# Lancaster County Council Regular Meeting Agenda

# Monday, September 10, 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 Terry Graham
- 4. Approval of the agenda [deletions and additions of non-substantive matter]
- 5. Special Presentations
- 6. <u>Citizen Comments</u> [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 strems 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 votes
  - a. 3<sup>rd</sup> Reading of Ordinance 2018-1532 regarding Rezoning Application of Lancaster County to Rezone Property Owned by Blue Jay Investments LP from MX to GB
     Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As To Rezone A ± 8.77 Acre Tract Of Property Owned By Blue Jay Investments LP, Located On Charlotte Highway ± 500 Feet North Of Shelley Mullis Road From MX, Mixed-Use District To GB, General Business District. Planning Commission recommended approval by a vote of 7-0. Passed 6-0 at the August 13, 2018 County Council Meeting. Passed 7-0 at the August 27, 2018 County Council Meeting. Penelope Karagounis pgs. 5-6
  - b. 3<sup>rd</sup> Reading of Ordinance 2018-1533 regarding Rezoning Property Owned by Liberty Freewill Baptist Church

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As To Rezone A ± 2.2 Acre Tract Of Property Owned By Liberty Freewill Baptist Church, Located At 3026 Camp Creek Road From RR, Rural Residential District To INS, Institutional District. – Planning Commission recommended approval by a vote of 7-0. Passed 6-0 at the August 13, 2018 County Council Meeting. Passed 7-0 at the August 27, 2018 County Council Meeting. – Joey Adams-Raczkowski – pgs. 7-8



## c. <u>3<sup>rd</sup> Reading of Ordinance 2018-1534 regarding Rezoning Property Owned by Daniel and</u> Christina Stalnaker

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As To Rezone A ± 2.93 Acre Tract Of Property Owned By Daniel And Christina Stalnaker, Located ± 2,600 Feet Southwest Of The Intersection Of Highway 521 Bypass South And Twilight Road From NB, Neighborhood Business District To LDR, Low Density Residential District. – Planning Commission recommended approval by a vote of 7-0. Passed 6-0 at the August 13, 2018 County Council Meeting. Passed 7-0 at the August 27, 2018 County Council Meeting. – Joey Adams-Raczkowski – pgs. 9-10

### d. <u>3<sup>rd</sup> Reading of Ordinance 2018-1535 regarding Amending the UDO regarding Chapter 5,</u> Temporary Relocation For Displaced Residents and Temporary Recreational Vehicle

Ordinance Title: An Ordinance To Amend Two Sections Of The Unified Development Ordinance, Section 5.12.4, Subsection E [Temporary Relocation Mobile Homes For Displaced Residents] And Section 5.12.4, Subsection F.2., [Temporary Recreational Vehicle Or Travel Trailer] So As To Broaden And Clarify The Conditions For The Use Of Such Temporary Housing. – Planning Commission recommended approval by a vote of 7-0. Passed 6-0 at the August 13, 2018 County Council Meeting. Passed 7-0 at the August 27, 2018 County Council Meeting. - Penelope Karagounis – pgs. 11-13

# e. 3<sup>rd</sup> Reading of Ordinance 2018-1536 regarding Rezoning Property Owned by Lorraine T. Harper

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As To Rezone Property Of Lorraine T. Harper, Located ± 3,000 Feet Southeast Of The Intersection Of Highway 521 Bypass South And Twilight Road From RN, Rural Neighborhood District To LI, Light Industrial District. – Planning Commission recommended approval by a vote of 7-0. Passed 6-0 at the August 13, 2018 County Council Meeting. Passed 7-0 at the August 27, 2018 County Council Meeting. – Penelope Karagounis – pgs. 14-15

# f. 2<sup>nd</sup> Reading of Ordinance 2018-1531 regarding Approval of a Second Master Multi-County Park Agreement Between Lancaster County and Chesterfield County

Ordinance Title: An Ordinance To Authorize And Approve A Second Master Multi-County Park Agreement By And Between Lancaster County And Chesterfield County; To Require The Payment Of A Fee In Lieu Of Ad Valorem Taxes By Businesses And Industries Located In The Park; To Apply Zoning And Other Laws In The Park; To Provide For Law Enforcement Jurisdiction In The Park; And To Provide For The Distribution Of Park Revenues Within Lancaster County. – (Favorable Recommendation – Administration Committee). Passed 7-0 at the August 27, 2018 County Council Meeting. – John Weaver – pgs. 16-28

#### 8. Non-Consent Agenda

# a. Resolution 1010-R2018 regarding Support for the NCDOT Proposal to Close the Hector Road Crossing

Resolution Title: A Resolution To Voice The Support Of The Lancaster County Council To The Proposal Brought Forward By The North Carolina Department Of Transportation And The CSX Railroad To Close The Hector Road Crossing Located Immediately North Of Highway 75 And



To Replace That Crossing With A Railroad Overpass On Helms Road. – (Recalled from the Infrastructure and Regulation Committee). - Steve Willis – pgs. 29-31

# b. Resolution 1015-R2018 regarding Approval of the Conditional Use Application of Crown Solar Center LLC for a Solar Farm

Resolution Title: A Resolution To Approve The Conditional Use Application Of Crown Solar Center, LLC, To Locate, Design, Construct And Operate A Solar Farm On A Maximum Fifty (50) Acre Portion Of A Two Hundred Five (205) Acre Parcel Of Timber/Pasture, Zoned RN, Identified As Tax Parcel #0110-00-005.00 Located South Of The City Of Lancaster And West Of Highway 521 At The Southeast Corner Of Crown Road And Banner Road. – *Planning Commission recommended approval by a vote of 6-0. – Penelope Karagounis – pgs. 32-50* 

# c. Resolution 1016-R2018 regarding Approval of the Budget Modification for the Indian Land Fire Department to Accommodate 24 Hour Coverage

Resolution Title: A Resolution To Approve A Budget Modification For The Indian Land Volunteer Fire Department So As To Authorize, Provide And Accommodate For Firefighter Protection On A 24 Hour Per Day/7 Day Per Week Basis. — (Favorable Recommendation — Public Safety Committee) (Favorable Recommendation — Administration Committee) — Steve Willis/Darren Player — pgs. 51-58

### d. Resolution 1017-R2018 regarding Authorization of Chairman Appointments

Resolution Title: A Resolution To Authorize And Approve The Duty And Responsibility Of The Lancaster County Council Chairman To Appoint Lancaster County Representatives To Various Regional Organizations. – *John Weaver* – *pgs.* 59-61

# e. <u>1st Reading of Ordinance 2018-1537 regarding Rezoning Property Owned by Kathleen Adams (Applicant Dustin Adams)</u>

Ordinance Title: An Ordinance To Amend The Official Zoning Map Of Lancaster County So As To Rezone A  $\pm$  0.55 Acre Tract Of Property Owned By Ms. Kathleen Adams, Located At 4410 Flat Creek Road From AR, Agricultural Residential District To RUB, Rural Business District. – *Planning Commission recommended approval by a vote of 6-0.* – *Penelope Karagounis* – *pgs.* 62-70

# f. 1st Reading of Ordinance 2018-1538 regarding the Conveyance to Katawba Valley Land Trust Three Parcels of Real Property

Ordinance Title: An Ordinance To Authorize and Approve the Conveyance By Lancaster County To Katawba Valley Land Trust Of Three Parcels Of Real Property Located South Of Highway 9 Bypass And Highway 521 And Northeast Of The City Of Lancaster. - (Favorable Recommendation – Administration Committee) – John Weaver – pgs. 71-76

#### 9. Discussion and Action Items

a. Information only on the Annual Local Emergency Management Performance Grant – *Darren Player* – *pgs.* 77-78

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



### 11. Miscellaneous Reports and Correspondence

- a. Charter Communications pg. 79
- 12. Citizens Comments [if Council delays until end of meeting]
- 13. Executive Session
  - **a.** Economic Development Discussions: Project Dumpling and Project Cherry. SC Code 30-4-70(a)(5).
- 14. Calendar of Events pg. 80
- 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: <a href="www.mylancastersc.org">www.mylancastersc.org</a>



STATE OF SOUTH CAROLINA	(	
	(	<b>ORDINANCE NO. 2018-1532</b>
COUNTY OF LANCASTER	(	

#### AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY SO AS TO REZONE A  $\pm$  8.77 ACRE TRACT OF PROPERTY OWNED BY BLUE JAY INVESTMENTS LP, LOCATED ON CHARLOTTE HIGHWAY  $\pm$  500 FEET NORTH OF SHELLEY MULLIS ROAD FROM MX, MIXED-USE DISTRICT TO GB, GENERAL BUSINESS DISTRICT.

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

#### **Section 1.** Findings and Determinations.

The Council finds and determines that:

- (a) Lancaster County applied to rezone property located on Charlotte Highway  $\pm$  500 feet north of Shelley Mullis Road from MX, Mixed-Use District to GB, General Business District.
- (b) On July 17<sup>th</sup>, 2018 the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a vote of (7-0), recommended approval of the rezoning.

#### Section 2. Rezoning.

The Official Zoning Map is amended by changing the zoning district classification from MX, Mixed-Use District to GB, General Business District for the following property as identified by tax map number or other appropriate identifier:

Tax Map No. 0013-00-048.03

#### 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 to	his	day of	, 2018.
		LANCASTER COUN	TY, SOUTH CAROLINA
		Steve Harper, Chair, Co	ounty Council
		Larry Honeycutt, Secre	tary, County Council
ATTEST:			
Sherrie Simpson, Cl	erk to Council	_	
First Reading: Second Reading: Third Reading:	August 13, 2018 August 27, 2018 September 10, 201	Passed 7-0	

STATE OF SOUTH CAROLINA	(	ODDINANCE NO. 2010 1722
COUNTY OF LANCASTER	(	ORDINANCE NO. 2018-1533

#### AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY SO AS TO REZONE A ± 2.2 ACRE TRACT OF PROPERTY OWNED BY LIBERTY FREEWILL BAPTIST CHURCH, LOCATED AT 3026 CAMP CREEK ROAD FROM RR, RURAL RESIDENTIAL DISTRICT TO INS, INSTITUTIONAL DISTRICT.

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

#### **Section 1.** Findings and Determinations.

The Council finds and determines that:

- (a) Salem Builders applied to rezone property located at 3026 Camp Creek Road from RR, Rural Residential District to INS, Institutional District.
- (b) On July 17<sup>th</sup>, 2018 the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a vote of (7-0), recommended approval of the rezoning.

#### Section 2. Rezoning.

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

Tax Map No. 0060-00-034.01

#### Section 3. Severability.

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

## **Section 4.** Conflicting Provisions.

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

#### Section 5. Effective Date.

This ordinance is effective upon Third Reading.

#### AND IT IS SO ORDAINED

Da	ited this	day of	, 2018.
		LANCASTER COU	NTY, SOUTH CAROLINA
		Steve Harper, Chair, 0	County Council
		Larry Honeycutt, Sec.	retary, County Council
ATTEST:			
Sherrie Simpson, Cl	erk to Council		
First Reading: Second Reading: Third Reading:	August 13, 2018 August 27, 2018 September 10, 2018	Passed 7-0	

STATE OF SOUTH CAROLINA	(	ORDINANCE NO. 2018-1534
COUNTY OF LANCASTER	(	

#### AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY SO AS TO REZONE A  $\pm$  2.93 ACRE TRACT OF PROPERTY OWNED BY DANIEL AND CHRISTINA STALNAKER, LOCATED  $\pm$  2,600 FEET SOUTHWEST OF THE INTERSECTION OF HIGHWAY 521 BYPASS SOUTH AND TWILIGHT ROAD FROM NB, NEIGHBORHOOD BUSINESS DISTRICT TO LDR, LOW DENSITY RESIDENTIAL DISTRICT.

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

#### **Section 1.** Findings and Determinations.

The Council finds and determines that:

- (a) Daniel and Christina Stalnaker applied to rezone property located ± 2,600 feet southwest of the intersection of Highway 521 Bypass South and Twilight Road from NB, Neighborhood Business District to LDR, Low Density Residential District.
- (b) On July 17<sup>th</sup>, 2018 the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a vote of (7-0), recommended approval of the rezoning.

#### Section 2. Rezoning.

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

Tax Map No. 0081N-0A-012.00

#### 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

D	ated this	day of, 2018.
		LANCASTER COUNTY, SOUTH CAROLINA
		Steve Harper, Chair, County Council
		Larry Honeycutt, Secretary, County Council
ATTEST:		
Sherrie Simpson, Cl	erk to Council	
First Reading: Second Reading: Third Reading:	August 13, 2018 August 27, 2018 September 10, 2018	Passed 6-0 Passed 7-0

#### STATE OF SOUTH CAROLINA

**ORDINANCE NO.: 2018-1535** 

#### **COUNTY OF LANCASTER**

#### AN ORDINANCE

TO AMEND TWO SECTIONS OF THE UNIFIED DEVELOPMENT ORDINANCE, SECTION 5.12.4, SUBSECTION E [TEMPORARY RELOCATION MOBILE HOMES FOR DISPLACED RESIDENTS] AND SECTION 5.12.4, SUBSECTION F.2., [TEMPORARY RECREATIONAL VEHICLE OR TRAVEL TRAILER] SO AS TO BROADEN AND CLARIFY THE CONDITIONS FOR THE USE OF SUCH TEMPORARY HOUSING.

WHEREAS, on November 28, 2016, Lancaster County adopted a new complex Unified Development Ordinance (UDO); and

WHEREAS, during the drafting and finalization of that ordinance, it was contemplated that from time to time certain amendments to the UDO text would be necessary for clarification and/or situations that required a revisiting of the UDO so as to provide a more practical application of the regulations involving development standards throughout Lancaster County; and

WHEREAS, the text amendment noted herein has been reviewed and recommended by the Planning Staff and the Planning Commission and, following additional review by County Council, it is the finding of County Council that the recommended amendment is reasonable, necessary and appropriate in all respects;

**NOW, THEREFORE,** by the power and authority granted to the Lancaster County Council by the Constitution of the State of South Carolina and by the powers granted to the County by the General Assembly of the State, it is ordained that:

#### Section 1. Title.

The text of the Lancaster County Uniform Development Ordinance shall be amended in the following particulars:

A. Portions of Section 5.12.4.E hereby are deleted and henceforth the revised Section 5.12.4.E shall read as follows:

Temporary Relocation Housing: Residents displaced as a result of a natural or manmade disaster, or a publicly sponsored redevelopment project in a

Ordinance No.: 2018-1535

neighborhood or area, shall be allowed temporary relocation housing in a mobile home or recreational vehicle provided they meet the following requirements:

- 1. May occupy designated disaster areas or redevelopment project areas only. Mobile homes shall only be allowed to occupy redevelopment project areas.
- 2. Shall be permitted for not more than two (2) years.
- 3. Shall be properly installed according to state requirements and connected with public utilities as set forth in Lancaster County ordinances.
- 4. Shall be located at least thirty (30) feet from one another or other structures.
- 5. Shall be accessible to public service and emergency vehicles as determined and approved by the Administrator.
- 6. Adequate provision shall be made for parking and waste management in compliance with County ordinances and policies.
- B. Section 5.12.4.F.2. is deleted in its entirety and henceforth shall be substituted to read as follows:
  - 2. An active building permit for the principal building on the property is a prerequisite for a permit to conduct the temporary use. A waiver may be granted by the County Administrator for the active building permit due to issues with insurance not being resolved before pursuing the active building permit for the principal building. Progress towards competition of the project is essential in order to continue to hold this permit, and lack thereof over a period of three months or more shall be sufficient grounds for revocation of this temporary use permit.

#### Section 2. 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 3. Conflicting Provisions.

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

#### Section 4. Effective Date.

This ordinance is effective upon Third Reading.

Ordinance No.: 2018-1535

# AND IT IS SO ORDAINED

	Dated this	day of	, 2018.
		LANCASTER CO	OUNTY, SOUTH CAROLINA
	•	Steve Harper, Chai	r, County Council
	j	Larry Honeycutt, S	ecretary, County Council
Attest:			
Sherrie Simpson, C	lerk to Council	-	
First Reading: Second Reading: Third Reading:	August 13, 2013 August 27, 2013 September 10, 2	8 Passed 7-0	

Ordinance No.: 2018-1535

Page 3 of 3

STATE OF SOUTH CAROLINA	)	
COUNTY OF LANCASTER	)	ORDINANCE NO. 2018-1536

#### AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY SO AS TO REZONE PROPERTY OF LORRAINE T. HARPER, LOCATED ± 3,000 FEET SOUTHEAST OF THE INTERSECTION OF HIGHWAY 521 BYPASS SOUTH AND TWILIGHT ROAD FROM RN, RURAL NEIGHBORHOOD DISTRICT TO LI, LIGHT 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) Mr. Robert H. Mobley, Jr. applied to rezone property located  $\pm$  3,000 feet southeast of the intersection of Highway 521 Bypass South and Twilight Road from RN, Rural Neighborhood District, to LI, Light Industrial District.
- (b) On July 17, 2018, the Lancaster County Planning Commission held a public hearing on the proposed rezoning and, by a vote of (7-0), recommended approval of the rezoning.

#### Section 2. Rezoning.

The Official Zoning Map is amended by changing the zoning district classification from RN, Rural Neighborhood District to LI, Light Industrial District for the following property as identified by tax map number or other appropriate identifier:

Tax Map No. 0081-00-047.00

#### 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.

#### **Conflicting Provisions.** Section 4.

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

D	ated this d	ay of, 2018.	
		LANCASTER COUNTY, SOUTH CAROL	LINA
		Steve Harper, Chair, County Council	
		Larry Honeycutt, Secretary, County Council	
ATTEST:			
Sherrie Simpson, Cl	erk to Council		
First Reading:	August 13, 2018	Passed 6-0	
Second Reading: Third Reading:	August 27, 2018 September 10, 2018	Passed 7-0	

STATE OF SOUTH CAROLINA COUNTY OF LANCASTER	)	ORDINANCE NO. 2018-1531

#### AN ORDINANCE

TO AUTHORIZE AND APPROVE A SECOND MASTER MULTI-COUNTY PARK AGREEMENT BY AND BETWEEN LANCASTER COUNTY AND CHESTERFIELD COUNTY; TO REQUIRE THE PAYMENT OF A FEE IN LIEU OF AD VALOREM TAXES BY BUSINESSES AND INDUSTRIES LOCATED IN THE PARK; TO APPLY ZONING AND OTHER LAWS IN THE PARK; TO PROVIDE FOR LAW ENFORCEMENT JURISDICTION IN THE PARK; AND TO PROVIDE FOR THE DISTRIBUTION OF PARK REVENUES WITHIN LANCASTER COUNTY.

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

#### **Section 1.** Findings and Determinations; Purpose.

- (a) The Council finds and determines that:
- (1) the County is authorized by art. VIII, section 13(D) of the South Carolina Constitution and by Sections 4-1-170, -172 and -175 of the Code of Laws of South Carolina 1976, as amended, to jointly develop, in conjunction with contiguous counties, industrial and business parks ("multi-county parks");
- (2) the County and Chesterfield County currently have a master multi-county park arrangement in place, more specifically, the Amended and Restated Master Multi-County Park Agreement, Amended and Restated as of November 9, 2015, with Exhibits Updated Through April 4, 2018; and
- (2) the use of multi-county parks is important in attracting and encouraging the investment and retention of capital and the retention and creation of jobs in the County.
- (b) It is the purpose of this ordinance to authorize and approve a second master multi-county park agreement with Chesterfield County for properties in Lancaster County and properties in Chesterfield County (the "Park").

#### **Section 2.** Approval of Second Master Agreement; Authority of Officials.

(A) The Council Chair and the Council Secretary are authorized, empowered and directed, in the name of and on behalf of Lancaster County, to execute, acknowledge, and deliver a Second Master Multi-County Park Agreement between Chesterfield County, South Carolina and Lancaster County, South Carolina (the "Second Master Agreement"). The Clerk to Council is authorized to attest the execution of the Second Master Agreement by the County officials. The form of the Second Master Agreement is attached to this ordinance as Exhibit A and all terms, provisions and conditions of the Second Master

Agreement are incorporated into this ordinance as if the Second Master Agreement were set out in this ordinance in its entirety. By adoption of this ordinance, Council approves the Second Master Agreement and all of its terms, provisions and conditions. The Second Master Agreement is to be in substantially the form as attached to this ordinance and hereby approved, or with such changes therein as the Council Chair and Council Secretary determine, upon advice of counsel, necessary and that do not materially change the matters contained in the form of the Second Master Agreement.

(B) Prior to the execution of the Second Master Agreement, as provided in Section 2(A) of this ordinance, the Council Chair and Council Secretary are authorized and directed to remove any property from the schedule of properties proposed to be included in the Park if the property is inside the boundaries of a municipality and the municipality has not consented to the creation of the Park as required by Section 4-1-170(C) of the Code of Laws of South Carolina 1976, as amended, unless the property was previously included in another multi-county park.

#### Section 3. Payment of Fee in Lieu of Tax.

The businesses and industries located in the Park must pay a fee in lieu of *ad valorem* taxes as provided for in the Second Master Agreement. With respect to properties located in the Lancaster County portion of the Park, the fee paid in lieu of *ad valorem* taxes shall be paid to the Treasurer of Lancaster County. That portion of such fee allocated pursuant to the Second Master Agreement to Chesterfield County shall be thereafter paid by the Treasurer of Lancaster County to the Treasurer of Chesterfield County within forty-five (45) business days of receipt for distribution in accordance with the Second Master Agreement. With respect to properties located in the Chesterfield County portion of the Park, the fee paid in lieu of *ad valorem* taxes shall be paid to the Treasurer of Chesterfield County. That portion of such fee allocated pursuant to the Second Master Agreement to Lancaster County shall thereafter be paid by the Treasurer of Chesterfield County to the Treasurer of Lancaster County within forty-five (45) business days of receipt for distribution in accordance with the Second Master Agreement. The provisions of Section 12-2-90, Code of Laws of South Carolina 1976, as amended, or any successor statutes or provisions, apply to the collection and enforcement of the fee in lieu of *ad valorem* taxes.

#### **Section 4.** Applicable Ordinances and Regulations.

Any applicable ordinances and regulations of Lancaster County concerning zoning, health and safety, and building code requirements shall apply to the Park properties in Lancaster County unless the properties are within the boundaries of a municipality in which case the municipality's applicable ordinances and regulations shall apply. Any applicable ordinances and regulations of Chesterfield County concerning zoning, health and safety, and building code requirements shall apply to the Park properties in Chesterfield County unless the properties are within the boundaries of a municipality in which case the municipality's applicable ordinances and regulations shall apply.

#### Section 5. Law Enforcement Jurisdiction.

Jurisdiction to make arrests and exercise all authority and power within the boundaries of the Park properties in Lancaster County is vested with the Sheriff's Department of Lancaster County. Jurisdiction to make arrests and exercise all authority and power within the boundaries of the Park properties in Chesterfield County is vested with the Sheriff's Department of Chesterfield County. If any of the Park properties located in either Lancaster County or Chesterfield County are within the boundaries of a municipality, then jurisdiction to make arrests and exercise law enforcement jurisdiction is vested with the law enforcement officials of the municipality.

#### Section 6. Distribution of Revenue.

- (a) Revenues generated from industries or businesses located in the Lancaster County portion of the Park to be retained by Lancaster County shall be distributed within Lancaster County in accordance with this subsection:
- (1) First, unless Lancaster County elects to pay or credit the same from only those revenues which Lancaster County would otherwise be entitled to receive as provided under item (3) below, to pay annual debt service on any special source revenue bonds issued by Lancaster County pursuant to, or to be utilized as a credit in the manner provided in Section 4-1-175, Code of Laws of South Carolina 1976, as amended;
- (2) Second, at the option of Lancaster County, to pay for, or reimburse Lancaster County for, any expenses incurred by it in the administration, development, operation, maintenance and promotion of the Park or the industries and businesses located therein or for other economic development purposes of Lancaster County; and
- (3) Third, to those taxing entities in which the property is located, in the same manner and proportion that the millage levied for the taxing entities would be distributed if the property were taxable but without regard to exemptions otherwise available pursuant to Section 12-37-220, Code of Laws of South Carolina 1976, as amended, for that year.
  - (b) Notwithstanding any other provision of this section:
- (1) all taxing entities which overlap the applicable properties within the Park shall receive at least some portion of the revenues generated from such properties; and
- (2) all revenues receivable by a taxing entity in a fiscal year shall be allocated to operations and maintenance and to debt service as determined by the governing body of the taxing entity.
- (c) Revenues generated from industries or businesses located in the Chesterfield County portion of the Park shall be retained by Lancaster County.

#### Section 7. Conflicting Provisions.

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

#### Section 8. Severability.

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

#### **Section 9.** 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 CO	OUNTY, SOUTH CAROLINA
		Steve Harper, Chair	r, County Council
		Larry Honeycutt, S	ecretary, County Council
ATTEST:			
Sherrie M. Simpson,	Clerk to Council		
First Reading: Second Reading:	August 27, 2018 September 10, 2018	Passed 7-0	
Public Hearing: Third Reading:	September 24, 2018 September 24, 2018	(Tentative) (Tentative)	

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# Exhibit A to Ordinance No. 2018-1531

## Second Master Multi-County Park Agreement between Chesterfield County, South Carolina and Lancaster County, South Carolina

See attached.

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#### Second Master Multi-County Park Agreement

#### between

## Chesterfield County, South Carolina and Lancaster County, South Carolina

, 2018
This SECOND MASTER MULTI-COUNTY PARK AGREEMENT is made and entered into as of the day of, 2018, by and between CHESTERFIELD COUNTY, SOUTH CAROLINA ("Chesterfield County") and LANCASTER COUNTY, SOUTH CAROLINA ("Lancaster County") (collectively, Chesterfield County and Lancaster County are the "Parties"), each a body politic and corporate, a political subdivision of the State of South Carolina ("Second Master Agreement").
In consideration of the mutual agreements, representations and benefits contained in this Second Master Agreement and for other good and valuable consideration, the receipt and sufficiency of which are acknowledged, Chesterfield County and Lancaster County agree as follows:
1. <u>Effective Date</u> . This Second Master Agreement is effective at 12:00 a.m. (midnight),, 2018 (the "Effective Date").
2. <u>Authorization</u> . Article VIII, section 13(D) of the South Carolina Constitution and Sections 4-1-170, -172, and -175 of the Code of Laws of South Carolina 1976, as amended (the "MCP Law"), authorizes contiguous counties to jointly develop industrial and business parks within the geographical boundaries of one or more of the participating counties. Lancaster County authorized and approved this Second Master Agreement by passage of Ordinance No. 2018— and Chesterfield County authorized and approved this Second Master Agreement by passage of Ordinance No. 2018-19
3. <u>Purpose</u> . The purpose of this Second Master Agreement is to (i) provide for the establishment of a multi-county park in accordance with the MCP Law consisting of multiple properties located in each county, (ii) encourage the investment of capital and the creation of jobs in Lancaster County and Chesterfield County, and (iii) to provide a simple process for the two counties to use the multi-county park mechanism as a tool to recruit new business and industry to locate in the respective counties and to encourage the expansion of existing business and industry.
A greement to Dayelon Park. The Parties agree to jointly develon an industrial and

- 4. <u>Agreement to Develop Park</u>. The Parties agree to jointly develop an industrial and business park in accordance with the MCP Law and the terms and conditions of this Second Master Agreement (the "Park").
- 5. <u>The Park</u>. (A) *Location*. The Park consists of property located in Lancaster County, as further identified in <u>Exhibit A (Lancaster County)</u> to this Second Master Agreement, and property located in Chesterfield County, as further identified in <u>Exhibit B (Chesterfield</u>

<u>County</u>), to this Second Master Agreement. The Park may consist of non-contiguous properties within each county.

- (B) Addition and Removal of Property.
- (1) County Action Required. Property may be added to the Park by ordinance of the county in which the subject property is located and resolution of the non-host county. Property may be removed from the Park by ordinances of both counties.
- (2) Revised Exhibits. If property is added to or removed from the Park, this Second Master Agreement is deemed amended and a revised Exhibit A (Lancaster County) or Exhibit B (Chesterfield County), as applicable, shall be prepared by the county in which the added or removed property is located. The revised exhibit must contain a description or other identification of the properties included in the Park, after the addition or removal. A copy of the revised exhibit shall be provided to the Administrator, Clerk to Council, Assessor, Auditor and Treasurer of Lancaster County and Chesterfield County.
- of an ordinance authorizing the removal of property from the Park, the county council in the county in which the property to be removed is located, shall hold a public hearing. The county that will conduct the public hearing must give notice of the public hearing by publication in a newspaper of general circulation in the county in which the public hearing will be held at least once and not less than fifteen (15) days prior to the public hearing. Notice of the public hearing shall also be served in the manner of service of process at least fifteen (15) days prior to the public hearing upon the owner of the real property and, if applicable, the lessee of any real property which would be removed from the Park.
- 6. <u>Fee in Lieu of Taxes</u>. Pursuant to article VIII, section 13(D), of the South Carolina Constitution, all property located in the Park is exempt from all *ad valorem* taxation. The owners or lessees of any property situated in the Park shall pay in accordance with this Second Master Agreement and the MCP Law an amount equivalent to the *ad valorem* property taxes or other inlieu-of payments that would have been due and payable but for the location of the property within the Park ("Fee in Lieu of Taxes" or "FILOT").
- 7. <u>Allocation of Expenses</u>. Lancaster County and Chesterfield County shall bear the expenses for the development, operation, maintenance and promotion of the Park and the cost of providing public services, in the following proportions:

If property is in the Lancaster County portion of the Park:

(1) Lancaster County(2) Chesterfield County(3) 0%

### If property is in the Chesterfield County portion of the Park:

(1) Lancaster County 0%(2) Chesterfield County 100%

8. <u>Allocation of Revenues</u>. Lancaster County and Chesterfield County shall receive an allocation of revenue generated by the Park through payment of Fee in Lieu of Taxes (net of any special source revenue bond payments or special source revenue credits) in the following proportions:

#### If property is in the Lancaster County portion of the Park:

(1) Lancaster County(2) Chesterfield County1%

#### If property is in the Chesterfield County portion of the Park:

(1) Lancaster County 1%(2) Chesterfield County 99%

- 9. Revenue Allocation Within Each County. (A) Host County. Revenues generated by the Park through the payment of Fee in Lieu of Taxes shall be distributed to Lancaster County and to Chesterfield County, as applicable, according to the proportions established by Paragraph 8 of this Second Master Agreement. With respect to revenues allocable to Lancaster County or Chesterfield County by way of FILOT generated within the respective county (the "Host County"), such revenue shall be distributed within the Host County in the manner provided by ordinance of the council of the Host County; provided, that (i) all taxing districts which overlap the applicable revenue-generating portion of the Park shall receive at least some portion of the revenues generated from such portion, and (ii) with respect to amounts received in any fiscal year by a taxing entity, the governing body of the taxing entity shall allocate the revenues received between operations and debt service of the taxing entity. Each Host County is specifically authorized to use a portion of the revenue for economic development purposes as permitted by law and as established by ordinance of the council of the Host County.
- (B) *Non-Host County*. Revenues allocable to Lancaster County by way of FILOT generated within Chesterfield County shall be distributed solely to Lancaster County. Revenues allocated to Chesterfield County by way of FILOT generated within Lancaster County shall be distributed solely to Chesterfield County.
- 10. Fees In Lieu of Taxes Pursuant to Title 4 and Title 12 Code of Laws of South Carolina. The Parties agree that the entry by Lancaster County into any one or more fee in lieu of tax agreements pursuant to Title 4 or Title 12 of the Code of Laws of South Carolina 1976, as amended ("Negotiated Fee-in-Lieu of Tax Agreements"), with respect to property located within the Lancaster County portion of the Park and the terms of those agreements shall be at the sole

discretion of Lancaster County. The Parties further agree that entry by Chesterfield County into any one or more Negotiated Fee-in-Lieu of Tax Agreements with respect to property located within the Chesterfield County portion of the Park and the terms of those agreements shall be at the sole discretion of Chesterfield County.

- 11. <u>Assessed Valuation</u>. For the purpose of calculating the bonded indebtedness limitation and for the purpose of computing the index of taxpaying ability pursuant to Section 59-20-20(3) of the Code of Laws of South Carolina 1976, as amended, allocation of the assessed value of property within the Park to Lancaster County and Chesterfield County and to each of the taxing entities within the participating counties shall be identical to the allocation of revenue received and retained by each of the counties and by each of the taxing entities within the participating counties, pursuant to Paragraphs 8 and 9 of this Second Master Agreement.
- 12. Applicable Regulations. Any applicable ordinances and regulations of Chesterfield County concerning zoning, health and safety, and building code requirements shall apply to the Park properties in Chesterfield County unless the properties are within the boundaries of a municipality in which case the municipality's applicable ordinances and regulations shall apply. Any applicable ordinances and regulations of Lancaster County concerning zoning, health and safety, and building code requirements shall apply to the Park properties in Lancaster County unless the properties are within the boundaries of a municipality in which case the municipality's applicable ordinances and regulations shall apply.
- 13. <u>Law Enforcement Jurisdiction</u>. Jurisdiction to make arrests and exercise all authority and power within the boundaries of the Park properties in Chesterfield County is vested with the Sheriff's Department of Chesterfield County. Jurisdiction to make arrests and exercise all authority and power within the boundaries of the Park properties in Lancaster County is vested with the Sheriff's Department of Lancaster County. If any of the Park properties located in either Chesterfield County or Lancaster County are within the boundaries of a municipality, then jurisdiction to make arrests and exercise law enforcement jurisdiction is vested with the law enforcement officials of the municipality.
- 14. <u>Severability</u>. If any provision or any part of a provision of this Second Master Agreement is held invalid or unenforceable by a court of competent jurisdiction, such holding shall not invalidate or render unenforceable the remainder of that provision or any other provision or part of a provision of this Second Master Agreement.
- 15. <u>Amendments</u>. The provisions of this Second Master Agreement may be modified or amended only in a writing signed by the Parties.
- 16. <u>Headings and Catch Lines</u>. The headings of the paragraphs and subparagraphs of this Second Master Agreement are inserted for convenience only and do not constitute a part of this Second Master Agreement.

- 17. <u>Governing Law</u>. This Second Master Agreement, and all documents executed in connection with it, shall be construed in accordance with and governed by the laws of the State of South Carolina.
- 18. <u>Counterparts</u>. This Second Master Agreement may be executed in any number of counterparts, and all of the counterparts taken together constitute one and the same instrument.
- 19. <u>Binding Agreement</u>. This Second Master Agreement is binding upon and shall inure to the benefit of the respective Parties.
- 20. <u>Merger</u>. This Second Master Agreement, and all documents executed in connection with it, express the entire understanding and all agreements of the Parties with each other, and neither Lancaster County nor Chesterfield County has made or shall be bound by any agreement or any representation to the other party which is not expressly set forth in this Second Master Agreement.
- 21. <u>Waiver</u>. Either party may waive compliance by the other party with any term or condition of this Second Master Agreement only in a writing signed by the waiving party. The failure or delay on the part of any party hereto in exercising any right, power, or remedy hereunder shall not operate as a waiver thereof, nor shall any single or partial exercise of any such right, power, or remedy preclude any other or further exercise thereof or the exercise of any other right, power, or remedy hereunder. No waiver of any provision hereof shall be effective unless the same shall be in writing and signed by the waiving party hereto.
- 22. <u>Termination</u>. (A) *Duration and Renewal*. This Second Master Agreement commences on the Effective Date and ends on December 31, 2068, *provided*, that this Second Master Agreement is automatically extended for a renewal term of ten (10) years, and for not more than a total of five (5) ten (10) year renewal terms, unless either Lancaster County or Chesterfield County gives written notice to the other not less than one hundred eighty (180) days prior to the end of the applicable term that the party objects to the extension of this Second Master Agreement. If either county gives written notice to the other of its objection to the extension of this Second Master Agreement, then the county in which the real property is located shall give notice of the termination of this Second Master Agreement to the owner of the real property and, if applicable, the lessee of any real property, located within the Park in that county not less than ninety (90) days prior to the end of the applicable term and the notice shall be provided in the manner set forth in subparagraph (B)(3) of Paragraph 5 of this Second Master Agreement.
- (B) Mutual Termination. Notwithstanding the provisions of subparagraph (A) of this Paragraph 22, the Parties may mutually agree to terminate this Second Master Agreement at any time upon passage of an ordinance to that effect by each county and after conducting a public hearing and giving notice as set forth in subparagraph (B)(3) of Paragraph 5 of this Second Master Agreement.

SIGNATURES FOLLOW ON NEXT PAGE.

# WITNESS our hands and seals as of the date first above written.

	LANCASTER COUNTY, SOUTH CAROLINA
	,
	Steve Harper, Chair, County Council
(01)	Larry Honeycutt, Secretary, County Council
(Seal)	
ATTEST:	
Sherrie M. Simpson, Cle	rk to Council
	CHESTERFIELD COUNTY, SOUTH CAROLINA
(SEAL)	
	Al Johnson Chair, County Council
ATTEST:	
Betty M. Boswell	

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# **EXHIBIT A (Lancaster County)**

# **Lancaster County Property**

#### NONE

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### **EXHIBIT B (Chesterfield County)**

	<b>Chesterfield County Property</b>	
		, 2018
	(Effective	, 2018)
<b>Project Coconut</b>		
Tax Map No.		Owner
Project Coconut		Project Coconut

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# Agenda Item Summary

Ordinance # / Resolution#:

Resolution 1010-R2018

Contact Person / Sponsor:

Steve Willis

Department:

Administration

Date Requested to be on Agenda:

September 10, 2018

### **Issue for Consideration:**

Withdrawal of Resolution 1010-R2018

#### Points to Consider:

Current NCDOT funding for this project is set for 2025. There is a possibility it could be moved up by 2021.

In any case, the Resolution cannot be carried into effect by the end of the current Council term so staff respectfully requests that it be withdrawn from consideration.

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

N/A

#### **Council Options:**

Allow staff to withdraw the Resolution or consider it for further action.

If Council consents to withdrawing the Resolution I would request the following motion be passed: MOTION: That Resolution 1010-R2018 be withdrawn from further consideration at the request of staff.

#### **Staff Recommendation:**

Withdraw Resolution 1010-R2018

#### **Committee Recommendation:**

N/A

# STATE OF SOUTH CAROLINA COUNTY OF LANCASTER

RESOLUTION NO.: 1010-R2018

#### **A RESOLUTION**

TO VOICE THE SUPPORT OF THE LANCASTER COUNTY COUNCIL TO THE PROPOSAL BROUGHT FORWARD BY THE NORTH CAROLINA DEPARTMENT OF TRANSPORTATION AND THE CSX RAILROAD TO CLOSE THE HECTOR ROAD CROSSING LOCATED IMMEDIATELY NORTH OF HIGHWAY 75 AND TO REPLACE THAT CROSSING WITH A RAILROAD OVERPASS ON HELMS ROAD.

WHEREAS, Lancaster County has been contacted by representatives of Union County, North Carolina regarding a plan to potentially close the Hector Road railroad crossing with CSX. This proposal would be contingent upon NCDOT funding and the completion of a railroad overpass at the existing Helms Road crossing located in North Carolina; and

WHEREAS, Helms Road connects to Waxhaw Marvin Road which, in turn, intersects with Jim Wilson Road, Shelley Mullis Road and Marvin Road, providing, if ever necessary because of a problem with the Highway 521 bridge, a wide, two-lane paved road access back into Lancaster County; and

WHEREAS, the present Hector Road crossing is a single lane road crossing with significant grade differential between the railroad crossing and Highway 75, creating the potential for trucks using that route to "bottom out"; and

WHEREAS, Lancaster County Council has received a presentation on the potential closure of the Hector Road railroad crossing and Council has considered the benefits of an alternative overpass at Helms Road, and find that the best interests of Lancaster County will be served by this Council's support for the proposal.

**THEREFORE, BE IT RESOLVED,** THAT Lancaster County Council offers its support of and provides its consent to the closure of the Hector Road railroad crossing and the construction of a two-lane railroad overpass on Helms Road.

SIGNATURES FOLLOW ON NEXT PAGE.

Resolution No.: 1010-R2018

# AND IT IS SO RESOLVED.

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	

Resolution No.: 1010-R2018

Page 2 of 2



# Agenda Item Summary

Resolution # 1015-R2018 - CU-018-006- Crown Solar Center, LLC (Coronal Energy)

Contact Person / Sponsor: Andy Rowe

Department: Planning

Date Requested to be on Agenda: 9/10/18

#### **Issue for Consideration:**

Crown Solar Center, LLC (Coronal Energy) proposes a Solar Farm located at the southeastern corner of Crown and Banner Road.

#### Points to Consider:

The land use for this site is agricultural. A tree line surrounds the property. The surrounding conditions include agricultural land as well as single family homes on large and mid-sized parcels.

Planning Staff has reviewed the revised site plan and associated information submitted by the applicant. Staff findings indicate that the UDO Solar Farm requirements are substantially met for the proposed Crown Solar Center Solar Farm.

Please see exhibits from Planning Staff Report.

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

N/A

#### **Council Options:**

- 1. Approve the proposed use.
- 2. Approve the proposed use with modifications.
- 3. Reject the proposed use.
- 4. Refer the proposed use back to the Planning Commission for further consideration.
- 5. Refuse to take further action.

#### **Recommendation:**

At the Lancaster County Planning Commission meeting on Tuesday August 21<sup>st</sup>, 2018 the Commission voted to **approve** the Conditional Use Permit application of Crown Solar by a vote of (6-0). Please see the attached written recommendation from the Lancaster County Planning Commission which contains the required conditions.

STATE OF SOUTH CAROLINA	)	<b>RESOLUTION NO.:</b>	1015-R2018
	)		
COUNTY OF LANCASTER	)		

#### A RESOLUTION

TO APPROVE THE CONDITIONAL USE APPLICATION OF CROWN SOLAR CENTER, LLC, TO LOCATE, DESIGN, CONSTRUCT AND OPERATE A SOLAR FARM ON A MAXIMUM FIFTY (50) ACRE PORTION OF A TWO HUNDRED FIVE (205) ACRE PARCEL OF TIMBER/PASTURE, ZONED RN, IDENTIFIED AS TAX PARCEL #0110-00-005.00 LOCATED SOUTH OF THE CITY OF LANCASTER AND WEST OF HIGHWAY 521 AT THE SOUTHEAST CORNER OF CROWN ROAD AND BANNER ROAD.

WHEREAS, on May 14, 2018, Crown Solar Center, LLC submitted to Lancaster County its Conditional Use Application for the company's design, construction and operation of a Solar Farm to be located on a maximum of fifty (50) acres of rural land located on tax parcel number 0110-00-005.00; and

WHEREAS, the Planning Department has considered the terms and conditions of the application along with a multitude various supporting documents and has reported that the applicant's plans are in compliance with the Lancaster County Uniform Development Ordinance (UDO) and that the application has received the Department's recommendation for approval; and

WHEREAS, on August 21, 2018, the Lancaster County Planning Commission, following a full presentation by the applicant's representatives and the Planning Department's staff and, additionally, following a Public Hearing being conducted wherein input from those citizens and residents having an interest in the project was voiced and received, the Planning Commission likewise recommended to the County Council that the project was in compliance and that the Conditional Use Application should be approved; and

WHEREAS, Lancaster County Council itself has received a full presentation as to the applicable law as set forth in the UDO and, additionally, Council has received both written and verbal details and specifics of the Solar Farm's construction and operation.

**NOW, THEREFORE, BE IT RESOLVED,** that the Lancaster County Council pursuant to Section 9.2.16.C.2.a. of the Lancaster County UDO approves the Conditional Use Application submitted by Crown Solar Center, LLC.

Resolution No.: 1015-R2018

Page 1 of 2

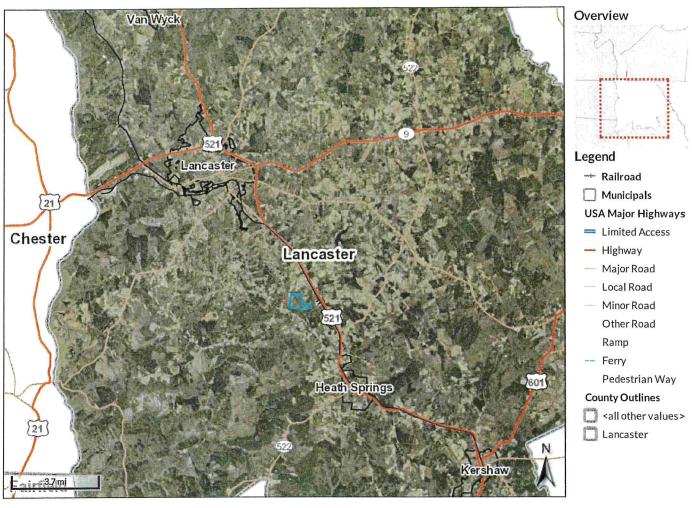
# AND IT IS SO RESOLVED

	Dated this	_ day of	, 2018.
			LANCASTER COUNTY, SOUTH CAROLINA
			Steve Harper, Chair, County Council
			Larry Honeycutt, Secretary, County Council
ATTEST:			
Sherrie Simpso	on, Clerk to Council	_	

Resolution No.: 1015-R2018

Page 2 of 2

# 



Parcel ID 0110-00-005.00
Class Code Non Qualified Residential
Taxing County
District Lancaster
Acres 205.572

(Note: Not to be used on legal documents)

Date created: 8/30/2018 Last Data Uploaded: 8/29/2018 10:27:52 PM

Developed by Schneider

RIGGINS RICKY DAVID Last 2 Sales Owner **ETAL** Date Price Reason Qual 1389 MEMORIAL PARK RD **NON ATI** 9/11/2012 0 Q LANCASTER, SC 29720 7/27/2000 \$1 **LOVE AND** Q Physical 3405 CROWN RD **AFFECTION** Address Assessed Value Value \$998

# Lancaster County Planning Department

101 N. Main St., Ste. 108 P.O. Box 1809 Lancaster, South Carolina 29721-1809

Telephone (803) 285-6005

#### NOTICE OF PLANNING COMMISSION RECOMMENDATION

TO:

Mr. Steve Harper

Chairman, Lancaster County Council

FROM:

Mr. Charles Deese

Chairman, Lancaster County Planning Commission

SUBJECT:

Recommendation by Lancaster County Planning Commission on CU-018-006-

Crown Solar Center, LLC (Coronal Energy).

On May 14<sup>th</sup>, 2018, Crown Solar Center, LLC (Coronal Energy) submitted an application to the Lancaster County Planning Department for a Conditional Use Permit (CU-018-006) for a Solar Farm for review and consideration. After consideration of the particular details of the application, Planning Staff recommended approval of the project.

On Tuesday August 21<sup>st</sup>, 2018 the Lancaster County Planning Commission held a public hearing on CU-018-006 in accordance with UDO Chapter 9. At this meeting, Lancaster County Planning Commission considered comment from Planning Department Staff, and representatives of the Applicants. No citizens signed to speak at the public hearing regarding this Conditional Use Permit.

Additionally, Planning Commission considered the application with regard to consistency with UDO Chapter 5, the surrounding neighborhood and other matters deemed appropriate by the Commission.

Subsequent to the public hearing, Planning Commission voted (6-0) to recommend APPROVAL of CU-018-006 -Crown Solar Center, LLC (Coronal Energy).

Charles Deese

Chairman, Lancaster County Planning Commission

ATTEST:

Juay Barrineau,

Clerk to Planning Commission

<u>9-4-18</u> Date

# Date of 1<sup>st</sup> Reading: <u>September 10<sup>th</sup>, 2018</u> \_Approved \_\_ Denied \_\_ No Action



Case No. CU-018-006 **Staff Report to Planning Commission** Meeting Date: August 21, 2018

Proposal: CU-018-006 Crown Solar Center, LLC (Coronal Energy) proposes a Solar Farm.

**Property Location:** The property is located at the southeastern corner of Crown and Banner Road (TMS 0110-00-005.00).

Zoning District Classification: The property is zoned RN, Rural Neighborhood District.

Voting District: District 5, Steve Harper

Site Information: The land use for this site is agricultural. A tree line surrounds the property.

Vicinity Data: The surrounding conditions include agricultural land as well as single family homes on large and mid-sized parcels.

#### **Exhibits**

- 1. CU-018-006 Application
- 2. Statement of Compliance with Lancaster County UDO
- 3. Vicinity Map
- 4. Lancaster County Zoning Map
- 5. Lancaster County Land Use Map
- 6. Aviation Overlay District Map
- 7. Lancaster County Solar Farm Regulations
- 8. Crown Solar Landscape Detail
- 9. Solar Decommissioning Plan Agreement
- 10. Revised Site Plan (Per Staff Comments)
- 11. Response to Staff Comments
- 12. Response to Planning Commission Questions

**Chapter 5- Use Regulations:** See Exhibit 7. The requirements as noted in UDO Chapter 5 are the specific requirements that must be met for a Solar Farm in Lancaster County.

**Findings and Conclusions:** Planning Staff has reviewed the revised site plan and associated information submitted by the applicant. Staff findings indicate that the UDO Solar Farm requirements are substantially met for the proposed Crown Solar Center Solar Farm.

Planning Staff Recommendation: Planning Staff recommends that CU-018-006 be APPROVED.

# Planning Commission Recommendation:

At the Lancaster County Planning Commission meeting on Tuesday August 21<sup>st</sup>, 2018 the Commission voted to **approve** the Conditional Use Permit application of Crown Solar by a vote of (6-0). Please see the attached written recommendation from the Lancaster County Planning Commission which contains the required conditions.

# Exhibit 1



# **Planning Department**

P.O. Box 1809, 101 N. Main Street, Lancaster, SC 29721 Phone: 803.285.6005, <u>planning@lancastercountysc.net</u> www.mylancastersc.org

# CONDITIONAL USE APPLICATION

### SUBMITTAL REQUIREMENTS

- Completed Application
- Signatures of Applicant and Property Owner
- All items noted on the Conditional Use Plan Checklist
- Fees associated with review

Property Address SE corner of C	rown Road and Banner Road				
City Lancaster	State SC _Zip _29720Tax Parcel	IID 0110-00-005.00			
Current Zoning RN	Current Use Agriculture /timbe	r/ pasture			
Total Acres 205.57	Surrounding Property Description				
Adjacent to 1 Industrial (Thomas Betts) and 7 residential (offset from road) properties					
with the remainder of properties	(and largest property frontage) being tim	ber/agricultural.			
Proposed Conditional Use					
3MWac (<50 acres) utility scale	solar project to sell power under				
15 year revenue agreement wit	15 year revenue agreement with Duke Energy Carolinas				
CONTACT INFORMATION	CONTACT INFORMATION				
Applicant Name Crown Solar Cent	er, LLC				
Address 321 E. Main Stree	:, Suite 300	9			
City Charlottesville	_ State VA Zip 22902 Phone 4	434-202-4964			
Fax 434-202-4964	Email redwards@coronalenergy.com				
Property Owner Name Ricky David Riggins					
Address 1389 Memorial Park	Road				
<sub>City</sub> Lancaster	State SC Zip 29720 Phone	(803) 283-7064			
<sub>Fax</sub> n/a	Email rriggins@comporium.net				

#### APPLICATION CERTIFICATIONS

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

all the	5/14/18
Applicant	Date
see attached	
Property Owner(s)	Date
Attach owner's notarized written authorization with powner.	property information if the applicant is not the
LANCASTER COUNTY OFFICE USE ONLY Application Number <u>しい-の8-006</u> Date Rece	rived <u>5/15/18</u> Receipt Number <u>850519</u>
Amount Paid <u>\$ 15 0.00</u> Check Number _	10176 Cash Amount
Received By Planning Comm	ission Meeting Date 7-17-18

# SCHEDULE/PROCESS

### 1. Submit Application

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

#### 2. Planning Commission

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

### 3. County Council

- Approves, denies, or submits application to the Planning Commission for further study.
- Action requires a resolution for approval.
- Subsequent to County Council action, notice of action will be provided to the applicant,

#### APPLICATION CERTIFICATIONS

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

Applicant	Date
Property Owner(s)	05/10/2018 Date

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

LANCASTER COUNTY OFFICE USE C Application Number <u>CV-018-</u>	ONLY OO6 Date Rece	ived 5/15/15	8 Réceipt Nu	ımber _	850519
Amount Paid <u>\$ 150.00</u>	Check Number	10176	Cash Amount	contra	
Received By Al	Planning Comm	ission Meeting	Date 7-/	7-18	

#### SCHEDULE/PROCESS

### 1. Submit Application

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- Makes a recommendation to the County Council.

#### 3. County Council

- Approves, denies, or submits application to the Planning Commission for further study.
- · Action requires a resolution for approval.
- Subsequent to County Council action, notice of action will be provided to the applicant,

#### CONDITIONAL USE PLAN CHECKLIST

- The size of the plan and number of copies should conform to the following:

  <u>Eight</u> copies that are 24" x 36" (full size) and <u>Two</u> copies that are 11" x 17" (reduced size).
- X A descriptive location of the property and vicinity map at a scale of not less than one inch equals one mile.
- X Proposed name of the development.
- X The date of the survey or plan.
- All plans shall be embossed with the seal and signature of the engineer/surveyor responsible for the work.
- X A graphic scale and numerical scale shall be shown on the plan.
- The North arrow shall be shown and be accurately correlated with the courses with indications as to whether it is true, magnetic or grid.
- X \_\_\_\_\_Total acreage and boundaries of the development shall be shown on the plan.
- All existing and proposed uses of land throughout the tract shall be shown on the plan.
- X Topography of the site with a contour interval of not more than 5 feet shall be shown on plan.
- X Typical arrangement of existing and proposed buildings and structures, including dimensions, elevations, uses, and setbacks shall be shown on the plan.
- X Location of adjoining property lines and existing buildings shall be shown on the plan.
- The names of adjacent landowners, lot and/or block numbers, highways, streets, and named waterways shall be shown.
- All property lines shall be defined by course and horizontal distance. All property lines shall be plotted to the scale shown in the title.
- All easements and rights-of-way of existing and proposed buildings and structures shall be shown and shall include their widths and center lines.
- X All existing street intersections shall be shown on the plan.
- X Proposed parking areas and traffic circulation shall be shown on the plan.
- X \_\_\_\_Exact ratio of impervious surfaces to lot area shall be shown.
- At a minimum the plan shall include basic landscape information such as the location and dimension of required buffer yards.

3)ECE MB 3-17-18

May 17, 2018

Mr. Andy Rowe Lancaster County, SC, Planner 101 North Main Street P.O. Box 594 Bolivar, TN 38008

RE: Conditional Use Application Authorization Letter

Dear Mr. Rowe,

As Manager and Authorized Signatory of the Property in the entity name Ivadale Farm, LLC in Lancaster County, SC, identified as tax map parcel 0110-00-005.00 consisting of approximately 205.572017-58 acres, I authorize Coronal Energy, LLC and Crown Solar Center, LLC to request a ROR Conditional Use Permit from Lancaster County, SC for a photovoltaic solar project on my property.

Please let me know if you require any additional information.

Best Regards,

Ricky David Riggins

Manager

Ivadale Farms, LLC



Witness #1	
By: By Alg	
Name: BENJAMIN A Riggins	
Witness #2	
By: Wh Bath	
Name: William B. CARter	
STATE OF <u>Sonth</u> Caroling CITY OF <u>Cancas</u> + e ) ss.	
on <u>May 17</u> , 20 18, before me, <u>Slaver</u> personally appeared <u>Rickly</u> D. <u>Riggins</u> we satisfactory evidence to be the person(s) whose name(s) is/are substand acknowledged to me that he/she/they executed the same in his capacity(ies), and that by his/her/their signature(s) on the instrument upon behalf of which the person(s) acted, executed the instrument.	/her/their authorized  the person(s), or the entity
I certify under PENALTY OF PERJURY under the laws of Amth Cardinathat the foregoing paragraph is true and cor	f the State of rect.
WITNESS my hand and official seal.	
Glenda C Pitmen	
Notary Public	[SEAL]
My commission expires: aug 15-2026	

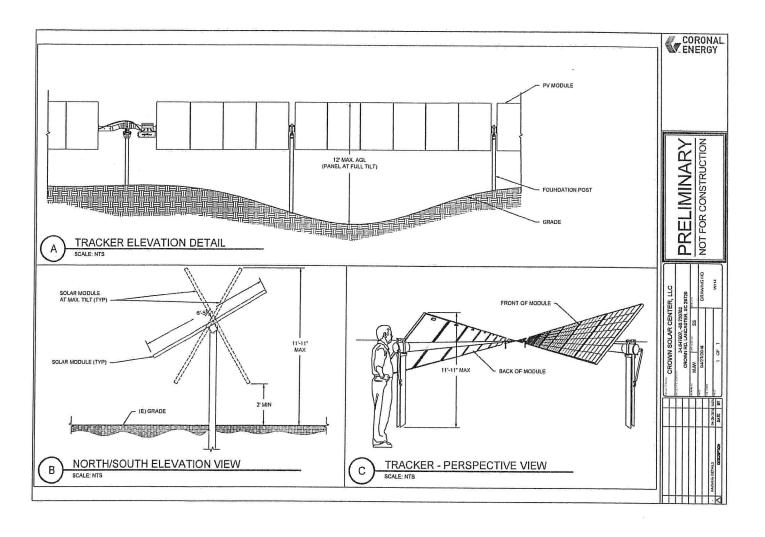


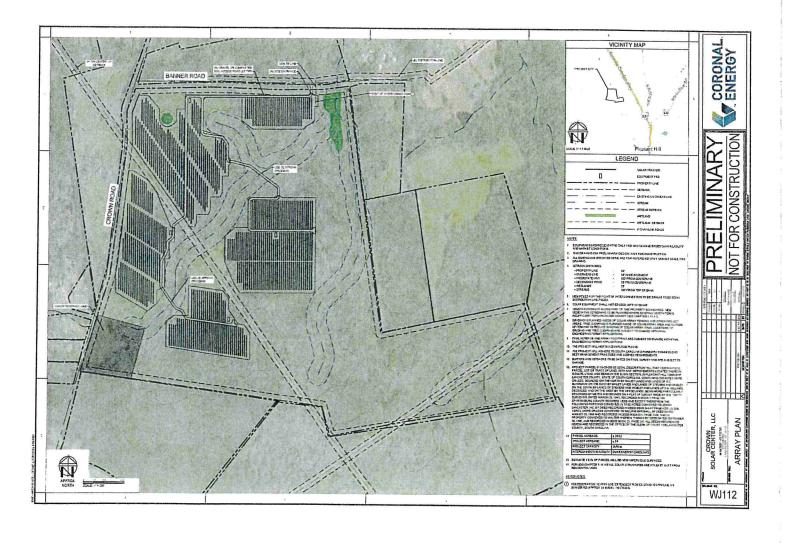
owner, and adjacent property owners.

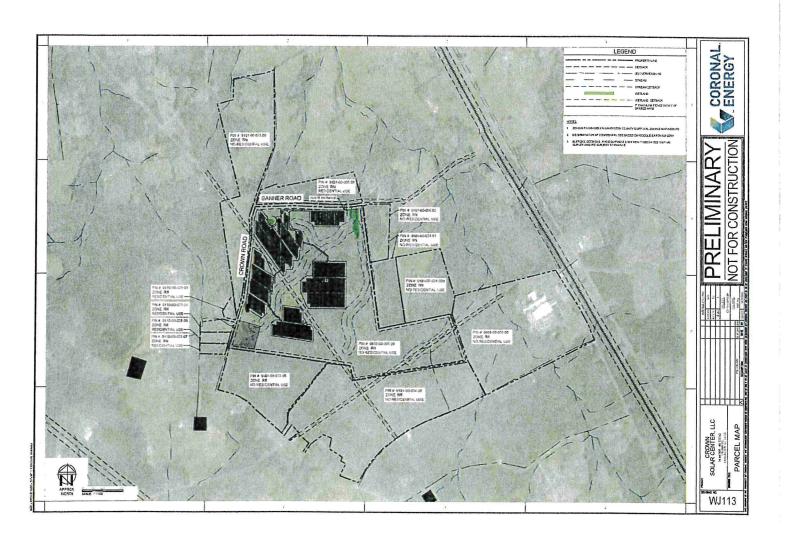
 Please note that upon approval of a conditional use, the applicant shall subsequently submit a site plan to The Lancaster County Planning Department for review. This site plan shall conform to the site plan process as enumerated in UDO Section 9.2.9 (Site Plan Process Chart)

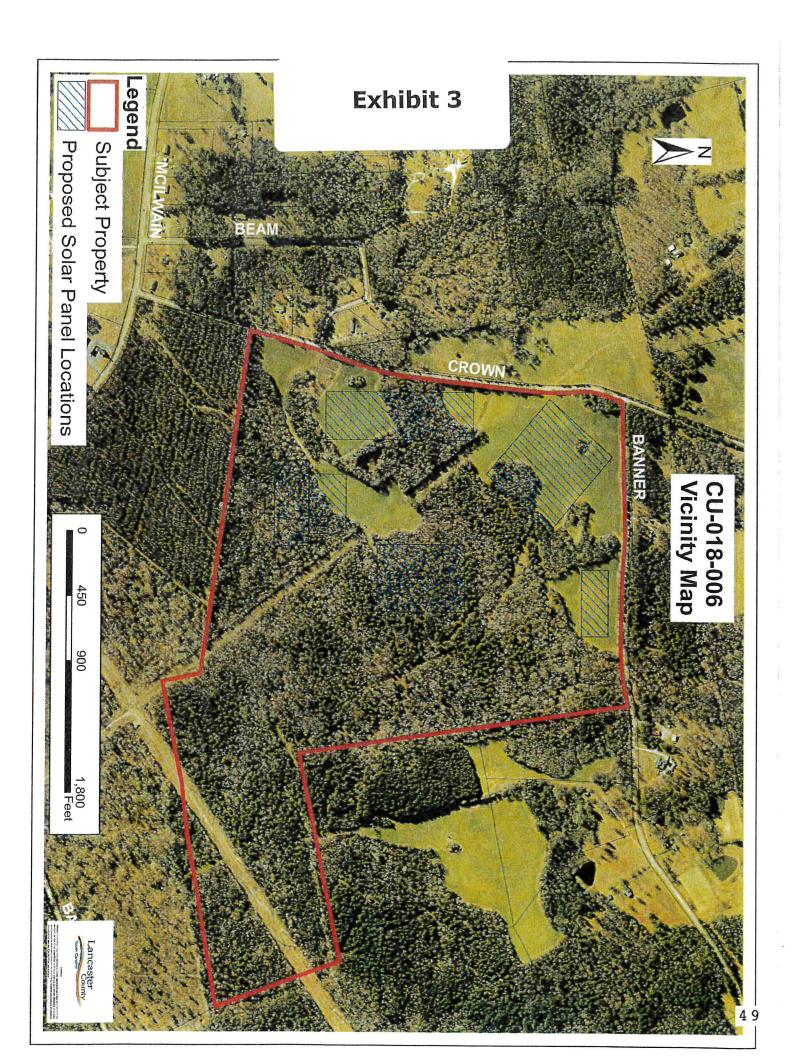


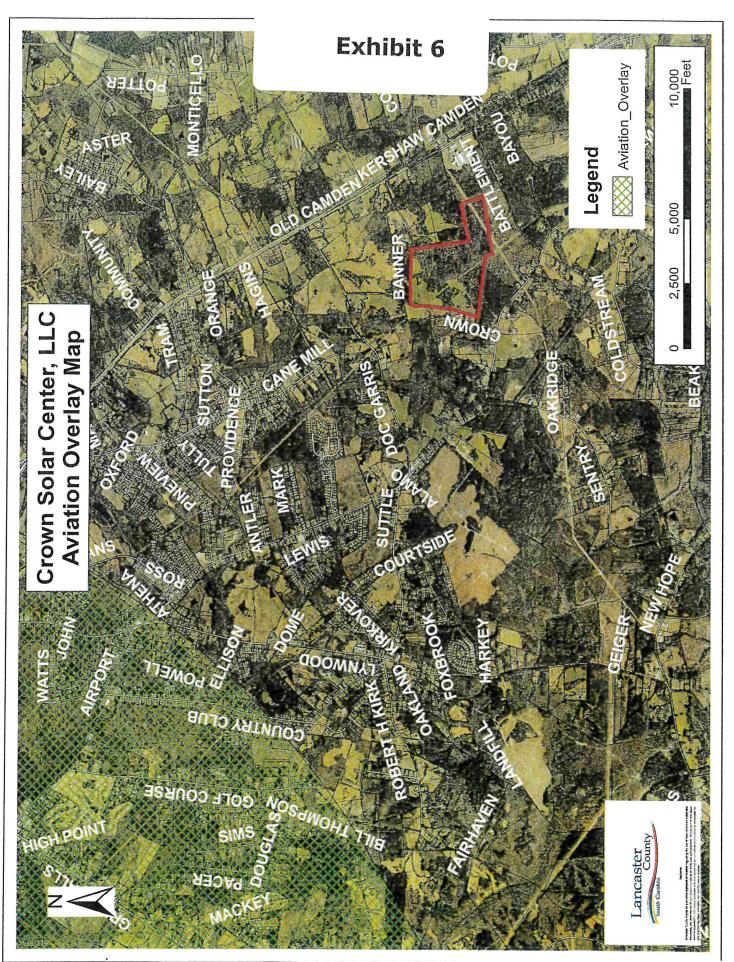
# Exhibit 1













# Agenda Item Summary

**Resolution:** 1016– R2018

Contact Person: Darren Player

Department: Fire Service

Date Requested to be on Agenda: September 10, 2018

<u>Issue for Consideration:</u> Whether or not it is appropriate County Council to approve a budget amendment for the Indian land Volunteer Fire Department (ILFD) in an amount not to exceed One Hundred Sixty Thousand (\$160,000.00) Dollars so as to allow the department to increase its fulltime firefighter protection?

<u>Points to Consider:</u> With greater call demands being placed on the ILFD because of the growing population within the district, the department and the Fee Board have reasoned that the best interests of the community can be served by additional paid firefighters being added to the department's staff. The need therefore, the method and means of accomplishing this goal are detailed in a multipage report that accompanies the Resolution. Your attention is called to that documentation for a more thorough understanding.

<u>Funding and Liability Factors:</u> No additional funding for the department's annual 2018-2019 budget will be necessary.

<u>Recommendation:</u> The Public Safety Committee, the Administration Committee and the Administrator have recommended approval of this budget amendment.

# STATE OF SOUTH CAROLINA COUNTY OF LANCASTER

RESOLUTION NO.: 1016-R2018

### A RESOLUTION

TO APPROVE A BUDGET MODIFICATION FOR THE INDIAN LAND VOLUNTEER FIRE DEPARTMENT SO AS TO AUTHORIZE, PROVIDE AND ACCOMMODATE FOR FIREFIGHTER PROTECTION ON A 24 HOUR PER DAY/7 DAY PER WEEK BASIS.

WHEREAS, County Council has recognized with the influx into the county of new citizens and residents has come the need for a periodic review of the public safety demands and requirements facing Lancaster County and the various volunteer fire departments that faithfully serve; and

WHEREAS, the increased emergency call demands of the Indian Land Volunteer Fire Department has made necessary a review of its present financial budget in an effort to remain diligent as to how best to protect those within its service area; and; and

WHEREAS, there is a consensus within the department and the associated Fire Fee Board that the public will best be served by an increase in the paid staffing at the stations, all as indicated by the multipage report that is attached hereto and incorporated herein as fully as if repeated verbatim; and

WHEREAS, having fully reviewed the documentation and heard the rationale for the budget modification/amendment, Council is in agreement that the addition of three (3) fulltime firefighters will enhance the fire protection needed in the district; and

WHEREAS, the financial adjustments in this year's budget that will permit this increase in fulltime firefighters and the associated labor expenses of approximately One Hundred Sixty Thousand (\$160,000.00) Dollars is reasonable and necessary in all respects.

**THEREFORE, BE IT RESOLVED,** that the present annual budget of the Indian Land Volunteer Fire Department is modified/amended so as to permit an amount not to exceed \$160,000.00 be allocated to labor expenses for the hiring of three (3) fulltime firefighters.

SIGNATURES FOLLOW ON NEXT PAGE.

Resolution No.: 1016-R2018

Page 1 of 2

# AND IT IS SO RESOLVED.

Dated this	day of, 2018.
	LANCASTER COUNTY, SOUTH CAROLINA
	Steve Harper, Chair, County Council
	Larry Honeycutt, Secretary, County Council
ATTEST:	
Sherrie Simpson, Clerk to Coun	 1

Resolution No.: 1016-R2018

Page 2 of 2

# Indian Land Fire Department Request for Budget Modification to Accommodate 7 x 24 Staffing

ILFD requests a budget modification for the 2018-2019 year to accommodate increasing the paid staffing at the station.

The amount of labor expenses should be increased by \$ 158,071 and the amount of operating expense should be decreased by \$ 34,921. In the current approved budget we have revenues in excess of expenses of \$ 123,150. We intend to use this excess amount, as well as reducing operating expenses, to pay for the \$ 158,071 increase in labor expenses.

This increase will allow ILFD to hire 3 full time firefighters and modify the work schedules for the existing 5 paid staff members to accommodate 2 paid firefighters on staff 24 x 7. Volunteer firefighters are still needed to support the 2 paid staff.

After adding these additional 3 firefighters, we expect revenues to equal expenses and no funds would be used from or contributed to the reserve account. Our long range 5 year plan proposes 2 additional fire fighters in year 3 and 2 more firefighters in year 5. Fee district revenue is adequate to cover these expenses and over the 5 year outlook the reserve fund would grow by \$12,967.

ILFD submitted a 5 year plan to the Public Safety Committee in December 2017. The three needs are:

- 1. Increased Staffing
- 2. Aerial apparatus (ladder or platform vehicle)
- 3. Real property activities including building a northern substation and acquiring land for a future southern substation.

The ILFD fee board is prioritizing the increased staffing and must indefinitely delay both capital projects.

Forecasted revenue is taken from the 5 year projections done in 2017. These are based on CCOG best information available of an annual increase of 6% per year in fire protection fee revenues. The forecast includes an annual increase in operating expense at the station house of 2% per year. Total labor expense has also been increased by 2% per year. Estimates of labor cost include full benefits at the maximum amount for family insurance expense. We have conservatively added additional annual expense of \$ 12,000 additional overtime and \$ 5,000 additional part time coverage to supplement the proposed model.

# Indian Land Fire Department Request for Budget Modification to Accommodate 7 x 24 Staffing

ILFD Approved Budg	et Compared			24 hour Staffing
	APPROVED BUDGET	NEW REQUEST FOR 24 HR STAFFING	INCREASE OR DECREASE FROM ORIGINAL REQUEST	REMARKS
Account Number & Description	2018-2019		1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	
22-7-917-500-00 WAGES & SALARIES FULLTIME	198,395	307,467	109,072	existing staff plus 3 new full time firefighters
22-7-917-500-05 SALARIES-OVERTIME	30,900	30,880	(20)	18,800 scheduled OT plus 12,000 unsch OT contingency
22-7-917-500-10 WAGES & SALARIES PARTTIME	15,450	5,000	(10,450)	added 5,000 contingency for PT staff
22-7-917-510-00 FICA-EMPLOYERS CONTRIB	18,725	26,266	7,541	
22-7-917-510-05 SC RET EMPLOYERS CONTRIB		a Talivela A		
22-7-917-510-10 S.C. POLICE RET EMPLOYER	39,530	55,760	16,230	
22-7-917-510-15 HEALTH/LIFE INS EMPLOYERS	60,865	92,901	32,036	used max insurance exp for all employees
22-7-917-510-25 WORKERS COMPENSATION	15,060	18,722	3,662	
Subtotal Labor Expense	378,925	536,996	158,071	
22-7-917-520-25 PERSONNEL DISEASE PREV.	600	600		The state of the s
22-7-917-520-25 PERSONNEL DISEASE PREV. 22-7-917-530-00 TRAVEL , TRAINING, DUES	25,000	600 15,079	(9,921)	
22-7-917-540-00 SUPPLIES - GENERAL	THE TRANSPORT OF STREET	The Arman Sar Sar Sales	(9,921)	
22-1-917-540-00 SUPPLIES - GENERAL	10,000	10,000		
22-7-917-542-00 SUPPLIES - CLOTHING	10,000	10,000		
22-7-917-551-00 EQUIPMENT-GENERAL	45,000	35,000	(10,000)	
22-7-917-551-25 CP - HOSES/NOZZLES	#14 THE 20		Notes in the second of	
22-7-917-551-30 COMMUNICATIONS	3,500	3,500		
22-7-917-551-35 CP - BREATHING APPARATUS			A second	
22-7-917-551-45 PROTECTIVE CLOTHING				
22-7-917-560-00 EQUIPMENT - CAPITALIZED		THE CHAPTE		
22-7-917-570-00 UTILITIES - GENERAL	4,000	4,000		
22-7-917-571-00 UTILITIES-TELEPHONE	1,000	1,000		
20 7 047 500 00 MAINTHANNE - VIII II O FO	4.500	4.500	And the state of t	
22-7-917-590-00 MAINTENANCE - VEHICLES 22-7-917-590-05 GASOLINE	4,500	4,500		
22-7-917-590-05 GASOLINE 22-7-917-591-00 MAINTENANCE - GENERAL	4,000	4,000	3.4 a 4. a 4. a 4.	
22-7-917-593-00 MAINTENANCE - GENERAL 22-7-917-593-00 MAINTENANCE-SERVICE AGREE	9,000	9,000		
22-7-917-595-00 WAINTENANCE-SERVICE AGREE	10,000	10,000		
22-7-917-604-10 PS - MEDICAL	1,000	1,000		
22-7-917-650-00 INSURANCE - GENERAL	10,000	10,000		
22-7-917-650-00 INSURANCE - GENERAL 22-7-917-670-00 ADVERTISING	10,000	10,000		
22-7-917-690-00 SPECIAL PROJECTS	50,000	35,000	(15,000)	
22-7-917-740-30 CP-LAND/BLDG ACQUISITION				
22-7-917-771-00 DS - LEASE PURCHASE	47,325	47,325		
22-9-917-961-00 FUND BALANCE- APPROPRIATED	123,150		(123,150)	
Subtotal Operating Expenses	358,075	200,004	(158,071)	
Summary				
Total Labor Expenses	378,925	536,996	158,071	
Total Operating Expenses	358,075	200,004	(158,071)	
Total Both Labor and Operating Expenses	737,000	737,000	(0)	

Indian Land Fire Department Request for Budget Modification to Accommodate 7 x 24 Staffing

	Year 1	Year 2	Year 3	Year 4	1	Year 5		
Beginning Fiscal Year	7/1/2018	7/1/2019	7/1/2020	7/1/2021	21	7/1/2022		
Revenues	\$ 737,000 \$	\$ 781,290	\$ 828,180 \$	\$ 877,	877,860	\$ 930,510		
Op EX	\$ 200,004	\$ 151,733	\$ 154,767	\$	157,862	\$ 161,020		
Proposed Labor Expense Year 1	966'989	\$ 547,736	\$ 558,691	Ş	569,865	\$ 581,262		
Add 2 FF in Year 3			\$ 130,639 \$		133,252	135,917		
Add 2 FF in Year 5						3 135,917		
Total Labor	\$ 000'182 \$	\$ 699,469	\$ 689,330	\$	689,330	\$ 853,095		
Revenues in Excess of Expenses	(0)	\$ 81,821	\$ (15,917)	\$	30,668	\$ (83,605)		
Added to Reserves	\$	\$ 81,821		\$ 30.	30.668		v	112 489
Transferred from Reserves	\$	. \$	\$ 15,917	· 45		\$ 83,605	ۍ ب	99,522
	Overt	he 5 year forec	Over the 5 year forecast ILFD reserves should increase by this amount	s should inc	rease	by this amount	\$	12,967

# Staffing Plan Indian Land Fire Department

# Budget Year 2018-2019

Hire 3 Full time firefighters

CaptainMonday- Friday8am-5pmLieutenantMonday-Friday8am-5pmLancaster Rescue FirefighterMonday-Friday8am-5pm

Shift A

Engineer 24hr Coverage 8am-8am Firefighter 24hr Coverage 8am-8am

Shift B

Engineer 24hr Coverage 8am-8am Firefighter 24hr Coverage 8am-8am

Shift C

Engineer 24hr Coverage 8am-8am Firefighter 24hr Coverage 8am-8am

# Budget Year 2020-2021

Hire 2 Full Time Firefighters

Captain Monday-Friday 8am-5pm Lieutenant Monday-Friday 8am-5pm

Shift A

Engineer24hr Coverage8am-8amLancaster County Firefighter24hr Coverage8am-8amFirefighter24he Coverage8am-8am

Shift B

Engineer24hr Coverage8am-8amFirefighter24hr Coverage8am-8amFirefighter24hr Coverage8am-8am

Shift C

Engineer24hr Coverage8am-8amFirefighter24hr Coverage8am-8amFirefighter24hr Coverage8am-8am

# Budget Year 2022-2023

# Hire 2 Full Time Firefighters

# **Battalion Chief**

Monday-Friday 8am-5pm

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21		ıı	$\boldsymbol{\Gamma}$

Captain	24hr Coverage	8am-8am
Lieutenant	24hr Coverage	8am-8am
Engineer	24hr Coverage	8am-8am
Firefighter	24hr Coverage	8am-8am

# Shift B

Captain	24hr Coverage	8am-8am
Lieutenant	24hr Coverage	8am-8am
Engineer	24hr Coverage	8am-8am
Firefighter	24hr Coverage	8am-8am

# Shift C

Captain	24hr Coverage	8am-8am
Lieutenant	24hr Coverage	8am-8am
Engineer	24hr Coverage	8am-8am
Firefighter	24hr Coverage	8am-8am



# Agenda Item Summary

**Resolution:** 1017– R2018

Contact Person: John Weaver

**Department**: County Attorney

Date Requested to be on Agenda: September 10, 2018

<u>Issue for Consideration:</u> Whether or not it is appropriate for County Council to formally recognize the responsibility of the Council Chairman being vested with the appointment power of county representatives to the various regional organizations to which the county maintains membership.

<u>Points to Consider:</u> This Resolution memorializes the tradition that has been followed in years past that the Council Chairman has the appointment power to organizations not specifically named in the Lancaster County Code.

**Recommendation:** The Administration Committee recommended that this issue be considered by full Council so as to resolve the potential for some future disagreement or dispute.

# STATE OF SOUTH CAROLINA COUNTY OF LANCASTER

RESOLUTION NO.: 1017-R2018

#### **A RESOLUTION**

TO AUTHORIZE AND APPROVE THE DUTY AND RESPONSIBILITY OF THE LANCASTER COUNTY COUNCIL CHAIRMAN TO APPOINT LANCASTER COUNTY REPRESENTATIVES TO VARIOUS REGIONAL ORGANIZATIONS.

WHEREAS, Article XI of the Lancaster County Code of Ordinances details the method by which appointments to specific county boards and commissions are made; but, nevertheless, the method of making additional appointments to various regional organizations has never been formally recognized by Council; and

WHEREAS, those organizations include, but are not limited necessarily to, the Catawba Regional Council of Governments, the South Carolina I-77 Alliance, the Charlotte Regional Partnership Board and the Rock Hill-Fort Mill Area Transportation Study (RFATS); and

WHEREAS, throughout the years, it has been the responsibility historically that the Council Chairman make these appointments and it is the purpose of this Resolution that Council desires to confirm, authorize and approve that the appointment power of Lancaster County representatives to those regional organizations not otherwise identified in the Lancaster County Code of Laws shall remain vested with the Council Chairman.

**THEREFORE, BE IT RESOLVED,** that the appointment power of Lancaster County representatives to those regional organizations to which the county maintains membership shall be vested with the Lancaster County Chairman.

SIGNATURES FOLLOW ON NEXT PAGE.

Resolution No.: 1017-R2018

Page 1 of 2

# AND IT IS SO RESOLVED.

	Dated this	day of	, 2018.	
		LANCASTE	R COUNTY, SOUTH CA	ROLINA
		Steve Harper,	Chair, County Council	-
		Larry Honeyc	utt, Secretary, County Cour	ıcil
ATTEST:				
Sherrie Simpson (	Clerk to Council			

Resolution No.: 1017-R2018

Page 2 of 2



# Agenda Item Summary

Ordinance # / Resolution# 2018-1537 Contact Person / Sponsor: Andy Rowe

Department: Planning

Date Requested to be on Agenda: 9/10/18

# **Issue for Consideration:**

Rezoning application of Dustin Adams to rezone  $a \pm 0.55$  acre tract of property from AR, Agricultural Residential District to RUB, Rural Business District. The applicant proposes to re-open a family business on the site.

### Points to Consider:

The property is occupied by an existing commercial building owned by the applicant's family. Immediately adjacent properties to the north, west and south are zoned AR, Agricultural Residential District. Adjacent properties to the east are all zoned RUB, Rural Business District.

The facts and findings of this report show that the property is designated as AR, Agricultural Residential District on the Lancaster County Zoning Map. The Future Land Use Map identifies this property as Rural Living and is located within the Rural Crossroads node, based on the *Lancaster County Comprehensive Plan 2014–2024*. According to the Chapter 2 definition in the Unified Development Ordinance, "The Rural Business District is established for rural crossroads that represent the small nodes of commercial activity along rural highways. This district will accommodate small-scale businesses, such as gas stations, convenience stores, or restaurants, and serve some daily needs of the surrounding rural population". Additionally, prior to the rewrite of the Unified Development Ordinance, this parcel was zoned R45a, Rural Residential/Agricultural District, which did allow for commercial uses such as automotive services. By rezoning this property to RUB, Rural Business District, it would be complementary to the community and serve some of the needs of the surrounding rural population.

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

N/A

## **Council Options:**

To approve or deny the rezoning request.

### **Recommendation:**

At the Lancaster County Planning Commission meeting on Tuesday, August 21<sup>st</sup>, 2018 the Commission voted to **approve** the rezoning application of Mr. Dustin Adams by a vote of (6-0). No citizens signed up to speak on this rezoning case.

The complete staff report can be located on <a href="www.mylancastersc.org">www.mylancastersc.org</a> - Click on Planning Department and go to 2018 Agendas.

STATE OF SOUTH CAROLINA	(	ODDDIANCE NO 2010 1 707
COUNTY OF LANCASTER	(	ORDINANCE NO. 2018-1537

#### AN ORDINANCE

TO AMEND THE OFFICIAL ZONING MAP OF LANCASTER COUNTY SO AS TO REZONE A  $\pm$  0.55 ACRE TRACT OF PROPERTY OWNED BY MS. KATHLEEN ADAMS, LOCATED AT 4410 FLAT CREEK ROAD FROM AR, AGRICULTURAL RESIDENTIAL DISTRICT TO RUB, RURAL BUSINESS DISTRICT.

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

# Section 1. Findings and Determinations.

The Council finds and determines that:

- (a) Dustin Adams applied to rezone property located at 4410 Flat Creek Road from RR, Rural Residential District to RUB, Rural Business District.
- (b) On August 21<sup>st</sup>, 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 RUB, Rural Business District for the following property as identified by tax map number or other appropriate identifier:

Tax Map No. 0090-00-061.00

### 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 CO	UNTY, SOUTH CAROLINA
		Steve Harper, Chair	, County Council
	a a	Larry Honeycutt, Se	ecretary, County Council
ATTEST:			
Sherrie Simpson, Cl	erk to Council		
First Reading: Second Reading: Third Reading:	September 10, 2018 September 24, 2018 October 8, 2018	(Tentative) (Tentative)	



Case No. RZ-018-031

Staff Report to Planning Commission
Meeting Date: August 21st, 2018

**Proposal:** Rezoning application of Dustin Adams to rezone  $a \pm 0.55$  acre tract of property from AR, Agricultural Residential District to RUB, Rural Business District. The applicant proposes to re-open a family business on the site.

Property Location: 4410 Flat Creek Road (TMS# 0090-00-061.00)

Zoning District Classification: AR, Agricultural Residential District

Voting District: District 5, Steve Harper

### Site Information

Site Description: The property is occupied by an existing commercial building owned by the applicant's family.

#### Vicinity Data

Surrounding Conditions: Immediately adjacent properties to the north, west and south are zoned AR, Agricultural Residential District. Adjacent properties to the east are all zoned RUB, Rural Business District.

#### **Exhibits**

- 1. Rezoning Application
- 2. Location & Zoning Map
- 3. Future Land Use Map
- 4. Tax Inquiry Sheet
- 5. Old UDO- R-45a Permitted Uses

### Findings and Conclusions

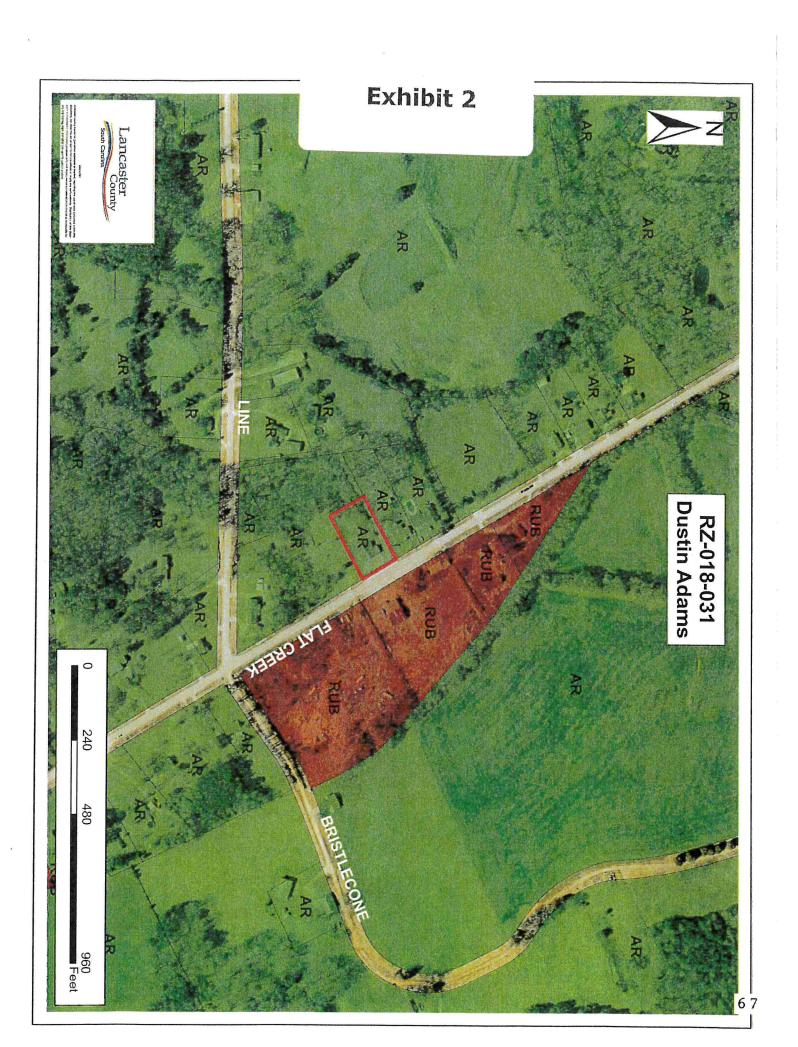
The facts and findings of this report show that the property is designated as AR, Agricultural Residential District on the Lancaster County Zoning Map. The Future Land Use Map identifies this property as Rural Living and is located within the Rural Crossroads node, based on the *Lancaster County Comprehensive Plan 2014–2024*. According to the Chapter 2 definition in the Unified Development Ordinance, "The Rural Business District is established for rural crossroads that represent the small nodes of commercial activity along rural highways. This district will accommodate small-scale businesses, such as gas stations, convenience stores, or restaurants, and serve some daily needs of the surrounding rural population". Additionally, prior to the rewrite of the Unified Development Ordinance, this parcel was zoned R45a, Rural Residential/Agricultural District, which did allow for commercial uses such as automotive services. By rezoning this property to RUB, Rural Business District, it would be complementary to the community and serve some of the needs of the surrounding rural population.

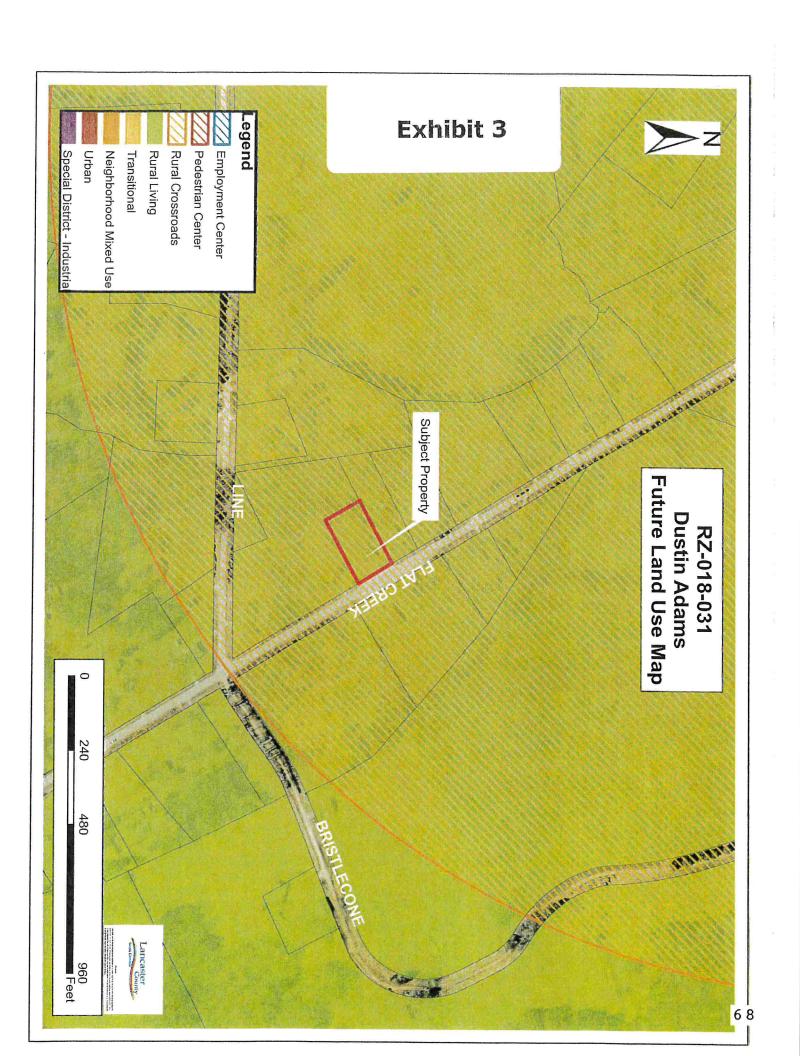
### Planning Staff Recommendation

It is therefore the recommendation of the Planning Staff that the rezoning request by Dustin Adams for the property located at 4410 Flat Creek Road be **APPROVED**.

# Recommendation from Planning Commission Meeting

At the Lancaster County Planning Commission meeting on Tuesday, August 21<sup>st</sup>, 2018 the Commission voted to **approve** the rezoning application of Mr. Dustin Adams by a vote of (6-0). No citizens signed up to speak on this rezoning case.





# Residential R-45A

# Exhibit 5

# Uses Permitted:

- 1. Site Built Single-Family Detached House
- Modular Single-Family Detached House
- 3. Duplex
- 4. Primary Residence with Accessory Apartment
- 5. Multi-Family Apartments
- 6. Multi-Family Townhomes
- Multi-Family Converted or Other Multi-Family Housing (not elsewhere classified)
- 8. Animal Service (except Veterinary) with enclosed pens
- Livestock Facility (except commercial meat production centers)
- 10. Forest Production Including Christmas Trees
- 11. Commercial Fishing
- 12. Fishing Hatchery or Preserve
- 13. Hunting, Trapping, or Game Propagation
- 14. Park or Playground
- 15. Campground
- 16. Golf Course (public or membership)
- 17. Nature Preserve or Wildlife Sanctuary
- 18. Hunting Preserve (public or membership)
- 19. Botanical or Zoological Garden
- 20. Cemetery/Mausoleum
- 21. Other Designated Community Open Space Area
- 22. Telephone Communication Facilities
- 23. Veterinary Services with enclosed pens
- 24. Commercial Kennels with enclosed pens
- 25. Religious Institution
- 26. General Agriculture

### Conditional Uses:

- Double-Wide Manufactured Homes -Class A
- 2. Single-Wide Manufactured Homes Class A
- Class "B" Manufactured Home (meets HUD specifications)
- Primary Residence and Mobile Home (provided one unit is owner occupied)
- 5. Temporary Dependent Care Residences
- 6. Temporary emergency, construction, and repair residence
- 7. Temporary Structure used in connection with the construction of a permanent building or for some non-recurring purpose
- 8. Home Occupation

- 9. Suppor Product
- 10. Veterinary Service with open pens
- 11. Animal Service (except Veterinary)
- 12. Commercial Kennels
- 13. Livestock Auction House
- 14. Livestock Auction House
- 15. Landscape and Horticultural Service
- Lumber and/or Other Building Materials Dealer
- 17. Paint, Glass or Wallpaper Store
- 18. Hardware Store
- Retail Nurseries, Lawn and Garden Supply Store
- 20. Retail Store Food (Including Grocery Stores)
- 21. Open Air Market (farm, crafts, produce, etc.)
- 22. Gasoline Service Station (Shall comply with Section 4.1.11)
- 23. Boat and Marine Supplies Dealer
- 24. Retail Store General—Small Scale (i.e.) Clothing, Shoe, Antiques
- 25. Bars and Taverns
- 26. Restaurants
- 27. Fast Food with drive through window
- 28. Convenience Store with Fuel
- 29. Convenience Store without Fuel
- 30. Office/Banks, Savings & Loans and Credit Unions
- 31. General Office
- 32. Hair, Nail & Skin Care Services
- 33. Florist Shop
- 34. Video Tape Rental Store
- 35. Private or Commercial Horse Stables
- Offices and Clinics of Doctors, Dentists, & Other Health Practitioners
- 37. Nursing and Personal Care Facility
- 38. Mini-Warehouse Facilities
- Recycling Facilities, Convenience Centers and Resource Recovery Facilities
- 40. Museums and Art Galleries
- 41. Residential Care Service or Facility
- 42. Telegraph or Other Message Communications Facilities
- 43. Cable or Other Pay Television Facilities
- 44. Commercial Meat Production Centers

# Residential R-45A

- Schools and Educational Service Facility (not elsewhere classified)
- 46. Automotive Service (except repair)
- 47. Child Day Care Services or Facility
- 48. Adult Day Care Service or Facility
- 49. Wireless Communications Towers (i.e. Cellular Towers)
- 50. Manufactured Home Subdivision
- 51. Bed and Breakfast
- 52. Deer Processing

# Uses Requiring Review By The BZA:

- 1. Rooming and Boarding Houses
- 2. Camps and Recreational Vehicle Parks
- 3. Special Events
- Pistol, Rifle, Skeet Range or Turkey Shoot (Commercial or Fund Raiser)

# **Uses Requiring Review By The JPC:**

- 1. Elementary or Secondary School
- College, University or Professional School
- 3. Library
- Vocational School
- 5. Courthouse
- 6. Police Station
- 7. Fire Station
- 8. Ambulance Service/Rescue Squad
- 9. Detention Center
- 10. Prison
- 11. Other Public Order and Safety Facility
- 12. Air Transportation Terminal
- Electricity, Water, Sewer, and Petroleum Distribution/Collection Facilities and Services
- 14. United States Postal Service Facility
- 15. Government Offices
- 16. School Bus Facility



# Agenda Item Summary

**Ordinance:** 2018 - 1538

Contact Person: John Weaver

**Department**: County Attorney

Date Requested to be on Agenda: September 10, 2018

<u>Issue for Consideration:</u> Whether or not it is appropriate County Council and the Forfeited Land Commission to approve the conveyance of three parcels of undeveloped, wetlands properties to the Katawba Valley Land Trust?

**Points to Consider:** The Katawba Valley Land Trust, like other comparable organizations, is vested with the responsibility of preserving natural habitat in and around our area. The properties being offered have no potential value for any type of development; but, rather, the lands provide wildlife with a natural environment in an otherwise urban type area. This preservation is of benefit, not only to wildlife, but also to we humans in various ways for the foreseeable future.

<u>Funding and Liability Factors:</u> The cost of attorney fees, etc. will be shared equally by the Grantor and the Grantee.

**Recommendation:** At its last meeting, Council considered the proposal and voted unanimously to proceed with the necessary paperwork and legalities.

STATE OF SOUTH CAROLINA	)	<b>ORDINANCE NO. 2018-1538</b>
	)	
COUNTY OF LANCASTER	)	

#### AN ORDINANCE

TO AUTHORIZE AND APPROVE THE CONVEYANCE BY LANCASTER COUNTY TO THE KATAWBA VALLEY LAND TRUST OF THREE PARCELS OF REAL PROPERTY LOCATED SOUTH OF HIGHWAY 9 BYPASS AND HIGHWAY 521 AND NORTHEAST OF THE CITY OF LANCASTER.

WHEREAS, at present, Lancaster County is the owner of two parcels of undeveloped real property, namely: #1–Parcel ID 0068J-0C-024.01 and #2–Parcel ID 0068J-0C-025.00 and, additionally, the Lancaster County Forfeited Land Commission (FLC) is the owner of a single parcel of undeveloped real property, namely: Parcel ID 0068J-0C-024.00; and

WHEREAS, these three parcels are all situated adjacent to one another in a location south of Pardue Street, each parcel having a low-lying terrain that is unconducive to development; and

WHEREAS, the Katawba Valley Land Trust has agreed to accept ownership to these three wetlands parcels and, if approved by Council and the FLC, the parcels will continue to provide ecological benefits to both Hannah Creek and Gills Creek drainages and provide undisturbed habitat for a diversity of plants and animals.

**NOW, THEREFORE,** by the power and authority granted to the Lancaster County Council by the Constitution of the State of South Carolina and the powers granted to the County by the General Assembly of the State, it is ordained and enacted that:

<u>Section 1.</u> The Lancaster County Administrator and the Lancaster County Forfeited Land Commission both hereby are authorized to convey to the Katawba Valley Land Trust the following parcels:

- 1. 0068J-0C-024.01
- 2. 0068J-0C-025.00
- 3. 0068J-0C-024.00

# Section 2. 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 3. Conflicting Provisions.

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

# Section 4. Effective Date.

This ordinance is effective upon Third Reading.

### AND IT IS SO ORDAINED

	Dated th	is day of	, 2018.
		LANCASTER CO	UNTY, SOUTH CAROLINA
		Steve Harper, Chair	, County Council
		Larry Honeycutt, Se	ecretary, County Council
Attest:			
Sherrie Simpson, C	lerk to Council		
First Reading: Second Reading: Public Hearing: Third Reading:	9-10-2018 9-24-2018 9-24-2018 10-12-2018		



Mr. Steve Willis
County Administrator
P.O. Box 1809
Lancaster, SC 29721-1809

June 14, 2018

Dear Mr. Willis,

Thank you for your informing the Katawba Valley Land Trust (KVLT) that the County may have an interest in donating properties on Pardue Street in Lancaster, South Carolina. I have inspected the properties, and they would make a valuable addition to lands owned by the Katawba Valley Land Trust (KVLT). As you know, these properties are wetlands and in the floodplain. In our ownership, they will continue to provide ecological benefits to Hannah's and Gills Creek drainages and provide undisturbed habitat for a diversity of plants and animals. For those reasons, these properties will continue to benefit residents of Lancaster County.

I am pleased to inform you the KVLT Board voted on June 12, 2018, to accept these donations. This letter serves to formally express our interest in and intent to accept the donation of these properties, which are described as:

Parcels 0068J-0C-024.01 and 0068J-0C-025.00 owned by Lancaster County; and Parcel 0068J-0C-024.00 owned by Elvin Wright on the FLC.

When accepting a fee simple property donation, it is the policy of KVLT to request that the donor pay at least half of the costs for the fee-simple transaction. If the County would prepare the deed, I think we are willing to cover the remaining costs of closing.

Thank you again for your most generous offer. If you have any questions, don't hesitate to call.

Richard W. Christie

Executive Director, Katawba Valley Land Trust

Cc: Mr. Mark Grier



# @ qPublic\_net" Lancaster County, SC



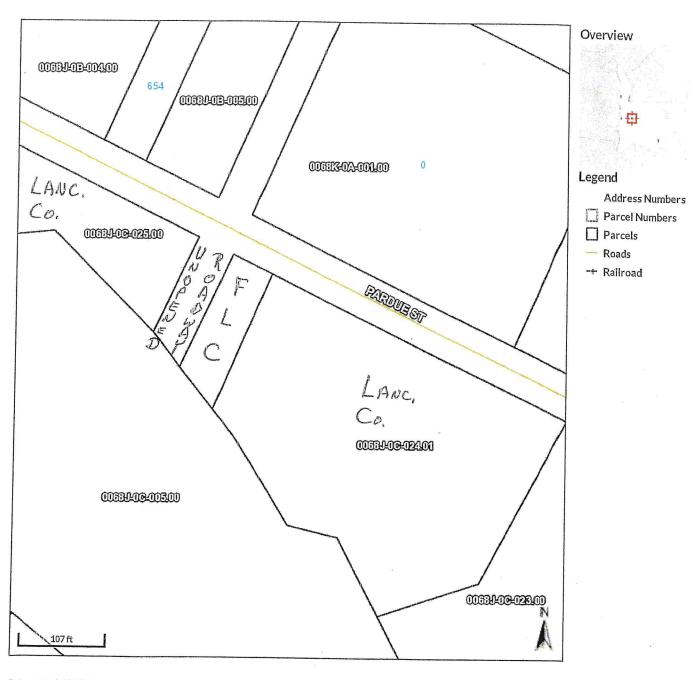
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Developed by





# **QPublic\_net** Lancaster County, SC



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# Agenda Item Summary

Ordinance # / Resolution#:

Information Item

Contact Person / Sponsor:

Darren Player

Department:

Emergency Management/ Fire Rescue

Date Requested to be on Agenda:

September 10, 2018

# **Issue for Consideration:**

Annual Local Emergency Management Performance Grant (LEMPG).

### Points to Consider:

This is an annual formula based grant awarded to the various county Emergency Management offices to meet equipment needs.

The local match is the salaries in Emergency Management; there is no local cash match required.

Since this is a 100% grant no action by Council is needed but we do like to keep you informed. This year the equipment will go towards the Emergency Operations Center serving as an emergency backup of the Public Safety Communications (E-911) operation.

# **Funding and Liability Factors:**

Grant funding is in the amount of \$61,695.

This reduces liability by having an emergency backup option.

# **Council Options:**

None – this is information only.

# **Staff Recommendation:**

N/A

# **Committee Recommendation:**

N/A

# The State of South Carolina Military Department



# OFFICE OF THE ADJUTANT GENERAL

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

August 21, 2018

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

REF: 2018 LEMPG Allocations

Dear Mr. Player:

Enclosed are two copies of the Grant Award allocating Lancaster County \$61,695 under the FY2018 Local Emergency Management Performance Grant (LEMPG) for the twelve month grant period. Please return one copy of the award document signed by your authorized county official (administrator/county manager) to the attention of Kim Stenson no later than September 10, 2018. Retain the second copy of the Award Document for your files.

The period of performance for the FY2018 LEMPG is July 1, 2018 to June 30, 2019. Progress and financial reports for this grant award are required quarterly in conjunction with the State Fiscal Year:

PERIOD	<b>DUE DATE</b>
July 1, 2018 – September 30, 2018	October 10, 2018
October 1, 2018 – December 31, 2018	January 10, 2019
January 1, 2019 – March 31, 2019	April 10, 2019
April 1, 2019– June 30, 2019	July 10, 2019

Progress reports should include the status of all objectives of the grant, detailing delays with anticipated completion dates. Your reporting package should include the worksheets with a brief narrative outlining accomplishments and shortfalls, if any Financial reports are to be submitted at the same time using the form provided in your application packet. Progress and financial reports should be addressed to Cynthia Smith, Chief, Finance and Administration. Reimbursements will not be processed until all reports are received for grant compliance.

Budget revisions or extensions to this grant must be submitted to my attention, with a copy to your Regional Emergency Manager. Budget revisions may be processed during the period of performance. Final requests for revisions must be submitted no later than May 31, 2019.

If you have any questions or need further assistance, please do not hesitate to let us know.

Sincerely.

Director

K. U.

Enclosures

**Emergency Management Division** 2779 Fish Hatchery Road West Columbia, South Carolina 29172

(803) 737-8500 • (803) 737-8570



August 17, 2018

Mr. Steve Willis County Administrator County of Lancaster 101 N. Main Street., 2nd Floor Lancaster, SC 29721

Re:

Charter Communications - Upcoming Changes

Dear Mr. Willis:

I am writing to you as part of our ongoing efforts to keep you apprised of developments affecting Charter Communications subscribers in your area.

The English Premier League Soccer channel discontinued Spectrum's right to carry its channel. Therefore, effective on or about August 24, 2018 the channel will no longer be available on our network.

On or about August 30, 2018, Estrella TV on Latino View will be replaced by WCEE - Estrella TV.

For a current channel lineup, visit www.spectrum.com/channels.

We remain committed to providing an excellent experience for our customers, in your community and in each of the communities we serve. If you have any questions about this change, please feel free to contact me at (704) 378-2739 or via email at michael.tanck@charter.com.

Sincerely,

Michael E. Tanck

Director of Government Affairs

**Charter Communications** 

# MEETINGS & FUNCTIONS – 2018

DAY/DATE	TIME	FUNCTION/LOCATION
Monday, September 10, 2018	6:00 p.m.	Council Meeting
J,	, and pilling	Council Chambers, Administration Building
Tuesday, September 11, 2018	3:00 p.m.	Infrastructure & Regulation (I&R) Committee -CANCELLED Council Chambers, Administration Building
Tuesday, September 11, 2018	5:00 p.m.	Public Safety Committee Meeting - CANCELLED Council Conference Room, Administration Building
Thursday September 13, 2018	6:00 p.m.	Administration Committee Meeting Council Conference Room, Administration Building
Monday, September 24, 2018	6:00 p.m.	Council Meeting Council Chambers, Administration Building

## LANCASTER COUNTY STANDING MEETINGS

The Tuesday following 1 <sup>st</sup> Council meeting (most of the time it is the 2 <sup>nd</sup> Tuesday)
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 1 <sup>st</sup> Council meeting (most of the time it is the 2 <sup>nd</sup> Thursday)
1st Thursday of each month
1st Tuesday of each month
2 <sup>nd</sup> Tuesday of each month
Last Tuesday of each month (Every other month – Beginning with Feb.) 6:00 p.m. Library Board, Carolinian Room, Library
2 <sup>nd</sup> Wed (Jan/March/May/July/Sept/Nov)11:45 a.m Health & Wellness Comm., various locations
2 <sup>nd</sup> Tuesday
3rd Thursday of each month
1st Thursday of each month
3rd Tuesday of each month