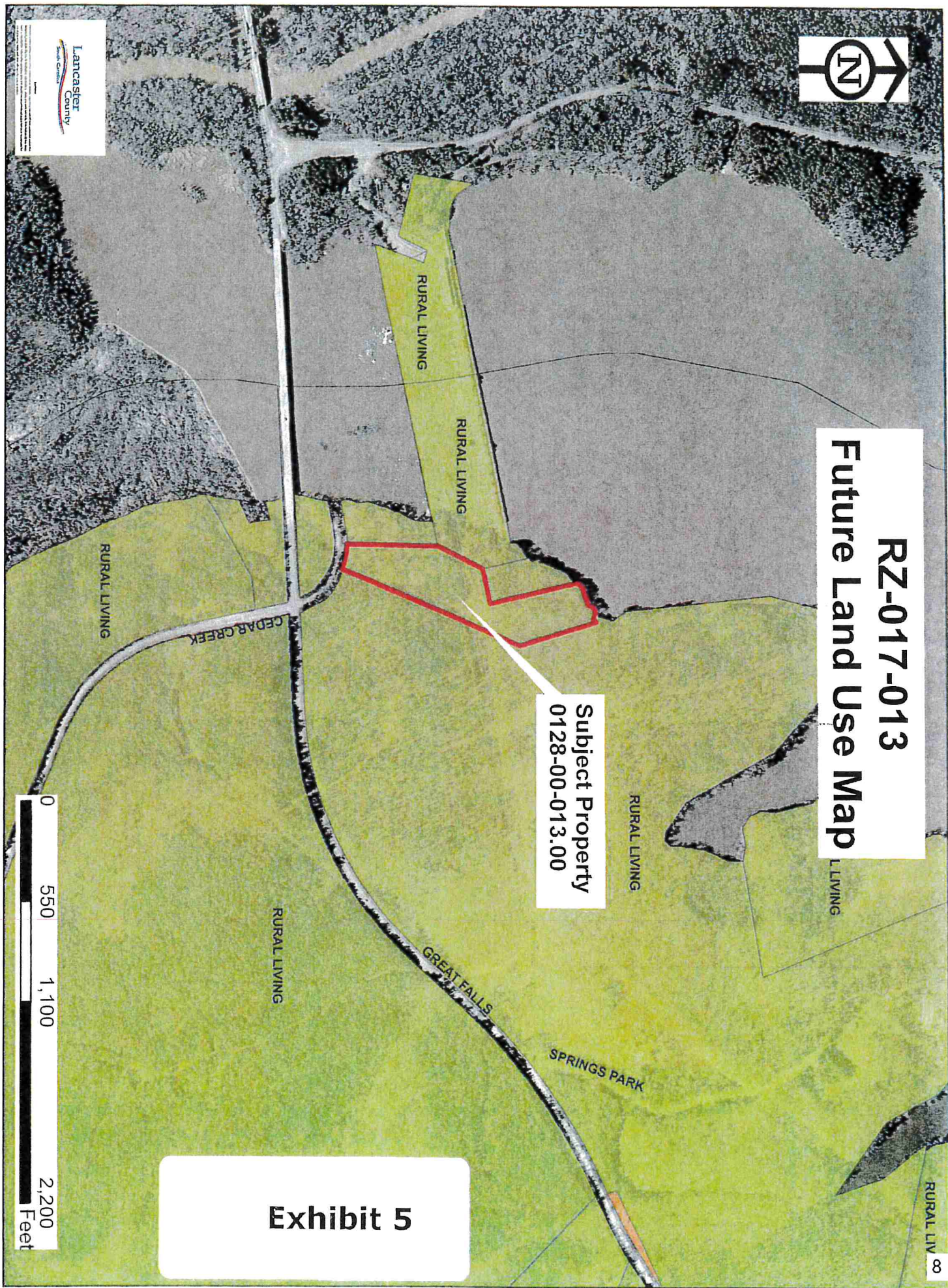


**RZ-017-013**  
**Future Land Use Map**

**Subject Property**  
**0128-00-013.00**



**Exhibit 5**





**Andy Rowe**

---

**From:** Planning Mailbox  
**Sent:** Thursday, June 8, 2017 3:00 PM  
**To:** Elaine Boone; Andy Rowe  
**Subject:** FW: Re Rezoning RZ-017-013

**Judy Barrineau** | Administrative Assistant | Lancaster County Planning Dept.  
P: 803.285.6005 | F: 803.285.6007 | [jbarrineau@lanastercountysc.net](mailto:jbarrineau@lanastercountysc.net)  
101 N Main Street, Suite 108 | Lancaster, SC 29720 | [www.mylanastersc.org](http://www.mylanastersc.org)



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**From:** Work (at. shaia) [mailto:[at.shaia@verizon.net](mailto:at.shaia@verizon.net)]  
**Sent:** Thursday, June 8, 2017 2:45 PM  
**To:** Elaine Boone <[eboone@lanastercountysc.net](mailto:eboone@lanastercountysc.net)>  
**Cc:** Planning Mailbox <[Planning@lanastercountysc.net](mailto:Planning@lanastercountysc.net)>  
**Subject:** Re: Re Rezoning RZ-017-013

## Exhibit 10

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—IT Helpdesk, [support@lanastercountysc.net](mailto:support@lanastercountysc.net)

Dear Ms. Boone,

Thank you for the information regarding RZ-017-013. As you know, I represent the ownership of Walnut Grove Ventures. They own 213-acre tract adjacent to the property (Parcel ID 0128-00-012.00). It is currently zoned to allow for high-density residential. We are concerned with this proposed rezoning for three primary reasons.

1st, If they are allowed to downzone their property, it will impact our development right such as additional setback requirements from their property.

2nd, A proposed outdoor entertainment facility next to high-density residential property seem to us to be incompatible.

3rd, I do not see any drawing on how they proposed to develop this site. Will there be any required buffer from our residential? How will they access the site? Fire & Rescue issues with entertainment? Parking, what will be the requirement?

With those issues in mind, we request you deny their rezoning request.

Sincerely,

*Alan Shaia*

403 East Grace Street

Richmond, Va 23219

(W) 804-225-0923

(F) 804-649-3643

(M) 804-405-2641

[at.shaia@verizon.net](mailto:at.shaia@verizon.net)

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On Jun 6, 2017, at 10:35 AM, Elaine Boone <[eboone@lanastercountysc.net](mailto:eboone@lanastercountysc.net)> wrote:

Hey Alan,

Could the 213 acres be under another name????? I can't seem to find it....

Thanks,

**Exhibit 10**

**J. Elaine Boone | Planner II | Lancaster County Planning Department**

P: 803.416.9396 | F: 803.285.6007 | [eboone@lanastercountysc.net](mailto:eboone@lanastercountysc.net)

101 N. Main Street | Lancaster, SC 29720 | [www.mylanastercountysc.org](http://www.mylanastercountysc.org)

<image001.png>

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From: Alan Shaia [<mailto:at.shaia@verizon.net>]

Sent: Tuesday, June 6, 2017 10:15 AM

To: Elaine Boone <[eboone@lanastercountysc.net](mailto:eboone@lanastercountysc.net)>

Subject: Re Rezoning RZ-017-013

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—IT Helpdesk, [support@lanastercountysc.net](mailto:support@lanastercountysc.net)

Per our conversation, I have attached copies of our survey for property we own under Walnut Grove Ventures, LLC. Would like to know where this proposed rezoning property is located.

*Alan Shaia*

403 East Grace Street

Richmond, Va 23219

(W) 804-225-0923

(F) 804-649-3643

(M) 804-405-2641

[at.shaia@verizon.net](mailto:at.shaia@verizon.net)

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## Agenda Item Summary

Ordinance # / Resolution# 2017-1454 (RZ-017-014)

Contact Person / Sponsor: Andy Rowe

Department: Planning

Date Requested to be on Agenda: July 17, 2017

### **Issue for Consideration:**

This is a rezoning application of Ms. Cara McCoy to rezone two (2) properties containing a total of  $\pm$  1.56 acres from MDR, Medium Density Residential District to GB, General Business District. The applicant is proposing to build a Huddle House restaurant on the property.

### **Points to Consider:**

The Future Land Use Map identifies this property as Urban based on the *Lancaster County Comprehensive Plan 2014-2024*. Urban according to the *Lancaster County Comprehensive plan 2014-2024* is identified as a “walkable neighborhood with additional intensity”.

Considering the property is within the higher density urban area, a proposed restaurant could fit in this area. There is a need for more restaurants and business in the Kershaw area due to the increase in employment by Haile Gold Mine Inc.

The property is also fronting a major road which could handle more general commercial uses within the urban center noted on the Future Land Use Map (Exhibit 4). By definition this property could qualify as a walkable accessible area in an urban walkable neighborhood setting. The property if rezoned could serve not only people entering and exiting the Town of Kershaw, but also serve the neighbors located behind the properties. If the rezoning is successful the applicant will be required to submit a site plan to the TRC (Technical Review Committee).

The proposed site plan will be required to provide a Type C buffer yard around all residentially zoned adjacent properties (Exhibit 7 & 8). In addition to the Type C buffer the applicant will also be required to provide landscaping on the interior and exterior of the parking area.

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

N/A

### **Council Options:**

To approve or deny the rezoning request.

### **Recommendation:**

The planning staff that the rezoning request for the two properties located at the corner Second Street and the corner of Third Street, and Kershaw Camden Highway be approved.

At the Lancaster County Planning Commission meeting on Tuesday, June 20, 2017 the Commission voted to **approve** the rezoning application of Ms. Cara McCoy by a vote of (7-0). At the above referenced meeting the applicant presented the overall plan for this property and emphasized the economic potential for this development. Staff reached out to the Town of Kershaw to see if the rezoning would be favorable since the property is in close proximity to the Town of Kershaw municipal boundaries. Unfortunately staff did not receive any input from the Town of Kershaw on this rezoning request. The applicant did express that they had spoken to the Town of Kershaw and had been working with the Town on this project. The applicant stated Town of Kershaw was favorable with the rezoning.



---

STATE OF SOUTH CAROLINA

)

ORDINANCE NO. 2017-1454

COUNTY OF LANCASTER

)

)

**AN ORDINANCE**

**TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY SO AS TO REZONE TWO (2) PROPERTIES OWNED BY KERSHAW PROPERTIES LLC. THE FIRST PROPERTY IS LOCATED AT THE CORNER OF THIRD STREET AND KERSHAW CAMDEN HIGHWAY, THE SECOND PROPERTY IS LOCATED AT THE CORNER OF SECOND STREET AND KERSHAW CAMDEN HIGHWAY. THE APPLICANT HAS REQUESTED BOTH PROPERTIES TO BE REZONED FROM MDR, MEDIUM DENSITY RESIDENTIAL DISTRICT TO GB, GENERAL BUSINESS DISTRICT.**

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

**Section 1. Findings and Determinations.**

The Council finds and determines that:

(a) Cara McCoy applied to rezone two (2) properties. The 1<sup>st</sup> property is located at the corner of Third Street and Kershaw Camden Highway, and the 2<sup>nd</sup> property is located at the corner of Second Street and Kershaw Camden Highway from MDR, Medium Density Residential District, to GB, General Business District.

(b) On June 20, 2017, the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a vote of (7-0), recommended approval of the rezoning.

---

**Section 2. Rezoning.**

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

Tax Map No. 0156H-0C-001.00 & 0156H-0C-002.00.

**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**

**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:	July 17, 2017	
Second Reading:	August 14, 2017	(Tentative)
Third Reading:	August 28, 2017	(Tentative)

\_\_\_\_\_  
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Date of 1<sup>st</sup> Reading: 7-17-17  
\_\_ Approved \_\_ Denied \_\_ No Action

Date of 2<sup>nd</sup> Reading: 8-14-17  
\_\_ Approved \_\_ Denied \_\_ No Action

Date of 3<sup>rd</sup> Reading: 8-28-17  
\_\_ Approved \_\_ Denied \_\_ No Action

## **PLANNING STAFF REPORT: RZ-017-014**

### **I. FACTS**

#### **A. GENERAL INFORMATION**

***Proposal:*** This is a rezoning application of Ms. Cara McCoy to rezone two (2) properties containing a total of  $\pm$  1.56 acres from MDR, Medium Density Residential District to GB, General Business District. The applicant is proposing to build a Huddle House restaurant on the property.

***Property Location:*** The 1<sup>st</sup> property is located at the corner of Third Street and Kershaw Camden Highway, and the 2<sup>nd</sup> property is located at the corner of Second Street and Kershaw Camden Highway in Lancaster County, SC.

***Legal Description:*** Tax Map 0156H, Block C, Parcel 1.00 and 2.00

***Zoning Classification:*** Current: MDR, Medium Density Residential District.

***Voting District:*** District 6, Jack Estridge

#### **B. SITE INFORMATION**

***Site Description:*** The two (2) properties total  $\pm$  1.56 acres and are vacant.

#### **C. VICINITY DATA**

***Surrounding Conditions:*** The property is surrounded north and east, by MDR, Medium Density Residential District. Adjacent parcels to the south include MDR, Medium Density Residential District, and HI, Heavy Industrial District. One large adjacent parcel to the west is zoned HI, Heavy Industrial District.

#### **D. EXHIBITS**

1. Rezoning Application/Site Plan and Elevation Pictures
2. Vicinity Map
3. Zoning Map
4. Future Land Use Map
5. Tax Inquiry Sheet
6. UDO – Section: 2.3 – Districts
7. UDO- Section 5.5.9 – Restaurant
8. UDO- Section: 7.1.5B- Buffer Yard Types
9. UDO- Section: 7.1.3- Street Tree and Building Perimeter Plantings/7.1.4- Parking Lot Area Landscaping
10. Table of Uses



Date of 1<sup>st</sup> Reading: 7-17-17  
\_\_ Approved \_\_ Denied \_\_ No Action

Date of 2<sup>nd</sup> Reading: 8-14-17  
\_\_ Approved \_\_ Denied \_\_ No Action

Date of 3<sup>rd</sup> Reading: 8-28-17  
\_\_ Approved \_\_ Denied \_\_ No Action

## II. FINDINGS

### Code Considerations:

#### 2.3 DISTRICTS:

##### 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.

##### General Business District (GB)

The General Business District is generally located on thoroughfares and provides opportunities for the provision of offices, services, and retail goods in proximity to generally auto-dependent, community neighborhoods. The regulations for this district are intended to accommodate the predominately auto-oriented pattern of existing development while encouraging the transition to pedestrian-friendly, mixed-use areas that avoid strip commercial development.

## UNIFIED DEVELOPMENT ORDINANCE | Adopted 11.28.2016

## III. CONCLUSIONS

The Future Land Use Map identifies this property as Urban based on the *Lancaster County Comprehensive Plan 2014-2024*. Urban according to the *Lancaster County Comprehensive Plan 2014-2024* is identified as a “walkable neighborhood with additional intensity”. Considering the property is within the higher density urban area, a proposed restaurant could fit in this area. There is a need for more restaurants and business in the Kershaw area due to the increase in employment by Haile Gold Mine Inc. The property is also fronting a major road which could handle more general commercial uses within the urban center noted on the Future Land Use Map (Exhibit 4). By definition this property could qualify as a walkable accessible area in an urban walkable neighborhood setting. The property if rezoned could serve not only people entering and exiting the Town of Kershaw, but also serve the neighbors located behind the properties. If the rezoning is successful the applicant will be required to submit a site plan to the TRC (Technical Review Committee). The proposed site plan will be required to provide a Type C buffer yard around all residentially zoned adjacent properties (Exhibit 7 & 8). In addition to the Type C buffer the applicant will also be required to provide landscaping on the interior and exterior of the parking area (Exhibit 9).

## IV. RECOMMENDATION:

It is therefore the recommendation of the planning staff that the rezoning request for the two properties located at the corner Second Street and the corner of Third Street, and Kershaw Camden Highway be approved.

Date of 1<sup>st</sup> Reading: 7-17-17  
☐ Approved ☐ Denied ☐ No Action

Date of 2<sup>nd</sup> Reading: 8-14-17  
☐ Approved ☐ Denied ☐ No Action

Date of 3<sup>rd</sup> Reading: 8-28-17  
☐ Approved ☐ Denied ☐ No Action

## V. Recommendation from Planning Commission Meeting:

At the Lancaster County Planning Commission meeting on Tuesday, June 20, 2017 the Commission voted to **approve** the rezoning application of Ms. Cara McCoy by a vote of (7-0). At the above referenced meeting the applicant presented the overall plan for this property and emphasized the economic potential for this development. Staff reached out to the Town of Kershaw to see if the rezoning would be favorable since the property is in close proximity to the Town of Kershaw municipal boundaries. Unfortunately staff did not receive any input from the Town of Kershaw on this rezoning request. The applicant did express that they had spoken to the Town of Kershaw and had been working with the Town on this project. The applicant stated Town of Kershaw was favorable with the rezoning.

[illegible]

PROFESSIONAL IN CHARGE  
PROJECT MANAGER  
QUALITY CONTROL  
DRAWING ST  
PROJECT NUMBER  
1967  
SHEET TITLE  
PRELIMINARY  
SITE PLAN  
SHEET NUMBER  
SITE

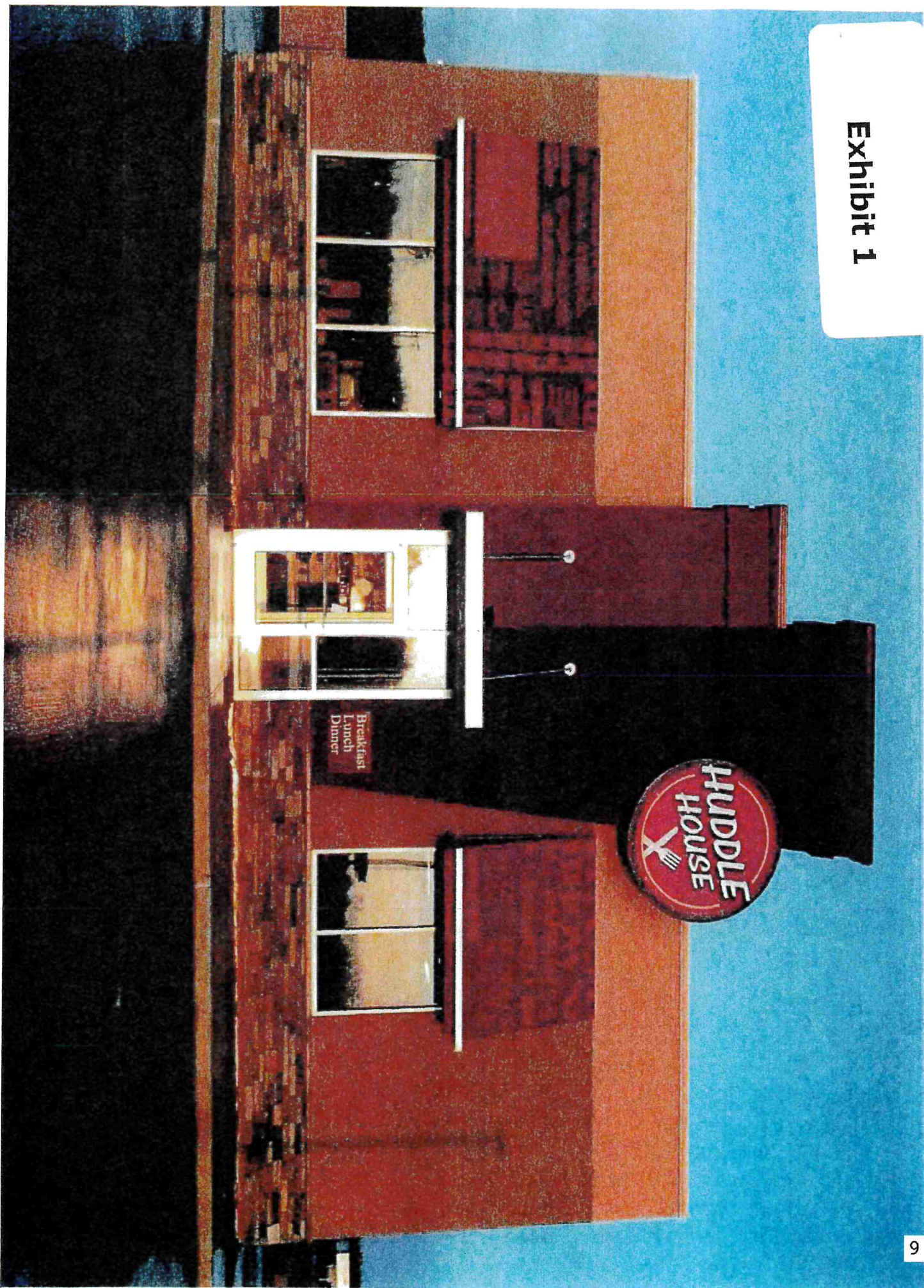
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**Huddle House**  
**KERSHAW**  
**SOUTH CAROLINA**





Exhibit 1

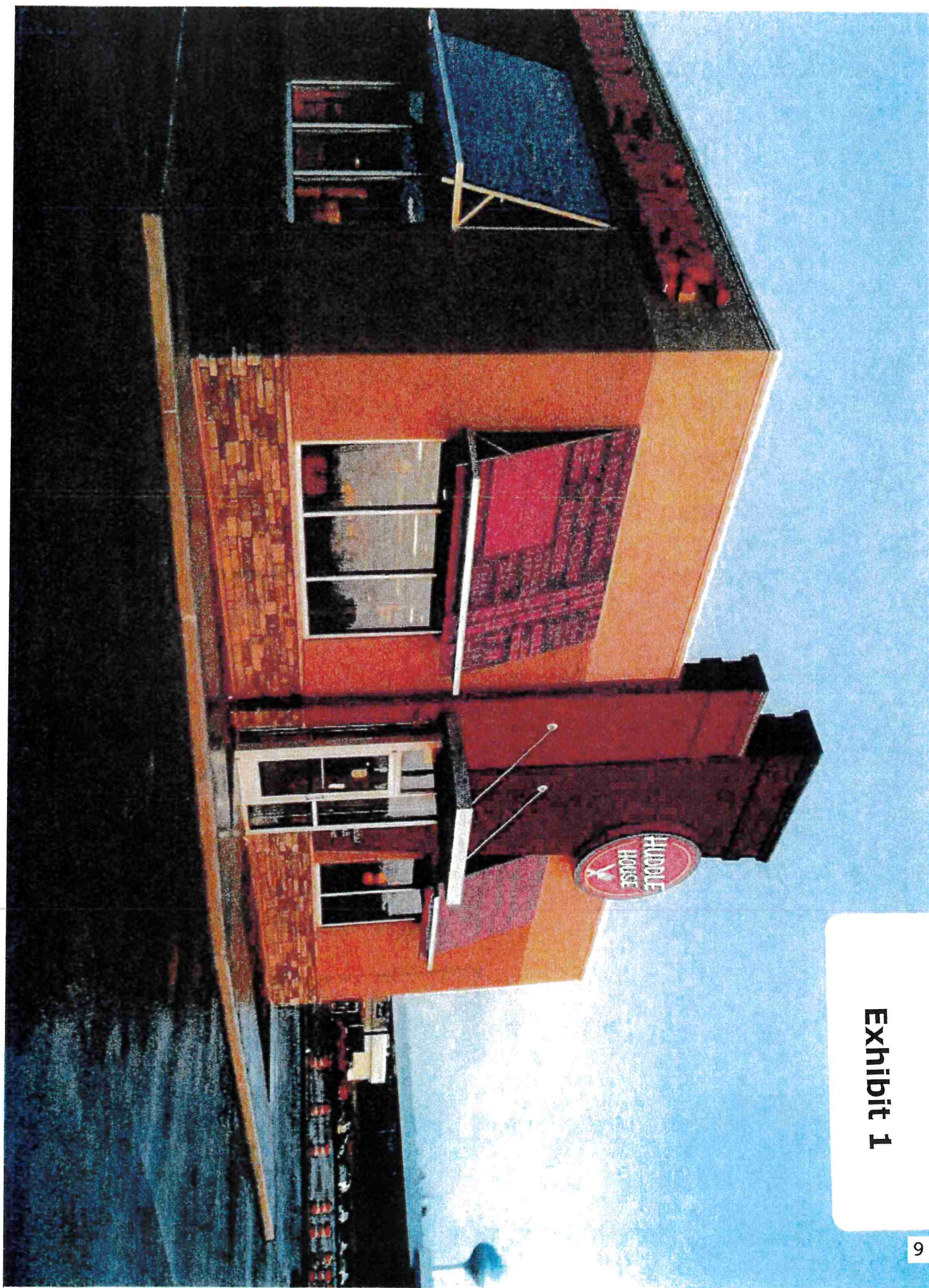






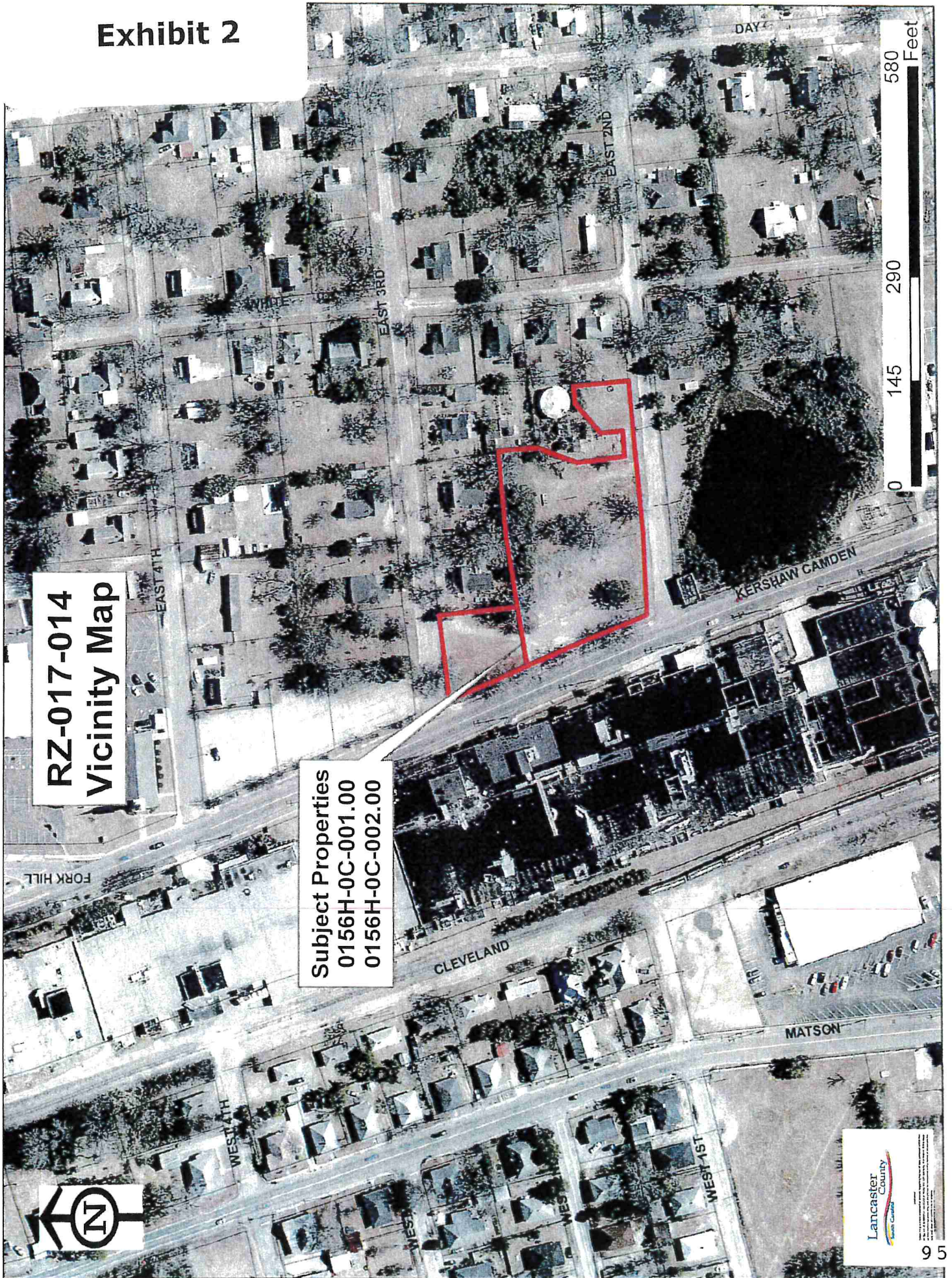


## Exhibit 1



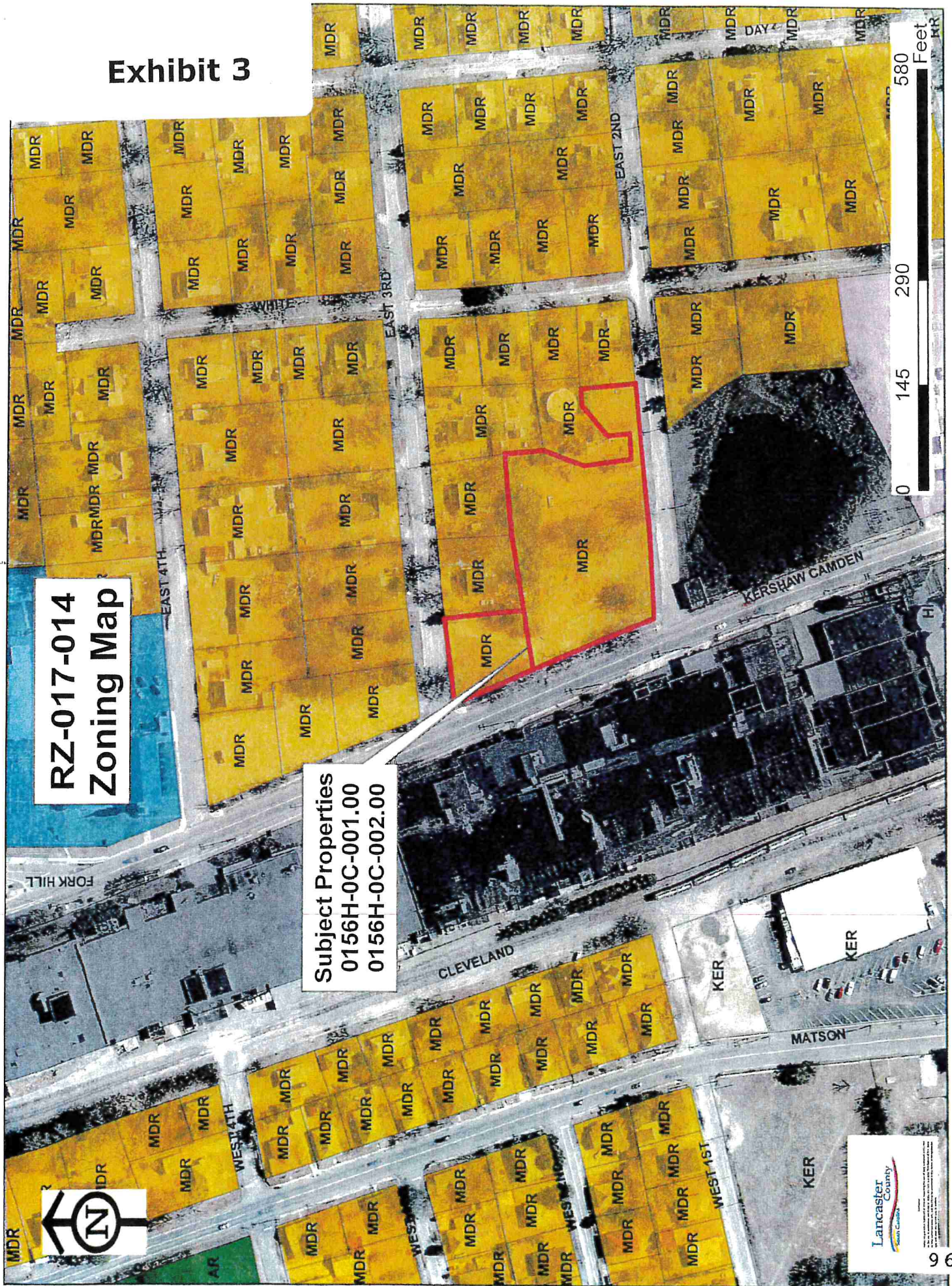


## Exhibit 2





# Exhibit 3





# Exhibit 4

RZ-017-014

## Future Land Use Map

Subject Properties

0156H-0C-001.00

0156H-0C-002.00



0 145 290 580 Feet



**5.5.6 OUTSIDE SALES, SIDEWALK SALES [RUB, NB, GB, RB, INS, MX, IMX]**

- A. **Applicability:** These standards are intended to regulate outside sales which are conducted on an everyday or seasonal basis on public pedestrian walkways. Outside sales which are not located on public sidewalks or walkways are regulated by Section 3.5.6.
- B. **Standards**
1. Merchandise for sale may be placed on the public sidewalk in front of the shop where the building is directly adjacent to the sidewalk provided that adequate pedestrian clearance on the sidewalk is maintained (minimum of 5 feet). Such displays shall be removed from the sidewalk when the business is not open.
  2. Sidewalk sale shall not take up an area greater than 25 percent of the total building area of the primary use within the associated permanent structure.
  3. Display of merchandise for outside sales shall not exceed a maximum of 12 feet from the front face of the building.

**5.5.7 PAWNSHOPS [RUB, GB, RB]**

All new pawnshops shall be located no closer than 400 feet to any existing pawnshop.

**5.5.8 RACETRACK [HI]**

Motorized race and testing tracks are declared by this ordinance to be incompatible with residential development. Additionally, such uses have the potential of negatively impacting many nonresidential uses. As a result, all such uses shall meet the following requirements:

- A. No such use shall be located within one mile of all Residential uses, all Civic uses, and all Educational/Institutional uses as per the Use Table in Section 2.5.3.
- B. A Type C buffer yard shall be provided along all property lines which are adjacent to the racing/testing track and/or parking areas.
- C. The site shall have direct access to either a collector or arterial street.

**5.5.9 RESTAURANT [RUB, NB, GB, RB, INS, MX, IMX]**

- A. **Kitchen Exhaust:** Kitchen exhaust fans shall be located no closer than 100 feet to any existing Single Family or Two Family (duplex) dwelling.
- B. **Buffering:** All restaurants shall be screened from existing Single Family or Two Family (duplex) dwellings by a Type C buffer yard as set forth in Section 7.1.5.

**5.5.10 SEXUALLY ORIENTED BUSINESS/ADULT ESTABLISHMENT [HI]**

- A. **Purpose**
1. The Lancaster County Council finds that it is necessary to set forth the appropriate special requirements by which Sexually Oriented Business/Adult Entertainment may be established within the County's zoning jurisdiction.
  2. Sexually Oriented Businesses/Adult Entertainment, because of their very nature, are recognized as having serious objectionable operational characteristics, particularly when they are located near residential areas or educational, religious, or recreational uses.
  3. Studies have shown that lower property values and increased crime rates tend to accompany and are brought about by the concentration of adult establishments.
  4. The County Council finds that the regulation of these uses is necessary to ensure that these adverse effects do not contribute to the blighting of surrounding neighborhoods and to protect the quality of life in Lancaster County.

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 8

- 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.



## Agenda Item Summary

Ordinance # 2017-1455

Contact Person: Jeff Catoe, Lancaster County Public Works Director, Scot Edgar, Lancaster County Engineer and John Gast, Contractual Engineer for Lancaster County

Date Requested to be on Agenda: On July 17, 2017 County Council Agenda

### **Issue for Consideration:**

This is an application from the Lancaster County to add regulations to the Unified Development Ordinance in Chapter 8, Natural Resources Protection, Section 8.11 Stormwater Management Utility Established, Administration, Powers, and Duties. The addition of language in the UDO is because of a federal and state mandate to begin a stormwater utility in Lancaster County.

### **Points to Consider:**

The addition of the regulations in our code will provide stormwater management utility regulations and provide specifics on the powers and duties of the stormwater management utility within the delegated MS-4. The boundaries and jurisdiction of the storm water management utility will extend from SC Highway 5 North bounded by the Lancaster and York County line to the West and the South Carolina and North Carolina state line to the East to their point of intersection. There are also criteria for the collection of fees, use of revenue, requests for consideration and appeals in this section.

**Funding and Liability Factors:** The County engineer will be responsible of the stormwater regulations. The federal government has designated parts of Lancaster County as an MS-4 area.

**Council Options:** To approve the text amendment.

**Recommendation:** At the Lancaster County Planning Commission meeting on June 20, 2017, the Planning Commission recommended to approve by a vote of 7-0.

6-20-17  
(7-0)

## **PLANNING STAFF REPORT**

---

### **I. Facts**

#### **A. General Information**

The application of Lancaster County to add regulations to the Unified Development Ordinance in Chapter 8, Natural Resources Protection, Section 8.11 Stormwater Management Utility Established, Administration, Powers and Duties. The addition of language in the UDO is because of a federal and state mandate to begin a stormwater utility in Lancaster County.

#### **Section 8.11**

#### **Proposed Text:**

See Exhibit 1

### **II. Findings**

The addition of the regulations in our code will provide stormwater management utility regulations and provide specifics on the powers and duties of the stormwater management utility within the delegated MS-4. The boundaries and jurisdiction of the storm water management utility will extend from SC Highway 5 North bounded by the Lancaster and York County line to the West and the South Carolina and North Carolina state line to the East to their point of intersection. There are also criteria for the collection of fees, use of revenue, requests for consideration and appeals in this section.

### **III. Recommendation of the Planning Department**

It is the recommendation of the planning staff that the text amendment to add regulations in Chapter 8, Natural Resources Protection, Section 8.11 Stormwater Management Utility Established, Administration, Power and Duties be **approved**.



**Planning Department**

P.O. Box 1809, 101 N. Main Street, Lancaster, SC 29721

Phone: 803.285.6005, [planning@lanastercountysc.net](mailto:planning@lanastercountysc.net)

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

**TEXT AMENDMENT APPLICATION**

**SUBMITTAL REQUIREMENTS**

- Completed Application
- Signatures of Applicant
- Fees associated with Application

**GENERAL INFORMATION**

UDO Section(s) Proposed to be Amended Chapter 8 - Sec. 8.11 Stormwater Management  
Current Text N/A Utility Established, Administration, Powers & Duties - Reserved

Proposed Text See Attached.

Description of Need for Proposed Text Federal and State mandate to begin a Stormwater utility.

☒ Additional pages attached for more information

**CONTACT INFORMATION**

Applicant Name Steve Wallis

Address PO Box 1809

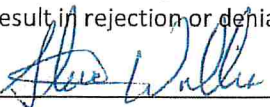
City Lancaster State SC Zip 29721 Phone 48-9300

Fax \_\_\_\_\_ Email SWALLIS@LANCASTERCOUNTYSC.NET



### 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.

  
Applicant

5-16-17  
Date

\_\_\_\_\_  
Property Owner(s)

\_\_\_\_\_  
Date

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

### LANCASTER COUNTY OFFICE USE ONLY

Application Number UD0-TA-017-005 Date Received 5-17-17 Receipt Number —

Amount Paid n/a Check Number — Cash Amount —

Received By GDB Planning Commission Meeting Date 6-20-17

### 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.

# Exhibit 1

## 8.11 – Stormwater management utility.

### 8.11.1 - Council findings.

The county council has made the following findings:

- (A) The management and regulation of storm water runoff and sediment is necessary to reduce pollution, siltation, sedimentation, local flooding and stream channel erosion, all of which impact adversely on land and water resources and the health, safety, property and welfare of the residents of the county;
- (B) There are a system of system of storm water management facilities, including, but not limited to, inlets, conduits, manholes, outlets, ponds, and certain drainage easements within the County's designated MS-4;
- (C) The stormwater management facilities and components of the within the MS-4 need to be regularly maintained, rehabilitated, upgraded or improved, and additional storm water management facilities and measures need to be installed throughout the county;
- (D) The county needs to upgrade its capability to maintain existing and future storm water management facilities and measures;
- (E) All parcels of real property in the county, particularly those with improvements, both use or benefit from the storm water management system and program, and the improvement of existing facilities and construction of additional facilities in the system, will directly or indirectly benefit the owners of all real estate;
- (F) Continued growth in the county will contribute to the need for improvements in and maintenance and regulation of the storm water management system;
- (G) The county can best manage and regulate the control of storm water by a policy which regulates the use of real property, both private and public, and which takes reasoned, measured steps to involve the county in additional methods of participation and regulation;
- (H) Owners of real property should finance the storm water management system to the extent they and the persons they permit to utilize their property contribute to the need for the system, and fees or other charges therefore should bear a substantial relationship to the cost of the service; and
- (I) It is in the best interests of the citizens of this county and, most specifically, the owners of real property, that a storm water management utility and storm water management utility fee system be established by ordinance and implemented as part of the county's utility special revenue fund, by whatever name designated.

### 8.11.2 – Storm water management utility established; administration; powers and duties.

The county council hereby establishes a storm water management utility within the delegated MS-4 to carry out the purposes, functions and responsibilities set forth in this article. The governing body of the storm water management utility shall be the county council. The administrator shall administer the storm water management utility through the public works department or such other departments and divisions as the county administrator shall designate. The storm water management utility shall have the following powers and duties, which powers and duties are not necessarily exclusive to the storm water management utility:

- (A) Storm water management planning and preparation of comprehensive watershed master plans for storm water management.
- (B) Regular inspections and maintenance of public storm water management facilities and measures for the construction thereof, as well as regular inspections of private storm water management facilities.

- (C) Maintenance and improvements of storm water management facilities that have been accepted by the county for purposes of storm water management.
- (D) Plan review and inspection of sediment control and storm water management plans, measures and practices.
- (E) Retrofitting designated watersheds to reduce existing flooding problems or to improve water quality.
- (F) Acquisition of interests in land, including easements.
- (G) Design and construction of storm water management facilities and measures and acquisition of equipment.
- (H) Water quantity and water quality management, including monitoring surveillance.
- (I) Any and all powers and duties delegated or granted to it as a local government implementing agency under the laws and regulations of the state and the ordinances of the county.

#### 8.11.3 - Boundaries and jurisdiction.

The boundaries and jurisdiction of the storm water management utility shall extend from SC Highway 5 North bounded by the Lancaster and York county line to the West and the South Carolina and North Carolina state line to the East to their point of intersection.

##### 8.11.3.1 - Amount and classifications of fees.

###### (A) Criteria for establishing fees.

The county council hereby establishes the amount and classifications of fees to be implemented to help fund the storm water management utility and its programs and projects. In establishing such fees, the county council has considered, among other things, the following criteria:

- (1) The fee system must be reasonable and equitable so that users pay to the extent they contribute to the need for the storm water management utility, and so that fees or other charges bear a substantial relationship to the cost of service. The county council recognizes that these benefits, while substantial, in many cases cannot be measured directly.
- (2) The components of the calculations used to establish fees must include, but may not be limited to, the following cost factors, which may be associated with the resolution of storm water problems which the storm water management utility shall seek to alleviate:
  - (a) Storm water management planning and preparation of comprehensive watershed master plans for storm water management;
  - (b) Regular inspection and maintenance of public storm water management facilities and measures for the construction thereof, as well as regular inspections of private storm water management facilities;
  - (c) Maintenance and improvement of storm water management facilities that have been accepted by the county for purposes of storm water management;
  - (d) Plan review and inspection of sediment control and storm water management plans, measures and practices;
  - (e) Retrofitting designed watersheds to reduce existing flooding problems or to improve water quality;
  - (f) Acquisition of interests in land, including easements;
  - (g) Design and construction of storm water management facilities and measures and acquisition of equipment;
  - (h) Administration and enforcement;



- (i) Water quantity and water quality management, including monitoring surveillance; and
- (j) Debt service and financing costs.
- (3) The components of the calculations used to establish fees must be based on an equivalent residential unit (ERU), determined and approved by the county council, with reasonable general adjustments being made for, but not limited to, the following factors:
  - (a) Commercial, service and industrial land uses other than single-family residential;
  - (b) Open and/or forested land;
  - (c) The amount of site that is impervious; and
  - (d) Other generally accepted factors relevant to such calculations based upon the provisions of this article.
- (4) The practical difficulties and limitations related to establishing, calculating and administering such fees should be addressed with due regard for fairness, efficiency, ease of comprehension, and ease of administration.
- (B) Fee structure. Storm water management utility fees shall be fixed from time to time in the budget ordinance as approved by county council and are set forth in the fee schedule in the MSSD of the UDO. Fee categories are as follows:
  - (1) Developed residential property
  - (2) Developed commercial/industrial property.

#### 8.11.4 - Determination of amount of impervious area.

The administrator or designee will determine the amount of impervious area on each developed commercial/industrial property. A determination will be made using information derived from digital and other photographic data, as maintained by the administrator or designee, commonly designated as Geographic Information System (GIS) Data, and such additional information, if available, as may reliably supplement such data. Upon written request, an owner, or lawful occupant obligated to the owner for payment of the fee, shall be provided a written determination of the amount of impervious area for which a fee has been established.

- (A) Collection of fees.
  - (1) Taxable property. The administrator or his designee shall prepare and forward all information necessary to the county tax collector or his designee for the purpose of an annual billing of the storm water management utility fee. Notice of the fee shall be included on the property owner's notice of ad valorem real property taxes, and the fee shall be due and payable simultaneously with the taxes. By resolution, the county council may authorize the county administrator to implement other reliable means of billing.
  - (2) Nontaxable property. The county council recognizes that nontaxable as well as taxable properties generate storm water runoff and benefit from the storm water management system and that the principle of fairness dictates that such properties be charged. The administrator or his designee shall make arrangements for billing for nontaxable property in the same manner as taxable property. By resolution, the county council may authorize the county administrator to implement other reliable means of billing.
  - (3) Date of imposition of fee for developed properties. Developed properties shall become subject to the imposition of the storm water management utility fee at the billing cycle following final approval of site development by the county.
- (B) Use of revenue; investment of funds; borrowing. Funds generated for the storm water management utility from fees, bond issues, other borrowing and other sources shall be utilized only for those purposes for which the storm water management utility has been established, including, but not limited to, regulation, planning, acquisition of interests in land, including easements, design and construction of facilities, maintenance of the storm water management

# Exhibit 1

system, billing and administration, and water quantity and water quality management, including monitoring, surveillance, private maintenance inspection, construction inspection and other activities which are reasonably required. Such funds shall be invested and reinvested pursuant to the same procedures and practices established by the county for investment and reinvestment of funds. The county council may use any form of borrowing authorized by law to fund capital acquisitions or expenditures for the storm water management utility. The county council, in its discretion and pursuant to standard budgetary procedures, may supplement such funds with amounts from the general fund.

(C) Requests for reconsideration; appeals.

(1) Request for reconsideration.

- (a) A property owner of record, or a lawful occupant obligated to the owner for payment of the fee, may request a reconsideration of any determination or interpretation by the administrator or designee in the operation of the storm water management utility. Such request must be in writing and filed with the administrator or designee, or such other person as the county administrator may designate, within 30 days of receipt of notification of the determination or interpretation.
- (b) The county shall review the application and make a decision on the request within 30 days of receipt of the request.
- (c) The request shall be made upon such forms and be accompanied by such information as the county, by written policy, shall require.

(2) Appeals.

- (a) Persons who are authorized to make a request and who are aggrieved by a decision of the county under subsection 8.15.4(C)(1) shall have the right to appeal to the county administrator, or such person, committee or board as he may establish for such purpose.
  - (b) The appeal shall be in writing and shall set forth, in detail, the grounds upon which relief is sought. The person designated to review such appeal shall provide a hearing on the appeal within 30 days of filing and render a decision within 60 days of filing.
  - (c) The person designated to review such appeal shall have full authority to affirm, modify or reverse a decision being reviewed upon determining whether the decision was made in compliance with the standards, policies and criteria of this division.
- (3) Payment of fee required. No provision of this division allowing for a request for reconsideration or for an administrative appeal shall be deemed to suspend the due date of the fee with payment in full. Any adjustment in the fee for the person pursuing a request for reconsideration or appeal shall be made by refund of the amount due.

STATE OF SOUTH CAROLINA

ORDINANCE NO.: 2017-1455

COUNTY OF LANCASTER

AN ORDINANCE

**TO ESTABLISH THE LANCASTER COUNTY STORMWATER MANAGEMENT UTILITY, TO AMEND LANCASTER COUNTY'S UNIFORM DEVELOPMENT ORDINANCE (UDO) SO AS TO ADD THERETO THE TERMS, CONDITIONS AND PROVISIONS OF THE LANCASTER COUNTY STORMWATER MANAGEMENT UTILITY, INCLUDING A DETERMINATION OF THE GEOGRAPHIC BOUNDARIES SUBJECT TO THE UTILITY'S MANAGEMENT OVERSIGHT AND THE FEES ASSOCIATED THEREWITH.**

**WHEREAS**, on November 28, 2016, Council passed ordinance 2016-1422, legislation that approved a new Uniform Development Ordinance; and

**WHEREAS**, Lancaster County is required by federal law [33 U.S.C. 1342(p) and 40 CFR 122.26] to obtain coverage under a National Pollutant Discharge Elimination System (NPDES) permit from the South Carolina Department of Health and Environmental Control (DHEC) for stormwater discharges, all as detailed in Exhibit A (June 26, 2017 letter) attached hereto and incorporated herein by reference as fully as if repeated verbatim, and Exhibit B (Certificate No.: SCR035701 and accompanying documentation) attached hereto and incorporated herein by reference as fully as if repeated verbatim; and

**WHEREAS**, the NPDES permit requires the County to impose controls to reduce the discharge of pollutants in stormwater to the maximum extent practicable using management practices, control techniques and system design and engineering methods, and such other provisions that are determined to be appropriate for the control of such pollutants; and

**WHEREAS**, it is the purpose of this ordinance to protect, maintain and enhance the environment of Lancaster County and the short-term and long-term public health, safety and general welfare of its citizens by establishing requirements and procedures to control the potential adverse effects of increased stormwater runoff associated with both future development, including redevelopment, and existing developed land. Further, it is the purpose of this ordinance to direct the development and implementation of the Stormwater Management Program and to establish legal authority to authorize Lancaster County at a minimum to take all necessary action to obtain and comply with federal and state requirements.



**NOW, THEREFORE,** it is ordained and enacted that:

**Section 1. Title.**

This ordinance shall be known as the “Stormwater Management Ordinance of Lancaster County, South Carolina.”

**Section 2. Authority.**

This ordinance is adopted pursuant to 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 and in compliance with the requirements imposed upon the County by the National Pollutant Discharge Elimination System (NPDES) permit No. SCR030000 issued in accordance with the federal Clean Water Act, the South Carolina Pollution Control Act and regulations promulgated thereunder.

**Section 3. Ordinance Amendment.**

The terms, conditions and provisions of the of this ordinance shall be included within existing Lancaster County Ordinance No.: 2016-1422, otherwise known as the Uniform Development Ordinance (UDO), and to that extent Section 8.11, et seq. of the UDO ordinance is amended so as to add thereto the following:

8.15 – Stormwater management utility.

8.15.1 - Council findings.

The county council has made the following findings:

- (A) The management and regulation of stormwater runoff and sediment is necessary to reduce pollution, siltation, sedimentation, local flooding and stream channel erosion, all of which impact adversely land and water resources and the health, safety, property and welfare of the residents of the county;
- (B) There is a system of system of stormwater management facilities, including, but not limited to, inlets, conduits, manholes, outlets, ponds, and certain drainage easements within the County’s designated MS-4;
- (C) The stormwater management facilities and components within the MS-4 need to be regularly maintained, rehabilitated, upgraded and improved, and additional stormwater management facilities and measures will need to be installed throughout the county;
- (D) The county needs to upgrade its capability in order to maintain existing and future stormwater management facilities and measures;
- (E) All parcels of real property in the county, particularly those with improvements, both use or benefit from the stormwater management system and program. The improvement

of existing facilities and construction of additional facilities in the system will directly or indirectly benefit the owners of all real property;

- (F) Continued growth in the county will contribute to the need for improvements in and maintenance and regulation of the stormwater management system;
- (G) The county can best manage and regulate the control of stormwater by a policy that regulates the use of real property, both private and public, and which takes reasoned, measured steps to involve the county in additional methods of participation and regulation;
- (H) Owners of real property should finance the stormwater management system to the extent they, and the persons they permit to utilize their property, contribute to the need for the system. Therefore, fees or other charges should bear a substantial relationship to the cost of the service;
- (I) It is in the best interests of the citizens of this county and, most specifically, the owners of real property, that a stormwater management utility and stormwater management utility fee system be established by ordinance and implemented as part of the county's utility special revenue fund, by whatever name designated.

#### 8.15.2 – Stormwater management utility established; administration; powers and duties.

The county council hereby establishes a stormwater management utility within the designated MS-4 to carry out the purposes, functions and responsibilities set forth in this article. The governing body of the stormwater management utility shall be the county council. The administrator shall administer the stormwater management utility through the public works department or such other departments and divisions as the county administrator shall designate. The stormwater management utility shall have the following powers and duties, which powers and duties are not necessarily exclusive to the stormwater management utility:

- (A) Stormwater management planning to include preparation of comprehensive watershed master plans for stormwater management.
- (B) Regular inspections and maintenance of public stormwater management facilities and measures for the construction thereof, as well as regular inspections of private stormwater management facilities.
- (C) Maintenance and improvements of stormwater management facilities that have been accepted by the county for purposes of stormwater management.
- (D) Plan review and inspection of sediment control and stormwater management plans, measures and practices.
- (E) Retrofitting designated watersheds to reduce existing flooding conditions or to improve water quality.
- (F) Acquisition of interests in land, including easements.
- (G) Design and construction of stormwater management facilities and measures and acquisition of equipment.
- (H) Water quantity and water quality management, including monitoring surveillance.

- (I) Any and all powers and duties delegated or granted to it as a local government implementing agency under the laws and regulations of the state and the ordinances of the county.

#### 8.15.3 - Boundaries and jurisdiction.

All real properties located in Lancaster County north of the following boundary: from a point at the western boundary with York County along Highway 5 until its intersection with Highway 521, then proceeding in a northeastern direction along North Church Road until its intersection with the Union County, NC state line, then further northward along the North Carolina state line.

#### 8.15.3.1 - Amount and classifications of fees.

##### (A) Criteria for establishing fees.

The county council hereby establishes the amount and classifications of fees to be implemented to help fund the storm water management utility and its programs and projects. In establishing such fees, the county council has considered, among other things, the following criteria:

- (1) The fee system must be reasonable and equitable so that users pay to the extent they contribute to the need for the storm water management utility, and so that fees or other charges bear a substantial relationship to the cost of service. The county council recognizes that these benefits, while substantial, in many cases cannot be measured directly.
- (2) The components of the calculations used to establish fees must include, but may not be limited to, the following cost factors, which may be associated with the resolution of storm water problems which the stormwater management utility shall seek to alleviate:
  - (a) Storm water management planning and preparation of comprehensive watershed master plans for storm water management;
  - (b) Regular inspection and maintenance of public stormwater management facilities and measures for the construction thereof, as well as regular inspections of private stormwater management facilities;
  - (c) Maintenance and improvement of stormwater management facilities that have been accepted by the county for purposes of storm water management;
  - (d) Plan review and inspection of sediment control and stormwater management plans, measures and practices;
  - (e) Retrofitting designed watersheds to reduce existing flooding problems or to improve water quality;
  - (f) Acquisition of interests in land, including easements;
  - (g) Design and construction of stormwater management facilities and measures and acquisition of equipment;
  - (h) Administration and enforcement;



- (i) Water quantity and water quality management, including monitoring surveillance; and
  - (j) Debt service and financing costs.
- (3) The components of the calculations used to establish fees must be based on an equivalent residential unit (ERU), determined and approved by the county council, with reasonable general adjustments being made for, but not limited to, the following factors:
- (a) Commercial, service and industrial land uses other than single-family residential;
  - (b) Open and/or forested land;
  - (c) The amount of site that is impervious; and
  - (d) Other generally accepted factors relevant to such calculations based upon the provisions of this article.
- (4) The practical difficulties and limitations related to establishing, calculating and administering such fees should be addressed with due regard for fairness, efficiency, ease of comprehension, and ease of administration.
- (B) Fee structure. Stormwater management utility fees shall be fixed from time in the budget ordinance as approved by county council and are set forth in the fee schedule in the MSSD of the UDO. Fee categories are as follows:
- (1) Developed residential property
  - (2) Developed commercial/industrial property.

#### 8.15.4 - Determination of amount of impervious area.

The administrator or designee will determine the amount of impervious area on each developed commercial/industrial property. A determination will be made using information derived from digital and other photographic data, as maintained by the administrator or designee, commonly designated as Geographic Information System (GIS) Data, and such additional information, if available, as may reliably supplement such data. Upon written request, an owner, or lawful occupant obligated to the owner for payment of the fee, shall be provided a written determination of the amount of impervious area for which a fee has been established.

#### (A) Collection of fees.

- (1) Taxable property. The administrator or his designee shall prepare and forward all information necessary to the county tax collector or his designee for the purpose of an annual billing of the stormwater management utility fee. Notice of the fee shall be included on the property owner's notice of ad valorem real property taxes, and the fee shall be due and payable simultaneously with the taxes. By Resolution, the county council may authorize the county administrator to implement other reliable means of billing.
- (2) Nontaxable property. The county council recognizes that nontaxable as well as taxable properties generate stormwater runoff and benefit from the stormwater management system and that the principle of fairness dictates that such properties

be charged. The administrator or his designee shall make arrangements for billing for nontaxable property in the same manner as taxable property. By Resolution, the county council may authorize the county administrator to implement other reliable means of billing.

- (3) Date of imposition of fee for developed properties. Developed properties shall become subject to the imposition of the stormwater management utility fee at the billing cycle following final approval of site development by the county.
- (B) Use of revenue; investment of funds; borrowing. Funds generated for the stormwater management utility from fees, bond issues, other borrowing and other sources shall be utilized only for those purposes for which the storm water management utility has been established, including, but not limited to, regulation, planning, acquisition of interests in land, including easements, design and construction of facilities, maintenance of the stormwater management system, billing and administration, and water quantity and water quality management, including monitoring, surveillance, private maintenance inspection, construction inspection and other activities which are reasonably required. Such funds shall be invested and reinvested pursuant to the same procedures and practices established by the county for investment and reinvestment of funds. The county council may use any form of borrowing authorized by law to fund capital acquisitions or expenditures for the storm water management utility. The county council, in its discretion and pursuant to standard budgetary procedures, may supplement such funds with amounts from the general fund.
- (C) Requests for reconsideration; appeals.
- (1) Request for reconsideration.
    - (a) A property owner of record, or a lawful occupant obligated to the owner for payment of the fee, may request a reconsideration of any determination or interpretation by the administrator or designee in the operation of the storm water management utility. Such request must be in writing and filed with the administrator or designee, or such other person as the county administrator may designate, within 30 days of receipt of notification of the determination or interpretation.
    - (b) The county shall review the application and make a decision on the request within 30 days of receipt of the request.
    - (c) The request shall be made upon such forms and be accompanied by such information as the county, by written policy, shall require.
  - (2) Appeals.
    - (a) Persons who are authorized to make a request and who are aggrieved by a decision of the county under subsection 8.15.4(C)(1) shall have the right to appeal to the county administrator, or such person, committee or board as he may establish for such purpose.
    - (b) The appeal shall be in writing and shall set forth, in detail, the grounds upon which relief is sought. The person designated to review such appeal shall

provide a hearing on the appeal within 30 days of filing and render a decision within 60 days of filing.

- (c) The person designated to review such appeal shall have full authority to affirm, modify or reverse a decision being reviewed upon determining whether the decision was made in compliance with the standards, policies and criteria of this division.
- (3) Payment of fee required. No provision of this division allowing for a request for reconsideration or for an administrative appeal shall be deemed to suspend the due date of the fee with payment in full. Any adjustment in the fee for the person pursuing a request for reconsideration or appeal shall be made by refund of the amount due.

#### **Section 4. Geographic Area of Impact; Fee**

This ordinance and the requirements of the Stormwater Management Utility shall be applicable to the following parcels:

All real properties located in Lancaster County north of the following boundary: from a point at the western boundary with York County along Highway 5 until its intersection with Highway 521, then proceeding in a northeastern direction along North Church Road until its intersection with the Union County, NC state line, then further northward along the North Carolina state line.

The fee applicable to this ordinance regarding the Stormwater Management Utility is established and shall be set in accordance with the proposed annual revenue and the proposed annual budget as set forth in both Exhibit C (revenue) and Exhibit D (budget), each being attached hereto and incorporated herein by reference as fully as if repeated verbatim. The County Council, having reviewed in detail the specifics of both Exhibit C and Exhibit D, has determined and so find that there is a rational nexus between the annual revenue and the annual budget; and, accordingly, adopt the following fees for 2017 as follows:

- A. Real property parcels having located thereon a residential structure - \$75.00 annually.
- B. Real property parcels having located thereon commercial structure(s) – see Lancaster County Tax Map Numbers noted on Exhibit C attached hereto.
- C. Real property considered as agricultural lands, forest lands or undeveloped lands – South Carolina Code Section 6-1-330(D) exempts such property from the imposition of a stormwater fee.

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

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



**Section 6. 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 supersedes all other provisions and this ordinance is controlling.

**Section 7. Effective Date.**

This ordinance is effective upon passage of 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:	July 17, 2017	
Second Reading:	August 14, 2017	(Tentative)
Third Reading:	August 28, 2017	(Tentative)
Public Hearing:	August 28, 2017	(Tentative)



June 26, 2017

LANCASTER COUNTY  
LANCASTER COUNTY  
PO BOX 1809  
LANCASTER, SC 29721-1809

RE: Reauthorization to Discharge  
LANCASTER COUNTY, 101 N MAIN ST, LANCASTER  
Coverage #: **SCR000421**

To Industrial Stormwater Program coordinator:

The Department has reissued the NPDES General Permit for "Stormwater Discharges Associated with Industrial Activity" (SCR000000) on September 1, 2016. Per 1.3 of the general permit, your site is authorized to discharge. Please note the Effective Date of the general permit is October 1, 2016 and that your coverage number has not changed.

A copy of the permit may be found at:

<http://www.scdhec.gov/Environment/docs/stormwater/2016%20FINAL%20IGP.pdf>

The Department may conduct periodic inspections of your facility to determine compliance with your stormwater pollution prevention plan (SWPPP) and the requirements of the general permit. Any violations found during these inspections may result in enforcement action. Therefore, it is incumbent upon you to make sure you are in compliance with the SWPPP and general permit at all times. Do not submit your site's SWPPP to the Department unless requested. Maintain your SWPPP on site at all times and ensure it is up to date.

If, in the future, your facility does not require this permit, you must submit a Notice of Termination (NOT) to cancel your coverage under this general permit. Please see 1.4 of the general permit for the NOT requirements. If the facility changes ownership and/or operator, then a Notice of Intent is required for the new owner/operator. The old owner/operator should submit an NOT. An annual fee is due for each fiscal year that you hold active coverage. The Department will send you an invoice for the fee each year until the NOT is submitted.

If you have any questions, please call or email either:

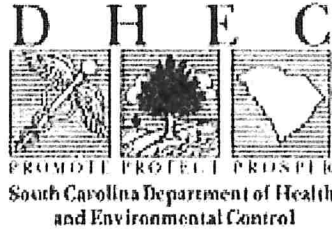
Mel Leaphart: [mel.leaphart@dhec.sc.gov](mailto:mel.leaphart@dhec.sc.gov) or (803) 898-4143 OR  
Shawn Clarke: [shawn.clarke@dhec.sc.gov](mailto:shawn.clarke@dhec.sc.gov) or (803) 898-3544

Sincerely,

A handwritten signature in blue ink that reads 'SM Clarke'.

Shawn Clarke, P.E., Manager  
Stormwater Permitting Section

EXHIBIT A



## ***National Pollutant Discharge Elimination System Permit for Discharge to Surface Waters***

**This Certificate of Coverage Certifies That**

***Lancaster County***

has been granted permission to discharge storm water to the Atlantic Ocean and to all receiving waters in the State of South Carolina from the municipal separate storm sewer system located in

***Lancaster County, South Carolina***

in accordance with effluent limitations, monitoring requirements and other conditions set forth in the State of South Carolina NPDES General Permit for Storm Water Discharges from Regulated Small Municipal Separate Storm Sewer Systems (MS4s), SCR030000. This coverage is granted in accordance with the provisions of the Pollution Control Act of South Carolina (S.C. Code Sections 48-1-10 *et seq.*, 1976), Regulation 61-9 and with the provisions of the Federal Clean Water Act (PL 92-500), as amended, 33 U.S.C. 1251 *et seq.*, the "Act."

---

**Ann R. Clark, Director  
Storm Water, Construction and Agricultural Permitting Division  
Bureau of Water**

**Issued: June 7, 2016**

**Expires: December 31, 2018**

**Effective: July 1, 2016**

**Certificate No.: SCR035701**

**EXHIBIT B-1**



## PERMIT IMPLEMENTATION SCHEDULE

DATE	SECTION	REQUIREMENTS
07/01/2016	1.4.4	Storm Water discharges from the regulated small MS4, the area north of SC Highway 5 inside the jurisdictional boundaries of Lancaster County, South Carolina authorized under Certificate of Coverage N°: SCR035701.
07/01/2017	2.2.2.4 4.1.5 4.2.1.1 4.2.3.2.2 4.2.3.2.3 4.2.6.5	List military bases, large hospitals, prison complexes, universities, sewer districts, highway departments and other entities that may operate a separate storm sewer system. Implement Enforcement Response Plan (ERP) Implement Public Education and Outreach on Storm Water Impacts MCM. Elaborate on fulfillment of requirements in 4.2.1.1.3, 4 & 5. Identify Priority Areas for IDDE MCM implementation Implement dry weather field screening and procedures for IDDE Begin employee training and education
09/01/2017	1.4.8 & 4.5.4 3.1.1.1 3.1.1.2 4.1.4.3.a 4.1.6 4.1.8 & 10 4.2.1.1.1 4.2.2 4.4.3 4.5.1 & 3.4 5.2.2 5.3 5.3.1 5.3.2 5.3.3 5.3.4	Report on annexations, or de-annexations, if any Determine new 303(d) impairments, if applicable Determine receiving water conditions and impacts Identify stormwater related departments and SWMP implementers. Ensure adequate resources to comply with SMS4 Permit Modify SWMP. SC R. 122.47(c)(1) Assess & refine Public Education & Outreach on Storm Water Impacts Implement Public Involvement and Participation MCM Document written acceptance of all shared MCM obligations. Perform SWMP Annual Review. SC R. 122.47(c)(1) Provide records, NOI and SWMP to the Public upon written request Prepare and submit first Annual Report Provide status of compliance with Part 4 Requirements Report monitoring results, Part 4.2.3.2.2 as needed Report Year 2 Planning Report proposed SWMP / BMP / MCM Changes SC R. 122.47(c)(1)
1/01/2018	4.1.9 4.2.4 4.2.4.1 4.2.4.4.1.a 4.2.5 4.2.5.4 4.2.5.5 4.2.5.6.1	BMP, measurable goals, persons responsible, and all permit requirements for the Construction Site Storm Water Runoff Control and for the Post-Construction Storm Water Management for New Development and Redevelopment MCM 4.2.4 & 4.2.5 (pp. 24-32 of SCR030000), including an ordinance, or regulatory mechanism, must be in full force and effect to provide reasonable assurance to SC DHEC for Lancaster County to develop, implement and enforce these MCM as part of the County's Storm Water Management Plan (SWMP). Provide for and assure compliance with SC Regulation 61-9 122.2, 122.26(b)(14)(x), 122.26(b)(15)(i)&(ii), 122.28, 122.34(b)(4) & (5), to SC Regulation 61-68 B.30 & 36, C.5, D, E.3 & 4 and G.3-10, and, to all applicable Construction Site Storm Water Runoff Control and Post-Construction Storm Water Management in New Development and Redevelopment requirements contained in regulations outlined under Standards for Stormwater Management and Sediment Reduction 72-300 et. seq, including Appendix B. SC R. 61-9 122.34(e) & (f), 122.43, 122.44(s) and 122.47(c), (d) & (e).

EXHIBIT B-2

DATE	SECTION	REQUIREMENTS
06/29/2018	2.5	Submit re-application NOI
	3.3.5	Implement elements of the TMDL Implementation Plan
	4.1.2.1	Identify sensitive waters in reapplication
07/01/2018	3.2.1.1.2	Review requirements for existing TMDL monitoring and assessment
	4.1.4.1	Ensure adequate legal authority to implement and enforce SWMP
	4.2.3.2.2	Update Priority Illicit Discharge Detection and Elimination areas list
	4.2.6.3.1	Begin comprehensive inspections of "High-Priority" facilities
09/01/2018	1.4.8 & 4.5.4	Report on annexations, or de-annexations, as appropriate
	3.1.1.1	Determine new 303(d) impairments, if applicable
	3.1.1.2	Determine receiving water conditions and impacts
	3.2.1.1.3	Submit new TMDL Monitoring and Assessment, if applicable
	4.1.6	Ensure adequate resources to comply with Small MS4 Permit
	4.2.1.1.11	Assess & refine Public Education & Outreach on Storm Water Impacts
	4.2.2	Continue Public Involvement and Participation MCM
	4.5.1	Perform SWMP annual review
	5.2.2	Provide records, NOI and SWMP to the Public upon written request
	5.3	Prepare and submit second Annual Report
	5.3.1	Provide status of compliance with Part 4 Requirements
	5.3.2	Report monitoring results, Part 4.2.3.2.2 as needed
	5.3.3	Report Year 3 Planning
	5.3.4	Report proposed SWMP / BMP / MCM Changes
12/31/2018	4.1.9	Verify that SWMP is fully implemented
	4.2.5.6.2	Verify inspection of All Post Construction BMPs
	4.2.6.1.1 &	List Pollutant Discharge Potential of all Municipally-owned or operated
	4.2.6.2.1	facilities.

EXHIBIT B-3



## Fact Sheet

Authorization for Discharges from the Portion of  
Lancaster County north of SC Highway 5 under the SC  
NPDES General Permit for Storm Water Discharges  
from Regulated Small MS4 SCR030000  
Public Notice 16-657-R

### **Introduction:**

This fact sheet has been prepared by the South Carolina Department of Health and Environmental Control (DHEC or the Department) to set forth the principal facts involved in authorizing discharges from the regulated Small Municipal Separate Storm Sewer System (SMS4) located in the Portion of Lancaster County north of SC Highway 5 under the SC NPDES General Permit for Storm Water Discharges from Regulated Small MS4s, SCR030000 as described in Public Notice 16-657-R.

This regulated small MS4 includes conveyances or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned or operated by Lancaster County. This entity has jurisdiction over the disposal of storm water under State and local law. The criterion for regulation as a small MS4 is based on the entity's inclusion in an Urbanized Area (UA) as defined by the U.S. Census.

NPDES General Permit SCR030000 authorizes discharges composed entirely of storm water as defined in Section 402(p) of the Clean Water Act, SC Water Pollution Control Permits Regulation 61-9 and the permit itself. The Department has made a preliminary determination that authorization of these storm water discharges under SCR030000 is necessary to important economical or social development and that it will allow for maintenance of existing water uses.

DHEC has been delegated authority by EPA to implement the NPDES program within the state of South Carolina, including on Indian Lands. DHEC issued the effective NPDES General Permit for Storm Water Discharges from Regulated Small MS4s, SCR030000, on November 1, 2013. This permit expires on December 31, 2018.

### **Background:**

In 1987, the US Congress amended the Federal Clean Water Act to require EPA to implement an NPDES Stormwater Permit Program for municipal discharges. EPA was directed to develop a phased regulatory program for municipal type discharges. The municipal program includes counties as well as towns and cities. Based on these amendments, EPA promulgated the Phase I Stormwater NPDES Regulations in 1990 to address municipal separate storm sewer systems (MS4s). The Phase I regulations categorized MS4s as follows:

- Large MS4 - entities with a population of 250,000 or more.
- Medium MS4 - entities with a population of 100,000 or more but less than 250,000.

EXHIBIT B-4



Phase I Federal Regulations required NPDES Permits for stormwater discharges from the Large and Medium MS4s. SC has one large MS4 (The South Carolina Department of Transportation) and three Medium MS4s: The City of Columbia, Greenville County, and Richland County. Each of these entities has been issued an individual NPDES Permit.

EPA promulgated Phase II Stormwater NPDES Regulations in 1999. This set of regulations established application and permit requirements for Small MS4s.

The Small MS4 term refers to all conveyances, or systems of conveyances, (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) designed or used for collecting or conveying storm water that are owned or operated by the United States, a State, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the States, but is not defined as "large" or "medium" municipal separate storm sewer system. This term includes systems similar to separate storm sewer systems in municipalities, such as systems at military bases, large hospital or prison complexes, and highways and other thoroughfares. The term does not include separate storm sewers in very discrete areas, such as individual buildings.

The regulations cited above have been promulgated into South Carolina Regulation 61-9 (Water Pollution Control Permits) under §122.26(a)(9) and §122.26(b)(16).

### **Permit Requirements:**

The proposed authorization requires Lancaster County to develop, implement, and enforce a Storm Water Management Program (SWMP). Small MS4 operators must include in their SWMP measures to effectively prohibit non-storm water discharges to their system; implement controls to reduce the discharge of pollutants to the maximum extent practicable (MEP) to protect water quality; and implement best management practices (BMP), control techniques, or system design and engineering methods to satisfy appropriate requirements of the Clean Water Act (CWA). The SWMP must address the following six minimum control measures:

1. Public education and outreach on storm water impacts;
2. Public involvement / participation;
3. Illicit discharge detection and elimination;
4. Construction site storm water runoff control;
5. Post-construction storm water management in new development and redevelopment; and,
6. Pollution prevention / good housekeeping for municipal operations.

In addition to these measures, the permit contains Special Conditions Applicable to Permitted Storm Water Discharges to Sensitive Waters. Monitoring and Assessment Plans in TMDL watersheds, Water Quality Controls for Discharges to Impaired Water Bodies and protection of waters classified as Outstanding Resource Waters (ORW) and Source Water Protection Areas (SWPA) are included among these special conditions.

EXHIBIT B-5

### **Receiving Waters:**

The small MS4 area designated within Lancaster County include portions of the following Hydrologic Unit Codes (12 Digit, HUC-12) watersheds;

Headwaters Sugar Creek-Catawba River	030501030103
Little Sugar Creek	030501030102
McAlpine Creek	030501030107
Sugar Creek-Catawba River	030501030109
Sixmile Creek-Twelvemile Creek	030501030203
Sixmile Creek-Catawba River	030501030604
Twelvemile Creek-Catawba River	030501030204
Waxhaw Creek	030501030603

Streams receiving discharges from all of the permitted area are classified as Freshwaters (Class FW) suitable for primary and secondary contact recreation and as a source of drinking water supply after conventional treatment in accordance with the requirements of the Department. Freshwaters are also suitable for fishing and the survival and propagation of a balanced indigenous aquatic community of fauna and flora, and, with the exception of Class ORW, for industrial and agricultural uses.

The Department has made a preliminary determination that authorization for these storm water discharges under the NPDES Phase II General Storm Water permit is necessary to important economical or social development and that said authorization will allow maintenance of existing water uses. The Department is seeking comment on this preliminary finding. In accordance with Section D.(2), Antidegradation, of South Carolina R. 61-68 Water Classifications and Standards, this notice provides public participation and intergovernmental coordination for this decision.

### **Obtaining Authorization to Discharge under the Permit:**

New Permittees: The small MS4 to be granted authorization to discharge under the SC NPDES General Permit for Storm Water Discharges from Regulated Small MS4s, SCR030000, was captured within the boundaries of the Charlotte NC-SC Urbanized Area according to the U.S. 2010 census. A portion of Lancaster County became automatically regulated and Lancaster County submitted a Notices of Intent, NOI, to be authorized under SCR030000. The Standard Industrial Classification (SIC) Code best describing these applicants is: 9241, Administration of Environmental Programs.

Lancaster County is a first time applicants. Meaningful review of their Notice of Intent was conducted to ensure functional equivalence of their proposed SWMP with the permit. The number of outfalls will be determined by June 1, 2018. The Department's preliminary determination to authorize the applicants to discharge under the General Permit is open for public comment.

Once a final decision is reached on the proposed draft certificates of coverage, Lancaster County will be issued their certificate of coverage-SCR035701.

EXHIBIT B-6

**ANNUAL BUDGET ESTIMATE - ALL**  
Amended - 2017-2018

COUNTY OF LANCASTER  
FY 2016-2017

124

Account	2015 - 2016		2016 - 2017		2016 - 2017		Requested	Recommended	Approved
	Actual (\$)	Budget (\$)	Actual (\$)	Estimate	%Remaining				
Department: 203 Stormwater									
Revenue									
19-4-203-454-50							1,200,000.00	1,200,000.00	
Stormwater Fee									
19-4-203-460-25									
Penalty - Stormwater Fee									
19-4-203-480-05									
Interest Income									
Expenditure									
19-7-203-500-00							174,280.00	174,280.00	
Wages & Salaries Full Time									
Staff: full engineer, field inspector, tech I, assistant									
19-7-203-500-05							1,000.00	1,000.00	
Salaries - Overtime									
19-7-203-500-10									
Wages & Salaries Part-Time									
19-7-203-510-00							13,410.00	13,410.00	
Fica-Employers Contrib									
19-7-203-510-05							23,635.00	23,635.00	
Std Ret Employers Contrib									
19-7-203-510-15							40,495.00	40,495.00	
Health/Life Ins Employers									

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bp-annual-budget-estimate

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EXHIBIT C-1



**ANNUAL BUDGET ESTIMATE - ALL**  
Amended - 2017-2018

COUNTY OF LANCASTER  
FY 2016-2017

125

Account	2015 - 2016	2016 - 2017	6/30/2017	2016 - 2017		2017 - 2018		
	Actual (\$)	Budget (\$)	Actual (\$)	Estimate	%Remaining	Requested	Recommended	Approved
19-7-203-510-25 Workers Compensation						4,250.00	4,250.00	
19-7-203-530-00 Travel, Training, Dues						9,000.00	9,000.00	
19-7-203-540-00 Supplies-General						7,000.00	7,000.00	
19-7-203-541-00 Supplies-Postage						6,000.00	6,000.00	
19-7-203-551-00 Equipment - General						10,000.00	10,000.00	
19-7-203-560-00 Equipment - Capitalized								
19-7-203-571-00 Utilities-Telephone						6,500.00	6,500.00	
19-7-203-590-00 Maintenance-Vehicles								
19-7-203-590-05 Gasoline						5,000.00	5,000.00	
19-7-203-593-00 Maintenance-Service Agree						3,000.00	3,000.00	
19-7-203-600-00 Contractual Services(Cs)						300,000.00	300,000.00	
19-7-203-605-00 Cs-Printing						3,000.00	3,000.00	

EXHIBIT C-2

**ANNUAL BUDGET ESTIMATE - ALL**  
Amended - 2017-2018

COUNTY OF LANCASTER  
FY 2016-2017

126

Account	2015 - 2016	2016 - 2017	6/30/2017	2016 - 2017		2017 - 2018		
	Actual (\$)	Budget (\$)	Actual (\$)	Estimate	%Remaining	Requested	Recommended	Approved
19-7-203-690-00 Special Projects						100,000.00	100,000.00	
19-7-203-750-00 Lease- Copies						3,000.00	3,000.00	
Revenue								
19-8-203-810-01 Fund Balance - Reserved								
Expenditure								
19-9-203-961-00 Fund Balance - Appropriated						490,430.00	490,430.00	
Total Revenue						\$1,200,000.00	\$1,200,000.00	
Total Expenditure						\$1,200,000.00	\$1,200,000.00	
Net								
Report Total Revenue						\$1,200,000.00	\$1,200,000.00	
Report Total Expenditure						\$1,200,000.00	\$1,200,000.00	
Report Total Net								

13	0002-00-024.00	44374 <Null>	c	12.67829	\$950.87
17	0002-00-024.01	57376 <Null>	c	16.39314	\$1,229.49
18	0002-00-027.00	2025 <Null>	c	0.578571	\$43.39
19	0002N-0A-028.00	38597 <Null>	c	11.02771	\$827.08
25	0002-00-023.00	18787 <Null>	c	5.367714	\$402.58
32	0002-00-028.00	152958 <Null>	c	43.70229	\$3,277.67
54	0002-00-022.00	42221 <Null>	c	12.06314	\$904.74
56	0002-00-019.01	2950 <Null>	c	0.842857	\$63.21
78	0006F-0A-014.00	33226 <Null>	c	9.493143	\$711.99
82	0006-00-060.00	5024 <Null>	c	1.435429	\$107.66
83	0006-00-059.00	2350 <Null>	c	0.671429	\$50.36
84	0005-00-100.01	33340 <Null>	c	9.525714	\$714.43
91	0008-00-010.01	13968 <Null>	c	3.990857	\$299.31
92	0008-00-002.00	71867 <Null>	c	20.53343	\$1,540.01
93	0008-00-010.00	13509 <Null>	c	3.859714	\$289.48
96	0008-00-009.00	3432 <Null>	c	0.980571	\$73.54
116	0013-00-043.02	347165 <Null>	c	99.19	\$7,439.25
124	0019-00-004.00	28008 <Null>	c	8.002286	\$600.17
219	0003-00-044.00	4744 <Null>	c	1.355429	\$101.66
226	0003-00-045.00	7488 <Null>	c	2.139429	\$160.46
227	0003-00-081.02	9091 <Null>	c	2.597429	\$194.81
245	0003-00-040.03	1946 <Null>	c	0.556	\$41.70
250	0003-00-041.00	1458 <Null>	c	0.416571	\$31.24
258	0003-00-066.00	15554 <Null>	c	4.444	\$333.30
295	0006-00-040.00	29415 <Null>	c	8.404286	\$630.32
299	0006D-0A-003.00	41743 <Null>	c	11.92657	\$894.49
342	0005-00-018.00	182245 <Null>	c	52.07	\$3,905.25
374	0006E-0B-009.00	744 <Null>	c	0.212571	\$15.94
384	0006E-0B-019.00	31626 <Null>	c	9.036	\$677.70
394	0006F-0A-019.00	11970 <Null>	c	3.42	\$256.50
440	0005-00-102.00	688627 <Null>	c	196.7506	\$14,756.29
533	0005-00-101.01	11248 <Null>	c	3.213714	\$241.03
551	0006N-0B-012.00	2340 <Null>	c	0.668571	\$50.14
558	0006-00-074.00	15428 <Null>	c	4.408	\$330.60
567	0006-00-088.07	25918 <Null>	c	7.405143	\$555.39
570	0006N-0B-046.00	3099 <Null>	c	0.885429	\$66.41
571	0006N-0B-011.00	2844 <Null>	c	0.812571	\$60.94
583	0006N-0B-007.00	5143 <Null>	c	1.469429	\$110.21
588	0006N-0B-006.00	6899 <Null>	c	1.971143	\$147.84
590	0006-00-061.00	32788 <Null>	c	9.368	\$702.60
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593	0006N-0B-005.00	16489 <Null>	c	4.711143	\$353.34
596	0006N-0B-005.01	543 <Null>	c	0.155143	\$11.64
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602	0006N-0B-003.00	7812 <Null>	c	2.232	\$167.40
604	0006-00-071.00	117064 <Null>	c	33.44686	\$2,508.51
606	0006-00-069.00	11568 <Null>	c	3.305143	\$247.89



608 0006-00-068.01	52540 <Null>	c	15.01143	\$1,125.86
609 0006-00-068.00	6585 <Null>	c	1.881429	\$141.11
612 0006N-0B-002.00	15395 <Null>	c	4.398571	\$329.89
616 0006-00-063.00	18822 <Null>	c	5.377714	\$403.33
619 0006N-0B-001.00	7709 <Null>	c	2.202571	\$165.19
622 0005-00-104.00	203220 <Null>	c	58.06286	\$4,354.71
626 0006-00-072.01	50491 <Null>	c	14.426	\$1,081.95
637 0006-00-081.00	25719 <Null>	c	7.348286	\$551.12
638 0006-00-082.00	14892 <Null>	c	4.254857	\$319.11
639 0006-00-083.00	11777 <Null>	c	3.364857	\$252.36
640 0007-00-008.00	536658 <Null>	c	153.3309	\$11,499.81
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650 0008-00-003.00	2531 <Null>	c	0.723143	\$54.24
651 0008-00-013.00	53302 <Null>	c	15.22914	\$1,142.19
653 0008-00-007.00	4342 <Null>	c	1.240571	\$93.04
655 0008-00-005.00	21620 <Null>	c	6.177143	\$463.29
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663 0008-00-012.00	24012 <Null>	c	6.860571	\$514.54
664 0008-00-008.00	5157 <Null>	c	1.473429	\$110.51
665 0008-00-006.00	9795 <Null>	c	2.798571	\$209.89
677 0008-00-016.01	59618 <Null>	c	17.03371	\$1,277.53
688 0008-00-017.00	11970 <Null>	c	3.42	\$256.50
695 0008-00-019.00	1702 <Null>	c	0.486286	\$36.47
696 0008-00-020.00	9641 <Null>	c	2.754571	\$206.59
700 0008-00-023.00	5780 <Null>	c	1.651429	\$123.86
703 0008-00-021.00	17837 <Null>	c	5.096286	\$382.22
762 0008G-0A-004.00	6854 <Null>	c	1.958286	\$146.87
776 0008-00-026.00	53896 <Null>	c	15.39886	\$1,154.91
778 0007-00-010.00	427117 <Null>	c	122.0334	\$9,152.51
784 0008G-0C-003.00	30376 <Null>	c	8.678857	\$650.91
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809 0008-00-061.02	72950 <Null>	c	20.84286	\$1,563.21
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825 0008G-0D-001.00	22003 <Null>	c	6.286571	\$471.49
827 0008-00-034.00	257190 <Null>	c	73.48286	\$5,511.21
832 0008G-0D-002.00	20895 <Null>	c	5.97	\$447.75
834 0008-00-056.00	26910 <Null>	c	7.688571	\$576.64
836 0008G-0D-003.00	79816 <Null>	c	22.80457	\$1,710.34
840 0008-00-060.00	9475 <Null>	c	2.707143	\$203.04
842 0008-00-056.01	110624 <Null>	c	31.60686	\$2,370.51
857 0008-00-076.00	16948 <Null>	c	4.842286	\$363.17
868 0008-00-040.00	34577 <Null>	c	9.879143	\$740.94
895 0008-00-048.00	20290 <Null>	c	5.797143	\$434.79
925 0008-00-074.00	10692 <Null>	c	3.054857	\$229.11
943 0008-00-071.00	1111 <Null>	c	0.317429	\$23.81
944 0008-00-074.01	7764 <Null>	c	2.218286	\$166.37

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948 0008-00-074.02	1983 <Null>	c	0.566571	\$42.49
956 0008-00-072.01	5051 <Null>	c	1.443143	\$108.24
963 0008-00-072.00	10694 <Null>	c	3.055429	\$229.16
975 0008-00-071.01	8832 <Null>	c	2.523429	\$189.26
1100 0010-00-001.00	158494 <Null>	c	45.284	\$3,396.30
1108 0010-00-029.00	8603 <Null>	c	2.458	\$184.35
1111 0010-00-005.00	950 <Null>	c	0.271429	\$20.36
1129 0010-00-032.00	2228 <Null>	c	0.636571	\$47.74
1145 0010-00-039.00	31177 <Null>	c	8.907714	\$668.08
1170 0010-00-044.01	29507 <Null>	c	8.430571	\$632.29
1196 0010-00-077.00	20205 <Null>	c	5.772857	\$432.96
1200 0010-00-016.01	11488 <Null>	c	3.282286	\$246.17
1206 0010-00-048.00	38012 <Null>	c	10.86057	\$814.54
1228 0010-00-049.00	43664 <Null>	c	12.47543	\$935.66
1247 0010-00-064.00	47889 <Null>	c	13.68257	\$1,026.19
1249 0010-00-059.00	633899 <Null>	c	181.114	\$13,583.55
1251 0010-00-057.00	1983 <Null>	c	0.566571	\$42.49
1256 0010-00-052.01	9390 <Null>	c	2.682857	\$201.21
1258 0010-00-056.00	6757 <Null>	c	1.930571	\$144.79
1259 0010-00-053.00	5768 <Null>	c	1.648	\$123.60
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1264 0010-00-054.00	3240 <Null>	c	0.925714	\$69.43
1276 0013-00-054.00	12186 <Null>	c	3.481714	\$261.13
1279 0013-00-054.01	17238 <Null>	c	4.925143	\$369.39
1282 0013-00-013.02	45037 <Null>	c	12.86771	\$965.08
1294 0013-00-013.00	64041 <Null>	c	18.29743	\$1,372.31
1319 0013-00-023.00	360166 <Null>	c	102.9046	\$7,717.84
1328 0013-00-015.00	71064 <Null>	c	20.304	\$1,522.80
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1357 0013-00-004.00	13923 <Null>	c	3.978	\$298.35
1361 0013-00-043.01	30938 <Null>	c	8.839429	\$662.96
1364 0013-00-049.00	36377 <Null>	c	10.39343	\$779.51
1370 0013-00-050.00	6722 <Null>	c	1.920571	\$144.04
1371 0013-00-049.01	6129 <Null>	c	1.751143	\$131.34
1383 0013-00-029.00	15157 <Null>	c	4.330571	\$324.79
1392 0013-00-080.00	8643 <Null>	c	2.469429	\$185.21
1394 0013-00-080.02	4058 <Null>	c	1.159429	\$86.96
1396 0013-00-080.01	14218 <Null>	c	4.062286	\$304.67
1398 0013-00-078.00	7951 <Null>	c	2.271714	\$170.38
1407 0013-00-069.04	15243 <Null>	c	4.355143	\$326.64
1409 0013-00-068.00	8582 <Null>	c	2.452	\$183.90
1414 0013-00-045.01	17672 <Null>	c	5.049143	\$378.69
1418 0013-00-069.03	10473 <Null>	c	2.992286	\$224.42
1436 0013-00-070.00	59479 <Null>	c	16.994	\$1,274.55
1441 0013-00-034.07	11237 <Null>	c	3.210571	\$240.79

1461 0014-00-047.00	19998 <Null>	c	5.713714	\$428.53
1575 0016-00-026.00	156090 <Null>	c	44.59714	\$3,344.79
1582 0016-00-027.01	64743 <Null>	c	18.498	\$1,387.35
1587 0016-00-028.01	1015 <Null>	c	0.29	\$21.75
1591 0016-00-031.02	19871 <Null>	c	5.677429	\$425.81
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1606 0016-00-034.02	14915 <Null>	c	4.261429	\$319.61
1641 0015-00-039.00	7249 <Null>	c	2.071143	\$155.34
1706 0015-00-060.00	27425 <Null>	c	7.835714	\$587.68
1779 0020-00-004.01	68737 <Null>	c	19.63914	\$1,472.94
1834 0020-00-041.12	6659 <Null>	c	1.902571	\$142.69
1835 0019-00-033.00	12068 <Null>	c	3.448	\$258.60
1898 0019-00-031.00	26927 <Null>	c	7.693429	\$577.01
1921 0013-00-048.00	42903 <Null>	c	12.258	\$919.35
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1946 0003-00-006.02	72827 <Null>	c	20.80771	\$1,560.58
1948 0008-00-069.01	17013 <Null>	c	4.860857	\$364.56
1968 0006-00-054.04	92544 <Null>	c	26.44114	\$1,983.09
1971 0007-00-008.03	522871 <Null>	c	149.3917	\$11,204.38
1972 0007-00-009.01	5819 <Null>	c	1.662571	\$124.69
1973 0007-00-009.00	4633 <Null>	c	1.323714	\$99.28
1974 0007-00-008.01	961 <Null>	c	0.274571	\$20.59
1979 0008-00-061.00	11920 <Null>	c	3.405714	\$255.43
1980 0008-00-061.05	177131 <Null>	c	50.60886	\$3,795.66
1993 0013-00-048.01	38184 <Null>	c	10.90971	\$818.23
2003 0016-00-010.00	23498 <Null>	c	6.713714	\$503.53
2004 0016-00-009.00	8600 <Null>	c	2.457143	\$184.29
2006 0016-00-008.00	17749 <Null>	c	5.071143	\$380.34
2008 0016-00-045.00	8859 <Null>	c	2.531143	\$189.84
2033 0013-00-001.00	6286 <Null>	c	1.796	\$134.70
2035 0013-00-079.00	42467 <Null>	c	12.13343	\$910.01
2040 0015-00-012.00	19592 <Null>	c	5.597714	\$419.83
2047 0020-00-001.00	72333 <Null>	c	20.66657	\$1,549.99
2048 0022-00-007.00	142850 <Null>	c	40.81429	\$3,061.07
2056 0003-00-046.05	144755 <Null>	c	41.35857	\$3,101.89
2076 0010-00-030.00	252367 <Null>	c	72.10486	\$5,407.86
2077 0010-00-031.00	2474 <Null>	c	0.706857	\$53.01
2078 0010-00-037.03	78406 <Null>	c	22.40171	\$1,680.13
2079 0010-00-046.03	24043 <Null>	c	6.869429	\$515.21
2080 0010-00-050.05	79835 <Null>	c	22.81	\$1,710.75
2103 0013-00-087.00	74449 <Null>	c	21.27114	\$1,595.34
2104 0013-00-047.01	60244 <Null>	c	17.21257	\$1,290.94
2131 0015-00-004.10	12805 <Null>	c	3.658571	\$274.39
2162 0016-00-045.01	2667 <Null>	c	0.762	\$57.15
2163 0016-00-045.02	6726 <Null>	c	1.921714	\$144.13
2166 0016-00-006.00	13882 <Null>	c	3.966286	\$297.47
2168 0016-00-007.00	85678 <Null>	c	24.47943	\$1,835.96

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2182 0020-00-014.00	81546 <Null>	c	23.29886	\$1,747.41
2204 0020-00-049.00	65930 <Null>	c	18.83714	\$1,412.79
2209 0021-00-004.00	25224 <Null>	c	7.206857	\$540.51
2229 0008B-0C-006.00	21825 <Null>	c	6.235714	\$467.68
2239 0010-00-051.00	35385 <Null>	c	10.11	\$758.25
2287 0008-00-054.01	40432 <Null>	c	11.552	\$866.40
2290 0005-00-100.00	57340 <Null>	c	16.38286	\$1,228.71
2291 0005-00-100.03	70493 <Null>	c	20.14086	\$1,510.56
2292 0005-00-100.05	28962 <Null>	c	8.274857	\$620.61
2326 0010-00-050.07	18919 <Null>	c	5.405429	\$405.41
2327 0010-00-050.06	67020 <Null>	c	19.14857	\$1,436.14
2343 0003-00-063.00	32731 <Null>	c	9.351714	\$701.38
2351 0016-00-034.00	9590 <Null>	c	2.74	\$205.50
2354 0008-00-059.00	26503 <Null>	c	7.572286	\$567.92
2355 0008G-0D-005.00	25707 <Null>	c	7.344857	\$550.86
2401 0013-00-051.00	114790 <Null>	c	32.79714	\$2,459.79
2554 0013G-0A-135.00	72901 <Null>	c	20.82886	\$1,562.16
2556 0013-00-046.01	209559 <Null>	c	59.874	\$4,490.55
2557 0013-00-046.02	32526 <Null>	c	9.293143	\$696.99
2561 0002-00-005.00	19625 <Null>	c	5.607143	\$420.54
3076 0005-00-114.00	43286 <Null>	c	12.36743	\$927.56
3077 0010-00-050.10	62193 <Null>	c	17.76943	\$1,332.71
3078 0010-00-050.11	38669 <Null>	c	11.04829	\$828.62
3081 0010-00-050.14	110058 <Null>	c	31.44514	\$2,358.39
3084 0010-00-050.18	117640 <Null>	c	33.61143	\$2,520.86
3085 0010-00-050.19	152989 <Null>	c	43.71114	\$3,278.34
3095 0005-00-109.00	96789 <Null>	c	27.654	\$2,074.05
3096 0005-00-103.00	161414 <Null>	c	46.11829	\$3,458.87
3102 0008-00-011.02	32434 <Null>	c	9.266857	\$695.01
3106 0013-00-086.02	42325 <Null>	c	12.09286	\$906.96
3111 0005-00-103.05	133654 <Null>	c	38.18686	\$2,864.01
3127 0010-00-050.09	70660 <Null>	c	20.18857	\$1,514.14
3128 0010-00-047.00	6916 <Null>	c	1.976	\$148.20
3131 0010-00-048.01	29530 <Null>	c	8.437143	\$632.79
3132 0010J-0A-001.01	210161 <Null>	c	60.046	\$4,503.45
3133 0010-00-050.17	166246 <Null>	c	47.49886	\$3,562.41
3134 0010-00-046.01	32230 <Null>	c	9.208571	\$690.64
3137 0005-00-115.00	105472 <Null>	c	30.13486	\$2,260.11
3140 0020-00-037.00	13810 <Null>	c	3.945714	\$295.93
3141 0008-00-011.03	100406 <Null>	c	28.68743	\$2,151.56
3148 0006-00-052.02	21805 <Null>	c	6.23	\$467.25
3151 0002-00-005.01	763 <Null>	c	0.218	\$16.35
3152 0002-00-005.02	15497 <Null>	c	4.427714	\$332.08
3153 0005-00-103.06	172289 <Null>	c	49.22543	\$3,691.91
3155 0013-00-047.02	38364 <Null>	c	10.96114	\$822.09
3157 0010-00-058.00	15514 <Null>	c	4.432571	\$332.44
3168 0016-00-017.00	31022 <Null>	c	8.863429	\$664.76

3208 0016-00-018.00	283349 <Null>	c	80.95686	\$6,071.76
3209 0016-00-019.00	201398 <Null>	c	57.54229	\$4,315.67
3210 0007-00-017.05	2738 <Null>	c	0.782286	\$58.67
3279 0008-00-016.02	552961 <Null>	c	157.9889	\$11,849.16
3282 0006-00-003.00	7999 <Null>	c	2.285429	\$171.41
3361 0008-00-084.00	35787 <Null>	c	10.22486	\$766.86
3362 0005-00-074.04	46241 <Null>	c	13.21171	\$990.88
3363 0005-00-100.02	2320 <Null>	c	0.662857	\$49.71
3365 0008-00-027.02	383130 <Null>	c	109.4657	\$8,209.93
3653 0005P-0B-001.01	393867 <Null>	c	112.5334	\$8,440.01
3955 0013-00-061.00	26803 <Null>	c	7.658	\$574.35
4094 0013N-0A-096.00	57174 <Null>	c	16.33543	\$1,225.16
4114 0008-00-026.02	2066 <Null>	c	0.590286	\$44.27
4120 0008-00-027.04	55052 <Null>	c	15.72914	\$1,179.69
4166 0008-00-084.02	10305 <Null>	c	2.944286	\$220.82
4168 0008-00-024.01	498 <Null>	c	0.142286	\$10.67
4175 0010-00-004.00	7636 <Null>	c	2.181714	\$163.63
4180 0020-00-004.00	30127 <Null>	c	8.607714	\$645.58
4183 0007-00-008.05	79192 <Null>	c	22.62629	\$1,696.97
4470 0010-00-050.03	215446 <Null>	c	61.556	\$4,616.70
4751 0005-00-019.01	103857 <Null>	c	29.67343	\$2,225.51
4794 0009I-0A-081.01	21330 <Null>	c	6.094286	\$457.07
4826 0013-00-022.01	7053 <Null>	c	2.015143	\$151.14
4843 0016-00-075.00	157018 <Null>	c	44.86229	\$3,364.67
4844 0016-00-077.00	64326 <Null>	c	18.37886	\$1,378.41
5611 0010-00-050.20	44291 <Null>	c	12.65457	\$949.09
5616 0005-00-102.03	30925 <Null>	c	8.835714	\$662.68
5617 0005-00-102.01	38187 <Null>	c	10.91057	\$818.29
5618 0005-00-102.02	59971 <Null>	c	17.13457	\$1,285.09
5718 0006-00-001.00	3590 <Null>	c	1.025714	\$76.93
5770 0007-00-028.00	64097 <Null>	c	18.31343	\$1,373.51
5771 0007-00-033.00	26448 <Null>	c	7.556571	\$566.74
5772 0007-00-026.00	74765 <Null>	c	21.36143	\$1,602.11
5773 0007-00-030.00	37765 <Null>	c	10.79	\$809.25
5774 0007-00-031.00	52437 <Null>	c	14.982	\$1,123.65
5775 0007-00-029.00	29125 <Null>	c	8.321429	\$624.11
5776 0001-00-002.00	20387 <Null>	c	5.824857	\$436.86
5784 0005H-0C-001.01	72423 <Null>	c	20.69229	\$1,551.92
5960 0010J-0A-061.00	1461 <Null>	c	0.417429	\$31.31
6184 0007-00-027.00	9119 <Null>	c	2.605429	\$195.41
6648 0013-00-055.02	8302 <Null>	c	2.372	\$177.90
7111 0014N-0J-008.00	2114 <Null>	c	0.604	\$45.30
7352 0007-00-008.06	291266 <Null>	c	83.21886	\$6,241.41
7355 0006-00-008.00	16341 <Null>	c	4.668857	\$350.16
7358 0016-00-019.03	21323 <Null>	c	6.092286	\$456.92
7359 0016-00-019.01	33383 <Null>	c	9.538	\$715.35
7361 0016-00-018.01	29912 <Null>	c	8.546286	\$640.97

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7362 0013-00-110.00	28724 <Null>	c	8.206857	\$615.51
7383 0010-00-029.03	204797 <Null>	c	58.51343	\$4,388.51
7385 0007-00-025.02	32541 <Null>	c	9.297429	\$697.31
7386 0007-00-025.03	38396 <Null>	c	10.97029	\$822.77
7387 0007-00-034.00	124749 <Null>	c	35.64257	\$2,673.19
7389 0007-00-025.01	134331 <Null>	c	38.38029	\$2,878.52
7393 0005-00-113.00	49149 <Null>	c	14.04257	\$1,053.19
7394 0005-00-113.01	30493 <Null>	c	8.712286	\$653.42
7397 0010-00-052.00	6614 <Null>	c	1.889714	\$141.73
7408 0013-00-078.01	5992 <Null>	c	1.712	\$128.40
7409 0013-00-048.04	5111 <Null>	c	1.460286	\$109.52
7418 0015-00-048.01	16536 <Null>	c	4.724571	\$354.34
7431 0009-00-002.00	16330 <Null>	c	4.665714	\$349.93
7432 0010-00-060.01	32395 <Null>	c	9.255714	\$694.18
7443 0008-00-016.03	32441 <Null>	c	9.268857	\$695.16
7444 0008-00-016.00	41345 <Null>	c	11.81286	\$885.96
7812 0006-00-010.00	4859 <Null>	c	1.388286	\$104.12
7857 0008-00-027.05	56759 <Null>	c	16.21686	\$1,216.26
7858 0002-00-019.00	4795 <Null>	c	1.37	\$102.75
7861 0005-00-103.02	3919 <Null>	c	1.119714	\$83.98
7862 0005-00-118.00	203747 <Null>	c	58.21343	\$4,366.01
7953 0005-00-100.07	15322 <Null>	c	4.377714	\$328.33
8086 0006-00-072.00	20084 <Null>	c	5.738286	\$430.37
8114 0007-00-001.02	17727 <Null>	c	5.064857	\$379.86
8119 0013-00-061.01	20961 <Null>	c	5.988857	\$449.16
8502 0002G-0C-013.01	2455 <Null>	c	0.701429	\$52.61
8503 0010-00-046.02	29643 <Null>	c	8.469429	\$635.21
8504 0005-00-103.07	75487 <Null>	c	21.56771	\$1,617.58
8525 0006G-0A-018.00	3818 <Null>	c	1.090857	\$81.81
8600 0010-00-045.05	240704 <Null>	c	68.77257	\$5,157.94
8607 0010-00-007.00	171122 <Null>	c	48.892	\$3,666.90
8943 0015A-0A-012.01	2799 <Null>	c	0.799714	\$59.98
8976 0006M-0A-027.01	20752 <Null>	c	5.929143	\$444.69
9340 0008-00-063.04	24419 <Null>	c	6.976857	\$523.26
9417 0005-00-102.04	49962 <Null>	c	14.27486	\$1,070.61
9418 0005-00-102.05	32855 <Null>	c	9.387143	\$704.04
9420 0006-00-085.02	104686 <Null>	c	29.91029	\$2,243.27
9458 0006N-0D-039.00	4604 <Null>	c	1.315429	\$98.66
9633 0002-00-025.00	33422 <Null>	c	9.549143	\$716.19
9704 0005-00-102.06	43223 <Null>	c	12.34943	\$926.21
9732 0002K-0A-031.00	76044 <Null>	c	21.72686	\$1,629.51
9791 0006-00-003.02	2810 <Null>	c	0.802857	\$60.21
10564 0010-00-052.02	4566 <Null>	c	1.304571	\$97.84
10598 0006-00-008.01	26130 <Null>	c	7.465714	\$559.93
10743 0008P-0G-001.00	5721 <Null>	c	1.634571	\$122.59
10765 0020-00-002.01	16791 <Null>	c	4.797429	\$359.81
10766 0008-00-027.06	49004 <Null>	c	14.00114	\$1,050.09

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10819 0006L-0H-001.01	60991 <Null>	c	17.426	\$1,306.95
10955 0005-00-103.01	256121 <Null>	c	73.17743	\$5,488.31
11070 0005-00-074.01	15001 <Null>	c	4.286	\$321.45
11072 0005-00-074.09	26798 <Null>	c	7.656571	\$574.24
11110 0015-00-001.00	42265 <Null>	c	12.07571	\$905.68
11165 0020-00-008.00	173182 <Null>	c	49.48057	\$3,711.04
11166 0015-00-055.01	5795 <Null>	c	1.655714	\$124.18
11428 0013-00-018.00	439935 <Null>	c	125.6957	\$9,427.18
11431 0008-00-022.01	3040 <Null>	c	0.868571	\$65.14
11452 0008-00-061.04	88080 <Null>	c	25.16571	\$1,887.43
11564 0016-00-026.01	7841 <Null>	c	2.240286	\$168.02
11565 0005-00-093.06	6759 <Null>	c	1.931143	\$144.84
11566 0005-00-093.01	11703 <Null>	c	3.343714	\$250.78
11567 0005-00-093.00	16195 <Null>	c	4.627143	\$347.04
11571 0014A-0B-027.01	76956 <Null>	c	21.98743	\$1,649.06
11641 0016-00-001.06	181478 <Null>	c	51.85086	\$3,888.81
11703 0010-00-045.01	14047 <Null>	c	4.013429	\$301.01
11728 0006-00-052.03	11870 <Null>	c	3.391429	\$254.36
11750 0003-00-051.00	8007 <Null>	c	2.287714	\$171.58
11755 0015-00-024.03	2705 <Null>	c	0.772857	\$57.96
11756 0003-00-052.00	32607 <Null>	c	9.316286	\$698.72
11796 0016-00-001.00	987664 <Null>	c	282.1897	\$21,164.23
11985 0013-00-019.01	36296 <Null>	c	10.37029	\$777.77
11986 0013-00-019.00	28680 <Null>	c	8.194286	\$614.57
12072 0005-00-116.00	6683 <Null>	c	1.909429	\$143.21
12133 0010-00-037.02	6030 <Null>	c	1.722857	\$129.21
12143 0015F-0A-001.01	62112 <Null>	c	17.74629	\$1,330.97
12301 0007-00-008.04	1939 <Null>	c	0.554	\$41.55
12304 0022-00-001.00	44281 <Null>	c	12.65171	\$948.88
12432 0013-00-030.01	1961 <Null>	c	0.560286	\$42.02
12653 0013-00-055.03	15299 <Null>	c	4.371143	\$327.84
12858 0008-00-061.07	27597 <Null>	c	7.884857	\$591.36
12859 0008-00-061.06	33142 <Null>	c	9.469143	\$710.19
12860 0008-00-061.03	4390 <Null>	c	1.254286	\$94.07
13100 0013-00-047.03	74913 <Null>	c	21.40371	\$1,605.28
13217 0008-00-026.04	34376 <Null>	c	9.821714	\$736.63
13279 0008-00-077.00	6745 <Null>	c	1.927143	\$144.54
13670 0008-00-021.01	217802 <Null>	c	62.22914	\$4,667.19
14180 0008F-0C-061.00	57377 <Null>	c	16.39343	\$1,229.51
14184 0015-00-013.00	14132 <Null>	c	4.037714	\$302.83
14185 0015-00-024.00	54776 <Null>	c	15.65029	\$1,173.77
14271 0007-00-025.05	376127 <Null>	c	107.4649	\$8,059.86
14274 0005-00-074.11	41328 <Null>	c	11.808	\$885.60
14275 0013-00-105.00	45558 <Null>	c	13.01657	\$976.24
14382 0015-00-052.00	4620 <Null>	c	1.32	\$99.00
14398 0008-00-063.06	44801 <Null>	c	12.80029	\$960.02
14403 0009-00-011.00	2917 <Null>	c	0.833429	\$62.51

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14404 0009-00-011.01	1972 <Null>	c	0.563429	\$42.26
14406 0010-00-050.08	137762 <Null>	c	39.36057	\$2,952.04
14445 0016-00-035.00	34101 <Null>	c	9.743143	\$730.74
14448 0013-00-108.00	1804 <Null>	c	0.515429	\$38.66
14449 0013-00-107.00	34172 <Null>	c	9.763429	\$732.26
14458 0008-00-052.00	50805 <Null>	c	14.51571	\$1,088.68
14463 0013-00-118.02	17366 <Null>	c	4.961714	\$372.13
14468 0013-00-106.00	8032 <Null>	c	2.294857	\$172.11
14481 0003-00-006.01	115622 <Null>	c	33.03486	\$2,477.61
14484 0021-00-003.01	2836 <Null>	c	0.810286	\$60.77
14485 0021-00-002.00	64427 <Null>	c	18.40771	\$1,380.58
14509 0021-00-011.01	5713 <Null>	c	1.632286	\$122.42
14539 0022-00-006.01	15199 <Null>	c	4.342571	\$325.69
14550 0025-00-005.01	128606 <Null>	c	36.74457	\$2,755.84
14561 0026-00-013.02	263169 <Null>	c	75.19114	\$5,639.34
14580 0026-00-013.03	3901 <Null>	c	1.114571	\$83.59
14581 0026-00-013.01	3049 <Null>	c	0.871143	\$65.34
14602 0025-00-010.02	743587 <Null>	c	212.4534	\$15,934.01
14638 0025-00-025.00	27084 <Null>	c	7.738286	\$580.37
14639 0025-00-063.00	3077 <Null>	c	0.879143	\$65.94
14641 0025-00-062.00	941 <Null>	c	0.268857	\$20.16
14651 0025-00-030.00	12227 <Null>	c	3.493429	\$262.01
14652 0025-00-031.00	25323 <Null>	c	7.235143	\$542.64
14661 0025-00-032.00	4988 <Null>	c	1.425143	\$106.89
14670 0025-00-045.00	1921 <Null>	c	0.548857	\$41.16
14678 0026-00-026.00	14490 <Null>	c	4.14	\$310.50
14726 0027-00-017.00	146390 <Null>	c	41.82571	\$3,136.93
14728 0026-00-035.00	49681 <Null>	c	14.19457	\$1,064.59
14734 0028-00-007.00	38683 <Null>	c	11.05229	\$828.92
14750 0027-00-008.00	84174 <Null>	c	24.04971	\$1,803.73
14761 0028-00-018.02	12030 <Null>	c	3.437143	\$257.79
14765 0028-00-035.06	13439 <Null>	c	3.839714	\$287.98
14767 0028-00-035.02	27162 <Null>	c	7.760571	\$582.04
14768 0028-00-035.01	7617 <Null>	c	2.176286	\$163.22
14770 0028-00-031.00	4336 <Null>	c	1.238857	\$92.91
14771 0028-00-031.01	17188 <Null>	c	4.910857	\$368.31
14772 0027-00-025.00	22872 <Null>	c	6.534857	\$490.11
14775 0025-00-002.00	4451 <Null>	c	1.271714	\$95.38
14826 0025-00-066.02	1946 <Null>	c	0.556	\$41.70
14839 0025-00-047.00	2728 <Null>	c	0.779429	\$58.46
14850 0025-00-065.00	18118 <Null>	c	5.176571	\$388.24
14856 0025-00-034.09	36616 <Null>	c	10.46171	\$784.63
14869 0026-00-015.01	14769 <Null>	c	4.219714	\$316.48
14879 0025-00-078.02	11763 <Null>	c	3.360857	\$252.06
14974 0028-00-036.00	3410 <Null>	c	0.974286	\$73.07
14981 0025-00-078.03	117611 <Null>	c	33.60314	\$2,520.24
14999 0026-00-016.01	147722 <Null>	c	42.20629	\$3,165.47

EXHIBIT D-135

15002 0026-00-013.04	130541 <Null>	c	37.29743	\$2,797.31
15025 00250-0A-017.00	13548 <Null>	c	3.870857	\$290.31
15115 0028-00-019.00	81869 <Null>	c	23.39114	\$1,754.34
15164 0025-00-016.00	5958 <Null>	c	1.702286	\$127.67
15192 0028-00-022.00	6806 <Null>	c	1.944571	\$145.84
15194 0025-00-034.03	32729 <Null>	c	9.351143	\$701.34
<b>RESIDENTIAL</b>			13689	\$1,026,675.00
		Total		<b>\$1,567,704.49</b>

EXHIBIT D-10



## Agenda Item Summary

Ordinance # / Resolution# 2017-1456-(RZ-017-015)

Contact Person / Sponsor: Nick Cauthen

Department: Planning

Date Requested to be on Agenda: 7/17/17

### **Issue for Consideration:**

- \* The proposed rezoning would result in 4.38 acres consisting of a portion of TMS # 0048-00-036.08 (currently zoned *LDR, Low Density Residential District*) and a portion of TMS # 0048-00-036.03 (currently zoned *IMX, Industrial Mixed Use District*) being rezoned to *RUB, Rural Business District*.
- \* The applicant is concurrently requesting that the remainder of TMS # 0048-00-036.03 be rezoned from *IMX, Industrial Mixed Use District* to *LDR, Low Density Residential District*.
- \* Mr. O'Neal is proposing a building for cold storage and packaging for his business, Benford Brewing Co.

### **Points to Consider:**

- \* Benford Brewing Co. is a farm-based agritourist brewery operation. During the time of the UDO rewrite, IMX was the most suitable zoning district for the property because the O'Neal homestead and agritourism operation occupied the same tract.
- \* Benford Brewery has experienced great success and has recently acquired additional property. It was determined that the split of property and separate zoning for the business and the residence was the best course of action in order to promote further growth.
- \* The proposed steel building is 50' x 100'. The O'Neal's live adjacent to the brewery. They are requesting that their homestead property be rezoned from IMX to LDR in order to separate their residence from their business.
- \* The 5,000 square ft. building has been approved by the Lancaster County Technical Review Committee. The County Administrator has agreed to let the applicant pull their building permit at their own risk in an effort to expedite construction. It should be noted that if the rezoning fails, no certificate of occupancy will be issued even if the building meets all applicable building codes.

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

N/A

### **Council Options:**

To approve or deny the rezoning request.

### **Recommendation:**

- \* It is the recommendation of the planning staff that the rezoning request be approved. This is primarily due to the fact of supporting a local agritourism business that is located in a rural area which is conducive to the Rural Business zoning district.
- \* At the Lancaster County Planning Commission meeting on Tuesday, June 20, 2017 the Commission voted to approve the rezoning application of Bryan O'Neal by a vote of (7-0).
- \* The complete staff report can be located on [www.mylancastersc.org](http://www.mylancastersc.org) - Click on Planning Department and go to 2017 Agendas.

---

STATE OF SOUTH CAROLINA

)

COUNTY OF LANCASTER

)

)

ORDINANCE NO. 2017-1456

**AN ORDINANCE**

**TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY SO AS TO REZONE PROPERTY OWNED BY BRYAN O'NEAL, LOCATED AT 2271 BOXCAR ROAD, FROM LDR, LOW DENSITY RESIDENTIAL DISTRICT AND IMX, INDUSTRIAL MIXED USE DISTRICT TO RUB, RURAL BUSINESS DISTRICT AND FROM IMX, INDUSTRIAL MIXED USE DISTRICT TO LDR, LOW DENSITY RESIDENTIAL DISTRICT.**

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

**Section 1. Findings and Determinations.**

The Council finds and determines that:

(a) Bryan O'Neal applied to rezone property located at 2271 Boxcar Road from LDR, Low Density Residential District and IMX, Industrial Mixed Use District to RUB, Rural Business District and from IMX, Industrial Mixed Use District to LDR, Low Density Residential District.

(b) On June 20, 2017, the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a vote of (7-0), recommended approval of the rezoning.

**Section 2. Rezoning.**

The Official Zoning Map is amended by changing the zoning district classification of a portion of TMS # 0048-00-036.08 (currently zoned LDR, Low Density Residential District) and a portion of TMS # 0048-00-036.03 (currently zoned IMX, Industrial Mixed Use District) to RUB, Rural Business District. The remainder of TMS # 0048-00-036.03 is to be rezoned from IMX, Industrial Mixed Use District to LDR, Low Density Residential District.

**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:	7-17-17	
Second Reading:	8-14-17	(Tentative)
Third Reading:	8-28-17	(Tentative)

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## **PLANNING STAFF REPORT: RZ-017-015**

---

### **I. FACTS**

#### **A. GENERAL INFORMATION**

**Proposal:** This is a rezoning application of Bryan O'Neal. The proposed rezoning would result in 4.38 acres consisting of a portion of TMS # 0048-00-036.08 (currently zoned *LDR, Low Density Residential District*) and a portion of TMS # 0048-00-036.03 (currently zoned *IMX, Industrial Mixed Use District*) being rezoned to *RUB, Rural Business District*. The applicant is concurrently requesting that the remainder of TMS # 0048-00-036.03 be rezoned from *IMX, Industrial Mixed Use District* to *LDR, Low Density Residential District*. Mr. O'Neal is proposing a building for cold storage and packaging for his business, Benford Brewing Co. on the 4.38 acre tract.

**Property Location:** The property is located at 2271 Boxcar Road.

**Legal Description:** P/O TMS # 0048-00-036.03, P/O TMS # 0048-00-036.08

**Zoning Classification:** Current: LDR, Low Density Residential District / IMX, Industrial Mixed Use District

**Voting District:** District 1, Terry Graham

#### **B. SITE INFORMATION**

**Site Description:** The subject property that is being petitioned to be rezoned to RUB contains a metal building which houses the Brewing Company and 2 barns. The remainder of the O'Neal property that is being requested to be changed to LDR contains their single family residence. Both tracts are adjacent and located on the west side of Boxcar Road. (See exhibit 5)

#### **C. VICINITY DATA**

**Surrounding Conditions:** The adjacent properties are all zoned LDR (Low Density Residential). This is a rural area with vacant wooded property along with a number of residences in the area.

#### **D. EXHIBITS**

1. Zoning Map
2. Aerial Map
3. Future Land Use Map
4. Steve Willis memorandum

### **II. FINDINGS**

#### **CODE CONSIDERATIONS**

**IMX, Industrial Mixed-Use District,**

The Industrial Mixed-Use District is established to promote the development of mixed-use environments supported by artists, craftsman, and cultural activities and may be in transitional areas previously occupied by industrial development. These areas will accommodate limited commercial and institutional uses, some light industrial uses, and a wide variety of residential uses in order to encourage the redevelopment of existing warehouses and the development of a pedestrian-oriented neighborhood.

**LDR, Low Density Residential District,**

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.

**RUB, Rural Business District,**

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.

**III. CONCLUSIONS**

This property is designated as Transitional on the Future Land Use map. Transitional is a community type that is defined by the Lancaster County Comprehensive Plan as a suburban residential area that also allows for commercial activity. Benford Brewing Co. is a farm-based agritourist brewery operation. During the time of the UDO rewrite, IMX was the most suitable zoning district for the property because the O'Neal homestead and agritourism operation occupied the same tract. Benford Brewery has experienced great success and has recently acquired additional property. It was determined that the split of property and separate zoning for the business and the residence was the best course of action in order to promote further growth. As previously stated, the applicant is requesting the rezoning to RUB in order to add a building for cold storage and packaging. The proposed steel building is 50' x 100'. The O'Neal's live adjacent to the brewery. They are requesting that their homestead property be rezoned from IMX to LDR in order to separate their residence from their business. The 5,000 square ft. building has been approved by the Lancaster County Technical Review Committee. The County Administrator has agreed to let the applicant pull their building permit at their own risk in an effort to expedite construction. It should be noted that if the rezoning fails, no certificate of occupancy will be issued even if the building meets all applicable building

Date of 1<sup>st</sup> Reading: 7-17-17      Date of 2<sup>nd</sup> Reading: 8-14-17      Date of 3<sup>rd</sup> Reading: 8-28-17  
☐ Approved   ☐ Denied   ☐ No Action      ☐ Approved   ☐ Denied   ☐ No Action      ☐ Approved   ☐ Denied   ☐ No Action

codes (See exhibit 7). Additionally, although it is certainly anticipated that this property will be part of the brewery, all of the RUB allowed uses must be considered since these will be allowed if the rezoning is granted.

#### **IV. RECOMMENDATION:**

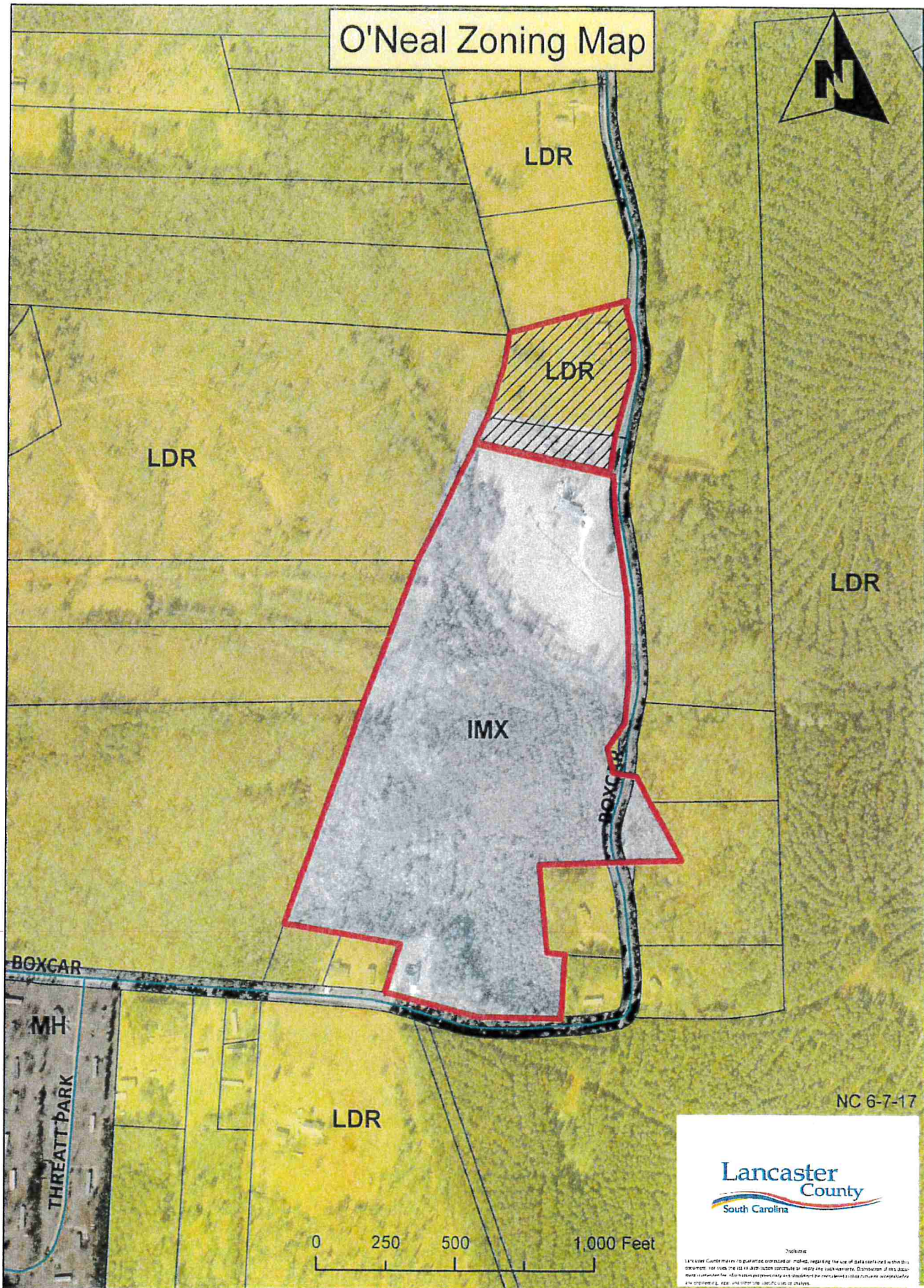
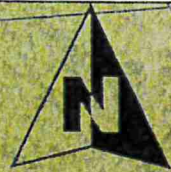
Based on the information above the planning staff is recommending that the rezoning request for the property located at 2271 Boxcar Road be **approved**. This is primarily due to the fact of supporting a local agritourism business that is located in a rural area which is conducive to the Rural Business zoning district.

#### **V. RECOMMENDATION FROM PLANNING COMMISSION MEETING**

At the Lancaster County Planning Commission meeting on Tuesday, June 20, 2017 the Commission voted to **approve** this rezoning application by a vote of (7-0).

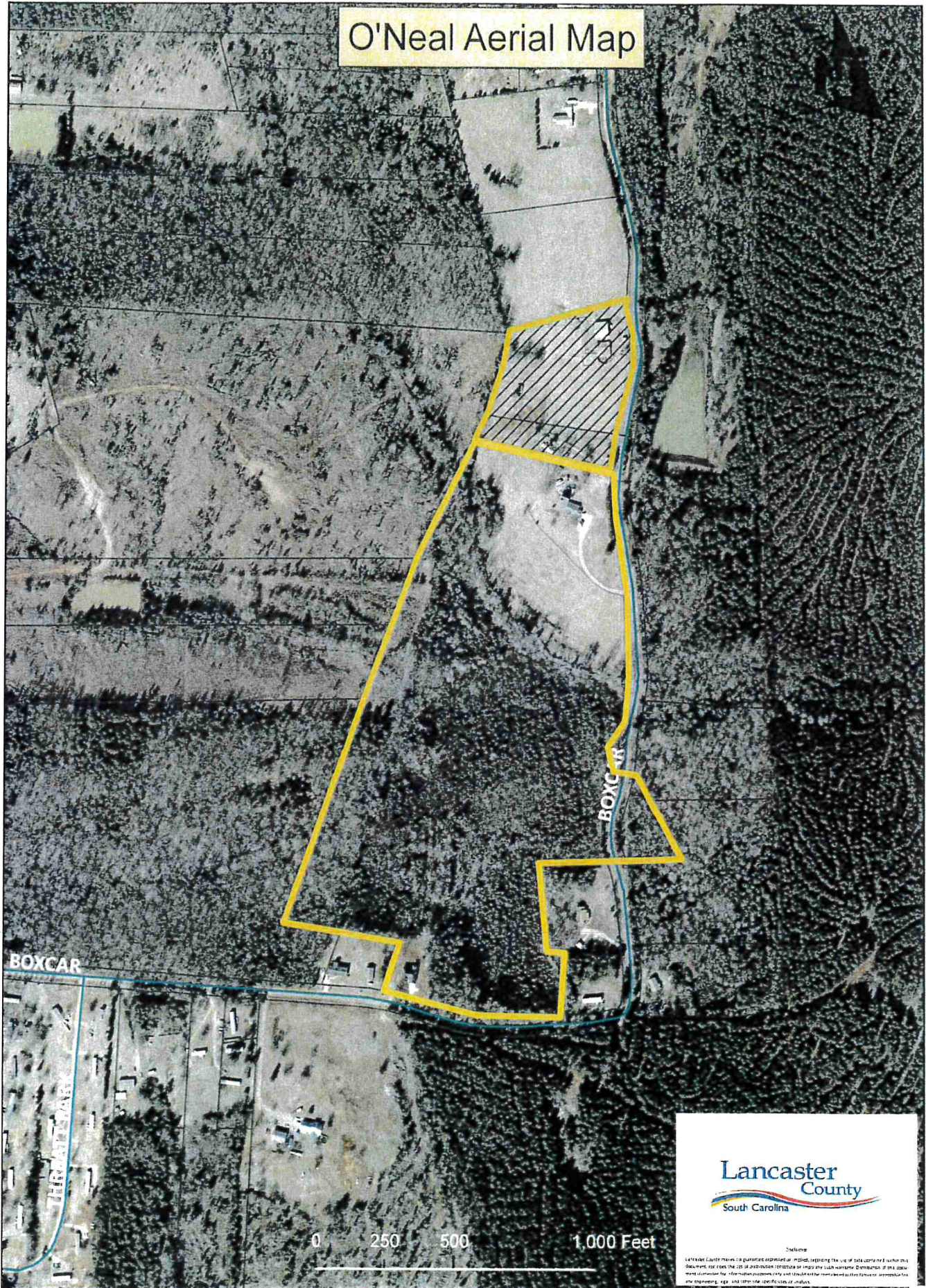


# O'Neal Zoning Map





# O'Neal Aerial Map

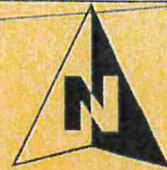


Lancaster  
County  
South Carolina

Disclaimer:  
Lancaster County maps are published as informational purposes only and do not constitute a warranty of any kind. The County is not responsible for any errors or omissions in this map. The County is not responsible for any damages or losses resulting from the use of this map. The County is not responsible for any damages or losses resulting from the use of this map.



# O'Neal Future Land Use Map



Transitional

Transitional

BOXCAR

BOXCAR

THREATT PARK

Transitional

NC 6-7-17

0 250 500 1,000 Feet



Lancaster County reserves the right to purchase, lease, or otherwise acquire any land shown on this map for public use, including but not limited to, transportation, public facilities, or other purposes. This map is not intended to be used for any other purpose, and its use for any other purpose is at the user's sole risk.



## MEMORANDUM

**TO:** Kenneth Cauthen, Zoning Director  
Penelope Karagounis, Planning Director  
Steve Yeargin, CBO, Building Official

**FROM:** Steve Willis, County Administrator *SW*

**TODAY'S DATE:** May 20, 2017

**DUE DATE:** N/A

**SUBJECT:** Benford Brewery

Per our discussion I have no objection to issuing applicable building permits to Benford Brewery pending their rezoning case. I would ask that the permit clearly state, and that the applicant sign that they understand, the permit is being issued at their risk in an effort to expedite construction. Should the rezoning petition fail no certificate of occupancy will be issued even if the building meets all applicable building codes. Thanks.

SW

LANCASTER COUNTY BOARDS & COMMISSIONS  
APPLICATION FOR SERVICE



Name Betty F. Broome County Council District \_\_\_\_\_

Mailing Address P.O. Box 175 City/Zip Van Wyck SC 29744

Street Address \_\_\_\_\_ Registered Voter yes ☒ no ☐

Tel. Number (home) \_\_\_\_\_ (work) \_\_\_\_\_ (other) \_\_\_\_\_

Email: bettybroome@comperium.net

Occupation Retired Place of employment \_\_\_\_\_

Address \_\_\_\_\_ Normal working hours \_\_\_\_\_  
(most meetings are scheduled after 6:00 pm - lack of attendance can be reason for replacement on a commission)

Name of Board or Commission in which you are interested

1st choice Historical 2nd choice \_\_\_\_\_

3rd choice \_\_\_\_\_

Reason for interest

*I serve on this commission now. I'm particularly interested in the museum and making it a real asset for Lancaster County.*

Why do you feel you are qualified to serve on these boards? In addition, note education, areas of expertise, skills & interests. (continue on separate sheet if needed)

Do you presently serve any State, County or Municipal Boards? ☒ If yes, list Lancaster County Historical

Have you ever served on a county board? \_\_\_\_\_ If yes, list \_\_\_\_\_

Additional pertinent information *I served on the Lancaster County Department of Social Services Advisory Board for more than 25 years — 15 of them as Board Chairman — a very responsible position.*

Applicant's signature Betty F. Broome Date June 29, 2017

Receipt of application does not guarantee an appointment. Applicants will be notified of appointments by mail.

Return completed application to Sherrie Simpson, Lancaster County Council Office, P.O. Box 1809, Lancaster, SC 29724

Form Revised 1-20-17

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LANCASTER COUNTY BOARDS & COMMISSIONS  
APPLICATION FOR SERVICE



Name Cynthia (Cindi) Blackmon County Council District \_\_\_\_\_

Mailing Address \_\_\_\_\_ City/Zip \_\_\_\_\_

Street Address \_\_\_\_\_ Registered Voter yes ☒ no ☐

Tel. Number (home) \_\_\_\_\_ (work) \_\_\_\_\_ (other) \_\_\_\_\_

Email: cindi.blackmon@oceanagold.com

Occupation Registered Nurse Place of employment Haile Gold Mine

Address 6911 Snowy Owl Rd., Kershaw SC Normal working hours 6A - 4pm  
(most meetings are scheduled after 6:00 pm - lack of attendance can be reason for replacement on a commission)

Name of Board or Commission in which you are interested

1st choice Health + Wellness 2nd choice \_\_\_\_\_

3rd choice \_\_\_\_\_

Reason for interest I would appreciate the opportunity to work with others in the local community to facilitate health promotions/wellness activities as well as network with other health professionals regarding wellness initiatives offered to employees.

Why do you feel you are qualified to serve on these boards? In addition, note education, areas of expertise, skills & interests. (continue on separate sheet if needed)

Worked at Haile Gold Mine since January 2016 as occupational Health Nurse. Previously employed at Resolute Forest Products (Bountree) for 24 years as occupational health nurse. Prior to this, I was employed at Springs Hospital in acute care and home health/respite. Worked with Community long term care as case manager for Medicaid clients also.

Do you presently serve any State, County or Municipal Boards? No If yes, list \_\_\_\_\_

Have you ever served on a county board? No If yes, list \_\_\_\_\_

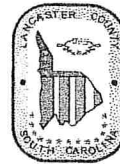
Additional pertinent information

Applicant's signature Cindi W. Blackmon RN Date 6/30/17

Receipt of application does not guarantee an appointment. Applicants will be notified of appointments by mail.



LANCASTER COUNTY BOARDS & COMMISSIONS  
APPLICATION FOR SERVICE



Name George Kirin County Council District \_\_\_\_\_

Mailing Address \_\_\_\_\_ City/Zip \_\_\_\_\_

Street Address \_\_\_\_\_ Registered Voter yes ☒ no ☐

Tel. Number (home) \_\_\_\_\_ (work) \_\_\_\_\_ (other) \_\_\_\_\_

Email: vanbookie52@aol.com

Occupation Retired Place of employment \_\_\_\_\_

Address \_\_\_\_\_ Normal working hours \_\_\_\_\_  
(most meetings are scheduled after 6:00 pm - lack of attendance can be reason for replacement on a commission)

Name of Board or Commission in which you are interested

1st choice LIBRARY 2nd choice \_\_\_\_\_

3rd choice \_\_\_\_\_

Reason for interest

Currently serving and will continue.

Why do you feel you are qualified to serve on these boards? In addition, note education, areas of expertise, skills & interests. (continue on separate sheet if needed)

- 2 yrs experience on the Library Board
  - Currently serving as Vice-Chair
  - Head of the Building Committee and Personnel Committee
- 35+ years as a professional librarian

Do you presently serve any State, County or Municipal Boards? ☒ If yes, list Library Board

Have you ever served on a county board? ☒ If yes, list Library Board

Additional pertinent information

Applicant's signature George B. Kirin Date June 22 2017  
Receipt of application does not guarantee an appointment. Applicants will be notified of appointments by mail.

Return completed application to Sherrie Simpson, Lancaster County Council Office, P.O. Box 1809, Lancaster, SC 29721  
Form Revised 1-20-17

LANCASTER COUNTY BOARDS & COMMISSIONS  
APPLICATION FOR SERVICE



Name JAMES D. BOLING County Council District At large member

Mailing Address \_\_\_\_\_ City/Zip \_\_\_\_\_

Street Address SAME Registered Voter yes ☒ no ☐

Tel. Number (home) \_\_\_\_\_ (work) \_\_\_\_\_ (other) \_\_\_\_\_

Email: \_\_\_\_\_

Occupation Retired MILITARY / Fed Civil Service Place of employment \_\_\_\_\_

Address \_\_\_\_\_ Normal working hours \_\_\_\_\_  
(most meetings are scheduled after 6:00 pm - lack of attendance can be reason for replacement on a commission)

Name of Board or Commission in which you are interested

1st choice LIBRARY BOARD 2nd choice \_\_\_\_\_

3rd choice \_\_\_\_\_

Reason for interest Previous experience in military and federal civil service. I have a vast knowledge of building construction, asbestos & lead paint disposal.

Why do you feel you are qualified to serve on these boards? In addition, note education, areas of expertise, skills & interests. (continue on separate sheet if needed)

I have a tremendous knowledge of the building trades. 1961 LANCASTER High school Graduate. Graduated from CENTRAL MISSOURI STATE UNIVERSITY.

Do you presently serve any State, County or Municipal Boards? yes If yes, list Elected to CANE CREEK WATERSHED BOARD

Have you ever served on a county board? yes If yes, list CURRENTLY SERVING as elected official to the Cane Creek Watershed Bd.

Additional pertinent information: While serving in the military (1962-1992) I WAS assigned to the Civil Engineering Squadron. I help to design buildings to include HVAC SYSTEMS (HEATING VENTILATION & HEATING SYSTEMS) Traffic flow for customers, etc.

Applicant's signature James D. Boling Date 6/25/17

Receipt of application does not guarantee an appointment. Applicants will be notified of appointments by mail.

## Agenda Item Summary

Ordinance # / Resolution#:	Appointment to Outside Board
Contact Person / Sponsor:	Nicole Lawing/ Steve Willis
Department:	COG/ Admin
Date Requested to be on Agenda:	July 17, 2017

**Issue for Consideration:**

Vacancy on Council of Governments Workforce Innovation and Opportunity Act Board.

**Points to Consider:**

The incumbent is Dean Faile, Chamber of Commerce President. Due to time demands at work, including the formation of the new Chamber Foundation, Dean has resigned from the WIOA Board.

Nicole Lawing from the Council of Governments has recommended Kim Linton, Lancaster County Director of Adult Education to fill the unexpired term. She noted that Sandy Andrews, York's Director of Adult Education and a WIOA Board Member, will be retiring later this year.

Kim is willing to serve if appointed. She is a current member of WIOA's Youth Workforce Board which focuses on secondary education and is familiar with WIOA activities in the area of Workforce Development.

This would be to fill the unexpired term of Dean Faile. If appointed, she would be eligible for reappointment to a full term at a later date.

**Funding and Liability Factors:**

N/A

**Council Options:**

Approve or reject the nomination.

**Staff Recommendation:**

Approve the nomination.

**Committee Recommendation:**

N/A as this is coming from the Council of Governments.



## Agenda Item Summary

Ordinance # / Resolution#:	Information Item
Contact Person / Sponsor:	Darren Player
Department:	Fire Rescue/ Emergency Management
Date Requested to be on Agenda:	June Public Safety Committee
	July County Council

**Issue for Consideration:**

Information on 100% grant.

**Points to Consider:**

There is no local cash match for this grant. The match is in-kind with county staff.

This is an annual grant from State Emergency Management.

**Funding and Liability Factors:**

\$60,010 which includes \$35,000 for Emergency Management special projects.

There is no local cash match.

**Council Options:**

No action is required as this is an annual 100% grant. This is for information only.

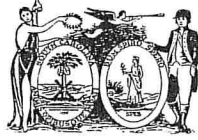
**Staff Recommendation:**

N/A

**Committee Recommendation:**

N/A

The State of South Carolina  
Military Department



OFFICE OF THE ADJUTANT GENERAL

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

June 5, 2017

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

REF: 2017 LEMPG Allocations

Dear Mr. Player:

This is the 2017 Local Emergency Management Performance Grant (LEMPG) application requirements notification.

A copy of this letter has been sent to your county administrator/manager for information. Your county's **estimated** annual award is \$61,010 which includes \$35,000 for EM Special Project funding. Your completed grant application is due to EMD by Friday June 30, 2017. Please note that this is not an award letter, but an application request to receive the grant funds. An actual award letter will be forwarded following SCEMD's award from the federal government.

The county will be reimbursed upon receipt of quarterly reports with supporting documentation of allowable expenditures. Each county will be responsible for providing the match for the grant award. **If your county has elected to participate in WebEOC software, the yearly charge becomes part of the grant award and must be matched.** Please note that the period of performance for the 2017 LEMPG is July 1, 2017 to June 30, 2018.

Of special note are the requirements outlined below:

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

A 2017 LEMPG checklist has been added in the FTP site to assist in preparing the application.

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

Finance and Administration

June 5, 2017

Page Two

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

Sincerely,

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

Kim Stenson  
Director

KS/dd

CC: County Administrators



## Agenda Item Summary

Ordinance # / Resolution#:	Discussion/ Action Item
Contact Person / Sponsor:	Paul Moses/ Steve Willis
Department:	Airport/ Admin
Date Requested to be on Agenda:	July I&R Committee July 17, 2017 Council Meeting

### **Issue for Consideration:**

FAA grant for Airport heavy aircraft apron.

### **Points to Consider:**

As we approach the end of the federal fiscal year I anticipate this grant opportunity moving fast. As such I am seeking authorization to proceed with the grant as it becomes available.

The grant is to construct an apron for parking heavy aircraft. Airport engineer Ken Holt recently shared with the I&R Committee photos of business jets that are utilizing the Lancaster County Airport. Many of these are too large to safely park on our existing General Aviation apron.

The project will include 11,150 square yards of new aircraft apron, stormwater retention work, new sidewalk, a parking pad for the fuel truck, and mast lighting.

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

The project budget is:

Federal Aviation Administration share (90%) - \$1,652,094

South Carolina Aeronautics Commission share (5%) - \$91,783

Lancaster County share (5%) - \$91,783

Total project budget - \$1,835,660

Funding source would be the grant match account.

### **Council Options:**

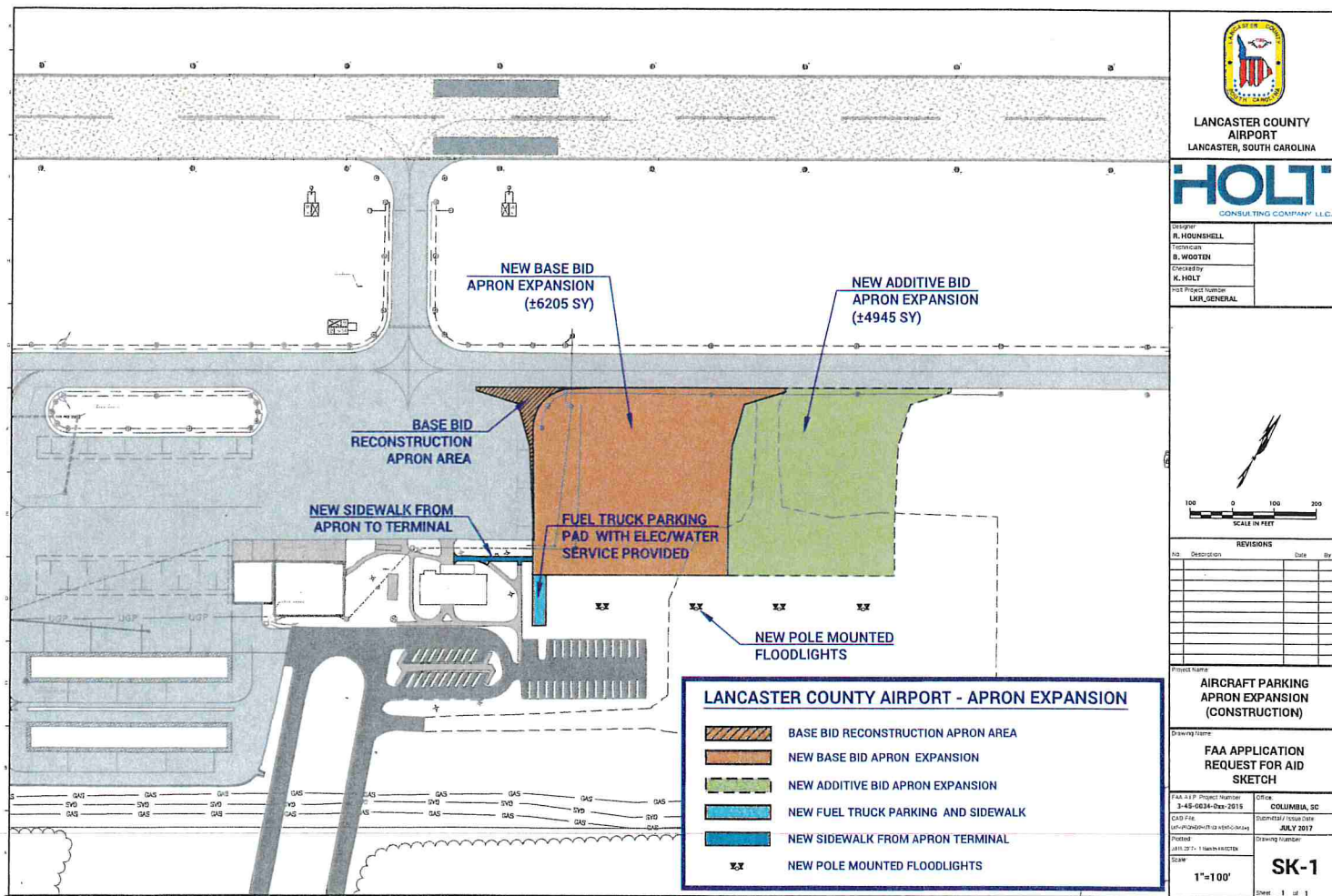
Approve or reject proceeding with the grant.

### **Staff Recommendation:**

Approve proceeding with the grant.

### **Committee Recommendation:**

Accept the grant.



## Agenda Item Summary

Ordinance # / Resolution#:	Discussion/ Action Item
Contact Person / Sponsor:	Steve Willis
Department:	Admin
Date Requested to be on Agenda:	July Public Safety Meeting July 17, 2017 Council Meeting

### **Issue for Consideration:**

Scope of Work for Fire Service Study

### **Points to Consider:**

I am meeting with the Fire Commission Executive Committee, Indian Land and Pleasant Valley Fire Chiefs, and fire staff to fine tune the scope of work. Here is the broad outline:

1. Volunteer recruitment and retention.
2. How to meet the challenge of growth in the panhandle.
3. Considerations for future funding.
4. As an offshoot, I anticipate discussions on how to integrate combination departments. It seems inevitable that Indian Land and Pleasant Valley will rapidly transition from volunteer departments to combination departments, likely with a predominant career firefighter component. We only have a single department like that now; Lancaster City Fire & Rescue. They cooperate with the Fire Commission but do not answer to the Fire Commission. How we create, fund/ operate, and integrate county combination departments while planning for future growth and needs of our more rural departments is the major output I expect.

I would stress that the findings will be reviewed by the Fire Commission and staff but the decision on how we proceed will rest with County Council.

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

\$45,000 – in order to proceed within the time frame to take advantage of cost savings in conjunction with York County as discussed I have initiated the process. If Council desires to take other action I need to know.

### **Council Options:**

Continue with study or stop the process.

### **Staff Recommendation:**

Continue on.

### **Committee Recommendation:**

Proceed with study.



## Agenda Item Summary

Ordinance # / Resolution#: N/A

Contact Person / Sponsor: Jessica Kennington

Department: Administration

Date Requested to be on Agenda: July 17<sup>th</sup>, 2017

### **Issue for Consideration:**

Updates to Social Media Platforms: Facebook, Twitter, Instagram and YouTube including but not limited to using social media to post upcoming meeting information.

### **Points to Consider:**

- The generation of Millennials primarily seek important information from social media rather than the news networks or newspapers. Because of this it is important for Lancaster County Government to provide up to date information regarding county news via social media platforms on a consistent basis. Allowing the below requested points would achieve this goal.
  - Provide consistent scheduling information to the public regarding upcoming council/ commission meetings and current new including road projects.
  - Provide citizen education through videos such as information describing the function of each county department.
  - Notify the public of upcoming events hosted by our organization as well as other groups such as See Lancaster and J. Marion Sims.
  - Post photos of community service projects where county employees participated to foster a positive relationship between employees and citizens.
  - Posting boards & commission vacancies and information videos about each commissions responsibility and function.
  - Provide educational information to citizens regarding new laws and requirements, ie. new car seat laws in South Carolina.
  - Give beneficial health and wellness or safety information to the public such as how to stay safe during extreme temperatures, while using fireworks, avoiding distracted driving etc.

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

This project would require no additional funding to complete.

### **Council Options:**

Approve or deny the use of social media to provide council/commission meeting information to the public and provide county government education opportunities to the public by way of informational or tutorial videos created by the Public Relations Coordinator.



# Charleston County Government

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## Charleston County Government

July 10 at 2:00am · 49

We have some schedule changes to our July meetings. The Thursday, July 13 committee meetings are being postponed and with the exception of the presentation for the Special Sales and Use Tax Oversight Committee and the one Executive Session item previously scheduled for today's Special Finance Committee, all other items have been moved to Tuesday, July 18 at 5:00 PM. Here's what's happening this afternoon.

Monday, July 10, 2017

5:00 PM Special Sales and Use Tax Committee

Special Finance Committee

To see the calendar and agendas click here: <http://bit.ly/2sevxSh>



## Charleston County Council

County Council serves as a link between County government and the citizens, municipalities and agencies located within its boundaries, and also represents the area's concerns and interests when dealing with other local, state, federal or...

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Charleston County Government

June 27 at 5:00pm

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Several opportunities to serve on a Charleston County Board or Commission! Check them all out here <http://bit.ly/2sdgWkK> and apply before July 5.

# CHARLESTON COUNTY COUNCIL ANNOUNCES VACANCIES

on BOARDS and  
COMMISSIONS



For more information: <http://bit.ly/2sdgWkK>



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## In Government:

Agendas, Minutes & Ordinances

Lancaster County Council

Boards and Commissions

Code of Ordinances

Other Elected Officials

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## Agendas, Minutes, Ordinances and Other Documents



A .pdf viewer software is required to read the Agendas & Minutes on this Web site. If you do not have one loaded on your computer, you may download the [Adobe Acrobat Reader](#) for FREE.

[Council Meeting Minutes](#) - Click here to view the searchable database for [Council Meeting Minutes](#)

### [Ordinances 2017](#)

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### [Airport Commission Agendas](#)

### [Assessment Appeals Board](#)

### [Board of Zoning Appeals Agendas](#)

### [Community Relations Commission Agendas](#)

### [County Transportation Committee \(CTC\)](#)

## More Information

[Click Here To Make a Citizens Comment Regarding an Agenda Item](#)

[Click here to sign up for Citizen Comment at the Upcoming Meeting](#)





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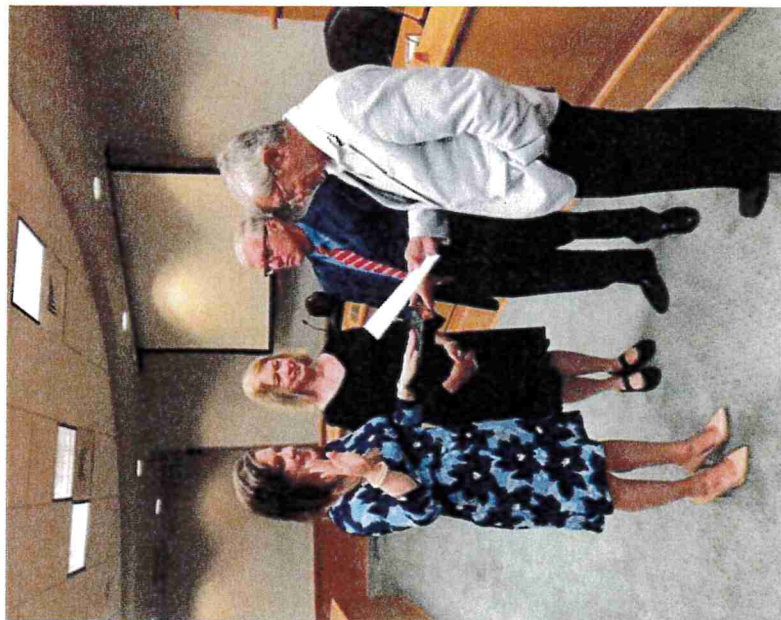
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Charleston County Government

July 1 at 11:34am

It's official! Mary Tinkler was sworn in this morning as Charleston County Treasurer!



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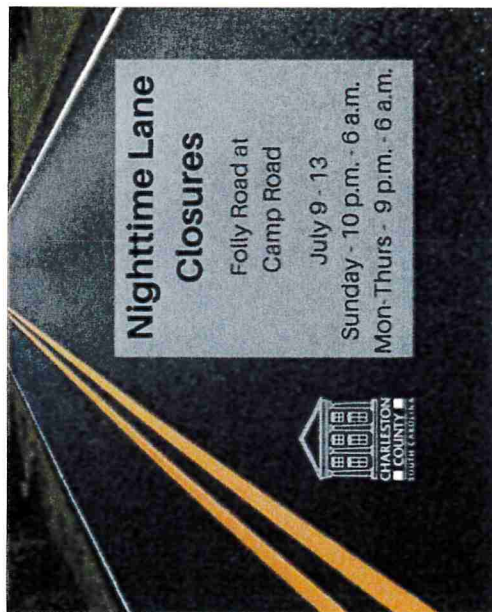
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Charleston County Government

July 7 at 5:00pm

A heads up for drivers on James Island! There will be nighttime lane closures starting this Sunday on Folly near Camp Road. At NO time will the entire road be blocked. Improvements are being done to relieve traffic congestion and localized flooding by adding turn lanes and up-sizing drainage pipes. Bike lanes and sidewalks will also be added. For more details click here: <http://bit.ly/2sVSms0>



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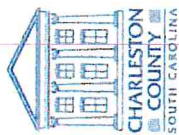
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Michelle Olsen

Like Reply July 7 at 5:37pm

Write a comment



Charleston County Government

July 5 at 5:00pm

It's a scorcher out there! Temperatures are in the nineties and the heat index is over 100. Charleston County Emergency Management has some tips on how you can beat this heat. It's also important to know the difference between heat exhaustion and heat stroke. Click here to learn how to help someone who is suffering from either one: <http://bit.ly/2sqvnuS>



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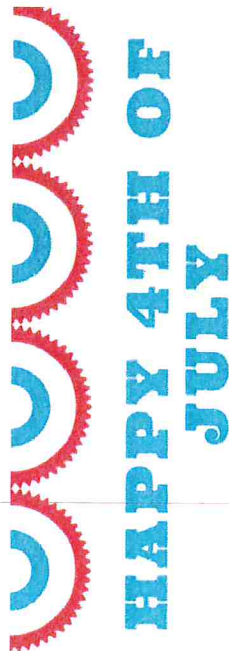
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July 3 at 5:00pm

Charleston County Government Offices are closed Tuesday, July 4. There is no curbside recycling collection Tuesday, and collection will be pushed back one day for the remainder of the week. All convenience centers and the Bees Ferry Landfill will be closed tomorrow in observance of the holiday. Check out these safety tips before you enjoy the holiday with your friends and family!



### Be Safe This Holiday

- Keep your grill away from your home, deck and overhead branches
- Make sure an adult is supervising fireworks, never try to relight a "dud" and keep water nearby
- Check boats for all necessary safety equipment
- Don't drink and drive, or drink and operate a boat
- If you get caught in a rip current at the beach, swim parallel until you are out of the current
- Always swim with a buddy
- Wear sunscreen, and watch for changing weather

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## Charleston County Government

June 27 at 8:00am

A reminder for those who need to register out of state cars! Starting next week, you will have to pay a \$250 infrastructure maintenance fee. If you register before July 1, you will only have to pay the \$24 registration fee. The increase is part of the gas tax bill passed by state lawmakers. The fee is only for people who bought cars out of state and are registering them in South Carolina for the first time. Active duty members are exempt from the vehicle maintenance fee. Here is what you need to know/bring when registering your vehicle in Charleston County: <http://bit.ly/2HUWwqE>. If you have any questions you can contact The Charleston County Auditor's Office at 843-958-4200. The Auditor's Office also has a live chat feature to help answer citizen questions, just click here: <http://bit.ly/2pgFuAm>

Register Out of State Cars Now

**FEES INCREASE**

July 1



Questions: Contact the Charleston County Auditor's Office  
(843)958-4200

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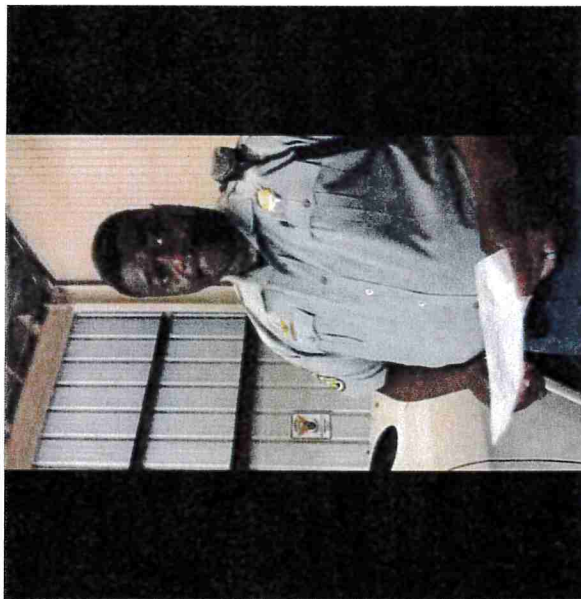
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Like Reply June 20 at 11:47pm  
Jane Barr Congrats Helen!  
Like Reply June 27 at 9:16am  
Write a comment

Charleston County Government shared Charleston  
County Sheriff's Office's live video  
June 22 at 11:50am

Watch live now! Information from the Charleston County Sheriff's Office  
about new child safety seat laws.



2,500 Views

Charleston County Sheriff's Office was live  
June 22 at 11:48am

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Like Reply April 15 at 12:49pm

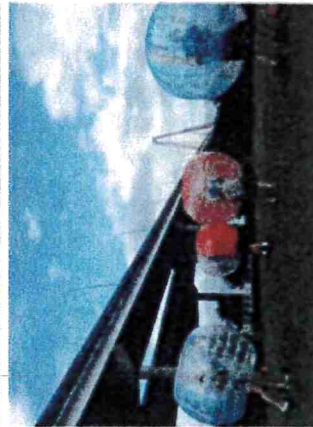
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**Charleston County Government**

April 15

Reminder! Charleston County's Earth Day Festival starts at 11 a.m. at Riverfront Park in North Charleston. Live music, entertainment, a reptile demonstration, bubble soccer, and fun environmental activities. Free Admission!



4,810 people like this and 4,797 people follow this

Jessica Catledge Kennington

530 people have been here

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June 22, 2017

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

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

Dear Mr. Willis:

Containing costs and efficiently managing our operations are critical to providing customers with the best value possible. Like every business, Charter faces rising costs that require occasional price adjustments. As a result, customers will be notified of the following price adjustments through a billing statement message on or after 07/22/17:

**Customer Bill Message:** At Spectrum, we continue to enhance our services, offer more of the best entertainment choices and deliver the best value. We are committed to offering you products and services we are sure you will enjoy. Effective with your next billing statement, pricing will be adjusted for the following:

- Broadcast TV Surcharge from \$6.05 to \$7.50. This reflects costs incurred from local Broadcast TV stations.
- Spectrum Receivers from \$4.99 to \$5.99 (per receiver).

We remain committed to providing excellent communications and entertainment services in your community and in each of the communities we serve. If you have any questions about this matter, please feel free to contact me at (803) 251-5320 or via email at [ben.breazeale@charter.com](mailto:ben.breazeale@charter.com)

Sincerely,



---

Ben Breazeale  
Sr. Director of State Government Affairs  
South Region





June 29, 2017

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

Re: Charter Communications - Upcoming Changes

Dear Mr. Willis:

I am writing to you as part of our ongoing efforts to keep you apprised of developments affecting Charter Communications subscribers in your area.

Universal HD will cease the transmission of their programming as of July 14th. This channel will no longer be available, however the new Olympic Channel will replace Universal HD. The Olympic Channel will be part of the sports neighborhood on SPP Tier 1 (Silver).

In addition, we are adding some or all of the following channels to the Spectrum SPP Channel lineup. Shop Zeal 1, Shop Zeal 2, Shop Zeal 3, Shop Zeal 4, Shop Zeal 5, Shop Zeal 8, Shop Zeal 9, Gem Shopping Network, Americans Auction Network and Shop LC.

We remain committed to providing an excellent experience for our customers, in your community and in each of the communities we serve. If you have any questions about this change, please feel free to contact me at (704) 378-2739 or via email at [michael.tanck@charter.com](mailto:michael.tanck@charter.com).

Sincerely,

A handwritten signature in blue ink, appearing to read "Michael E. Tanck", with a stylized flourish at the end.

Michael E. Tanck  
Director of Government Affairs  
Charter Communications

South Carolina Department of  
**Natural Resources**



**DNR**

Alvin A. Taylor  
Director

Ken Rentiers  
Deputy Director for  
Land, Water and Conservation

June 5, 2017

Kenneth Cauthen  
Chief Zoning Officer  
101 North Main Street  
Lancaster, SC 29720

**RE: LANCASTER COUNTY'S COMMUNITY ASSISTANCE VISIT RESULTS**

Dear Mr. Cauthen:

Thank you for the courtesy extended to SCDNR staff during the recent Community Assistance Visit (CAV) on June 1, 2017. The purpose of the visit was to assist community officials with the implementation and administration of the local floodplain management program and to evaluate Lancaster County's status as a participant in the NFIP.

During the meeting a complete review of the County's floodplain management program was conducted. Your staff's knowledge reflects well in the practice of sound floodplain management.

It is our goal to assist in keeping Lancaster County's participation in good standing with the NFIP.

A copy of the CAV report is enclosed for your reference. No actions need to be taken by the County and the CAV can be closed at this time.

Should you have any questions or concerns regarding the program, you may contact me at 803-734-4012 / [artzj@dnr.sc.gov](mailto:artzj@dnr.sc.gov).

Thank you,

A handwritten signature in black ink, appearing to read "Jessica Artz".

Jessica Artz  
Flood Mitigation Specialist

enclosures

CC: Mr. Tim Russo, FEMA Region IV



# COMMUNITY ASSISTANCE VISIT REPORT

Lancaster County  
Name of Community

Lancaster  
County

450120  
Community ID

Jessica Artz  
Conducted By

State  
Agency

06/01/2017  
Date of Visit

Kenneth Cauthen  
Floodplain Administrator

(803) 416-9777  
Telephone

101 North Main Street  
Address of Local Official

Lancaster, SC 29720

	NONE    SERIOUS    MINOR		
1. Are there any problems with the community's floodplain mgt regs?	x		
2. Are there problems with administrative and enforcement procedures?	x		
3. Are there engineering or other problems with the maps or FIS?	x		
4. Are there other problems with the local floodplain management program?	x		
5. Are there problems with the Biennial Report data?	x		
6. Are there any programmatic issues or problems identified?	X		

7. Are there any potential violations of the community's floodplain management regulations?

  x    
        
      

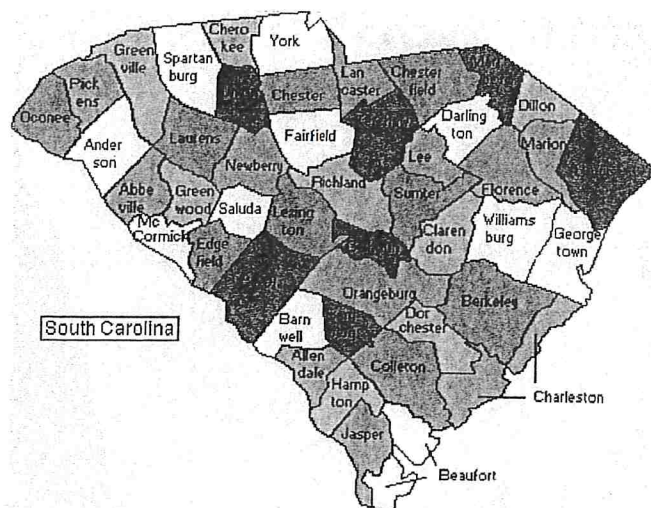
A potential violation has been identified.

No violations have been identified.

Actions are in progress to remedy violations.



## A. BACKGROUND



- a LAST CAV/BY WHOM/RESULTS: CIS records show the last CAV in Lancaster County (herein known as the County) was October 11, 2013. The CAV was closed October 11, 2013. There was no follow up required by the County.
- b HISTORY/ FLOOD PROBLEMS/ POPULATION/ DEVELOPMENT PRESSURE/ BIENNIAL REPORT (Refer to FIS where appropriate): The population of the County is approximately 89,594. There is very little development throughout the County, with the exception of the "Indian Lands" region that is close to Fort Mill, SC and Charlotte, NC. This area is experiencing rapid growth. There have been some developments in the Special Flood Hazard Area (SFHA) however, the developers have either done LOMRs to revise the flood zones or have kept all structures out of the SFHA. There is also a large gold mine in the County that is expanding but they have kept all structures out of the SFHA at this point. The County did not experience any flooding with the October 2015 flood or Hurricane Matthew.
- c ADMINISTRATIVE PERMIT PROCESS (incl. Application, review, inspection, record keeping, enforcement, & substantial improvement & damage): Kenneth Cauthen is the Floodplain Administrator and the Zoning Official for Lancaster County. All building permits come to the zoning office first to be checked for proper zoning. They are also reviewed for flood zone at this time. Most of the applications received are for subdivisions in the Indian Lands region of the County, however, to date, there are no homes located in the SFHA in this area, only parcels that are located in the floodplain fringe. There have not been any individual permits issued in the County in the last five years.

d INSURANCE INFORMATION/ CRS:

CIS database shows there are 127 policies. The amount of insurance in force is \$35,647,400.00.

B. REFERENCE QUESTIONS 1-4 ABOVE

1. Floodplain Management Regulations: No issues.
2. Administrative and Enforcement Procedures:  
The Floodplain Administrator is currently not reviewing utility projects from the Lancaster Water and Sewer District.
3. Maps and Flood Insurance Studies:  
Lancaster County recently received some new panels with the Lower Catawba Watershed map update. No issues.
4. Other Problems with the FPM Program:  
None found.

C. PROGRAMMATIC ISSUES

None found.

D. SECTION 404, HAZARD MITIGATION GRANT PROGRAM/ FMAP (Floodplain Management Assistance Program)

The community is eligible for other Federal programs.

E. EXECUTIVE ORDER 11988, FLOODPLAIN MANAGEMENT

The community works with other Federal Agencies (OFA's) whenever it is called upon to do so, or the need is there. There is no deviation from this policy.

F. OTHER FINDINGS

All flood permits were pulled for review. No structures associated with these permits are located in the SFHA.

No field visits were conducted.

---

G. FOLLOW-UP (BY FEMA/STATE)

There is no need for follow up by the State or FEMA.

H. COMMUNITY ACTION NEEDED

The County must begin reviewing utility projects to verify flood zone and compliance with the current flood regulations.

No other action needed.

**SUBJECT: NEW ICC BUILDING VALUATION TABLES**

I wanted to let Council know that the International Code Congress has updated their Building Valuation Tables and we will begin using them in July. These are the tables whereby a standard valuation per square foot, based on the type of construction, is used to calculate the cost of the building permit. This standardizes the process and eliminates disagreements on the value of the structure for permitting purposes.

This is just information and no action by Council is needed such as when we adopt new ICC Construction Codes.

SW



**SUBJECT: UNFUNDED TAX MILLAGE IDEA**

Several months ago I discussed with County Council about showing unfunded mandate costs on the property tax bills. I would like to delay this idea for one year and revisit it next year with Council. This is due to several reasons.

1. We have a new Auditor and I don't want to throw any new wrinkles into the process while she is still settling into the office.
2. The Senate really came through for us and we were basically held harmless on the Local Government Fund. In addition, the dollars that were added were recurring dollars which will really help in future years. Our local Delegation was very supportive.

Without objection from Council we will revisit this idea next year with the Administration Committee. Thanks.

SW

# MEETINGS & FUNCTIONS – 2017

DAY/DATE	TIME	FUNCTION/LOCATION
Monday, July 17 <sup>th</sup>	6:00 p.m.	Council Meeting Council Chambers, Administration Building
Monday, August 14 <sup>th</sup>	6:00 p.m.	Council Meeting Council Chambers, Administration Building
Tuesday, August 15 <sup>th</sup>	3:00 p.m.	Infrastructure and Regulation Committee (I&R) Council Conference Room, Administration Building
Tuesday, August 15 <sup>th</sup>	5:00 p.m.	Public Safety Committee Council Conference Room, Administration Building
Tuesday, August 15 <sup>th</sup>	5:00 p.m.	Administration Committee Council Chambers, Administration Building
Monday, August 28 <sup>th</sup>	6:00 p.m.	Council Meeting Council Chambers, Administration Building

## LANCASTER COUNTY STANDING MEETINGS

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