

Lancaster County Council Regular Meeting Agenda

Monday, April 23, 2018

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 Billy Mosteller**
4. **Approval of the agenda** */deletions and additions of non-substantive matter/*
5. **Special Presentations**
 - a. Thumbs Up for the Buford High School Army ROTC for helping clean up the historic Buford Battleground site – Presented by Chairman Steve Harper and Hal Hiott
 - b. Thumbs Up for the Friends of the Buford Battleground for cleaning up the historic Buford Battleground site – Presented by Chairman Steve Harper and Hal Hiott
 - c. Recognition of Robin Ghent, Director of Veterans Affairs, for being awarded the County Veteran Affairs Officer of the Year – Recognition by Chairman Steve Harper
 - d. Presentation on the Nursing Program at the University of South Carolina – Lancaster – Presented by Dr. Courtney Catledge
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** */Items listed under the Consent Agenda have previously been discussed by Council and approved unanimously. As such, these items are normally voted on as a group through a single vote rather than with a Council vote for each individual item. However, any Council member may remove any item on the Consent Agenda for individual discussion and vote/*
 - a. Minutes from the March 29, 2018 County Council Workshop – **pgs. 5-7**
 - b. Minutes from the April 9, 2018 County Council regular meeting – **pgs. 8-16**

- c. **2nd Reading of Ordinance 2018-1490 regarding Rezoning Property from PDD-5 to PDD-27**
Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As To Rezone Approximately 9.625 Acres Located In Bailes Ridge, Identified As Tax Map No. 0005-00-090.00, From Planned Development District-5 (PDD-5) To Avondale Mixed Use Planned Development District (PDD-27); To Amend Various Sections Of Ordinance No. 2015-1369 (PDD-27), So As To Reflect The Addition Of The Approximately 9.625 Acres To PDD-27. – *Planning Commission recommended approval by a vote of 6-0. Passed 7-0 at the April 9, 2018 County Council Meeting. – Penelope Karagounis – pgs. 17-19*
- d. **2nd Reading of Ordinance 2018-1503 regarding a Budget Amendment**
Ordinance Title: An Ordinance To Amend Ordinance No. 2017-1447, Relating To The Appropriation Of Funds And The Approval Of A Detailed Budget For Lancaster County For The Fiscal Year Beginning July 1, 2017 And Ending June 30, 2018 (FY 2017-2018), To Further Provide For Revenues And Expenditures During The Fiscal Year. – *Passed 7-0 at the April 9, 2018 County Council Meeting. – Kim Hill – pgs. 20-22*
- e. **2nd Reading of Ordinance 2018-1504 regarding Rezoning Property Owned by the Katawba Valley Land Trust**
Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As To Rezone ± 367.9 Acres Of Property Owned By The Katawba Valley Land Trust, Located Near The Intersection Of HWY 265 And Taxahaw Road From AR, Agricultural Residential District To OSP, Open Space Preservation District. – *Planning Commission recommended approval by a vote of 6-0. Passed 7-0 at the April 9, 2018 County Council Meeting. – Penelope Karagounis – pgs. 23-24*
- f. **2nd Reading of Ordinance 2018-1505 regarding Rezoning Property Owned by the Lancaster County Water and Sewer District**
Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As To Rezone ± 151 Acres Of Property Owned By The Lancaster County Water Sewer District, Located At 5107 Riverside Road From INS, Institutional District To HI, Heavy Industrial District. – *Planning Commission recommended approval by a vote of 6-0. Passed 7-0 at the April 9, 2018 County Council Meeting. – Penelope Karagounis – pgs. 25-26*

8. Non-Consent Agenda

- a. **Resolution 0999-R2018 regarding Authorization of a Modification to the TAP Grant Through RFATS**
Resolution Title: A Resolution To Authorize The Modification Of A Transportation Alternative Program Grant Through RFATS; To Commit To Funding A Local Grant Match In Cooperation With The Lancaster County School District. – *Steve Willis/Penelope Karagounis – pgs. 27-29*

b. Public Hearing and 2nd Reading of Ordinance 2018-1491 regarding Approval of the Second Amendment To The Development Agreement Avondale Development

Ordinance Title: An Ordinance To Approve A Second Amendment To The Development Agreement Avondale Development; To Authorize Certain County Officials To Execute And Deliver The Second Amendment To The Development Agreement Avondale Development. – *Planning Commission recommended approval by a vote of 6-0. Passed 7-0 at the April 9, 2018 County Council Meeting. – John Weaver – pgs. 30-45*

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. American Battlefield Protection Program grant. – *Steve Willis – pgs. 46-54*

c. Annual Catawba Council of Governments planning grant. – *Steve Willis – pg. 55*

d. Potential office space for the Soil and Water Conservation office – (*Favorable Recommendation – Administration Committee*) – *Steve Willis – pg. 56*

e. Bailes Ridge EMS site – *Steve Willis/Clay Catoe – pgs. 57-74*

f. Discussion of Convenience Site hours – *Jack Estridge – pg. 75*

g. Locate the proposed Animal Shelter on the site of the current Farmer's Market on the Pageland Highway – (*Motion from the I & R Committee*) – *Larry Honeycutt, I & R Committee Chair – pg. 76*

h. Update on County Revenue – *Steve Willis*

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

11. Miscellaneous Reports and Correspondence

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

13. Executive Session

14. Calendar of Events – *pgs. 77-78*

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.mylanastersc.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

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Minutes of the Lancaster County Council Workshop

101 N. Main Street, Lancaster, SC 29720

Thursday, March 29, 2018

Council Members present were Brian Carnes, Jack Estridge, Terry Graham, Steve Harper, Larry Honeycutt, Charlene McGriff and Billy Mosteller. Also present were Steve Willis, Sherrie Simpson, Hal Hiott, Katherine Walters, Recreation Commissioner Lester Belk, Recreation Commissioner Tiffany Whaley, Recreation Commissioner Quinton Rodgers, Recreation Commissioner Gerry Vetter, various Recreation Department staff, and the press. 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 posted in the lobby of the County Administration Building and also on the county website the required length of time.

Call to Order regular meeting

Chairman Steve Harper called the Council Workshop to order at approximately 5:30 p.m.

Approval of the agenda

Charlene McGriff moved to approve the agenda. Seconded by Brian Carnes. Council approved the agenda by unanimous vote of 7-0.

Steve Willis reminded Council that during a Workshop there can be no motions made and no votes taken.

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Citizens Comments

There were no citizens that came forward for comments.

Discussion and Action Items

Possible Bond Referendum and Hospitality Funds Usage.

Hal Hiott explained the Lancaster County Parks and Recreation staff recommendations for projects and that list is attached as Schedule A.

Steve Willis discussed the time table for a general obligation bond. He noted that the 1st Reading of the Ordinance would need to be completed at the first meeting in June and the ballot questions would need to be submitted to the Elections Commission the first part of August.

Hal Hiott explained that these projects would bring revenue into the general economy of Lancaster, not to the Recreation Department. He explained that these projects call for renovations and not necessarily buying more land. Council discussed the positive and negative points for renovating the Indian Land Recreation Department versus buying new property. Hal Hiott did explain that once the EMS station is moved that would allow for more parking for the existing Indian Land Recreation Center.

Hal Hiott stated that a ten million dollar bond would complete all of the projects. Charlene McGriff noted that the bond projects have to be equitable to the entire County. The Council discussed the positive and negative aspects of using Hospitality money for some of the projects or whether that money should be reserved as recommended by Frannie Heizer of McNair Law Firm. Katherine Walters stated that the Buford Recreation Center needs to be completed so that the County can host events and that will bring in more Hospitality money. Veronica Thompson stated that if it is Council's intent to generate tourism dollars, then a project needs to be finished or completed. Hal Hiott stated that the lights and fencing have been completed at the Buford Recreation Center, but that the irrigation and landscaping still need to be completed. He stated that this phase of the Buford Recreation Center will be under budget by approximately thirty-seven thousand dollars (\$37,000.00) and that he would like to use those funds, along with PARD money, to build a playground. The cost to complete the final phase of the Buford Recreation Center, which includes paving the parking lot, security lighting in the parking lot and installing outdoor restrooms, would be approximately four hundred and twenty-five thousand dollars (\$425,000.00).

Council requested that the potential authorization to build a playground at the Buford Recreation Center with previously allocated funds be placed on the Council agenda. They also requested that the potential authorization for a feasibility study for the expansion of the existing Indian Land Recreation Center be placed on the Council agenda.

Charlene McGriff stated that Council needs to be strategic on the projects that are put forth on the bond referendum. Steve Harper explained his vision for the recreation projects: that

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hospitality funds be used to complete the Buford Recreation Center and that the potential bond be used to fund an Indian Land Recreation Center, a soccer facility in Heath Springs, soccer fields at Harrisburg and some funding for the Lindsay Pettus Greenway and some funding for the Barr Street Auditorium. Council discussed this list of projects, potential costs for these projects and how to fund this list of projects.

A final project list for the bond referendum will be discussed at the Administration Committee. The completion of the Buford Recreation Center using Hospitality funds will be discussed during the Fiscal Year 2018-2019 budget review process.

Adjournment

Brian Carnes moved to adjourn the Workshop. Seconded by Billy Mosteller. Council voted to adjourn the meeting by unanimous vote of 7-0. The Council Workshop adjourned at approximately 6:50 p.m.

Respectfully Submitted:

Approved by Council, April 23, 2018

Sherrie Simpson
Clerk to Council

Larry Honeycutt, Secretary



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

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Minutes of the Lancaster County Council Regular Meeting

101 N. Main Street, Lancaster, SC 29720

Monday, April 9, 2018

Council Members present were Brian Carnes, Jack Estridge, Terry Graham, Steve Harper, Larry Honeycutt, Charlene McGriff and Billy Mosteller. Also present were Steve Willis, John Weaver, Sherrie Simpson, Chelsea Gardner, Penelope Karagounis, Kim Hill, various department heads and staff, 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 posted in the lobby of the County Administration Building and also 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 approximately 6:00 p.m.

Welcome and Recognition/Pledge of Allegiance and Invocation

Chairman Steve Harper welcomed everyone to the meeting. Charlene McGriff led the Pledge of Allegiance to the American Flag and delivered the invocation.

Approval of the agenda

Brian Carnes moved to approve the agenda. Seconded by Charlene McGriff. Council approved the agenda by unanimous vote of 7-0.

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Steve Willis noted that he would provide an update on grants prior to Executive Session.

Special Presentations

Chairman Steve Harper and Hal Hiott presented the Parks and Recreation 10 and under girls basketball team and coaches with a Proclamation honoring their State Championship.

Commander Jerry Marcus and Adjutant William Chick presented the Indian Land Post 250 American Legion's Outstanding Law Enforcement Officer of the Year Award to Peter Beck, Deputy First Class, Lancaster County Sheriff's Office.

Commander Jerry Marcus and Adjutant William Chick presented the Indian Land Post 250 American Legion's Firefighter of the Year Award to Chris Miller.

Councilman Brian Carnes, Chairman of the Rock Hill Fort Mill Area Transportation Study (RFATS), provided a presentation and overview of the Collector Road Plan from RFATS. He also provided an update of the current RFATS projects in Indian Land: the Highway 160 expansion and the re-alignment of the intersection of Marvin Road and Highway 521.

Citizens Comments

Elizabeth Howey, Indian Land, SC, spoke regarding Resolution 0998-R2018.

Linda Hardee, Indian Land, SC, spoke regarding Resolution 0998-R2018.

Eddie Howey, Indian Land, SC, spoke regarding Resolution 0998-R2018.

Ginger Hussey, Indian Land, SC, spoke regarding Resolution 0998-R2018.

Travis Pangle, Indian Land, SC, spoke regarding Ordinance 2018-1506 and Resolution 0998-R2018. He provided pictures and handouts to Council regarding Ordinance 2018-1506 and they are attached as Schedule A.

Josh Pangle, Indian Land, SC, spoke regarding Ordinance 2018-1506.

Wanda Rosa, Indian Land, SC, spoke regarding Resolution 0997-R2018.

Judy Pettus Anderson, Fort Mill, SC, spoke regarding Resolution 0997-R2018.

Collin Wilson, Indian Land, SC, spoke regarding Resolution 0998-R2018. He provided a Petition to oppose the Conditional Use Permit CU-018-005 Truth in Grace Bible Church to Council and the Petition is on file in the Clerk to Council's office. He also spoke regarding Ordinance 2018-1506.

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Amanda Dunn, Indian Land, SC, spoke regarding Resolution 0998-R2018. She provided handouts to Council but copies were not provided to the Clerk to Council for the record.

Dick Christie, Heath Springs, SC, spoke regarding Ordinance 2018-1504.

Yuhui Wang, Charlotte, NC, spoke regarding Resolution 0998-R2018.

Consent Agenda

Billy Mosteller moved to approve Consent Agenda Item **a.**, Item **b.**, Item **c.** and Item **d.** below. Seconded by Terry Graham. No further discussion. Council approved Consent Agenda Items **a.**, **b.**, **c.** and **d.** below by unanimous vote of 7-0.

- a. Minutes from the March 26, 2018 County Council regular meeting
- b. **3rd Reading of Ordinance 2018-1500 regarding Rezoning Property of Jimaki Witherspoon**
Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As To Rezone Property Of Jimaki Witherspoon, Located \pm 850 Feet East Of The Intersection Of SC Hwy 200 And Highpoint Circle In Lancaster County From MH, Manufactured Housing District To MDR, Medium Density Residential District.
- c. **3rd Reading of Ordinance 2018-1501 regarding Rezoning Property of Randall Collins, Trustee**
Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As To Rezone Property Of Randall Collins, Trustee, Located At 1501-1539 Memorial Park Road In Lancaster County From MDR, Medium Density Residential District To HDR, High Density Residential District.
- d. **3rd Reading of Ordinance 2018-1502 regarding Rezoning Property of Darren Sowell**
Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As To Rezone Property Of Darren Sowell, Located On Wheat Street \pm 500 Feet East Of The Intersection Of Fork Hill Road And Wheat Street In Lancaster County From MDR, Medium Density Residential District To RR, Rural Residential District.

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Non-Consent Agenda

Resolution 0996-R2018 regarding Approval of a Mixed Use District/Master Development Plan of an Apartment Complex within Red Ventures Campus West

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 Within The Red Ventures Campus West Of Red Ventures Drive And South Of Potts Lane.

Terry Graham moved to approve Resolution 0996-R2018. Seconded by Charlene McGriff. Council voted to approve Resolution 0996-R2018 by unanimous vote of 7-0.

Resolution 0997-R2018 regarding Approval of a Conditional Use Application of Michael Hill

Resolution Title: A Resolution To Approve The Conditional Use Application Of Michael Hill To Locate, Design, Construct And Operate An Automated Car Wash And Fuel Canopy (Doing Business As Sam's Express Car Wash) On Tax Map 13, Parcel 48.00 And A Portion Of Tax Map 13, Parcel 49.01, Both Zoned General Business (GB), And Located At The Northeastern Corner Of Highway 521 And Shelley Mullis Road In Indian Land.

Brian Carnes moved to approve Resolution 0997-R2018. Seconded by Billy Mosteller. Council voted to approve Resolution 0997-R2018 by unanimous vote of 7-0.

Resolution 0998-R2018 regarding Approval of the Conditional Use Application of Truth and Grace Bible Church

Resolution Title: A Resolution To Approve The Conditional Use Application Of Truth And Grace Bible Church To Locate, Design, Construct And Operate A Church On A Five And 32/100 (5.32) Acre Tract, Zoned Low Density Residential District (LDR), On Tax Map 3, Parcel 49-18 – Tract #2, And Located On Harrisburg Road One Hundred (100') Feet South Of The Intersection With Carolina Acres Road In Indian Land.

John Weaver stated that the name of the Church should be Truth in Grace Bible Church and not Truth and Grace Bible Church as previously recorded in the Resolution. He stated that this would be considered a scrivener's error and that no amendment to the Resolution would be needed. Resolution 0998-R2018 with the corrected name of the Church was placed at Council's seats and is attached as Schedule B.

Larry Honeycutt moved to deny Resolution 0998-R2018. Seconded by Billy Mosteller.

Penelope Karagounis stated that this application is not a rezoning but rather a conditional use permit. She noted that all conditions have been met for the Unified Development Ordinance (UDO). She explained that the application was approved by the Planning Commission on March 20, 2018 by a vote of 6-0.

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Billy Mosteller asked where the Church was moving from and if it was moving from another State. The applicant stated that they are moving from the Charlotte/Ballantyne area.

Penelope Karagounis stated that the public hearing was held at the Planning Commission meeting for this application and she noted that Council has to make the final decision about issuing the Conditional Use Permit. She explained that this application is not a rezoning.

Steve Harper asked John Weaver what happens if the Conditional Use Permit is denied. John Weaver explained that if the Resolution is denied then Council needs to give a logical reason for the denial and then the applicant would have the opportunity to appeal the decision to the Court of Common Pleas across the street.

Larry Honeycutt stated that 103 residents signed a Petition against this Conditional Use Permit.

Council voted 5-2 to deny Resolution 0998-R2018. Jack Estridge, Brian Carnes, Larry Honeycutt, Billy Mosteller and Terry Graham voted in favor of the denial of Resolution 0998-R2018 and Steve Harper and Charlene McGriff opposed.

1st Reading of Ordinance 2018-1490 regarding Rezoning Property from PDD-5 to PDD-27

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As To Rezone Approximately 9.625 Acres Located In Bailes Ridge, Identified As Tax Map No. 0005-00-090.00, From Planned Development District-5 (PDD-5) To Avondale Mixed Use Planned Development District (PDD-27); To Amend Various Sections Of Ordinance No. 2015-1369 (PDD-27), So As To Reflect The Addition Of The Approximately 9.625 Acres To PDD-27.

Terry Graham moved to approve the 1st Reading of Ordinance 2018-1490. Seconded by Brian Carnes. Council approved the 1st Reading of Ordinance 2018-1490 by unanimous vote of 7-0.

1st Reading of Ordinance 2018-1491 regarding Approval of the Second Amendment To The Development Agreement Avondale Development

Ordinance Title: An Ordinance To Approve A Second Amendment To The Development Agreement Avondale Development; To Authorize Certain County Officials To Execute And Deliver The Second Amendment To The Development Agreement Avondale Development.

Larry Honeycutt moved to approve the 1st Reading of Ordinance 2018-1491. Seconded by Charlene McGriff. Council approved the 1st Reading of Ordinance 2018-1491 by unanimous vote of 7-0.

1st Reading of Ordinance 2018-1503 regarding a Budget Amendment

Ordinance Title: An Ordinance To Amend Ordinance No. 2017-1447, Relating To The Appropriation Of Funds And The Approval Of A Detailed Budget For Lancaster County For The Fiscal Year Beginning July 1, 2017 And Ending June 30, 2018 (FY 2017-2018), To Further Provide For Revenues And Expenditures During The Fiscal Year.

Terry Graham moved to approve the 1st Reading of Ordinance 2018-1503. Seconded by Brian Carnes. Council approved the 1st Reading of Ordinance 2018-1503 by unanimous vote of 7-0.

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1st Reading of Ordinance 2018-1504 regarding Rezoning Property Owned by the Katawba Valley Land Trust

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As To Rezone \pm 367.9 Acres Of Property Owned By The Katawba Valley Land Trust, Located Near The Intersection Of HWY 265 And Taxahaw Road From AR, Agricultural Residential District To OSP, Open Space Preservation District.

Charlene McGriff moved to approve the 1st Reading of Ordinance 2018-1504. Seconded by Larry Honeycutt. Council approved the 1st Reading of Ordinance 2018-1504 by unanimous vote of 7-0.

1st Reading of Ordinance 2018-1505 regarding Rezoning Property Owned by the Lancaster County Water and Sewer District

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As To Rezone \pm 151 Acres Of Property Owned By The Lancaster County Water Sewer District, Located At 5107 Riverside Road From INS, Institutional District To HI, Heavy Industrial District.

Charlene McGriff moved to approve the 1st Reading of Ordinance 2018-1505. Seconded by Terry Graham. Council approved the 1st Reading of Ordinance 2018-1505 by unanimous vote of 7-0.

1st Reading of Ordinance 2018-1506 regarding Rezoning a Portion of Property Owned by Lyndell Thompson Builders, LLC

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As To Rezone A \pm 2 Acre Portion Of Property Owned By Lyndell Thompson Builders, LLC, Located At 1034 Society Lane In The Indian Land Section Of Lancaster County From IMX, Industrial Mixed-Use District To GB, General Business District.

Larry Honeycutt moved to deny the 1st Reading of Ordinance 2018-1506. Seconded by Charlene McGriff.

Penelope Karagounis explained that the Planning staff recommended denial of this rezoning application, but the Planning Commission recommended approval of the application by a vote of 6-0.

Billy Mosteller stated that he has looked at the property and he stated that the road cannot handle any more traffic. Larry Honeycutt stated that the property needs to be cleaned up. Brian Carnes stated that there have been repeated attempts to get the landlord to clean up this property but he has refused. Charlene McGriff agreed with Brian Carnes and Larry Honeycutt.

Council voted 7-0 to deny the 1st Reading of Ordinance 2018-1506.

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Discussion and Action Items

Authorize playground at Buford Recreation Center and authorize site consulting engineer to examine Indian Land Recreation Center property for a potential expansion.

Terry Graham moved to authorize Steve Willis to execute all necessary documents and to use existing funding for building a playground (encompassing the playground equipment, fencing and landscaping) at the Buford Recreation Center. He further moved to authorize Steve Willis to execute all necessary documents and provide for funding from the general fund for a site consulting engineer to examine the Indian Land Recreation Center property for a potential expansion. Seconded Brian Carnes. Council approved the motion by unanimous vote of 7-0.

TAP grant application for Lindsay Pettus Greenway.

Steve Willis explained that the County will sponsor a Transportation Alternative Program (TAP) grant for the Lindsay Pettus Greenway, along with the City of Lancaster and the Lancaster County School District. He noted that this item is for information only.

Pending Projects Update (2 projects have been completed and will be removed from future updates: DSS and Harrisburg Road Site Clearance).

Steve Willis noted that 2 projects have been completed and will be removed from the pending projects update list in the future. He stated that the Department of Social Services (DSS) renovations have been completed and the Harrisburg Road Site Clearance has been completed. He explained that the architects are looking at existing County property to build the animal shelter and the garage. He also provided a handout regarding an update on the Indian Land Office renovations and the handout is attached as Schedule C.

Larry Honeycutt asked when the work is going to start on the new EMS Headquarters. Steve Willis stated that construction will not start until July 1 because the money for construction will be appropriated in the new Fiscal Year budget. Larry Honeycutt stated that projects are taking too long. Steve Harper explained that the County has to meet all procurement requirements. Kim Hill explained that Council has only reserved funds in fund balance for the EMS Headquarters but that they have not allocated or appropriated the money to be spent yet. Steve Willis explained the procurement requirements.

Update on Finances and Revenue.

Steve Willis explained that the revenue situation has improved but has not yet been resolved. He noted that Duke Energy has been billed. He explained that the Homestead exemptions have not yet been submitted to the State but that they are within the proper time frame for submittal. He stated that the Auditor has been working with Rick Anderson of the South Carolina Department of Revenue. He noted that the County will be conservative on budgeting this year until the revenue situation is resolved.

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Kim Hill stated that the County is cutting off Purchase Orders a little earlier this year and that she is closely monitoring revenues and expenditures. Terry Graham asked that a comparison of year to date revenues for 2017 and 2018 be brought to the Administration Committee meeting. Kim Hill stated that the County does have growth and she noted that such a comparison may not be helpful because the County had a millage increase and property growth but that the growth based on these increases is not as much as would be expected.

Kim Hill explained that she only looks at collections but that billing comes from the Auditor. Steve Willis stated that the County is continuing to work to find the source of the revenue shortfall.

Steve Harper asked that this Discussion / Action Item be kept on the agenda.

Steve Willis stated that he had two updates on grants before Executive Session. He stated that Jamie Gilbert spoke with the Department of Commerce and that the grant for the Economic Development project is a reimbursable grant so the money has to be fronted by the County first and then the County can get reimbursed from the State. He stated that the County will proceed with the grant if there are no objections from Council. Second, he noted that the Department of Transportation (DOT) provided inaccurate costs regarding the TAP grant for the sidewalks. He stated that the County will move forward with the application but that it may need to be withdrawn later depending on the new costs provided by DOT.

Executive Session

Charlene McGriff moved to go into Executive Session to discuss two proposed contractual matters pursuant to SC Code Section 30-4-70(a)(2). Seconded by Terry Graham. Chairman Steve Harper asked Clay Catoe, Director of EMS, to join Council in Executive Session. The motion to go into Executive Session passed by unanimous vote of 7-0. Council went into Executive Session at approximately 7:51 p.m.

Brian Carnes moved to come out of Executive Session. Seconded by Charlene McGriff. The motion to come out of Executive Session passed by unanimous vote of 7-0. Council came out of Executive Session at approximately 8:17 p.m.

Upon returning to open session, Attorney John Weaver noted that two contractual matters were discussed during Executive Session. He stated that during the course of Executive Session, no votes were taken and no decisions were made.

Larry Honeycutt moved that the County Attorney be authorized to compose a letter between Lancaster County and the Town of Van Wyck wherein the County would continue to issue building permits for the Town of Van Wyck for one year from the date of the letter. Seconded by Charlene McGriff. Council approved the motion by unanimous vote of 7-0.

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Charlene McGriff moved that the County Attorney be authorized to move forward with negotiations for a two (2) acre parcel of property at Bailes Ridge. Seconded by Brian Carnes. Council approved the motion by unanimous vote of 7-0.

Adjournment

Larry Honeycutt moved to adjourn the meeting. Seconded by Charlene McGriff. Council voted to adjourn the meeting by unanimous vote of 7-0. The Council meeting adjourned at approximately 8:20 p.m.

Respectfully Submitted:

Approved by Council, April 23, 2018

Sherrie Simpson
Clerk to Council

Larry Honeycutt, Secretary

STATE OF SOUTH CAROLINA

)

ORDINANCE NO. 2018-1490

COUNTY OF LANCASTER

)

AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY SO AS TO REZONE APPROXIMATELY 9.625 ACRES LOCATED IN BAILES RIDGE, IDENTIFIED AS TAX MAP NO. 0005-00-090.00, FROM PLANNED DEVELOPMENT DISTRICT-5 (PDD-5) TO AVONDALE MIXED USE PLANNED DEVELOPMENT DISTRICT (PDD-27); TO AMEND VARIOUS SECTIONS OF ORDINANCE NO. 2015-1369 (PDD-27), SO AS TO REFLECT THE ADDITION OF THE APPROXIMATELY 9.625 ACRES TO PDD-27.

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

Section 1. Findings and Determinations.

The Council finds and determines that:

(a) D.R. Horton, Inc., applied to rezone approximately 9.625 acres located in Bailes Ridge, identified as Tax Map No. 0005-00-090.00, from Planned Development District-5 (PDD-5, Ordinance No. 458) to Avondale Mixed Use Planned Development District (PDD-27, Ordinance No. 2015-1369).

(b) On March 20, 2018, the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a vote of 6-0, recommended approval of the rezoning.

Section 2. Rezoning.

The Official Zoning Map is amended by changing the zoning district classification from Planned Development District-5 (PDD-5) to Avondale Mixed Use Planned Development District (PDD-27, Ordinance No. 2015-1369) for the following property:

Tax Map No. 0005-00-090.00

Section 3. Property Included in the PDD-27 Ordinance.

Section 4 of Ordinance No. 2015-1369 (PDD-27), relating to the property zoned PDD-27, is amended to read:

“This Ordinance applies to the property known as the Avondale mixed use development property which consists of approximately ~~179.35~~ 188.975 acres (the "Property"). The Tax Map Numbers for the Property are 0005-00-093.05, 0005-00-078.00, 0005-00-083.00, 0005-00-089.01, 0005-00-089.00, 0005-00-076.00, 0005-00-077.00, 0005-00-093.04, 0005-00-092.00, 0005-00-091.03, 0005-00-091.00, 0005-00-075.01, 0005-00-075.00, 0005-00-079.01, 0005-00-090.00, and a portion of 0005-00-074.03.”

Section 4. Amendment of Master Plan for PDD-27.

Section 6 of Ordinance No. 2015-1369 (PDD-27), relating to the PDD-27 Master Plan, is amended to read:

“The Master Plan for the Development, prepared by ESP Associates and dated ~~October 10, 2016~~ _____ (the “Master Plan”), is attached hereto as Exhibit A and incorporated into this Ordinance by reference.”

Section 5. Model Homes.

Section 21 of Ordinance No. 2015-1369 (PDD-27), relating to model homes and other buildings, is amended to read:

“Within the boundaries of tax parcels 0005-00-093.05, 0005-00-078.00, 0005-00-083.00, 0005-00-089.01, 0005-00-089.00, 0005-00-076.00, 0005-00-077.00, 0005-00-093.04, 0005-00-092.00, 0005-00-091.03, 0005-00-091.00, 0005-00-075.01, 0005-00-075.00, 0005-00-079.01, 0005-00-090.00, and a portion of 0005-00-074.03, prior to the installation of water and sewer for the Development or any of its components, the Developer at any given time may be issued not more than eleven (11) building permits of which ten (10) may be for model single family residences for sale ("Model Homes") and one (1) for a sales office, provided that all applicable requirements of the Lancaster County Water and Sewer District are satisfied by Developer, and all applicable requirements of the South Carolina Department of Health and Environmental Control and other relevant governmental agencies are satisfied by Developer. The absence of a certificate of occupancy does not prevent developer from using the Model Home for Model Home purposes.”

Section 6. Village Designation.

For the purposes of the Avondale Mixed Use Planned Development District (PDD-27, Ordinance No. 2015-1369), the 9.625 acres added to PDD-27 pursuant to Section 2 of this ordinance is included in Village ____ for all purposes of the Avondale Mixed Use Planned Development District (PDD-27, Ordinance No. 2015-1369).

Section 7. Severability.

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

Section 8. Conflicting Provisions.

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

Section 9. Effective Date.

This ordinance is effective upon Third Reading.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2018.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading: April 9, 2018 Passed 7-0
Second Reading: April 23, 2018
Third Reading: May 14, 2018 (Tentative)

STATE OF SOUTH CAROLINA

COUNTY OF LANCASTER

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)

ORDINANCE NO. 2018-1503

~~Indicates Matter Stricken~~

Indicates New Matter

AN ORDINANCE

TO AMEND ORDINANCE NO. 2017-1447, RELATING TO THE APPROPRIATION OF FUNDS AND THE APPROVAL OF A DETAILED BUDGET FOR LANCASTER COUNTY FOR THE FISCAL YEAR BEGINNING JULY 1, 2017 AND ENDING JUNE 30, 2018 (FY 2017-2018), TO FURTHER PROVIDE FOR REVENUES AND EXPENDITURES DURING THE FISCAL YEAR.

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

Section 1. Appropriations; Detailed Budget.

(a) Section 2. of Ordinance No. 2017-1447 is amended to read:

/A. Subject to the terms and conditions of this ordinance, the sums of money set forth below, if so much is necessary, are appropriated from the General Fund of the County and other applicable funds as specified, to meet the ordinary expenses, including debt service, of county government for the fiscal year beginning July 1, 2017 and ending June 30, 2018 ('FY 2017-2018):

APPROPRIATIONS	AMOUNT
Airport Fund	232,233
Capital Improvement Fund	1,826,832
Capital Project Sales Tax 2	12,884,471
County Debt	6,524,686
County Transportation Committee Fund	2,850,000
Court Mandated Security	1,371,695
Development Agreement Fund	302,000
E-911 Fund	598,945
General Fund	51,722,132
	51,864,188
Hospitality Tax Fund	950,000
Indian Land Fire Protection District Fund	704,438
Local Accommodations Tax Fund	55,000
Pleasant Valley Fire Protection District Fund	630,294
Recreation Fund	2,564,282
Victims Services Fund	93,000
State Accommodations Tax Fund	107,581
Sunday Alcohol Sales Tax Fund	7,000
Stormwater Fund	1,027,690

(b) The County Administrator is authorized to adjust the detailed operating budget for the County, as contained in the Annual Financial Plan, as previously approved by Council in Section 2A) of Ordinance No. 2017-1447, for the following items:

General Fund		Revenue	Expense
	Supplemental Revenue- Fund Balance	142,056	
	Employee Christmas Bonus		142,056

17.00 RECREATION FEES

17.03 After School and Summer Day Camp

Program	Registration	First Child (per day)	Additional Child (per day)
Summer Day Camp Tween Program	\$20.00	\$10.00	\$10.00

Section 4. Severability.

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

Section 5. Conflicting Provisions.

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

Section 6. Effective Date.

This ordinance is effective upon Third Reading.

SIGNATURES FOLLOW ON NEXT PAGE.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2018.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading:	April 9, 2018	Passed 7-0
Second Reading:	April 23, 2018	
Public Hearing:	May 14, 2018	(Tentative)
Third Reading:	May 14, 2018	(Tentative)

STATE OF SOUTH CAROLINA

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ORDINANCE NO. 2018-1504

COUNTY OF LANCASTER

(

AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY SO AS TO REZONE ± 367.9 ACRES OF PROPERTY OWNED BY THE KATAWBA VALLEY LAND TRUST, LOCATED NEAR THE INTERSECTION OF HWY 265 AND TAXAHAW ROAD FROM AR, AGRICULTURAL RESIDENTIAL DISTRICT TO OSP, OPEN SPACE PRESERVATION DISTRICT.

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

Section 1. Findings and Determinations.

The Council finds and determines that:

(a) Richard Christie of the Katawba Valley Land Trust applied to rezone property located near the intersection of HWY 265 and Taxahaw Road from AR, Agricultural Residential District to OSP, Open Space Preservation District.

(b) On March 20th, 2018 the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a vote of (6-0), recommended approval of the rezoning.

Section 2. Rezoning.

The Official Zoning Map is amended by changing the zoning district classification from AR, Agricultural Residential District to OSP, Open Space Preservation District for the following properties as identified by tax map number or other appropriate identifier:

Tax Map No. 0116-00-006.00 and 0116-00-004.02

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 _____, 2018.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading:	April 9, 2018	Passed 7-0
Second Reading:	April 23, 2018	
Third Reading:	May 14, 2018	(Tentative)

STATE OF SOUTH CAROLINA

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ORDINANCE NO. 2018-1505

COUNTY OF LANCASTER

(

AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY SO AS TO REZONE ± 151 ACRES OF PROPERTY OWNED BY THE LANCASTER COUNTY WATER SEWER DISTRICT, LOCATED AT 5107 RIVERSIDE ROAD FROM INS, INSTITUTIONAL DISTRICT TO HI, HEAVY INDUSTRIAL DISTRICT.

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

Section 1. Findings and Determinations.

The Council finds and determines that:

(a) Stephen White of the Lancaster County Water Sewer District applied to rezone property located at 5107 Riverside Road from INS, Institutional District to HI, Heavy Industrial District.

(b) On March 20th, 2018 the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a vote of (6-0), recommended approval of the rezoning.

Section 2. Rezoning.

The Official Zoning Map is amended by changing the zoning district classification from INS, Institutional District to HI, Heavy Industrial District for the following property as identified by tax map number or other appropriate identifier:

Tax Map No. 0028-00-003.00

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 _____, 2018.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

First Reading:	April 9, 2018	Passed 7-0
Second Reading:	April 23, 2018	
Third Reading:	May 14, 2018	(Tentative)

Agenda Item Summary

Ordinance # / Resolution#:	Resolution 0999-R2018
Contact Person / Sponsor:	Steve Willis
Department:	Administration
Date Requested to be on Agenda:	April 23, 2018

Issue for Consideration:

Request to revise a Transportation Alternative Program (TAP) grant for sidewalks in the vicinity of Indian Land Middle and High Schools.

Points to Consider:

On March 26th Council approved Resolution 0995-R2018 related to this project.

Upon submission of the grant to the Department of Transportation the Council of Governments was advised the previously supplied data was incorrect. The grant amount is capped at \$112,987 (amount previously requested) so the balance will have to come from local funding (see below).

Funding and Liability Factors:

The prior grant application had a local match of \$24,157 each by Lancaster County and the Lancaster County School District. The new amount will be \$67,680 each from us and the Lancaster County School District.

Kim advises this will be budgeted in next year's grant match budget if approved.

Council Options:

Approve or reject the Resolution.

Staff Recommendation:

Approve the Resolution for safety reasons even though this is admittedly a huge last minute change.

Committee Recommendation:

This has not gone back through a Committee due to time constraints on the grant application; however, this was briefly discussed at the Administration Committee (not on the agenda due to time constraints) where no vote or action was taken. That said, it was the clear consensus that this needed to be discussed at the full Council level.

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

RESOLUTION NO. 0999-R2018

A RESOLUTION

TO AUTHORIZE THE MODIFICATION OF A TRANSPORTATION ALTERNATIVE PROGRAM GRANT THROUGH RFATS; TO COMMIT TO FUNDING A LOCAL GRANT MATCH IN COOPERATION WITH THE LANCASTER COUNTY SCHOOL DISTRICT.

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

Section 1. Findings.

WHEREAS, Lancaster County Council approved Resolution 0995-R2018 related to the fact that sidewalks are needed in the vicinity of Indian Land Middle and High Schools, and

WHEREAS, the South Carolina Department of Transportation advised the data supplied on the prior application was incorrect, and

WHEREAS, the Council of Governments now has the new numbers for the local grant match related to the sidewalk project.

Section 2. Authorization by County Council.

By way of Resolution Number 0999-R2018 the Lancaster County Council hereby authorizes the increase of the local cash match from twenty four thousand one hundred fifty seven dollars (\$24,157) to sixty seven thousand six hundred and eighty dollars (\$67,680) with funding coming from the FY 18-19 Grant Match account.

Section 3. Effective date.

This Resolution is effective upon its adoption.

AND IT IS SO RESOLVED

Dated this _____ day of _____, 2018.

LANCASTER COUNTY, SOUTH CAROLINA

(SEAL)

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

ATTEST:

Sherrie Simpson, Clerk to Council

Agenda Item Summary

Ordinance #: 2018-1491

Contact Person: John Weaver

Department: County Attorney

Date Requested to be on Agenda: April 9, 2018

Issue for Consideration: Whether or not it is appropriate for the County Council to consider the approval of a 2nd Amendment to the Avondale Development Agreement whereby the present developer, D.R. Horton, will be authorized to add 9.625 acres of property adjoining the existing subdivision

Points to Consider: A Development Agreement (DA) associated with the Avondale subdivision, located at the intersection of Harrisburg Road and Calvin Hall Road, was approved by Council in November, 2016. The developer, in addition to purchasing from the initial developer, Sinacori, the acreage identified as PDD-27, also bought from that same developer an additional 9.625 acres with the plan and design to incorporate into the PDD-27 property this smaller parcel. That could not be accomplished simultaneously because the 9.625 parcel was an undeveloped parcel within the separate PDD-5 acreage. In conjunction with this 2nd Amendment to the Development Agreement, approval of the DA Amendment will permit the 9.625 acreage to be incorporated into the existing DA so as to mandate and permit continuity in the Avondale subdivision.

Funding and Liability Factors: N/A

Recommendations: The Planning Commission and the I&R Committee have recommended approval of the Ordinance.

Options: Either approve or reject the Ordinance.

Lancaster County Planning Department

101 N. Main St., Ste. 108

P.O. Box 1809

Lancaster, South Carolina 29721-1809

Telephone (803) 285-6005

LANCASTER COUNTY PLANNING COMMISSION

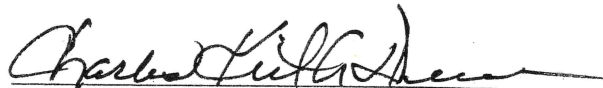
REPORT TO COUNTY COUNCIL

2ND AMENDMENT TO THE DEVELOPMENT AGREEMENT – D. R. Horton, LLC

Pursuant to Sections 9.2.18 Development Agreement, Subsection A.4 and A.5 of the Unified Development Ordinance of Lancaster County, the Planning Commission has reviewed as received from D.R. Horton, LLC, the proposed 2ND Amendment to the Development Agreement – D.R. Horton, LLC - Avondale

At its meeting on Tuesday, March 20, 2018, the Planning Commission conducted a public hearing on the proposed 2nd amendment of the Development Agreement for D.R. Horton, LLC - Avondale. In addition, by a 6-0 vote, the Planning Commission voted to recommend to County Council approval of the 2nd amendment to the Development Agreement – D.R. Horton, LLC – Avondale.

Respectfully submitted,



Charles Keith Deese

Chair, Lancaster County Planning Commission

STATE OF SOUTH CAROLINA

)

ORDINANCE NO. 2018-1491

COUNTY OF LANCASTER

)

AN ORDINANCE

TO APPROVE A SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT AVONDALE DEVELOPMENT; TO AUTHORIZE CERTAIN COUNTY OFFICIALS TO EXECUTE AND DELIVER THE SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT AVONDALE DEVELOPMENT.

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

Section 1. Findings and Determinations; Purpose.

A. The Council finds and determines that:

(a) Lancaster County is authorized by the South Carolina Local Government Development Agreement Act, codified as Sections 6-31-10 to -160, Code of Laws of South Carolina 1976, as amended, and by the Development Agreement Ordinance for Lancaster County, South Carolina, Ordinance No. 663, codified as Section 9.2.18 in Chapter 9 of the Unified Development Ordinance, to enter into development agreements with developers;

(b) Council approved a development agreement for the Avondale development between Sinacori Builders, LLC ("Developer"), and the County of Lancaster and that development agreement, dated November 28, 2016, is recorded in the records of the Lancaster County Register of Deeds in Deed Book 1018, Pages 15-42 (the "Development Agreement");

(c) Developer subsequently assigned it rights under the Development Agreement to D.R. Horton, Inc. ("Subsequent Developer"), pursuant to that certain Assignment and Assumption of Development Agreement dated and recorded January 26, 2017 in the records of the Lancaster County Register of Deeds in Deed Book 1029, Pages 34-38.

(d) at the request of the Subsequent Developer, Council passed Ordinance No. 2017-1478, which approved the First Amendment to the Development Agreement Avondale Development (the "First Amendment") and the First Amendment, among other things, approved amendments relating to certain road improvements at the intersection of Calvin Hall Road and Harrisburg Road.

(e) Subsequent Developer has acquired additional property which Subsequent Developer is requesting Council to include in the Development Agreement

B. It is the purpose of this ordinance to approve a second amendment to the Development Agreement with the amendment providing for additional property of Subsequent Developer to be included in the Development Agreement.

Section 2. Approval of Second Amendment; Authorization to Act.

A. The Council Chair and Council Secretary are each authorized, empowered and directed to execute, acknowledge and deliver a Second Amendment to the Development Agreement Avondale Development between D.R. Horton, Inc., a Delaware corporation and the County of Lancaster (the “Second Amendment”) in the name and on behalf of the County of Lancaster. The form of the Second Amendment is attached hereto as Exhibit A and all terms, provisions and conditions of the Second Amendment are incorporated herein by reference as if the Second Amendment were set out in this ordinance in its entirety. By adoption of this ordinance, the Council approves the Second Amendment and all of its terms, provisions and conditions. The Second Amendment is to be in substantially the form as attached to this ordinance and hereby approved, or with such minor changes therein as shall be approved by the officials of the County executing the same, their execution thereof to constitute conclusive evidence of their approval of any and all changes or revisions therein from the form of the Second Amendment attached to this ordinance.

B. The Council Chair and Council Secretary are each authorized to execute and deliver any related instruments, documents, certificates and other papers as are necessary to effectuate the purpose of this ordinance and the Second Amendment. The Council and its duly elected or appointed officers and any other County official are each authorized to take any and all action as may be necessary to effectuate the purposes of this ordinance and the Second Amendment.

Section 3. Severability.

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

Section 4. Controlling Provisions.

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

Section 5. Effective Date.

This ordinance is effective upon Third Reading.

SIGNATURES FOLLOW ON NEXT PAGE.

AND IT IS SO ORDAINED

Dated this _____ day of _____, 2018.

LANCASTER COUNTY, SOUTH CAROLINA

Steve Harper, Chair, County Council

Larry Honeycutt, Secretary, County Council

Attest:

Sherrie Simpson, Clerk to Council

Planning Commission Public Hearing:	March 20, 2018	
First Reading:	April 9, 2018	Passed 7-0
Second Reading:	April 23, 2018	
Council Public Hearing:	April 23, 2018	
Third Reading:	May 14, 2018	(Tentative)

Exhibit A to Ordinance No. 2018-1491

**Second Amendment to the Development Agreement Avondale Development
between
D.R. Horton, Inc., and the County of Lancaster**

See attached.

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STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER) **SECOND AMENDMENT TO THE
) DEVELOPMENT AGREEMENT
) AVONDALE DEVELOPMENT**

This **SECOND AMENDMENT TO THE DEVELOPMENT AGREEMENT FOR THE AVONDALE DEVELOPMENT** ("Second Amendment") is made and entered into as of the ____ day of _____ 2018, by and between **D.R. HORTON, INC.**, ("Subsequent Developer"), a Delaware corporation, and the **COUNTY OF LANCASTER** (the "County"), a body politic and corporate, a political subdivision of the State of South Carolina.

RECITALS

WHEREAS, the Development Agreement dated November 28, 2016 for the Avondale development was entered into by Sinacori Builders, LLC ("Developer"), a North Carolina limited liability company and the County (the "Development Agreement"). The Development Agreement is recorded in the records of the County Register of Deeds in Deed Book 1018, Pages 15-42;

WHEREAS, Developer subsequently assigned it rights under the Development Agreement to Subsequent Developer, pursuant to that certain Assignment and Assumption of Development Agreement dated and recorded January 26, 2017 in the records of the County Register of Deeds in Deed Book 1029, Page 34-38;

WHEREAS, at the request of Subsequent Developer, the First Amendment to the Development Agreement Avondale Development was approved by the County by passage of Ordinance No. 2017-1478 and the First Amendment, among other things, approved amendments relating to certain road improvements at the intersection of Calvin Hall Road and Harrisburg Road. The First Amendment is recorded in the records of the County Register of Deeds in Deed Book 1126, Pages 216-221;

WHEREAS, Subsequent Developer has acquired additional property which Subsequent Developer is requesting to be included in the Development Agreement;

WHEREAS, Section 5.02 of the Development Agreement provides that amendments to the Development Agreement must be in writing and, for the amendment to be effective, it must be signed by the party against whom the amendment is sought to be enforced;

WHEREAS, it is the purpose of this Second Amendment to amend provisions of the Development Agreement so as to include additional property of Subsequent Developer.

SECOND AMENDMENT

NOW THEREFORE, in consideration of the foregoing and the terms and conditions set forth in this Second Amendment, the receipt and sufficiency of such consideration being acknowledged by the parties, the parties to this Second Amendment intending to be legally bound, agree as follows:

Section 1. The above recitals are incorporated in this Second Amendment as if the recitals were set out in this Second Amendment in their entirety.

Section 2. The first recital to the Development Agreement is amended to read:

“WHEREAS, Developer has obtained the right to acquire certain real property consisting of approximately ~~179.35~~ 188.975 acres, more or less, located between Calvin Hall Road and Harrisburg Road in the Indian Land section of the County and known as the Avondale development.”

Section 3. The definitions in Section 1.02 of the Development Agreement, as last amended by the First Amendment, are further amended by adding definitions for “Ordinance No. 2018-1490,” “Ordinance No. 2018-1491,” and “Second Amendment”:

“(11A) ‘Ordinance No. 2018-1490’ means Ordinance No. 2018-1490 of the County zoning the land identified as Tax Map No. 0005-00-090.00 as Planned Development District (PDD-27).

(11B) ‘Ordinance No. 2018-1491’ means Ordinance No. 2018-1491 of the County approving the Second Amendment.

(14A) ‘Second Amendment’ means the Second Amendment to the Development Agreement Avondale Development, dated _____, 2018, and approved by passage of Ordinance No. 2018-1491.”

Section 4. Section 1.05 of the Development Agreement, relating to zoning, is amended to read:

“The Property is zoned Planned Development District pursuant to Ordinance No. 2015-1369 and Ordinance No. 2018-1490.”

Section 5. Exhibit A of the Development Agreement, relating to property description, is amended to read:

“Exhibit A
Property Description

Avondale Development

Tax Map No. 1 – 0005-00-077.00
Tax Map No. 2 – 0005-00-076.00
Tax Map No. 3 – 0005-00-075.01
Tax Map No. 4 – 0005-00-075.00
Tax Map No. 5 – a portion of 0005-00-074.03
Tax Map No. 6 – 0005-00-093.04
Tax Map No. 7 – 0005-00-093.05
Tax Map No. 8 – 0005-00-092.00
Tax Map No. 9 – 0005-00-091.03
Tax Map No. 10 – 0005-00-091.00
Tax Map No. 11 – 0005-00-089.00
Tax Map No. 12 – 0005-00-089.01
Tax Map No. 13 – 0005-00-083.00
Tax Map No. 14 – 0005-00-079.01
Tax Map No. 15 – 0005-00-078.00
Tax Map No. 16 – 0005-00-090.00 (owned by Subsequent Developer)”

Section 6. Exhibit E of the Development Agreement, as last amended by the First Amendment, relating to Laws and Land Development Regulations, is amended to read:

“Exhibit E
Laws and Land Development Regulations

1. Ordinance No. 2015-1369, zoning the Property Planned Development District.
2. Ordinance No. 2015-1370, approving this Development Agreement.
3. The Development Agreement Ordinance for Lancaster County, South Carolina: Ordinance No. 663.
4. Unified Development Ordinance of Lancaster County (UDO): Ordinance No. 309, as amended as of the Agreement Date. The UDO includes Ordinance No. 328, as amended, as of the Agreement Date and which is cited as the Land Development Regulations of Lancaster County. A copy of the UDO is filed in the County Planning Department.
5. Land Development Regulations of Lancaster County: See Unified Development Ordinance of Lancaster County.
6. Article V, Chapter 26, Lancaster County Code of Ordinances, Road Construction Standards.

7. Ordinance No. 2017-1478 approving the First Amendment to this Development Agreement.
8. Ordinance No. 2018-1490, zoning the land identified as Tax Map No. 0005-00-090.00 as Planned Development District (PDD-27).
9. Ordinance No. 2018-1491, approving the Second Amendment to this Development Agreement.”

Section 7. County agrees to record this Second Amendment with the Lancaster County Register of Deeds within fourteen (14) days of the execution of this Second Amendment.

Section 8. (A)(1) The County represents that it has approved this Second Amendment by adoption of Ordinance No. 2018-1491 in accordance with the procedural requirements of the South Carolina Local Government Development Agreement Act, codified as Sections 6-31-10 to -160, Code of Laws of South Carolina 1976, as amended, Lancaster County Ordinance No. 663 and any other applicable law.

(2) The County represents that prior to the final reading of Ordinance No. 2018-1491 that at least two public hearings were held after publication of the required notice and the publication of a notice of intent to consider a proposed development agreement.

(B) Subsequent Developer represents and warrants that the execution, delivery and performance by the individual or entity signing this Second Amendment on behalf of Subsequent Developer has been duly authorized and approved by all requisite action on the part of Subsequent Developer.

Section 9. This Second Amendment may be executed in several counterparts, each of which shall be deemed an original, and such counterparts shall constitute but one and the same instrument.

Section 10. Upon submission of appropriate documentation of the expenditure, Subsequent Developer agrees to reimburse the County, not later than May 31, 2018, for the County's reasonable unreimbursed actual costs related to this Second Amendment. The cost reimbursement is limited to County payments to third-party vendors and service providers, including, but not limited to, attorneys.

Section 11. Upon execution of this Second Amendment by the parties, the Development Agreement consists of the Development Agreement as originally executed and recorded as amended by the First Amendment and this Second Amendment.

Section 12. This Second Amendment is effective upon its execution.

SIGNATURES FOLLOW ON NEXT PAGE.

IN WITNESS WHEREOF, D.R. Horton, Inc., has caused this instrument to be executed by its duly authorized Division President, all by order and authority duly granted by its corporate board of directors, as of the day and year first above written.

D.R. HORTON, INC.,
a Delaware corporation

Witness #1

By: **THIS IS AN EXHIBIT AND NOT FOR EXECUTION**
Brian Etheridge, Division President

Witness #2

STATE OF _____
COUNTY OF _____

I, _____, a Notary Public of the County and State aforesaid, certify that Brian Etheridge personally appeared before me this day and acknowledged that he is Division President of D.R. Horton, Inc., a Delaware corporation, and that he, being duly authorized to do so, executed the foregoing for and on behalf of said corporation.

Witness my hand and official stamp or seal, this _____ day of _____, 2018.

NOTARY SEAL

Signature of Notary Public
My Commission Expires: _____

COUNTY SIGNATURES FOLLOW ON NEXT PAGE.

IN WITNESS WHEREOF, the County of Lancaster, South Carolina, has caused this instrument to be executed by its duly authorized Chair and Secretary, as of the day and year first above written.

**COUNTY OF LANCASTER,
SOUTH CAROLINA**

Witness #1

By: THIS IS AN EXHIBIT AND NOT FOR EXECUTION
Steve Harper, Chair, County Council

Witness #2

Witness #1

By: THIS IS AN EXHIBIT AND NOT FOR EXECUTION
Larry Honeycutt, Secretary, County Council

Witness #2

STATE OF SOUTH CAROLINA
COUNTY OF LANCASTER

I, _____, a Notary Public of the County and State aforesaid, certify that Steve Harper personally appeared before me this day and acknowledged that he is Chair of the County Council of Lancaster County, South Carolina, a body politic and corporate, a political subdivision of the state of South Carolina, and that he, being duly authorized to do so, executed the foregoing for and on behalf of said County and that Larry Honeycutt personally appeared before me this day and acknowledged that he is Secretary of the County Council of Lancaster County, South Carolina, a body politic and corporate, a political subdivision of the state of South Carolina, and that he, being duly authorized to do so, executed the foregoing for and on behalf of said County..

Witness my hand and official stamp or seal, this _____ day of _____, 2018.

NOTARY SEAL

Signature of Notary Public
My Commission Expires: _____

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The Lancaster News

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

Lancaster
County
South Carolina

NOTICE OF PUBLIC HEARING LANCASTER COUNTY COUNCIL

The Lancaster County Council has scheduled a public hearing for Monday, April 23, 2018, at 6:00 p.m. in County Council Chambers, second floor of the County Administration Building, 101 North Main Street, Lancaster, South Carolina. The purpose of the public hearing is to receive public comment on the proposed Second Amendment to the Development Agreement for the Avondale Development (the "Second Amendment") by and between D.R. Horton, Inc., and Lancaster County, South Carolina. This public hearing is one of the two required public hearings for the proposed Second Amendment. The Lancaster County Planning Commission will hold a public hearing on the proposed Second Amendment on Tuesday, March 20, 2018, at 6:00 p.m. in County Council Chambers, second floor of the County Administration Building, 101 North Main Street, Lancaster, South Carolina. At both public hearings and at any adjournment of them, all interested persons may be heard either in person or by their designees.

It is Lancaster County Council's intent to consider the proposed Second Amendment. The primary purpose of the Second Amendment is to add approximately 9.625 acres to the Avondale Development. The Avondale Development is located in the Indian Land area of the County between Calvin Hall Road and Harrisburg Road. The Avondale Development consists of approximately 179.35 acres identified by the following tax map numbers: 0005-00-077.00, 0005-00-076.00, 0005-00-075.01, 0005-00-075.00, 0005-00-074.03 (portion), 0005-00-093.04, 0005-00-093.05, 0005-00-092.00, 0005-00-091.03, 0005-00-091.00, 0005-00-089.00, 0005-00-089.01, 0005-00-083.00, 0005-00-079.01, and 0005-00-078.00. The development uses approved for the Avondale Development are a mix comprised of a combination of residential (single-family detached and multi-family townhouse residences), senior residences and uses and accessory commercial, retail and services uses, civic and institutional uses and open space uses. A copy of the proposed Second Amendment may be obtained at the office of the Clerk to Council, County Administration Building, second floor, 101 North Main Street, Lancaster, South Carolina or the office of the Lancaster County Planning Commission, County Administration Building, first floor, 101 North Main Street, Lancaster, South Carolina.

This is to certify that the attached Legal Notice was published in The Lancaster News in the issue of March 18, 2018.

Bernice G. Gush

Notary Public of South Carolina

My Commission Expires
January 13, 2021.

CAROLINA GATEWAY

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

**Lancaster
County**
South Carolina

**NOTICE OF PUBLIC HEARING
LANCASTER COUNTY COUNCIL**

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This is to certify that the attached Legal Notice was published in CAROLINA GATEWAY in the issue of *March 21, 2018.*

Berrie G. Gumbert

Notary Public of South Carolina

My Commission Expires
January 13, 2021

The Lancaster News

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



NOTICE OF PUBLIC HEARING

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It is Lancaster County Council's intent to consider the proposed Second Amendment. The primary purpose of the Second Amendment is to add approximately 9.825 acres to the Avondale Development. The Avondale Development is located in the Indian Land area of the County between Calvin Hall Road and Harrisburg Road. The Avondale Development consists of approximately 179.35 acres identified by the following tax map numbers: 0005-00-077.00, 0005-00-076.00, 0005-00-075.01, 0005-00-075.00, 0005-00-074.03 (portion), 0005-00-093.04, 0005-00-093.05, 0005-00-092.00, 0005-00-091.03, 0005-00-091.00, 0005-00-089.00, 0005-00-089.01, 0005-00-083.00, 0005-00-079.01, and 0005-00-078.00. The development uses approved for the Avondale Development are a mix comprised of a combination of residential (single-family detached and multi-family townhouse residences), senior residences and uses and accessory commercial, retail and services uses, civic and institutional uses and open space uses. A copy of the proposed Second Amendment may be obtained at the office of the Clerk to Council, County Administration Building, second floor, 101 North Main Street, Lancaster, South Carolina or the office of the Lancaster County Planning Commission, County Administration Building, first floor, 101 North Main Street, Lancaster, South Carolina.

Application of D.R. Horton, Inc. to rezone 9.825 acres from Planned Development District, (PDD)-5, Bailes Ridge, to Planned Development District, (PDD)-27, Avondale. The property is located on Calvin Hall Road on the right side, north of Elven Drive in the Clairemont subdivision in Lancaster County, South Carolina. (TMS # 0005-00-090.00). The property is currently undeveloped. The purpose of the rezoning is to remove the property from its present classification and to incorporate into PDD-27, Avondale. The public hearing will be on Tuesday, March 20, 2018 at 6:00 p.m. in the County Council Chambers.

NOTICE OF INTENT TO CONSIDER AN AMENDMENT TO A DEVELOPMENT AGREEMENT NOTICE OF PUBLIC HEARINGS LANCASTER COUNTY, SOUTH CAROLINA

Pursuant to Section 6-31-50, Code of Laws of South Carolina 1976, as amended, and Ordinance No. 883, the Lancaster County Council gives notice of its intent to consider a proposed Second Amendment to the Development Agreement for the Avondale Development (the "Second Amendment") by and between D.R. Horton, Inc. and Lancaster County, South Carolina. Two public hearings will be held on the proposed Second Amendment. The Lancaster County Planning Commission will hold a public hearing on the proposed Second Amendment on Tuesday, March 20, 2018, at 6:00 p.m. in County Council Chambers, second floor of the County Administration Building, 101 North Main Street, Lancaster, South Carolina. In addition to the Planning Commission, a public hearing will be held by the Lancaster County Council on Monday, April 23, 2018, at 6:00 p.m. in County Council Chambers, second floor of the County Administration Building, 101 North Main Street, Lancaster, South Carolina. At both public hearings

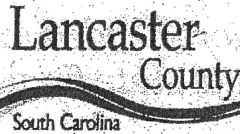
notice was published in The Lancaster
2018.

Kenya G. Gubbs
ary Public of South Carolina

The primary purpose of the Second Amendment is to add approximately 9.825 acres to the Avondale Development. The Avondale Development is located in the Indian Land area of the County

CAROLINA GATEWAY

701 North White Street
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NOTICE OF INTENT TO CONSIDER AN AMENDMENT TO A DEVELOPMENT AGREEMENT NOTICE OF PUBLIC HEARINGS LANCASTER COUNTY, SOUTH CAROLINA

Pursuant to Section 6-31-50, Code of Laws of South Carolina 1976, as amended, and Ordinance No. 663, the Lancaster County Council gives notice of its intent to consider a proposed Second Amendment to the Development Agreement for the Avondale Development (the "Second Amendment") by and between D.R. Horton, Inc., and Lancaster County, South Carolina. Two public hearings will be held on the proposed Second Amendment. The Lancaster County Planning Commission will hold a public hearing on the proposed Second Amendment on Tuesday, March 20, 2018, at 6:00 p.m. in County Council Chambers, second floor of the County Administration Building, 101 North Main Street, Lancaster, South Carolina. In addition to the Planning Commission, a public hearing will be held by the Lancaster County Council on Monday, April 23, 2018, at 6:00 p.m. in County Council Chambers, second floor of the County Administration Building, 101 North Main Street, Lancaster, South Carolina. At both public hearings and at any adjournment of them, all interested persons may be heard either in person or by their designees.

The primary purpose of the Second Amendment is to add approximately 9.625 acres to the Avondale Development.

gal Notice was published in CAROLINA
y 21, 2018.

Benny G. Gumbly

Notary Public of South Carolina

Agenda Item Summary

Ordinance # / Resolution#:	Information Item
Contact Person / Sponsor:	Steve Willis
Department:	Administration
Date Requested to be on Agenda:	April 23, 2018

Issue for Consideration:

American Battlefield Protection Program grant.

Points to Consider:

This grant covers the acquisition cost of the Horton Tract which is a part of the Battle of Hanging Rock battlefield in the Heath Springs community.

Our part in this is that we serve as the grant applicant since the battlefield is in Lancaster County. This is the same as we did for the first phase of the Hanging Rock Battleground and the first phase in the Waxhaw's Battleground – Buford's Defeat.

There is no local funding involved as we serve as the fiscal intermediary for the South Carolina Battlefield Preservation Trust.

No action is needed but we do like to keep Council informed of such grant activity.

Funding and Liability Factors:

None.

Council Options:

None – information only.

Staff Recommendation:

N/A

Committee Recommendation:

N/A



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.
Washington, DC 20240

Mr. Steve Willis
County Administrator
Lancaster County Administration
101 North Main Street
Lancaster, SC 29720-2410

APR 10 2018

Dear Mr. Willis,

Enclosed are two copies of the Grant Agreement for your Battlefield Land Acquisition Grant (**P18AP00175**), administered by the National Park Service (NPS), for acquisition of the *Horton Tract at Hanging Rock II Battlefield* by **Lancaster County**. Please have the appropriate official of your organization sign and return the items listed below **as soon as possible** to facilitate the timely obligation and availability of these funds.

1. Two Copies of the Grant Agreement. Both copies of the enclosed agreement must be signed and returned. NPS will then countersign both copies, keep one, and return the other signed copy to you for your files.
2. SF-424B Non-Construction Assurance.
3. DI-2010 Certification Regarding Debarment, Suspension, and Other Responsibility Matters, Drug-Free Workplace Requirements and Lobbying.

Please read the entire grant agreement carefully. Among the major provisions are Condition #3, the requirement for eligible nonfederal matching share to be expended during the grant period in an amount equal to the Federal share of the grant award; Condition #6, requiring an approved appraisal written in conformance with the 2000 edition of the *Uniform Appraisal Standards for Federal Land Acquisitions*; Condition #7, prohibiting conversion of the land to any use other than that of the preservation of battlefield land; Condition #8, requiring a preservation letter of agreement and covenant; Condition #9, outlining the documentation required by NPS to release grant funds; Condition #10, outlining the Section 106 Compliance requirements; and, Condition #11, outlining the documentation required by NPS to close out the grant; Article VI, outlining the NPS-approved scope of work and work/cost breakdown ; and, Article VIII, requiring the submission of Interim Progress Reports and Final Project Report within 90 days of the closing date of the grant.

**For USPS, Fed Ex, UPS, and DHL,
please send to:**

Kelley Smith
American Battlefield Protection Program
National Park Service
1849 C Street NW
Room 7228
Washington, DC 20240

If you have any questions about the agreement, please contact me at (202) 354-2034 or kelly_smith@nps.gov. Thanks in advance for your attention to this letter, and we look forward to working with your office on the successful completion of this grant.

Sincerely,

A handwritten signature in dark ink, appearing to read "Kelley Smith", with a long, sweeping horizontal line extending to the right.

Kelley Smith
Historian and Grants Specialist
American Battlefield Protection Program

Enclosures



United States Department of the Interior

NATIONAL PARK SERVICE

1849 C Street, N.W.
Washington, DC 20240

Grant Agreement P18AP00175

Between

THE UNITED STATES DEPARTMENT OF INTERIOR
NATIONAL PARK SERVICE

AND

LANCASTER COUNTY, SOUTH CAROLINA

DUNS No: 0868669440000

101 North Main Street
Lancaster, SC 29720-2410

CFDA: 15.928

Project Title: Hanging Rock II Battlefield/Horton Tract Acquisition

Amount of Federal Funds Obligated: \$42,903.00

Total Amount of Award: [Funding including Recipient Cost Share] \$94,306.00

Period of Performance: 04/06/2018 to 04/06/2021

This Grant Agreement (Agreement) is entered into by the U.S. Department of the Interior, National Park Service (NPS), and **Lancaster County, South Carolina** (Recipient).

ARTICLE I – BACKGROUND AND OBJECTIVES

The approved Summary of Objectives and Results to be performed with this grant award is as follows:

Acquisition of the 15.47-acre Horton Tract of the Hanging Rock II Battlefield. Grant funds may be sub-granted to Civil War Preservation Trust for this acquisition.

ARTICLE II – AUTHORITY

In accepting this grant, evidenced by signature below, **Lancaster County**, agrees to comply with Department of the Interior regulations and requirements governing Federal grants stipulated in Office of Management and Budget (OMB)'s Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards - 2 CFR, Part 200 (<https://www.gpo.gov/fdsys/pkg/CFR-2014-title2-vol1/pdf/CFR-2014-title2-vol1-part200.pdf>). These requirements are hereby incorporated by reference into this grant agreement. In accordance with 18 U.S.C. 1913, none of these funds may be used for lobbying purposes as defined in the special conditions contained on the following pages. These special conditions are also hereby incorporated into this grant award. The terms and conditions of this grant award shall be extended to subrecipients and subcontractors.

NPS enters into this Agreement pursuant to the authorization of 54 U.S.C. 308103 Battlefield Acquisition Grant Program, monies appropriated from the Land and Water Conservation Fund for the acquisition of Battlefield land in the amount of **\$42,903.00** by Public Laws **113-76 and 114-113**, making Department of the Interior appropriations for Fiscal Year **2014 and 2016**.

The terms of the grant award include the following special conditions necessary to obtain the objectives of the grant, facilitate administration of the grant, and to protect the interests of the Federal Government. Grantee noncompliance with these terms and conditions and the

requirements of Office of Management and Budget (OMB) Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR, Part 200) will cause disallowance of costs incurred under the grant. In addition to other lawful remedies, in the event of noncompliance with any grant conditions, the grant may be suspended, terminated or annulled pursuant to 2 CFR 200.338.

The grantee shall not assign or otherwise transfer final responsibility for this Grant Agreement, the grant, or the project to any third party. The execution of subcontracts shall not alter or modify the obligations of the grantee. However, the grantee may subcontract for performance of project-related work summarized in this Grant Agreement. The grantee must administer this grant award free from conflict of interest, bribery, "kickbacks," cost-plus-a-percentage-of-costs contracts, and other procurement practices prohibited by 43 CFR 12.76.

ARTICLE III – STATEMENT OF WORK

Special Condition #1, Limitations on Grant Expenditures. The term of availability of these grant funds is from **04/06/2018**, through **04/06/2021**. All costs incurred must be billed to NPS by **07/06/2021 [90 days after the end date]**. Expenses charged to this grant may not be incurred prior to the beginning date specified above, or subsequent to the grant end date specified above (unless the Grant Agreement's end date is formally extended in writing by NPS). Such expenditures may not exceed the maximum limits shown on this grant award, or amendments subsequently approved in writing by NPS. The grantee assumes fiscal liability, without recourse to NPS, for commitments that exceed the funds provided in the Grant Agreement.

Special Condition #2, Preagreement Costs. Preagreement costs consist of grant-related costs incurred prior to the start date of this grant agreement. In accordance with 2CFR 200.458, preagreement costs beginning **02/15/2017**, incurred for the acquisition of the **Horton Tract at Hanging Rock II Battlefield**, are hereby approved. Documentation of these preaward costs must be retained for review by the grantee's financial audit.

Special Condition #3, Non-Federal Matching Share: At least **\$42,903.00** in eligible non-Federal matching contributions that are allowable and properly documented in accordance with 2 CFR 200.306 must be used during the grant period to share the costs for this grant. Failure to use the required non-Federal matching share will result in the disallowance of costs reimbursed, and/or the de-obligation of remaining unexpended funds.

Special Condition # 4, Project Sign: The grantee shall place a sign readable from each public right-of-way at the grant-assisted property. The sign must briefly identify the historical significance of the property and that it is being preserved with the help of a Federal grant from the American Battlefield Protection Program, administered by the National Park Service. The sign must be erected within 60 calendar days of the acceptance of the contract of sale by the seller, and remain in place for at least 24 months. A photograph of the sign must be included with the Final Report submitted to NPS (see Grant Condition #7). The cost of fabricating and erecting this sign is an eligible cost for this grant.

Special Condition # 5, Public Access: The fundamental purpose of the Land and Water Conservation Fund is to assist in the acquisition and/or development of public outdoor recreation areas. Accordingly, grantees must provide for the appropriate public access to and enjoyment of

any lands or interests in lands acquired with assistance from this program, subject to necessary and reasonable measures on the part of the grantee to protect the historic features of the battlefield from damage or loss.

Special Condition # 6, Real Property Appraisal Requirements: Prior to the expenditure of grant funds for the purchase of real property, an acceptable appraisal prepared no more than 90 days prior to the signing of the contract to purchase the property must be obtained. A professional appraiser licensed and certified in accordance with Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA), as amended, in the State where the appraised property is located, must perform the appraisal. A copy of the appraisal must be submitted to the NPS. The subgrantee is responsible for obtaining the appraisal and for submitting that appraisal to a reviewer at the state level for review. Appraisal preparation, documentation and reporting must be made in conformance with the standards and practices of the 2000 edition of the *Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA)* and the *Uniform Standards of Professional Appraisal Practices (USPAP)* published by the Appraisal Foundation. (Note: The "before and after" method of appraisal, as described in the UASFLA, is mandatory.) The UASFLA can be obtained from the Department of Justice website at www.justice.gov/enrd/land-ack. The cost of the appraisal and appraisal review are allowable costs for this grant.

Special Condition # 7, Prohibition against Conversion: The purpose of this grant is to acquire and preserve, for future generations, the historical sites and hallowed ground of America's battlefields. Accordingly, what is commonly known as "Section 6(f)(3)" of the Land and Water Conservation Act (54 U.S.C. 200305(f)(3)) requires that the land acquired with this grant shall not be converted to other uses without the express written consent of the Secretary of the Interior, but must be preserved in perpetuity. These provisions shall be included in any conveyance documents of land or interests in lands acquired under this grant. The grantee agrees that a permanent record shall be kept in the relevant public property records and be available for public inspection to the effect that this property was acquired with Federal assistance, and that it shall not be converted to other than preservation uses without the written approval of the Secretary of the Interior, acting through the American Battlefield Protection Program. The grantee further agrees, therefore, that the appropriate remedy in the event of a breach by the grantee of this agreement shall be the specific performance of this agreement, and that the amount of the grant cannot be repaid to negate the requirements of this agreement.

Special Condition # 8, Preservation Easement: In order to provide permanent protection of the historical values inherent in the battlefield lands acquired with the assistance of this grant, the grantee or sub-grantee, whichever is purchaser of the lands, must execute a perpetual easement on the acquired lands. The terms and conditions of that easement are subject to the approval of the National Park Service. The easement must be sufficient to prevent the development of the acquired lands for any purpose other than preservation and interpretation of the historic battlefield and/or accommodation of the visiting public through appropriate visitor center facilities. The easement must also govern the setting and design of any structures, roadways, parking areas, or other facilities that may be necessary for these permitted purposes. The grantee shall convey the easement to the State Historic Preservation Officer, or to another agency approved by the National Park Service and the State Historic Preservation Officer. A copy of the easement must be recorded with the property deed among the public property records of the jurisdiction in which the battlefield is located. In cases where a State government agency will acquire and manage the

property, the State must enter into a letter of agreement with the NPS, stating the State will preserve and maintain the property and its historic features for future generations. This letter will be recorded with the deed for the property and will run with the land in perpetuity.

Special Condition # 9, Required Project Documentation For Funding: Prior to the expenditure of any funds from this grant to acquire real property, and at least 60 calendar days prior to the proposed closing date of any property purchase, the grantee must submit the following documentation to the NPS American Battlefield Protection Program:

- (a) a final budget with applicable itemized costs (such as appraisal costs, land survey costs, and closing costs) for the total amount of the grant award (Federal plus the required nonfederal share);
- (b) a statement identifying the source(s) of nonfederal matching share to be contributed and its current availability;
- (c) an appraisal of the property to be purchased, and;
- (d) a copy of the appraisal review approving the appraisal of the easement to be purchased (the appraisal and appraisal review must comply with the requirements stipulated in Grant Condition #18 above);
- (e) a legal boundary description of the property with associated GPS boundary coordinates;
- (f) Associated GIS shapefiles (compatible with ArcGIS 10.3 or later) of the grant property must be submitted electronically. Shapefiles must be formatted according to the ABPP Data Standards for file structure, naming, and metadata. Guidance on applying these standards is available at <http://go.nps.gov/142flc>.
- (g) a draft copy of the preservation easement that incorporates the provisions required by the NPS. The draft must be submitted for NPS review (any revisions subsequently transmitted by NPS to the grantee must be incorporated into the easement prior to the purchase of the easement and prior to recording of the deed),

OR;

In cases where a State government agency will acquire and manage the property, the State must enter into a letter of agreement with the NPS, stating the State will preserve and maintain the property and its historic features for future generations. This letter of agreement will be recorded with the deed for the property and will run with the land in perpetuity.

- (h) a copy of the contract to purchase the property;
- (i) a copy of the title insurance policy;
- (j) two photographs of the property. Photos may be black and white 35mm printed on archival photo paper or digital as .jpeg or .tiff. Provide proper captions of subject, direction, date, and photographer.

Special Condition #10, Section 106 Compliance: As per the Programmatic Agreement executed by the National Park Service, Advisory Council for Historic Preservation, and the National Conference of State Historic Preservation Officers, with the Civil War Trust as a Concurring Signatory, on May 14, 2015, the land purchase may occur and funds may be released as per the Special Conditions noted above; however, the grantee or sub-grantee, whichever is purchaser of the lands, and their agents must not proceed with any activity that would have the potential to affect any resources that are listed in or may be eligible for listing in the National Register of Historic Places (NRHP) until the requirements of the Programmatic Agreement, Section 106 and its implementing regulations, 36 CFR Part 800, are fully satisfied. For the purposes of NPS compliance with Section 106 under the Programmatic Agreement, these resources include all

sites, structures, and buildings on the property that have not been previously evaluated for NRHP eligibility. These activities include any action that would involve alteration or demolition of any extant buildings on the property. Archeological investigations may also be required to ensure that no historic or pre-historic archeological resources are present on the property, as the proposed ground-disturbance activities required for the proposed battlefield restoration would adversely affect any archeological resources. Close out of the grant, as per Special Condition #23 below, cannot happen until Section 106 Review is completed per the Programmatic Agreement.

Special Condition #11, Required Project Documentation for Closeout: Prior to the closing out of this grant, and within 90 days from the grant's end date, the grantee or subgrantee must submit the following documentation to the NPS American Battlefield Protection Program:

- (a) a copy of the final recorded deed with 6(f)(3) language;
- (b) a copy of the final recorded easement or preservation letter of agreement (See Special Condition #20);
- (c) a statement of public access (See Special Condition #17);
- (d) a Final Progress Report, including a photo of the project sign and an SF425 Federal Financial Report (See Special Condition #7 and #16); and
- (e) if applicable, a copy of the Form SF-SAC and the Single Audit Reporting package must be sent to NPS within 30 days after receipt of the auditor's report or nine months after the end of the audit period, whichever is earlier (See Special Condition #10).

ARTICLE IV – TERM OF AGREEMENT

The Agreement will become effective upon the date of the last signature in Article XIII **04/06/2018** (Effective Date) through **04/06/2021** (Expiration Date), unless terminated earlier per Article XI. The period from the Effective Date to the Expiration Date is the period of performance for the Agreement (Agreement Term).

ARTICLE V – KEY OFFICIALS

- A. Key officials are essential to ensure maximum coordination and communications between the parties and the work being performed. They are:

1. **For the NPS:**

Awarding Officer (AO):

Paul Hawke
Chief, American Battlefield Protection Program
National Park Service
1849 C Street, NW
Room 7228
Washington, DC 20240
(202) 354-2023
Paul_hawke@nps.gov

Agreement Technical Representative (ATR):

Kelley Smith
 Historian, American Battlefield Protection Program
 National Park Service
 1849 C Street, NW
 Room 7228
 Washington, DC 20240
 (202) 354-2034
 Kelley_smith@nps.gov

2. **For the Recipient:**

Steve Willis
 County Administrator
 Lancaster County Administration
 101 North Main Street
 Lancaster, SC 29720-2410
 (803) 416-9300
 swillis@lancastercountysc.net

- B. **Communications.** Recipient shall address any communication regarding this Agreement to the ATR with a copy to the AO. Communications that relate solely to technical matters may be sent only to the ATR.
- C. **Changes in Key Officials.** Neither the NPS nor Recipient may make any permanent change in a key official without written notice to the other party reasonably in advance of the proposed change. The notice will include a justification with sufficient detail to permit evaluation of the impact of such a change on the scope of work specified within this Agreement. Any permanent change in key officials will be made only by modification to this Agreement.

ARTICLE VI – AWARD AND PAYMENT

- A. The approved Work/Cost Budget is summarized as follows:
- | | |
|--|-------------|
| Land Acquisition – Federal Share | \$42,903.00 |
| TOTAL PROJECT COST | |
| (including non-Federal matching share) | \$94,306.00 |
- B. NPS will provide funding to the Recipient in an amount not to exceed **\$42,903.00** for the Statement of Work described above and in accordance with the NPS approved budget.
- C. Any award beyond the current fiscal year is subject to availability of funds.
- D. Recipient shall request payment in accordance with the following:
1. **Method of Payment.** Payment will be made by advance and/or reimbursement through the Department of Treasury's Automated Standard Application for Payments (ASAP) system.

Agenda Item Summary

Ordinance # / Resolution#:	Information Item
Contact Person / Sponsor:	Steve Willis
Department:	Administration
Date Requested to be on Agenda:	April 23, 2018

Issue for Consideration:

Annual Catawba Council of Governments planning grant.

Points to Consider:

This grant covers planning activities for all four member counties of the COG.

One county is the lead sponsor for the grant and we have historically been that county.

I have signed the grant application for the FY 2018-19 period. There is no cost to us for this.

No action is needed but we do like to keep Council informed of such grant activity.

Funding and Liability Factors:

None.

Council Options:

None – information only.

Staff Recommendation:

N/A

Committee Recommendation:

N/A

Agenda Item Summary

Ordinance # / Resolution#:	Discussion/ Action Item
Contact Person / Sponsor:	Steve Willis
Department:	Administration
Date Requested to be on Agenda:	April 23, 2018

Issue for Consideration:

Potential office space for the Soil and Water Conservation office.

NOTE: The information below was presented to the Administration Committee. Subsequent to the meeting I was contacted by the USDA who is now looking at retaining their Lancaster Office and paying rent for either 3 or 4 offices. I do not have details at the time this report was prepared but will by Monday evening.

Points to Consider:

The Soil and Water Conservation office is currently part of the local USDA office. This space is rented by USDA and space is provided to the Soil and Water Conservation office.

When Ann retired as the area USDA official that put the local office space in jeopardy. The new USDA official will have office space in Chesterfield County.

The Historic Jail will be completed in late summer and will have available office space. I would like to propose that we allow the Soil and Water office to utilize two of the spaces. I would note this is not a 501C organization as Watershed Commissioners are elected positions that operate under both federal and state law.

While the office space would include electricity and access to restrooms, telephone and data service would not be included. This would have to be provided for by the Soil and Water Conservation budget.

Funding and Liability Factors:

No funding issues but they would have to meet our insurance requirements. This would be covered in a simple one page intergovernmental space use agreement drafted by County Attorney John Weaver.

Council Options:

Approve or reject the use of the space, when available.

Staff Recommendation:

Approve the use.

Committee Recommendation:

The Administration Committee recommended approval.

Agenda Item Summary

Discussion and Action item

Contact Person: Steve Willis / Clay Catoe

Department: County Administrator / EMS Director

Date Requested to be on Agenda: April 23, 2018

Issue for Consideration: Whether or not it is appropriate for the County Council to approve moving forward with the preliminary steps necessary for Council's final approval, including identifying the source of funding, for Lancaster County's purchase of a 1.89 acre parcel of real property located in Bailes Ridge Business Park for the county's use as a future EMS station?

Points to Consider: Lancaster County's EMS Director has reported that EMS service from its present Highway 521/Collins Road site to points north in Lancaster County can take 30-45 minutes depending upon traffic conditions and the service location. This new, proposed location is near the intersection of Highway 160 and Calvin Hall Road and is much further north than the present EMS site. Additionally, this location also will allow immediate access to the south along Old Bailes Ridge Road onto Possum Hollow Road.

Funding and Liability Factors: The purchase price is \$150,000.000. Additionally, there will be the cost of a Phase 1 environmental inspection/report and other ancillary costs (title insurance/attorney fees, etc.) associated with a closing.

Recommendations: Steve Willis, Jeff Catoe and Clay Catoe unanimously have recommended the Council's approval of the competition of all the preliminary steps necessary prior to purchase.

Options: Either approve or reject moving forward in the pre-purchase process. If there is approval, the motion should be as follows:

I move that the County Administrator take all steps necessary to complete the appropriate pre-purchase steps and procedures and, thereafter to report to Council those findings to Council on or before its May 14, 2018 meeting.

STATE OF SOUTH CAROLINA
COUNTY OF LANCASTER

CONTRACT OF SALE

THIS CONTRACT OF SALE is made and entered into this _____ day of _____, 2018, by and between Bailes Investment Associates, LLC, a North Carolina limited liability company ("Seller"), and Lancaster County, or their permitted assigns ("Buyer").

WITNESSETH:

THAT, for and in consideration of earnest money in the amount of Five-Thousand and Zero Dollars (\$5,000.00) paid in cash by Buyer to Morehead Title Company, LLC ("Escrow Agent"), in escrow subject to the terms set forth in Paragraphs 1 and 10 hereof, the deposit of which earnest money with Escrow Agent is hereby acknowledged, Seller hereby agrees to sell and convey to Buyer, and Buyer hereby agrees to purchase from Seller that tract of land containing 1.893 acres, as shown on attached Record Plat and depicted as Tract 12 on Exhibit A attached hereto and made a part hereof, together with all easements appurtenant thereto and improvements located thereon, (the "Subject Property"), upon the following terms and conditions:

1. PURCHASE PRICE

The purchase price ("Purchase Price") for the Subject Property shall be One-Hundred and Fifty-Thousand and Zero dollars (\$150,000.00) and shall be payable as follows:

- a. All amounts paid by Buyer as earnest money for this Contract and all interest, if any, earned thereon, shall be applied in reduction of the Purchase Price.
- b. The balance of the Purchase Price shall be payable in certified bank funds at closing.

2. INSPECTIONS

a. Buyer shall have sixty (60) days following the Effective Date (the "Investigation Period") to conduct physical inspections of the Subject Property and to review all documentation described in 2.b hereof. Buyer shall indemnify, defend and hold Seller harmless from and against any claims, damages or liability (including reasonable attorneys' fees) and shall repair any damage to the Subject Property resulting from or relating to Buyer's exercise of its right of entry and such obligations of Buyer to indemnify, defend and hold harmless and to repair shall survive the termination of the Contract and Seller shall have all remedies available against Buyer at law and in equity for Buyer's default in the performance of such obligations. Buyer shall not conduct any environmental inspections, other than a Phase I, without the written approval of Seller.

If Buyer determines, in its sole discretion, that the Subject Property may not be economically or otherwise utilized for its intended purpose, then the Buyer may terminate this Contract by giving written notice to the Seller in accordance with Paragraph 14 hereof on or before the end of the Investigation Period, at which time Buyer will be entitled to a full refund of the earnest money and all interest, if any, earned thereon and the parties shall have no further obligations to each other. If such notice is not given, then Buyer shall have no further right to terminate this Contract pursuant to the provisions of this paragraph.

b. Buyer acknowledges receipt from Seller of the following:

- Declaration of Protective Covenants for Bailes Ridge recorded in Book 165, Page 1, as amended, in the Lancaster County Register of Deeds (the "Declaration").
- Bailes Ridge Design Guidelines
- Bailes Ridge Planned Development District (PDD) – Lancaster County Ordinance #458

3. CLOSING

Closing shall occur fifteen (15) days following the expiration of the Inspection Period. Buyer may elect to close prior to the date of closing as set forth herein, subject to Seller's reasonable approval, upon 10 days notice from Buyer to Seller.

4. CLOSING DOCUMENTS

At Closing, Seller shall execute and deliver to Buyer (i) subject to the provisions of Paragraph 7 hereof, a good and sufficient special warranty deed, with revenue stamps attached, conveying valid, insurable (at regular title insurance rates), marketable and indefeasible fee simple title to the Subject Property free and clear of all liens and encumbrances except ad valorem real property taxes for the calendar year of sale (to be prorated as of the Closing Date), general utility easements which do not limit the development of the Subject Property as a(n) flex / warehouse project and such other matters as are not objected to by Buyer pursuant to Paragraph 7 hereof (collectively referred to herein as the "Permitted Exceptions"); (ii) an owner's affidavit in form reasonably acceptable to Buyer and Buyer's title insurer affirming that there are no outstanding liens against the Subject Property and indemnifying Buyer against all liens from claims arising prior to Closing; (iii) a FIRPTA affidavit in the form complying with the Internal Revenue Code of 1986, as amended, so that withholding from the Purchase Price will not be required; (iv) withholding affidavit and affidavit of value as required by South Carolina law; and (v) if required, a subdivision plat of the Subject Property. Buyer's sole remedy, in the event title to the Subject Property is not acceptable to Buyer or does not meet the criteria set forth above, shall be to terminate this Contract and receive a refund of its earnest money deposit.

At Closing, Buyer and Seller shall execute a memorandum, in recordable form, setting forth Seller's repurchase rights as described in paragraph 22 hereof, which memorandum shall be recorded in the Lancaster County Register of Deeds.

5. CLOSING COSTS

Each party shall be responsible for the following closing expenses:

- a. Seller shall be responsible for the cost of preparation of the recorded subdivision plat described in Section 4(v) in accordance with the standards for subdivision plats in Lancaster County, South Carolina, its deed, and the costs of revenue stamps, if any, attached to the deed.
- b. Buyer shall be responsible for the cost of recording the deed, the cost of any surveys of the Subject Property (except the plat described in 5.a., which will be paid by Seller), costs associated with any financing obtained by Buyer in connection with the transaction, title examination, preparation of the settlement statement, costs to update, record and disburse at Closing and title insurance.
- c. Each party will be responsible for all of its other closing costs, including its respective attorneys' fees.

6. AD VALOREM TAXES

City and/or county ad valorem taxes on the Subject Property for the year in which the Closing occurs will be prorated to the Closing Date and Buyer shall pay its estimated share of such taxes to Seller at Closing. If not determined as of the date of Closing, the amount of taxes shall be based on the previous year's tax assessed for the Subject Property. Buyer shall assume the responsibility of reimbursing Seller for payment of any additional amounts owed by Buyer upon presentation of a paid receipt by Seller. Any assessments against the Subject Property of which Seller has notice shall be paid by Seller on or prior to the Closing Date.

7. TITLE DEFECTS

Buyer shall have its attorney examine the title to the Subject Property within thirty (30) days after the Effective Date. Should Buyer's attorney not approve the title to the Subject Property to be received by Buyer, Buyer shall advise Seller in writing, within thirty (30) days after the Effective Date, of its objections to title (which objections shall not include ad valorem taxes and general utility easements described in Paragraph 4 hereof), and Seller shall have a period of thirty (30) days from the date of the notice within which to remedy the objections to the satisfaction of the objecting attorney. In the event the objections are not cured or remedied within the thirty (30) day period, Buyer, at its election and as its sole remedy, shall have the right to either (i) accept title to the Subject Property subject to the objections (which shall be deemed "Permitted Exceptions") or (ii) terminate this Contract and receive the return of all sums paid as earnest money and all interest, if any, earned thereon and the parties shall have no further obligations to each other. Failure by Buyer to terminate this Contract prior to the expiration of such 30 day period shall be deemed an acceptance of title pursuant to paragraph (i) hereof and a waiver by Buyer of its right to terminate pursuant to paragraph (ii) hereof.

8. RESTRICTIONS

Title to the Subject Property shall be conveyed subject to the Declaration of Protective Covenants for Bailes Ridge recorded in Book 165, Page 1, as amended and supplemented, in the Lancaster County Register of Deeds ("Declaration"). In addition, the Subject Property shall be conveyed with the following restrictive covenant:

- a. The use of the Subject Property shall be restricted to the development of a EMS center to be used by the County.
- b. Construction of improvements on the Subject Property shall be restricted to a maximum heated building area of 10,000 square feet per gross acre.
- c. The Subject Property shall be subject to the Bailes Ridge Planned Development District (PDD) Ordinance #458.

9. ARCHITECTURAL AND USE APPROVAL

Buyer agrees that it will provide Seller with complete plans and specifications for the improvements and/or landscaping to be constructed by it on the Subject Property ("Plans") as required by the Declaration for approval by the Architectural Review Committee prior to commencing construction of any type on the Subject Property. The cost of the Design Review is \$1,500 and is payable to WGM Design at the time of the first submittal.

10. ESCROW OF EARNEST MONEY

Morehead Title Company is appointed Escrow Agent to receive, hold and disburse earnest money paid or payable by Buyer pursuant to the terms hereof, in accordance with the following terms and conditions:

- a. In the event of default by Buyer under the terms hereof, Escrow Agent is instructed to deliver all earnest money received by it with all interest, if any, earned thereon to Seller in accordance with the provisions of Paragraph 19 hereof, and Buyer shall have no other liability hereunder.
- b. In the event of termination of this Contract by Buyer in accordance with its terms, whether due to Seller's default or otherwise, Escrow Agent is instructed to deliver all earnest money delivered to it in escrow, together with all interest, if any, earned thereon to Buyer.
- c. In the event the purchase and sale contemplated hereby is closed, Escrow Agent is instructed to deliver the earnest money and all interest, if any, earned thereon to Seller to be treated as a credit against the Purchase Price.

- d. The earnest money delivered to Escrow Agent hereunder shall be invested by Escrow Agent in an interest – bearing account maintained by a national bank in Charlotte, North Carolina, so as to provide availability of funds on no more than two days' notice.
- e. Buyer and Seller agree that Escrow Agent shall not be liable to Buyer and Seller for any reason except in the case of Escrow Agent's gross negligence or intentional misconduct.

11. ASSIGNMENT

Buyer shall have no right to assign this Contract without the prior written consent of Seller, which consent shall not be unreasonably withheld.

12. ENTIRE AGREEMENT

The parties acknowledge that this Contract contains the entire agreement between the parties.

13. SUCCESSORS AND ASSIGNS

This Contract shall be binding on the parties and their respective successors and assigns.

14. NOTICES

All notices and communications hereunder shall be in writing and shall be deemed to have been duly given if delivered in person or by an overnight service, such as Federal Express, or deposited in the United States mail by registered or certified mail, postage prepaid, properly addressed as follows:

If Seller, to:

2400 South Boulevard, Suite 300
Charlotte, NC 28203
Attn: James E. Merrifield

cc: Susan K. Irvin
P.O. Box 2376
Davidson, NC 28036

If Buyer, to:

Attn.: Steve Willis
County Administrator
P.O. Box 1809
Lancaster, SC 29721

Notices shall be deemed to be given upon personal delivery, or two business days after deposited with the United States mail service, or the following business day if deposited with an overnight delivery service.

15. BROKERAGE COMMISSION

Buyer and Seller each warrant to the other that no representative of firms or individuals have acted on its behalf pursuant to this Contract or in connection with the sale and purchase of the Subject Property except for True View Commercial. Each party hereto shall indemnify and hold harmless the other from and against any loss or liability by reason of the breach by the indemnifying party of the foregoing warranty and representation.

16. TIME OF THE ESSENCE

Time is of the essence in the performance of all of the provisions of this Contract.

17. CONTROLLING LAW

This Contract has been made and entered into under the laws of the State of South Carolina, and those laws shall control the interpretation of this Contract.

18. CONSTRUCTION OF TERMS

Where appropriate, any word denoting the singular shall be deemed to denote the plural, and vice versa. Where appropriate, any word denoting or referring to one gender shall be deemed to include the other gender.

19. LIQUIDATED DAMAGES

In the event of a default by Buyer under the terms hereof, Seller shall be entitled to terminate this Contract by giving written notice thereof to Buyer, whereupon Escrow Agent shall transfer to Seller all earnest money, together with interest earned thereon, if any, as liquidated damages arising from and not as a penalty for Buyer's default. Seller and Buyer acknowledge that because of the difficulty, uncertainty and inconvenience of ascertaining actual damages, the retention of such earnest money as liquidated damages does not constitute a penalty but represents fair, adequate and reasonable compensation to Seller for Buyer's breach, and shall be Seller's sole remedy, and no other damages, rights or remedies shall in any case be collectible, enforceable or available to Seller, including specifically, any right to specific performance. In the event of a default by Seller under the terms hereof, Buyer shall be entitled to terminate this Contract by giving written notice thereof to Seller, whereupon Escrow Agent shall return to Buyer all earnest money, together with interest earned thereon, if any. Buyer may pursue as its sole remedy for Seller's defaults the right to seek specific performance, provided Seller shall

have no monetary liability to Buyer whatsoever and no other damages, rights or remedies shall in any case be collectible, enforceable or available to Buyer.

20. HAZARDOUS SUBSTANCES

To Seller's actual knowledge, but without investigation or inquiry, the Subject Property contains no chemical, material or substance exposure which is prohibited, limited or regulated by governmental authorities nor is the Subject Property subject to any liability or lien or claim of lien under any statute, regulation, ordinance or other requirement, including without limitation the following: the Clean Air Act, 42 U.S.C. Section 7401, et. seq.; The Federal Water Pollution Control Act, 33 U.S.C. Section 1251, et. seq.; The South Carolina Pollution Control Act; The Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. Section 9601, et. seq.; The Federal Resource Conversation and Recovery Act of 1976, 42 U.S.C. Sections 6901-6987; South Carolina Stormwater Management and Sediment Reduction Act, S.C. Code Act Section 48-14-10, et. seq.; and South Carolina Hazardous Waste Management Act, S.C. Code Section 44-56-10, et. seq., all as amended (collectively, the "Regulations"). Seller hereby warrants and represents that, to its actual knowledge during the period of its ownership of the Subject Property, it has not brought onto the Subject Property, or generated, used, stored or allowed to remain thereon, or disposed of upon, within, about or under the Subject Property any waste, debris, or contamination in violation of the above described Regulations.

21. EFFECTIVE DATE

The Effective Date of this Contract shall be the latter of the dates on which the Buyer and Seller have executed this Contract.

IN WITNESS WHEREOF, the parties hereto have executed this Contract under seal as of the day and year first above written.

SELLER:

Bailes Investment Associates, LLC

By: Crosland-Bailes, LLC, its Manager

By: Crosland, LLC, its Manager

By: _____
Name: _____
Title: _____

Date Executed: _____

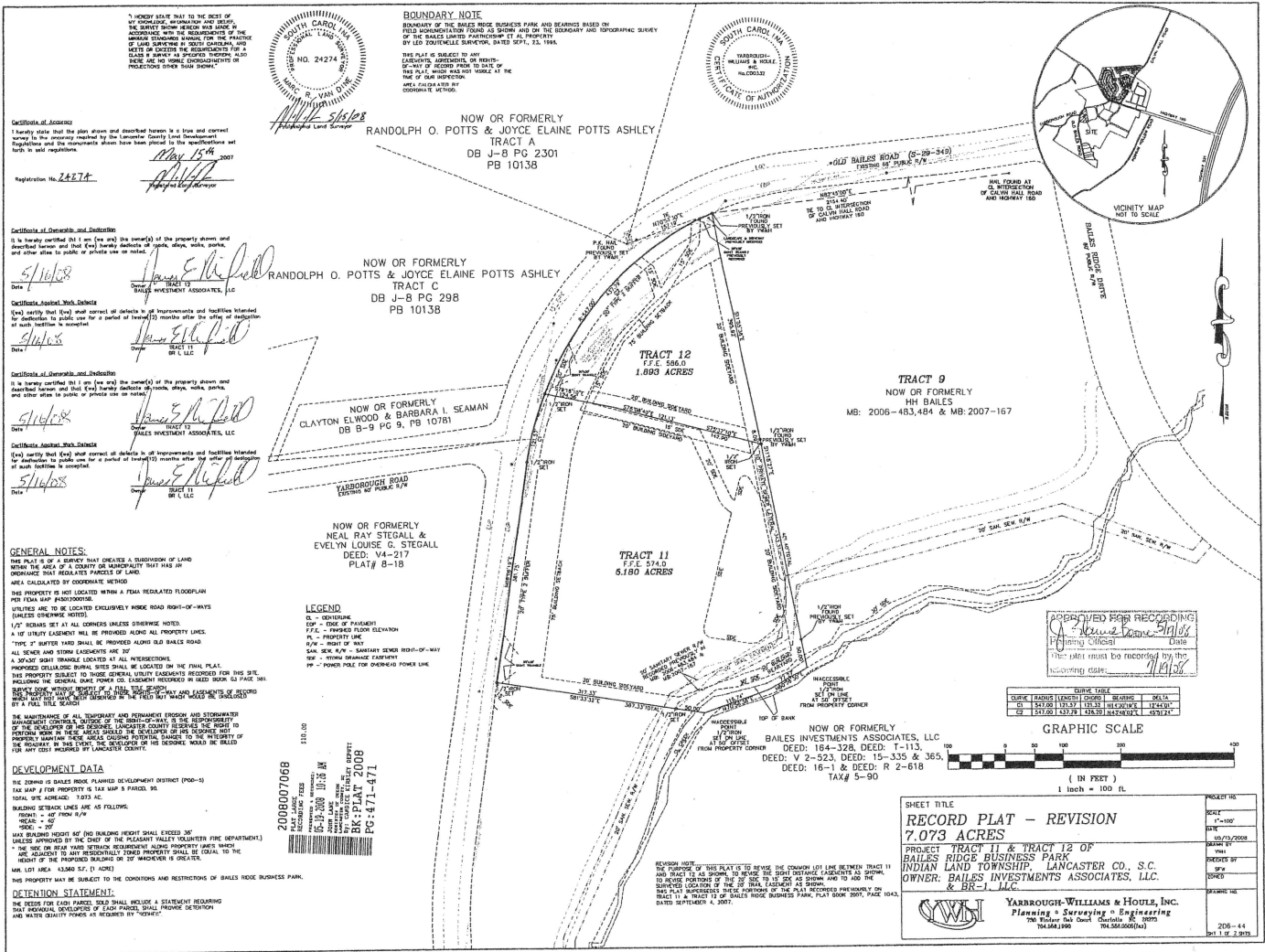
BUYER:

Date Executed: _____

EXHIBIT A – SUBJECT PROPERTY

EXHIBIT A

SUBJECT PROPERTY



**TEDFORD & ASSOCIATES
PO BOX 1677
FORT MILL, S.C. 29716**

**APPRAISAL REPORT
OF
1.893 ACRES
OLD BAILES ROAD
INDIAN LAND, LANCASTER COUNTY, SOUTH CAROLINA
29707**

**SUBMITTED TO:
JOHN L. WEAVER, COUNTY ATTORNEY
LANCASTER COUNTY
101 NORTH MAIN STREET
LANCASTER , SOUTH CAROLINA
29720**

**Prepared By:
Stewart Tedford, MAI, SRA, AI-GRS, CCIM
SC CG 333**

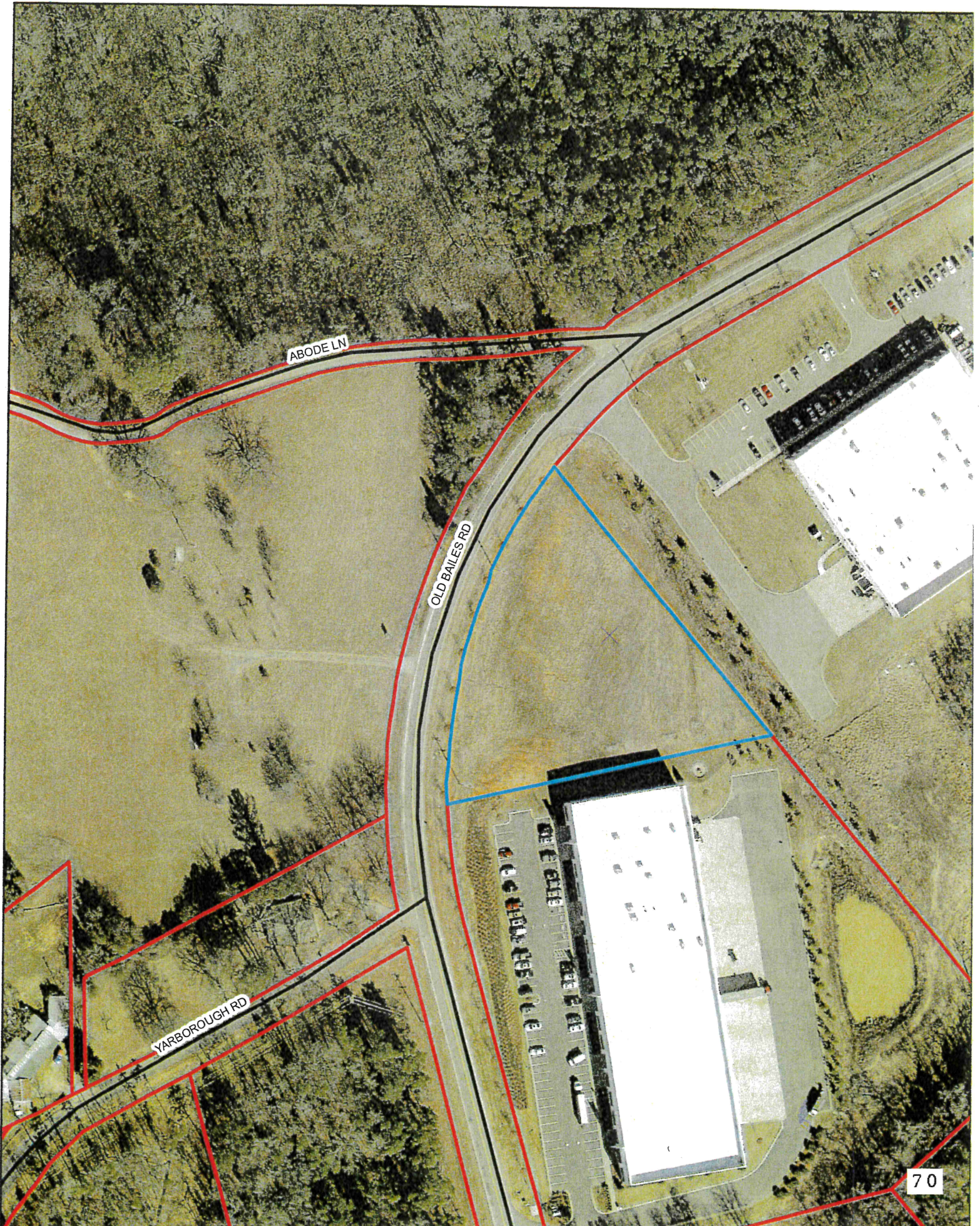
Tedford & Associates Appraisal of 1.893 Acres, Old Bailes Road, Indian Land, South Carolina.

SUMMARY OF IMPORTANT FACTS AND CONCLUSIONS

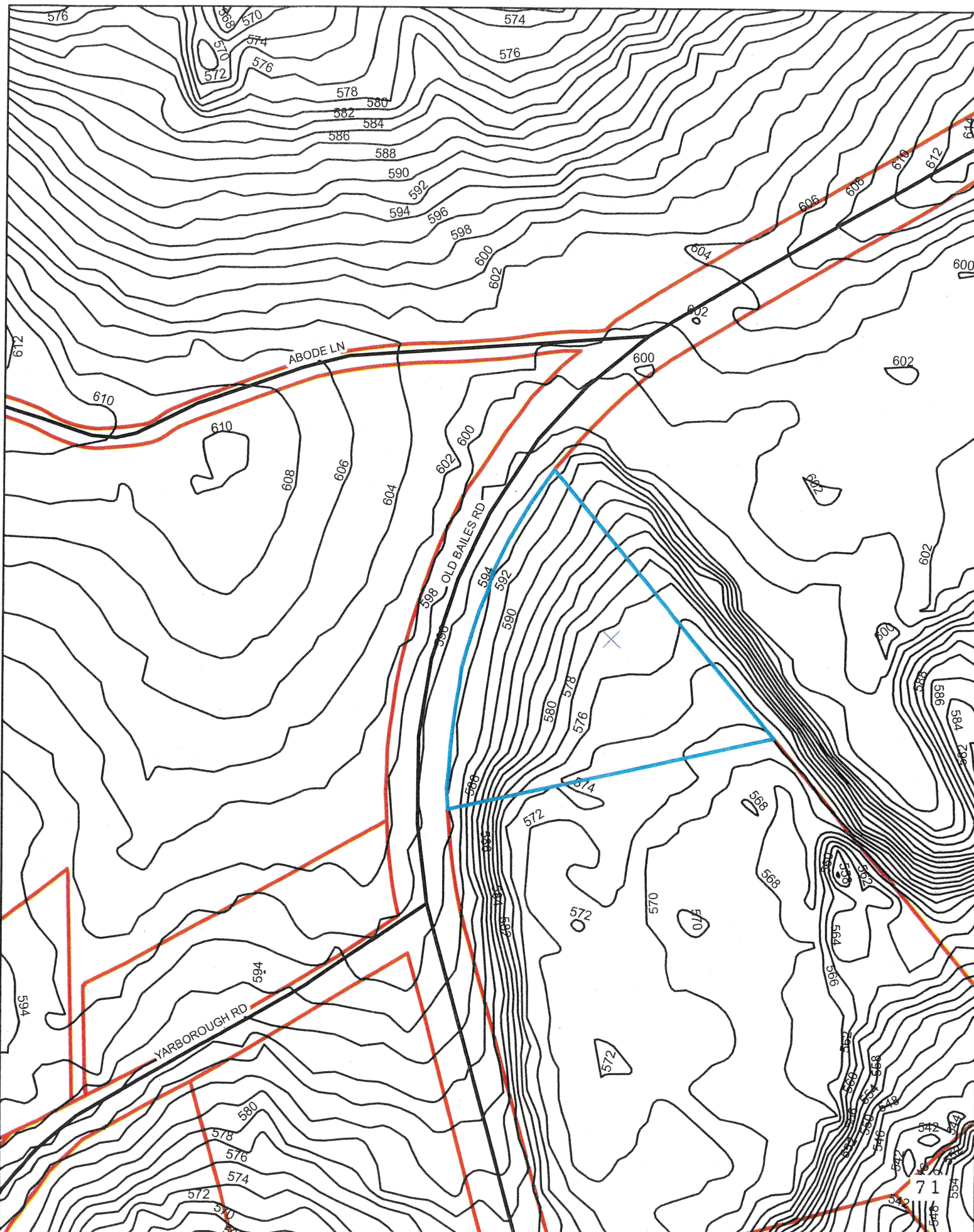
This summary must remain attached to the accompanying report in order for the value opinions cited herein to be considered valid.

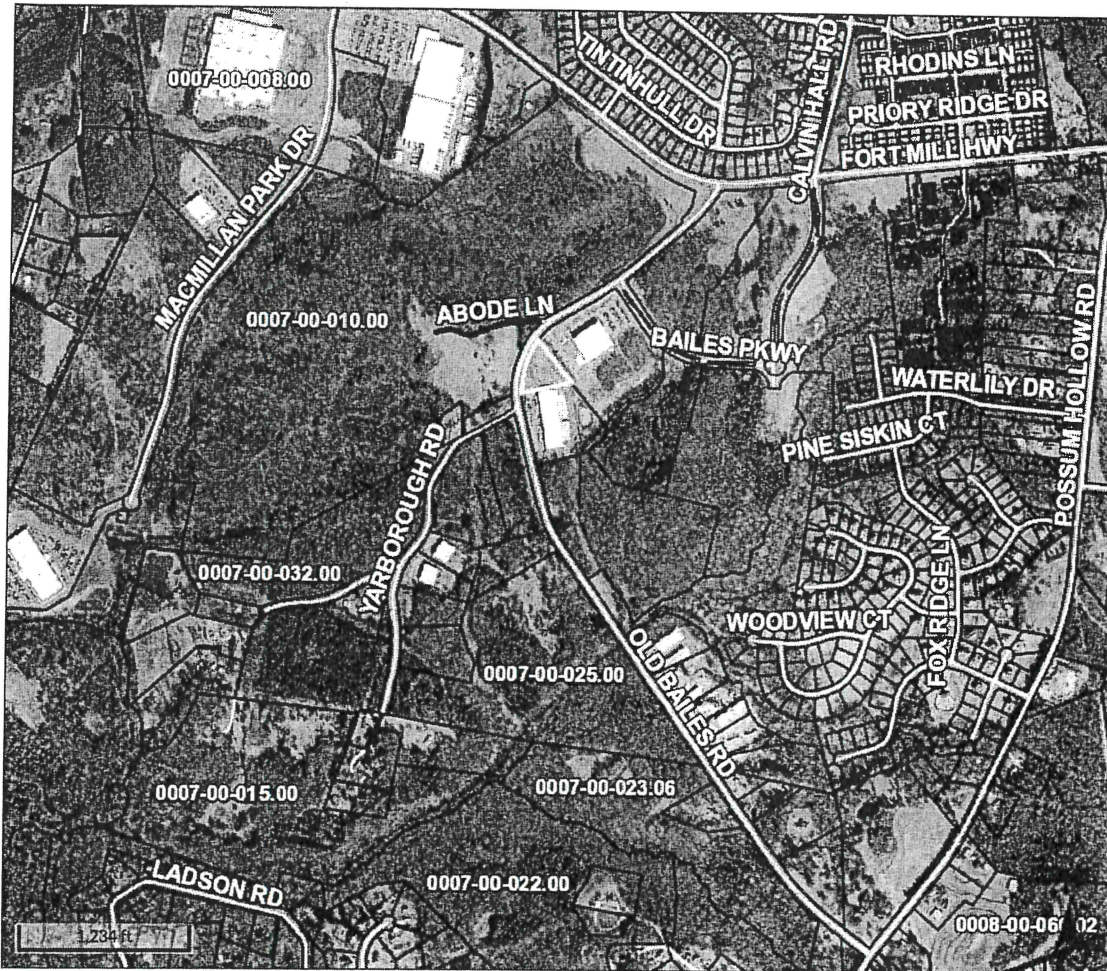
Property Location:	East Side of Old Bailes Roads, Indian Land, Lancaster County, S.C.
Property Owner:	Bailes Investment Associates, LLC
Date of Inspection:	March 26, 2018
Effective Date of Appraisal:	March 26, 2018
Date of Report:	March 30, 2018
Site Size:	1.893 Acres
Tax Map Number:	0007-00-035.00
Zoning:	PDD-5
Highest & Best Use	Office/Light Industrial
Present Use:	Vacant Land
Interest Appraised:	Fee Simple
Value Indications	
Site Value:	\$150,000

0007-00-035.00



Topo 0007-00-035.00





Overview

Legend

- Parcel Numbers
- Parcels
- Roads
- Railroad

Parcel ID	0007-00-035.00	Owner	BAILES INVESTMENT ASSOCIATES LLC				
Class Code	Non Qualified Commercial		C/O MPV PROPERTIES				
Taxing	County		2400 SOUTH BOULEVARD STE 300				
District	Indian Land		CHARLOTTE, NC 28203				
Acres	1.893		OLD BAILES ROAD				
		Physical Address					
		Assessed Value					
			Last 2 Sales				
			Date	Price	Reason	Qual	
			5/27/2008	\$5	INTER-COMPANY TRANSFER	Q	
			n/a	\$0	n/a	n/a	

(Note: Not to be used on legal documents)

Date created: 2/13/2018
Last Data Uploaded: 2/13/2018 5:46:55 AM



Developed by
The Schneider Corporation



Parcel Summary

Parcel ID 0007-00-035.00
 Account # 87354
 Millage Group 01 - County - County - (1)
 Land Size 1.893 AC
 Utilities
 2017 Tax Rate
 Location Address OLD BAILES ROAD , Indian Land
 Acres/Lots 1.893
 Zoning
 (Note: Not to be used on legal documents)
 Neighborhood 01A
 Property Usage Non Qualified Commercial (NCOM)
 Plat Book/Page 2007/1043
 Block # / Lot # 12

Owner Information

BAILES INVESTMENT ASSOCIATES LLC
 2400 SOUTH BOULEVARD STE 300
 CHARLOTTE NC 28203
 C/O MPV PROPERTIES
 2400 SOUTH BOULEVARD STE 300
 CHARLOTTE NC 28203

Land Information

Land Use	Number of Units	Unit Type	Land Type	Frontage	Depth	AgUse Value
Comm (NCOM)	1.89	ACRES	SITE	0	0	\$0

Commercial Building Information

Style /
 Gross Sq Ft
 Finished Sq Ft
 Perimeter
 Stories
 Interior Walls
 Exterior Walls
 Quality ()
 Roof Type
 Roof Material
 Exterior Wall1
 Exterior Wall2
 Foundation
 Interior Finish
 Ground Floor Area
 Floor Cover
 Full Bathrooms 0
 Half Bathrooms 0
 Heating Type
 Year Built 0
 Year Remodeled 0
 Effective Year Built 0
 Condition

Code	Description	Sketch Area	Finished Area	Perimeter
TOTAL				

Sales Information

Sale Date	Sale Price	Instrument Number	Deed Book	Deed Page	Sale Qualification	Vacant or Improved	Grantor	Grantee
5/27/2008	\$5	DEED	466	287	Unqualified - INTER-COMPANY TRANSFER	Improved	BAILES LIMITED PARTNERSHIP ETAL	BAILES INVESTMENTS ASSOCIATES LLC

Assessed Values

	2017	2016	2015
Market Land Value	\$249,100	\$249,100	\$249,000
+ Market Improvement Value	\$0	\$0	\$0
+ Market Misc Value	\$0	\$0	\$0
= Total Market Value	\$249,100	\$249,100	\$249,000
Taxable Land Value	\$249,100	\$249,100	\$249,000
+ Taxable Improvement Value	\$0	\$0	\$0

	2017	2016	2015
+ Taxable Misc Value	\$0	\$0	\$0
- Ag Credit Value	\$0	\$0	\$0
= Total Taxable Value	*\$249,100	*\$249,100	*\$249,000
Assessed Land Value	\$14,946	\$14,946	\$14,940
+ Assessed Improvement Value	\$0	\$0	\$0
+ Assessed Misc Value	\$0	\$0	\$0
= Total Assessed Value	\$14,946	\$14,946	\$14,940

*This parcel is subject to the value cap

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

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

Last Data Upload Data: 2/13/2018 5:46:55 AM



Schneider
Developed by
The Schneider
Corporation

Lancaster County Convenience Site Fall & Winter Schedule Beginning November 6, 2017

	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
RACETRACK	Closed	9 am -6 pm	Closed	Closed	1 pm -6 pm	9 am -6 pm	9 am -6 pm
ERWIN FARM	Closed	9 am -6 pm	Closed	Closed	1 pm -6 pm	9 am -6 pm	9 am -6 pm
LYNWOOD	Closed	9 am -6 pm	Closed	Closed	1 pm -6 pm	9 am -6 pm	9 am -6 pm
McGILL	Closed	Closed	9 am -6 pm	Closed	9 am -6 pm	Closed	9 am -6 pm
FORT	Closed	9 am -6 pm	Closed	Closed	Closed	9 am -6 pm	Closed
UNITY	Closed	9 am -6 pm	Closed	Closed	1 pm -6 pm	1 pm -6 pm	9 am -6 pm
MIDWAY	Closed	9 am -6 pm	Closed	Closed	1 pm -6 pm	1 pm -6 pm	9 am -6 pm
TRADESVILLE	Closed	9 am -6 pm	Closed	Closed	1 pm -6 pm	1 pm -6 pm	9 am -6 pm
HEATH SPRINGS	Closed	9 am -6 pm	Closed	Closed	1 pm -6 pm	9 am -6 pm	9 am -6 pm
KERSHAW	Closed	9 am -6 pm	Closed	Closed	1 pm -6 pm	9 am -6 pm	9 am -6 pm
RICH HILL	Closed	9 am -6 pm	Closed	Closed	1 pm -6 pm	9 am -6 pm	9 am -6 pm
INDIAN LAND	Closed	9 am -6 pm	Closed	Closed	1 pm -6 pm	9 am -6 pm	9 am -6 pm

Agenda Item Summary

Ordinance # / Resolution#:	Discussion Item
Contact Person / Sponsor:	I&R Committee
Department:	Council
Date Requested to be on Agenda:	April 23, 2018

Issue for Consideration:

Motion from the I&R Committee to locate the proposed Animal Shelter on the site of the current Farmer's Market on the Pageland Highway.

Points to Consider:

The motion was made and adopted prior to any update from the staff members that are working this project. Staff subsequently reported that the site had been considered and determined to not be suitable by the architect.

The motion was not rescinded and now comes to Council from the I&R Committee.

At the time of this report the architect has not finalized a site but is leaning strongly towards an area within the Public Works Complex that is south-east of the Convalescent Center. We hope that a recommended site will be finalized by April 23rd but cannot guarantee that.

Design work is progressing well. Funding for the project was approved on November 27, 2017 and in that time a scope of work has been developed, a RFQ for design work was published and put out for bid, responses evaluated, contract negotiated and awarded, and design work, including site analysis and selection, is underway.

Funding and Liability Factors:

Project has not yet been put out for a construction bid but is part of an overall \$5,500,000 General Obligation Bond approved by Council.

Council Options:

Dictate a site or allow the architect to proceed with site analysis and selection which is in their contract.

Staff Recommendation:

Allow the architect to proceed per their contract.

Committee Recommendation:

Inasmuch as the motion was made and adopted before staff could report to the Committee I would defer to Committee members for comment.

MEETINGS & FUNCTIONS – 2018

DAY/DATE	TIME	FUNCTION/LOCATION
Monday, April 23, 2018	6:00 p.m.	Council Meeting Council Chambers, Administration Building
Monday, May 14, 2018	6:00 p.m.	Council Meeting Council Chambers, Administration Building
Tuesday, May 15, 2018	5:00 p.m.	Public Safety Committee Meeting Council Conference Room, Administration Building
Thursday, May 17, 2018	6:00 p.m.	Administration Committee Meeting Council Conference Room, Administration Building
Tuesday, May 22, 2018	3:00 p.m.	Infrastructure & Regulation (I&R) Committee Council Conference Room, Administration Building
Monday, May 28, 2018		MEMORIAL DAY – COUNCIL MEETING MOVED TO TUESDAY, MAY 29, 2018
TUESDAY, May 29, 2018	6:00 p.m.	Council Meeting Council Chambers, Administration Building

LANCASTER COUNTY STANDING MEETINGS

The Tuesday following 1st Council meeting (most of the time it is the 2nd Tuesday)
5:00 p.m. ... Public Safety Committee
 The Tuesday following the 1st Council meeting (most of the time it is the 2nd Tuesday)
3:00 p.m. ... Infrastructure and Regulation Committee
 The Thursday following the 1st Council meeting (most of the time it is the 2nd Thursday)
6:00 p.m. ... Administration Committee
 1st Thursday of each month7:00 p.m. ... Fire Commission, Covenant Street EOC Building
 1st Tuesday of each month6:00 p.m. ... Zoning Appeals Board, County Council Chambers
 2nd Tuesday of each month6:30 p.m. ... Recreation Commission, 260 S. Plantation
 Last Tuesday of each month (Every other month – Beginning with Feb.) 6:00 p.m. Library Board, Carolinian Room, Library
 2nd Wed (Jan/March/May/July/Sept/Nov)11:45 a.m. ... Health & Wellness Comm., various locations
 2nd Tuesday6:00 p.m. ... Historical Commission, Historic Courthouse
 3rd Thursday of each month6:30 p.m. ... Community Relations Commission, Marine Corps League Lodge
 1st Thursday of each month5:00 p.m. ... Planning Commission work session, County Council Chambers
 3rd Tuesday of each month6:00 p.m. ... Planning Commission, County Council Chambers

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that on Thursday, April 26, 2018 at 12:00 noon., in the Lancaster County Council Chambers, Lancaster County Administrative Building, 101 North Main Street, Lancaster County, along with Chester, Union and York Counties, will hold a public hearing to review the following application to be submitted to the South Carolina Department of Commerce, Grants Administration on or before May 4, 2018:

2017 Catawba Region Planning Grant – Lancaster County, acting as the lead county for Chester, Lancaster, Union and York Counties, is requesting \$52,500 to provide planning activities related to the Community Development Block Grant (CDBG) Program in order to benefit low and moderate income persons.

This public hearing is also being held to review the program performance and accomplishments conducted under the 2016 Catawba Region Planning Grant (CDBG #4-RP-16-003). This project consisted of planning activities related to the Community Development Block Grant program in Chester, Lancaster, Union and York Counties in order to benefit low and moderate income persons. Lancaster County, acting as the lead county for the Catawba Region, received a \$62,500 Community Development Block Grant to carry out these activities, which represents 100 percent of the total project budget.

This public hearing and the matters to be discussed are subject to the provisions of Lancaster County's Citizens Participation Plan, developed in anticipation of participation in the State of South Carolina's Community Development Block Grant (CDBG) program, providing for the participation of the citizens of Lancaster County in the planning and implementation of community and economic development projects which will involve CDBG funds.

The Citizens Participation Plan is available for review in the office of the Lancaster County Administrator, from 8:30 a.m. to 5:00 p.m. Monday through Friday. Persons with questions or comments concerning the public hearing or the Citizens Participation Plan may contact Steve Willis, County Administrator, P.O. Box 1809, Lancaster, SC 29721 (Telephone: 803-416-9300).

Lancaster County does not discriminate on the basis of age, color, religion, sex, national origin, familial status or disability in the admission or access to, or treatment or employment in its federally assisted programs or activities. Stephen Yeargin, Building Official, Lancaster County, P.O. Box 1809, Lancaster, SC 29721 (Telephone: 803-285-1969), has been designated to coordinate compliance with the nondiscrimination requirements contained in the U.S. Department of Housing and Urban Development's regulations. Assistance will be provided to accommodate the special needs of disabled persons, upon request. A 72-hour notice for assistance is requested.